

Public Document Pack



LOCAL REVIEW BODY MONDAY, 22 JANUARY 2024

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS ON MONDAY, 22 JANUARY 2024 at 10.00 am.

This will be a blended meeting.

All Attendees, including members of the public, should note that the public business in this meeting will be livestreamed and video recorded and that recording will be available thereafter for public view for 180 days .

N. McKINLAY
Director Of Corporate Governance

12 January 2024

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Consider request for review in respect of the Erection of dwellinghouse on Land North of Ivanhoe Road, Melrose - 23/00048/RREF
	(a) Notice of Review (Pages 3 - 144)
	(b) Additional Information (Pages 145 - 148)
	(c) Further Representations and Applicant's Response (Pages 149 - 152)
	(d) Objections (Pages 153 - 168)
	(e) List of Policies (Pages 169 - 170)
5.	Consider request for review in respect of the change of use of derelict agricultural building and extension to form dwellinghouse and erection of 17.8m high wind turbine (tip height) at The Blue House, Near Swansfield Farm, Reston, Eyemouth

	(a) Notice of Review (Pages 171 - 304)
	(b) Further Information (Pages 305 - 338)
	(c) List of Policies (Pages 339 - 340)
6.	Consider request for review in respect of the change of use from amenity land to garden ground at 58 Waldie Griffiths Drive, Kelso - 23/00050/RREF
	(a) Notice of Review (Pages 341 - 380)
	(b) Papers referred to in the Officers Report (Pages 381 - 384)
	(c) Additional Information (Pages 385 - 400)
	(d) Consultation Reply (Pages 401 - 402)
	(e) List of Policies (Pages 403 - 404)
7.	Any Other Items Previously Circulated
8.	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), J. Cox, M. Douglas, D. Moffat, A. Orr, N. Richards, S. Scott, E. Small, V. Thomson.

Please direct any enquiries to Fiona Henderson 01835 826502
email fhenderson@scotborders.gov.uk



NOTICE OF REVIEW

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name Rivertree Residential Ltd

Address c/o agent

Postcode

Contact Telephone 1 c/o agent

Contact Telephone 2

E-mail* c/o agent

Agent (if any)

Name Aitken Turnbull Architects

Address 5 Castle Terrace, Edinburgh

Postcode EH1 2DP

Contact Telephone 1 0131 297 2350

Contact Telephone 2

E-mail* edinburgh@aitken-turnbull.co.uk

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

Yes No

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

Planning authority Scottish Borders Council

Planning authority's application reference number 23/00492/PPP

Site address Land north of Ivanhoe, Dingleton Road, Melrose, Scottish Borders

Description of proposed development Erection of dwellinghouse

Date of application 29/3/23

Date of decision (if any) 1/11/23

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

Nature of application

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

Reasons for seeking review (tick one box)

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

Review procedure

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

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

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

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

Site inspection

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

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

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

Note - site inspection previously undertaken by LRB for 2 house proposal in August 2022

Statement

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

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

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

Please refer to supporting Notice of Review statement and supporting documents (which formed the application)

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.

n/a

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.

Notice of Review Statement, plus:
 A - Planning Application Form
 B - Location Plan
 C - Site Plan as Existing
 D - Site Photos as Existing
 E - Site Plan as Proposed
 F - Site Plan as Proposed - amended
 G - Indicative Site Plan showing Tree Removals
 H - Indicative Site Plan showing Tree Removals - amended
 I - Aboricultural Impact Assessment
 J - Aboricultural Method Statement and Tree Protection Plan
 K - Preliminary Ecological Assessment
 L - Bat and Bird Survey
 M - Planning Officer Report
 N - Decision Notice
 O - Local Review Body Decision Notice 21-01846-PPP
 P - Statutory Consultee Reponses

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

David Howel - for Aitken Turnbull Architects

Date

14/11/23

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

Notice of Review Supporting Statement

Land north of Ivanhoe, Dingleton Road, Melrose, Scottish Borders

Erection of dwellinghouse

Application Ref. 23/00492/PPP

On behalf of

Rivertree Residential Ltd

November 2023

Aitken Turnbull Architects

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Introduction

This Notice of Review is submitted on behalf of Rivertree Residential Ltd, based upon refusal of application for planning permission in principle for the erection of a dwellinghouse (application ref.23/00492/PPP, registered 27th March 2023) at land north of Ivanhoe, Dingleton Road, Melrose, Scottish Borders. The decision notice was issued on 1st November 2023. The Notice of Review is submitted within the required 3 month timescale.

Site Description and Location

The site forms part of the grounds of the Former Dingleton Hospital, now converted into a successful apartment complex, with new build housing developments in the grounds. The proposed site was formerly an orchard for the hospital but has not functioned as an orchard for a number of years.

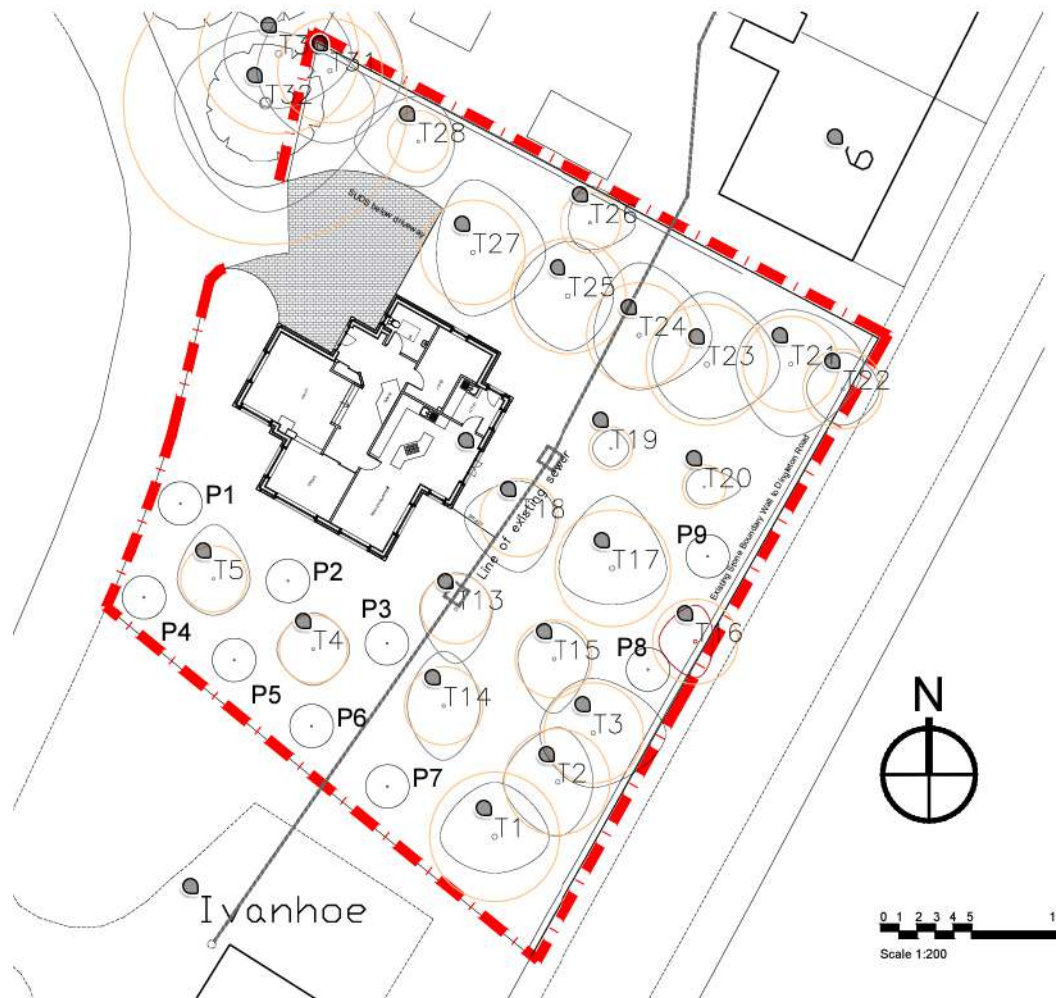


The proposed development site lies between the existing Dingleton Cottages to the North and the detached property Ivanhoe to the South, forming a logical infill plot. The site extends to 1146m².



Proposed Development

The proposed site is accessed from the existing road to the rear through the former hospital site, the same road currently serves the existing property Ivanhoe to the south. A detached dwellinghouse is proposed which is to be set back from the main road (it should be noted that the original application included a garage to the north-east of the house which was removed during application discussions with the case officer). The siting allows for the majority of existing trees to be retained (further detailed below showing existing and new tree planting) along with the stone wall to Dingleton Road. The proposals are fully illustrated in the application documents that support this Notice of Review.



Planning History

Planning application ref.21/00768/PPP for a two house proposal on the site (submitted May 2021) was withdrawn in August 2021 to allow for a tree survey and planting replacement plan to be provided with a new application. Planning application ref.21/01846/PPP (for two houses with the aforementioned tree information) was submitted in November 2021 with a Notice of Review submitted to the Local Review Body in April 2022 on the grounds of non-determination. The Local Review Body issued their decision notice in August 2022 which refused the application for the following reason:

“The development would be contrary to Policy EP13 of the Local Development Plan 2016 and the Trees and Development SPG 2008 in that there would be an unacceptable and detrimental impact on the orchard trees forming part of the SBC TPOI 21 (“Dingleton Hospital Site”) as a consequence of loss of protected trees, prejudice to the remaining trees and insufficient space for adequate and acceptable compensatory planting, resulting in adverse impacts on the character and amenity of the area. Furthermore, the development has not demonstrated that public benefit would outweigh the loss of, and impacts on, the trees.”

The August 2022 Local Review Body decision (included as a **supporting document**) however noted the following:

- *“Members firstly considered the application against Policies PMD2 and PMD5 of the Local Development Plan and **accepted that the site was an infill site** within the defined settlement boundary of Melrose.”*
- *“Having considered all the submissions and informed by their site inspection, the Review Body were of the opinion that this was a **suitable infill development opportunity but that the proposal for two houses represented overdevelopment** given the constraint of protected trees on the site.”*
- *“The Review Body did consider whether a more appropriate proposal would be a submission for one house on the site, which could potentially provide more space for the retention of the existing orchard trees and for adequate compensatory planting. However, Members were required to determine the proposal for two houses as submitted and that this could be a future option available to the applicant, to re-apply for one house on the site in a revised planning application.”*

- *“The Review Body finally considered other material issues relating to the proposal including impacts on designated landscapes, residential amenity, ecology, access, parking, water, drainage and development contributions but were of the opinion that detailed siting, design, appropriate conditions and a legal agreement could have addressed these issues, had the application been supported.”*

Reason for Refusal

The current application (23/00492/PPP) was refused for the following reason, as outlined in the Case Officer decision notice of 1st November 2023:

“The development would be contrary to Policy 6 of the National Planning Framework 4 and policies EP10 and EP13 of the Scottish Borders Local Development Plan 2016 and SBC Supplementary Planning Guidance: Trees and Development 2020 in that there would be an unacceptable loss of protected trees which would undermine the value of the site as a historic orchard of amenity value, compromising the character and amenity of the local area, the setting of the Dingleton Hospital redevelopment and the integrity of the Dingleton Designed Landscape, prejudicing the health and future retention of the remaining trees whilst allowing insufficient space for adequate compensatory planting. Furthermore, it has not been demonstrated that the public benefit of the development would outweigh the loss of, and impacts on, the protected trees.”

Statutory Consultees & Third Party Representations

The Applicant notes and accepts the following statutory consultee responses and associated conditions:

- SBC Archaeology – no objection (informative added regarding approach to potential findings during construction works).
- SBC Roads Planning – no objection (recommended conditions relate to detailed design of parking, access and any gates).
- Scottish Water – no objection (PDE required to confirm wastewater connection capacity)
- Melrose Community Council – no objection.

- SBC Contributions (noted within Case Officer Report) – request an agreement for the sum of £10,645 relating to education (Melrose Primary and Earlston High) and Borders Railway.

There were 7 No. third party representations raising concerns focussing primarily on the loss of trees which is addressed below.

Planning Principle

The site forms an infill site within the defined Melrose urban area in the Adopted Local Development Plan (LDP). The site also falls within the wider Dingleton Hospital allocated housing site (ref.EM32B).

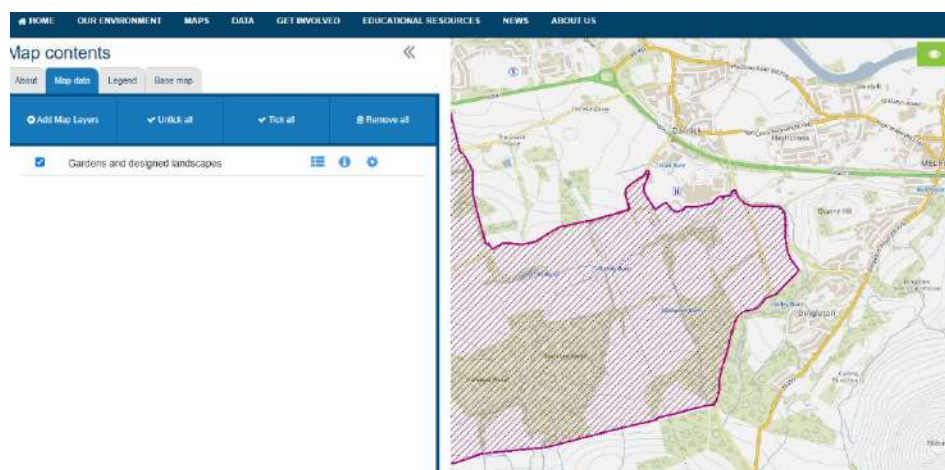
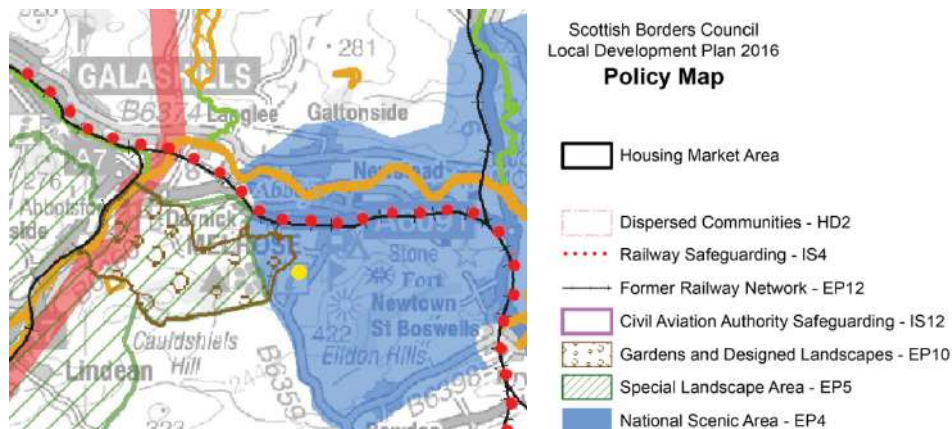
The proposal can meet the general design requirements of LDP Policy PMD5 (infill development). In particular:

- a) The proposed use does not conflict with surrounding uses.
- b) The proposal does not detract from the character or amenity of the local area – the majority of the site will remain with existing tree cover whilst the 8 No. trees to be removed to accommodate the proposed house are classified as of low or moderate quality and will be replaced with 9 No. new trees.
- c) There are no cumulative social or economic impacts.
- d) The indicative plot respects the scale, density and context of its surroundings.
Detailed design in relation to form, design and materials will be the subject of further approval.
- e) Adequate access and servicing can be achieved.
- f) The proposal does not result in loss of daylight, sunlight or privacy to adjoining properties.

Designed Landscape Impact

It is noted that the Case Officer has included impact on the Dingleton Designed Landscape as part of the reason for refusal based on Local Development Plan Policy EP10. This was not a reason for refusal in the determination of the previous application for two houses

(21/01846/PPP). The site does not fall within a site listed in the Inventory of Gardens and Designed Landscapes as per Local Development Plan policy mapping – the nearest Inventory designation is Abbotsford Designed Landscape to the west – see map extract below. This is also confirmed via Historic Environment Scotland mapping also illustrated below.



The consultation response from the Council’s Archaeology officer, which seeks to identify any “attrition of the historic environment through loss of the orchard” highlights that the site is within the open ground of the former asylum buildings at Dingleton. However, no objection is raised to the application with just an informative added to ensure if any finds of archaeological interest are identified during groundworks, these should be recovered and reported.

The Case Officer states that the site falls within the local Dingleton Designed Landscape and that development would harm the integrity of this designation. Given the change of

character in the Dingleton area with modern residential development, and the proposed siting of the new house set back from the main road behind existing trees and a stone wall, it is considered there would be no significant impact on this local designation.

Loss of Trees

The Case Officer contends that the proposal would be contrary to National Planning Policy Framework 4 Policy and Local Development Plan Policy EP13 in terms of impacts arising from loss of trees.

The proposed development site (outlined in red below) lies outwith the primary mature tree planting area (highlighted in green), which remains unaffected by the proposed development.



An Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan have been provided with the application with all trees on the site assessed. All trees

have been categorised according to the British Standard BS5837:20012. The proposals require the removal of 8 trees, of which 6 are Category C (low quality) and 2 are Category B (moderate quality). A further one tree requires removal due to its condition. The site is protected by a Tree Preservation Order with the assessment recommending a replanting plan which is also included within the application.

Proposals provide for replacement of 8 trees with 9 native fruit trees in keeping with the former use as an Orchard. The previous two house proposal proposed the loss of 17 trees in total.

The public amenity value of the current site is based on views from Dingleton Road – retention of existing trees at the front of the site will ensure this is not affected.

The application provided a Preliminary Ecological Appraisal and Bat and Breeding Bird Survey and the Case Officer confirms there is no ecological constraint for the proposed development.

The supporting Application documents fully illustrate proposals, including Site Plan and Site Plan showing tree removals.

Overall, with regard to impact on trees, it is considered that the proposals which comprise a combination of tree retention, replacement of poorer quality specimens and replanting approach is wholly proportionate and appropriate to support the development proposal.

The proposal would accord with LDP Policy EP13 (Trees, Woodlands and Hedgerows) on the following basis:

- a) The proposal would aim to minimise adverse impacts on the biodiversity value of the woodland resource. Only poor quality tree specimens are to be removed.
- b) Appropriate replacement planting will be provided to maintain the setting.
- c) The Applicant accepts any condition in relation to enhance the woodland resource.

Summary

The applicant had previously presented proposals for 2 houses within the application site. The findings of the Local Review Body in August 2022 confirmed that the site is a suitable infill plot and noted that whilst a two house proposal was over-development of the plot, there was scope to accommodate a single plot subject to suitable design.

The previous Local Review Body findings have therefore informed further development of the proposals to reduce impact by providing for a single dwelling and a significantly reduced number of tree removals (8 from 17) with an associated appropriate level of replacement planting for the site. Siting of the proposed plot in the western part of the site avoids any perception of loss of trees from the Dingleton Road frontage and, along with retention of the stone wall, will ensure the site's qualities in the wider landscape are maintained.

The proposal accords with national and LDP policy and on the basis of the foregoing, it is respectfully requested that the submitted planning application be viewed positively and approved by the Local Review Body.



Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@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 100622909-001

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)

Application for Planning in Principle for a detached dwelling on the site of the former Dingleton Hospital Orchard

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:	Aitken Turnbull		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Aitken	Building Name:	
Last Name: *	Turnbull	Building Number:	5
Telephone Number: *	01312972350	Address 1 (Street): *	Castle Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH1 2DP
Email Address: *	edinburgh@aitken-turnbull.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:	Per
First Name: *		Building Number:	5
Last Name: *		Address 1 (Street): *	Castle Terrace
Company/Organisation	Rivertree Residential Ltd	Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH1 2DP
Fax Number:			
Email Address: *	edinburgh@aitken-turnbull.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

Dingleton Orchard

Northing

633167

Easting

354249

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)

The site was subject to a previous application for two detached dwellings. The Local Review Committee felt two properties was over development, but agreed that the plot was a natural infill plot for a single dwelling.

Title:

Other title:

First Name:

Last Name:

Correspondence Reference
Number:

Date (dd/mm/yyyy):

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

Site Area

Please state the site area:

1146.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

scrub-land, formerly an orchard for the Hospital

Access and Parking

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

Yes No

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

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

Yes No

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

Water Supply and Drainage Arrangements

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

Yes No

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

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

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: Aitken Turnbull

On behalf of: Rivertree Residential Ltd

Date: 26/03/2023

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)

Arboricultural Report

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Aitken Turnbull

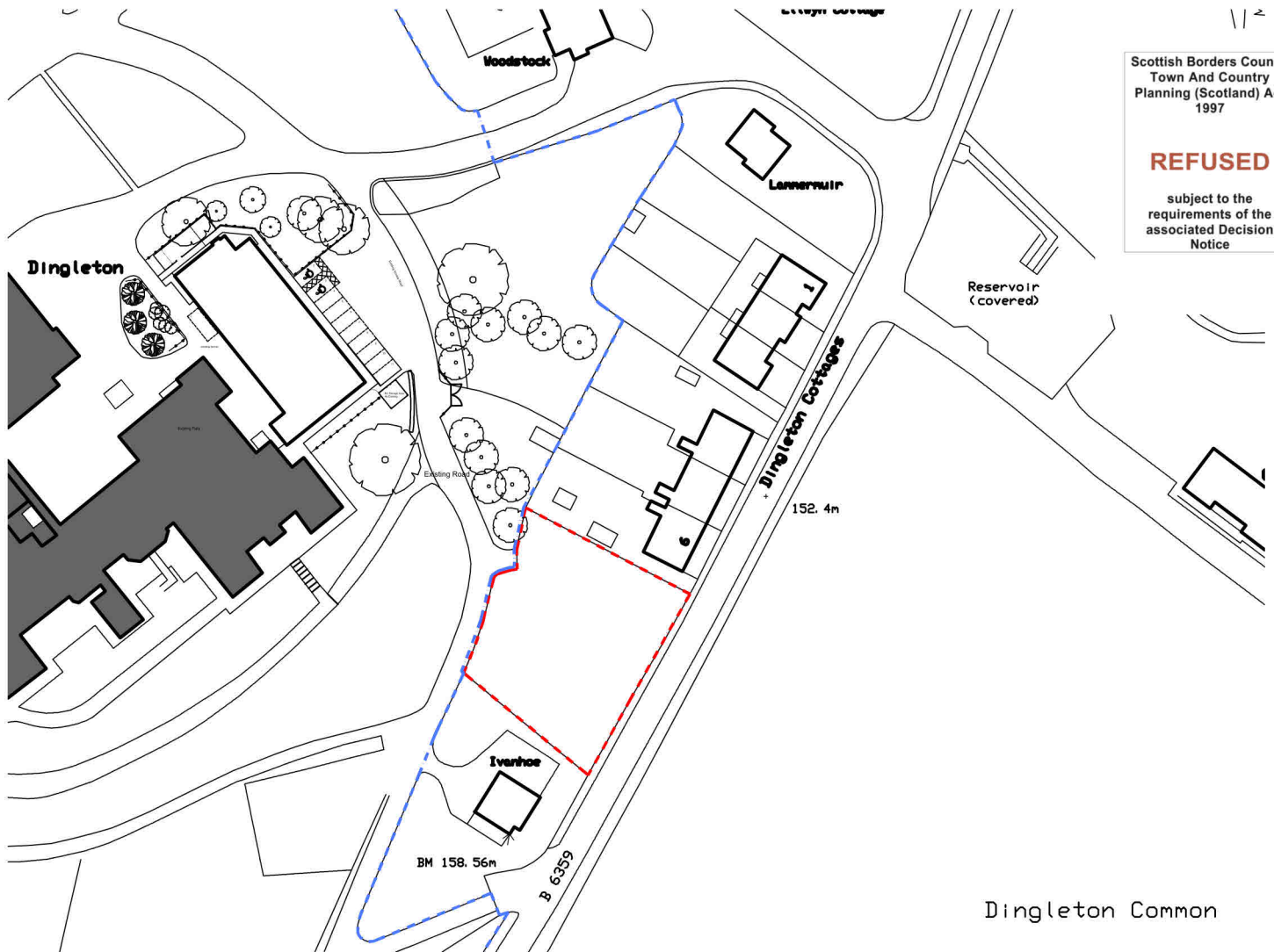
Declaration Date: 26/03/2023

Payment Details

Online payment: XM0100006939
Payment date: 26/03/2023 22:20:00

Created: 26/03/2023 22:20

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

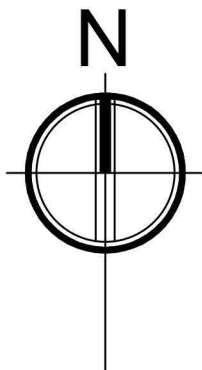
REFUSED

subject to the
requirements of the
associated Decision
Notice

Location Plan 1:1250

LEGEND

- - - Application Site
- - - Adjacent Land Owned by the Applicant



Revision	Description	By	Chk
project			

Rivertree Residential Ltd
Dingleton Orchard Plots

title
Landownership Plan

scale	size	date	drawn	checked
1:1250	A4	Oct 21		

drawing status
PLANNING

AITKEN TURNBULL ARCHITECTS
5 Castle Terrace
Edinburgh
EH1 2DP
0131 297 2350

enquiries@aitken-turnbull.co.uk
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project no.	drawing no.	revision
AT3533	(-L)000	

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Replacement Planting:
 8 No Trees require removal to accommodate the scheme.
 - 5 Category C
 - 3 Category B

 1 No Tree requires removal due to its condition.

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

REFUSED
 subject to the
 requirements of the
 associated Decision
 Notice

Revision	Description	By	Chk
A	Tree numbering updated		

Rivertree Residential Ltd
 Dingleton Orchard Plot

title
 Site Plan
 As Existing
 Single House Proposal

scale	size	date	drawn	checked
1:200	A3	OCT 2022	FH	

drawing status
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AITKEN TURNBULL ARCHITECTS
 5 Castle Terrace
 Edinburgh
 EH1 2DP
 0131 297 2350

 enquiries@aitken-turnbull.co.uk
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Revision	Description	By	Chk
project			

Rivertree Residential Ltd
Dingleton Orchard Plots

title

Site Photos
As Existing

scale	size	date	drawn	checked
1:200	A3	Oct 2021		

drawing status
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Replacement Planting:
 7 No U Categorised Trees Removed
 12 No C Categorised Trees Removed
 8 No New Trees (P)

All trees are proposed as native fruit trees of various sizes to compliment the existing planting arrangements in keeping with the original Orchard use of the site.

Additional off site replacement tree planting to be agreed with Planning Officer and Landscape Officer.

Revision	Description	By	Chk
project			

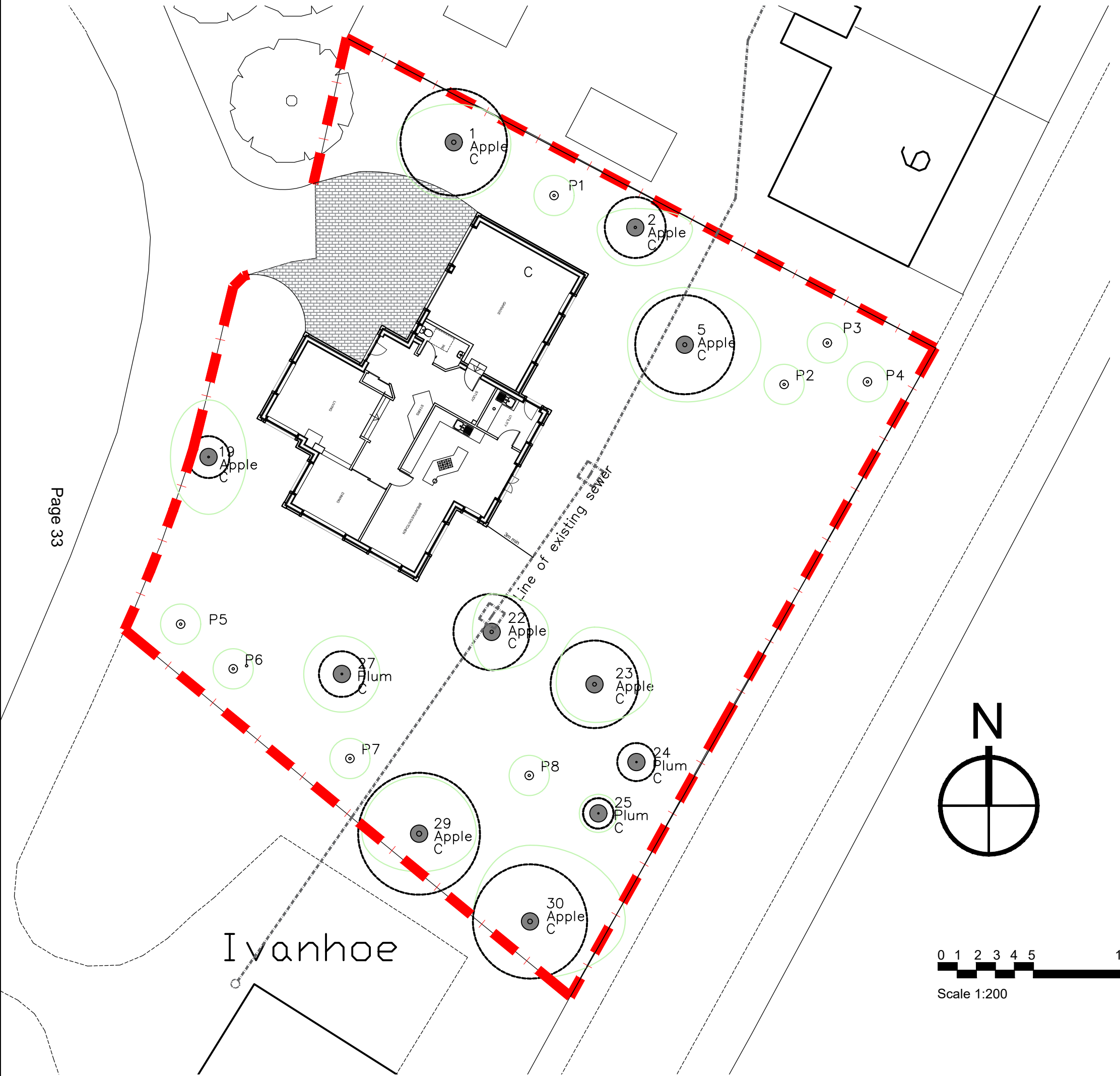
Rivertree Residential Ltd
 Dingleton Orchard Plot

scale	size	date	drawn	checked
1:200	A3	OCT 2022	FH	
drawing status PLANNING				

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Replacement Planting:
 8 No Trees require removal to accommodate the scheme.
 - 5 Category C
 - 3 Category B

1 No Tree requires removal due to its condition.

9 New trees identified on proposed plan. Additional off site replacement tree planting to be agreed with Planning Officer and Landscape Officer.

Replacement planting is proposed on a 2 for 1 basis, with positions to be agreed with SBC Planning Officer and Landscape Officer. All trees are proposed as native fruit trees of various sizes to compliment the existing planting arrangements in keeping with the original Orchard use of the site.

Revision	Description	By	Chk
A	Tree numbering updated, garage omitted, existing boundary wall added		

Rivertree Residential Ltd
 Dingleton Orchard Plot

title
 Site Plan
 As Proposed
 Single House Proposal

scale	size	date	drawn	checked
1:200	A3	OCT 2022	FH	

drawing status
 PLANNING

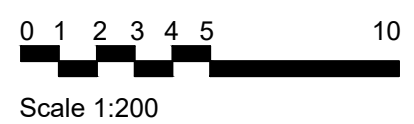
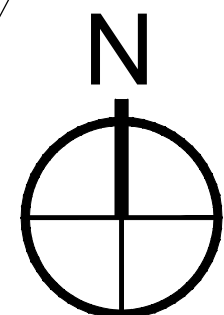
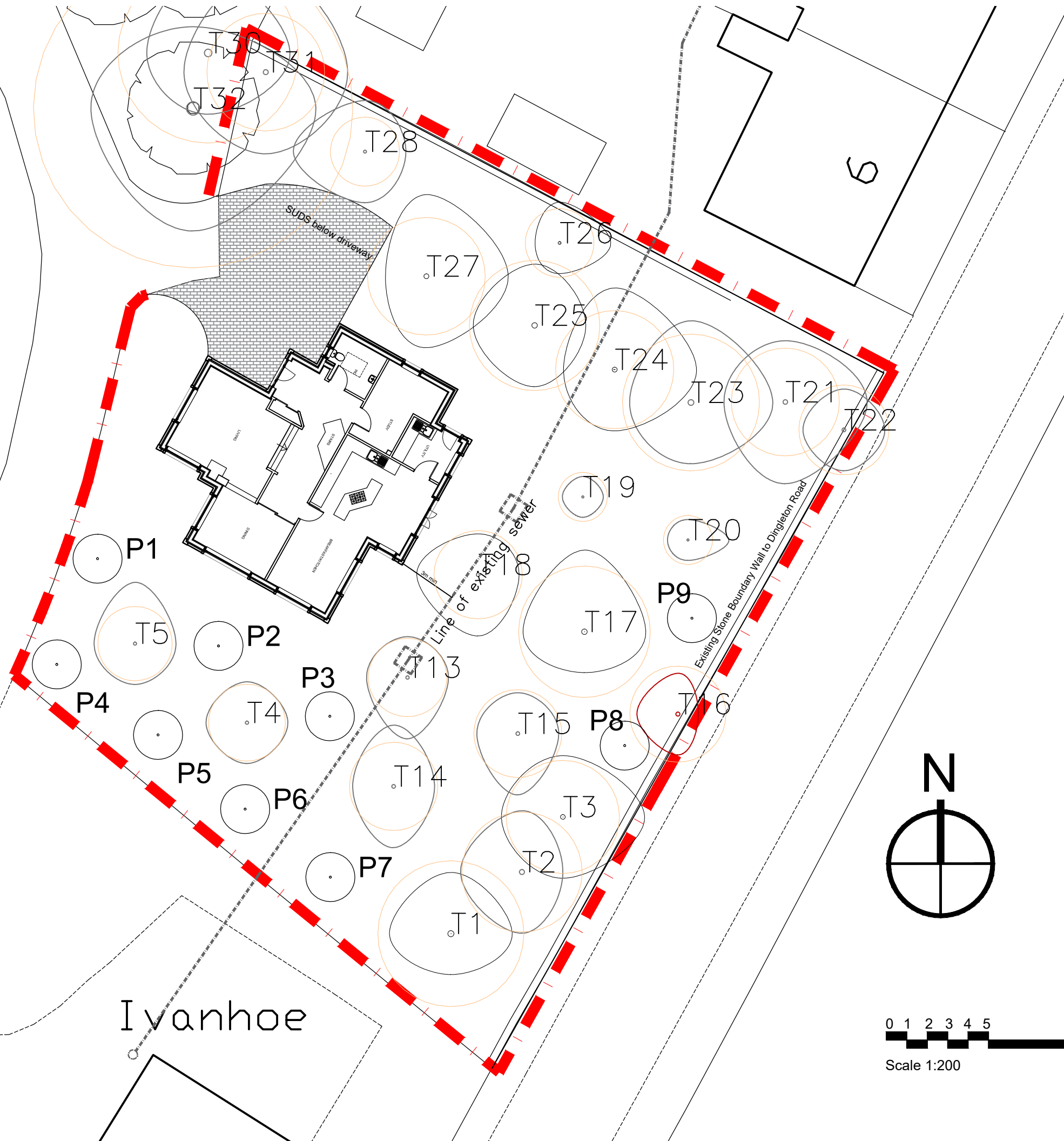
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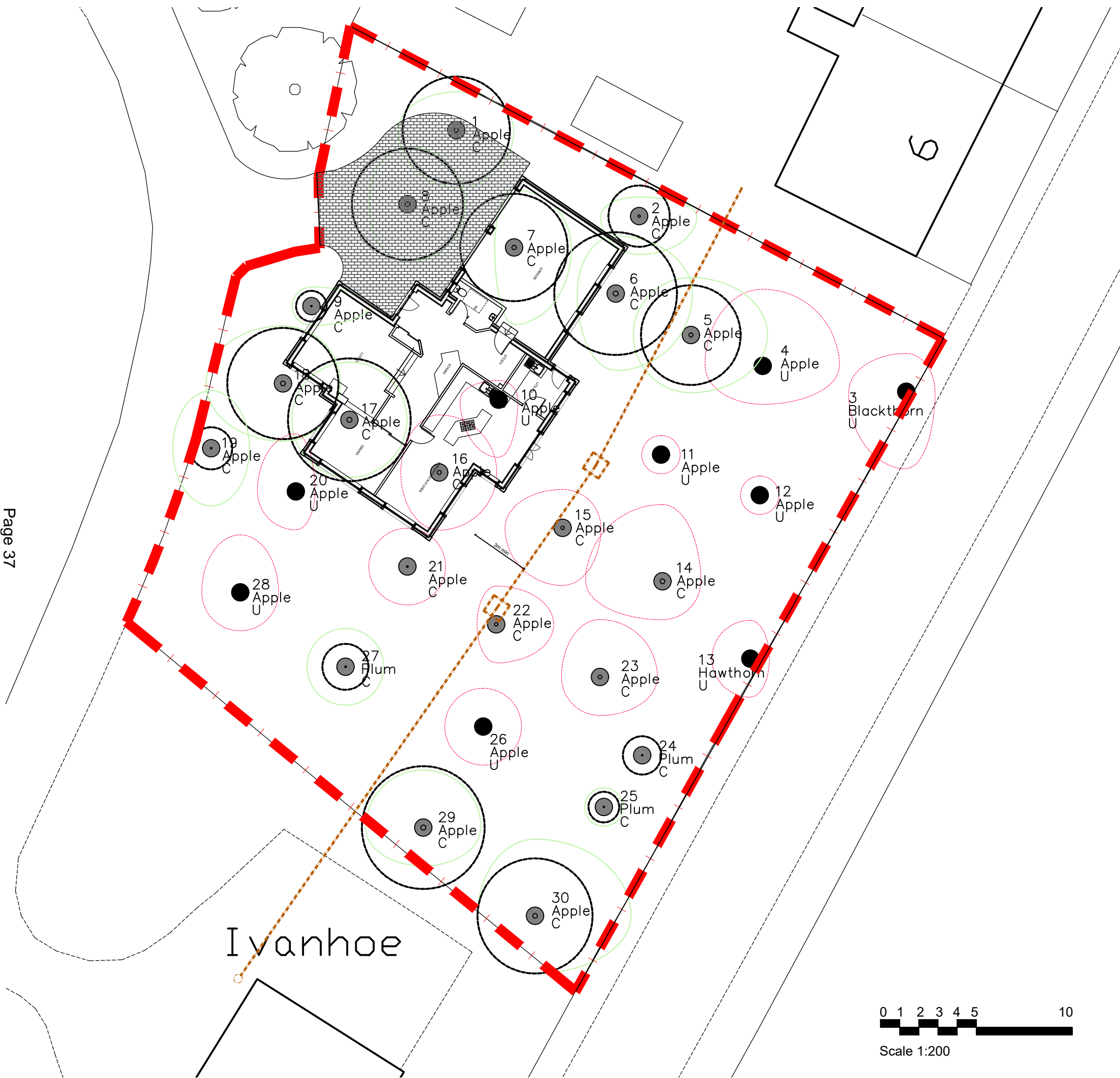


project no.	drawing no.	revision
AT3533	(-L)312	A



Ivanhoe

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LEGEND
 For tree details and species refer to report by The Tree Consultancy.
 — Denotes tree to be removed

Revision	Description	By	Chk
project			

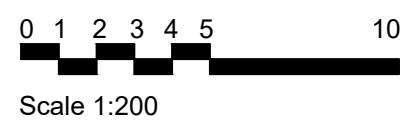
Rivertree Residential Ltd
 Dingleton Orchard Plot

scale	size	date	drawn	checked
1:200	A3	Sept 2022		
drawing status PLANNING				

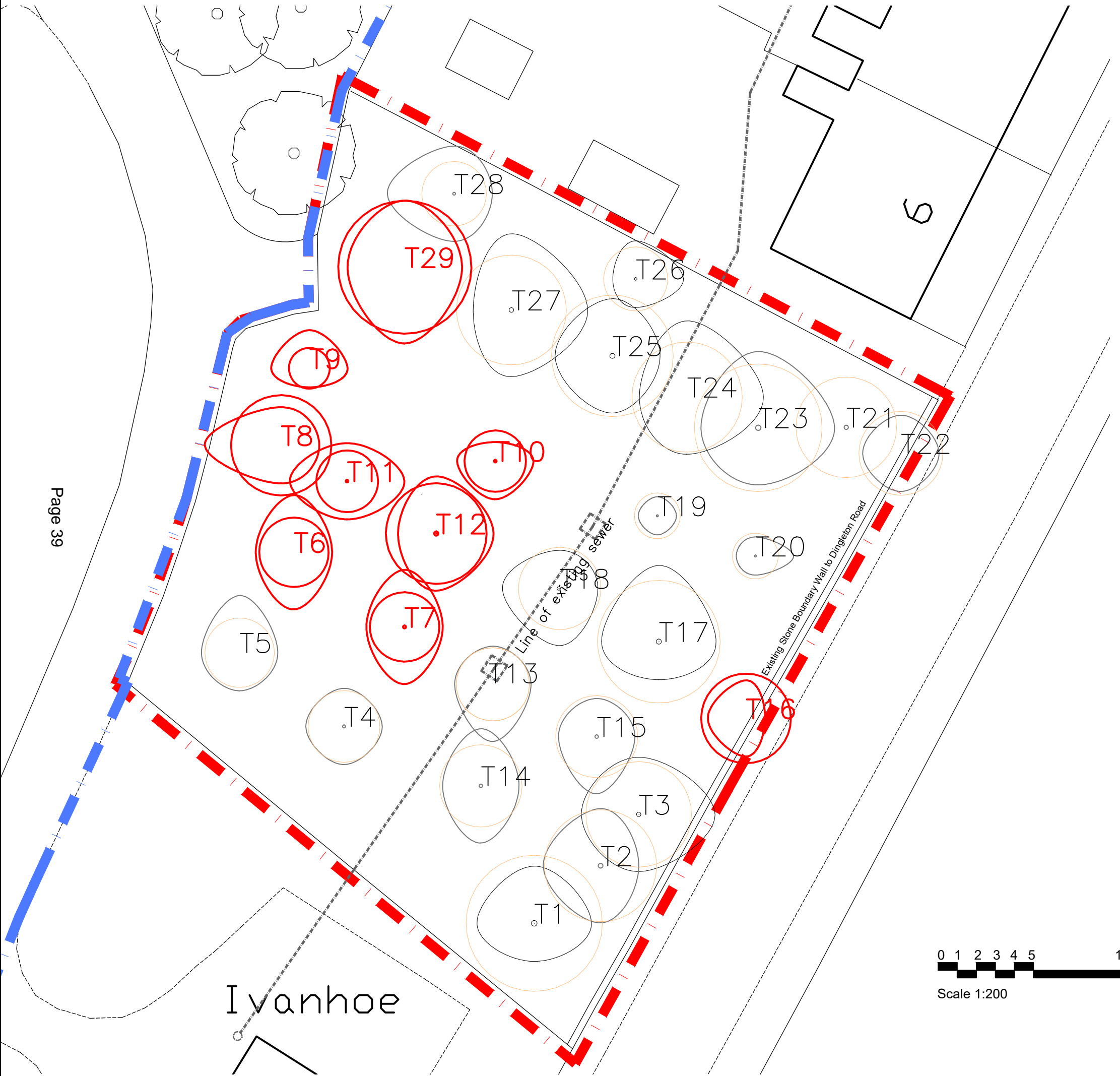
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Replacement Planting:
 8 No Trees require removal to accommodate the scheme.
 - 5 Category C
 - 3 Category B

1 No Tree requires removal due to its condition.

Revision	Description	By	Chk
A	Tree numbering updated, removals reduced		

Rivertree Residential Ltd
 Dingleton Orchard Plot

Site Plan
 Showing Tree Removals
 Single House Proposal

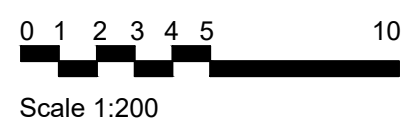
scale	size	date	drawn	checked
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drawing status PLANNING				

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Arboricultural Impact Assessment

For Dingleton

September 2023

By Toby Wingham

Change log

Date	Comments
07/09/2023	Original, 1 st version
29/09/2023	Change of design: Garage removed, 2 more trees retained

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Scope

TD Tree & Land Services Ltd have been instructed by Aitken Turnbull Architects to carry out a survey at Dingleton and produce a report on the Arboricultural impacts in accordance with British Standard BS:5837 Trees in relation to Design, Demolition and Construction – Recommendations.

This is to provide information to accompany a planning application. Findings from field and desk-top surveys are described and the effects that granting planning permission would entail for arboriculture within influencing distance of the development.

The survey, finished by 26th July and the following report were completed by Toby Wingham, appointed arboricultural Consultant at TD Tree & Land Services Ltd. The report was technically proofed by Patrick Rechberger, Consultancy Manager of TD Tree & Land Services Ltd and suitably qualified Arboriculturist.

A topographical survey was provided by Aitken Turnbull Architects which was used to record the position of trees and vegetation (drawing reference: 230901001), where trees were not shown, their locations were estimated using aerial photography and on-site observations.

Specimens on third party land or outside of the application boundary were surveyed insofar as was practicable. Whilst reasonable effort has been made to ensure accuracy of the data of these areas, it cannot be guaranteed.

Limitations

- The findings of this report are valid for a period of 12 months from the date of issue.
- Trees are living organisms that are constantly growing and changing – it is important that they are inspected regularly. Extreme climatic conditions can cause damage to even apparently healthy trees.
- Whilst reasonable effort has been made to detect defects within the individual trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree.
- No soil, foliage or root samples were taken for analysis as well as
- no decay measurement techniques were used during this survey – should this be required; recommendations will be stated below.
- Any duration or timescales mentioned in this report should be viewed as a maximum and not optimum timeframe.
- It is assumed there has been no significant change to the immediate environment that may affect the tree stock. Any change being made following the survey may invalidate the report and require reinspection.

- Any alteration of this report will therefore invalidate it. No responsibility is assumed by TD Trees and their consultants for legal matters that may arise from this report. The consultant shall not be required to give testimony or to attend court unless subsequent contractual arrangements are made.
- The information provided within this report relates to the specific tree risk survey provided and should not be used or interoperated for any other circumstances. This includes but not limited to planning applications and developments, tree related subsidence, utilities, or the design of foundations.

Methodology

All trees with a diameter at breast height (DBH) of 75mm within the survey area were inspected using the method of ‘Visual Tree Assessment- type 1’ or in short ‘VTA1’ (Mattheck and Breloer, 1994). VTA is an internationally recognised form of tree assessment for the tree inspector. It confirms defects, construes potential hazards, and assesses criteria of failure. The VTA – type 1 gives information relating to the body language and mechanics of a tree and helps to distinguish between potentially hazardous trees and extremely hazardous trees, protecting safe trees.

The process consists of inspecting the trees visually from the ground for growth defects, any variations of appearance of the bark and any alterations in the crown and leaves. Fungal fruiting bodies and their body language as well as the local environment of the tree are considered for the assessment. The individual tree data including its location was recorded using the PlanIT Geo, Treeplogger software. The height of the trees was measured using Haglöf EC II D Electronic Clinometer, crown spread was estimated. Diameter at breast height (DBH) was measured using Arboricultural diameter and circumference measuring tape.

Whilst reasonable effort has been made to ensure accuracy of the data, especially in inaccessible areas, it cannot be guaranteed.

The Site

Address

Dingleton Road

Melrose

Scottish Borders

TD6 9HR

Grid Reference at Centre: NT 54250 33166

Description

The site is adjacent to Dingleton Road. The land is currently in use as an orchard. The area of focus is approximately 1,566m² in size approx.



Figure A: Location and approximate boundary

Tree Survey

All arboriculture information recorded during the site survey is present in [Appendix 2 – Data Tables](#). Feature locations, comments on tree condition and recommended works.

In total 32 individual trees (T1-T32) and 1 hedgerow (H1) were surveyed and mapped.

The site is immediately adjacent to Dingleton Road. The trees on site are primarily Apple (*Malus domestica*) and Plum (*Prunus domestica*) which make up the orchard which has been planted in rows in a grid like formation. There are also some other species found primarily around the boundary of the site or just over the boundary of the site, these species include Wych Elm (*Ulmus glabra*), Common Holly (*Ilex aquifolium*), Common Hawthorn (*Crataegus monogyna*), Blackthorn (*Prunus spinosa*) and Cherry Laurel (*Prunus laurocerasus*). The tree stocks' age ranges from young to mature with the majority being mature specimens. The overall condition of the trees is fair.

There is an area in the Northeast of the site where there is dense growth of self-seeded Blackthorn (*Prunus spinosa*) that are below 75mm in diameter.

The site is classed as a traditional orchard on *peoples trust for endangered species* inventory for traditional orchards – available at (<https://ptes.org/get-involved/surveys/countryside/traditional-orchard-survey/orchard-maps/>). NatureScot also has a *UK Biodiversity Action Plan priority description: Traditional orchards* on their website – (<https://data.jncc.gov.uk/data/2829ce47-1ca5-41e7-bc1a-871c1cc0b3ae/UKBAP-BAPHabitats-56-TraditionalOrchards.pdf>) which outlines the importance of traditional orchards in the UK.

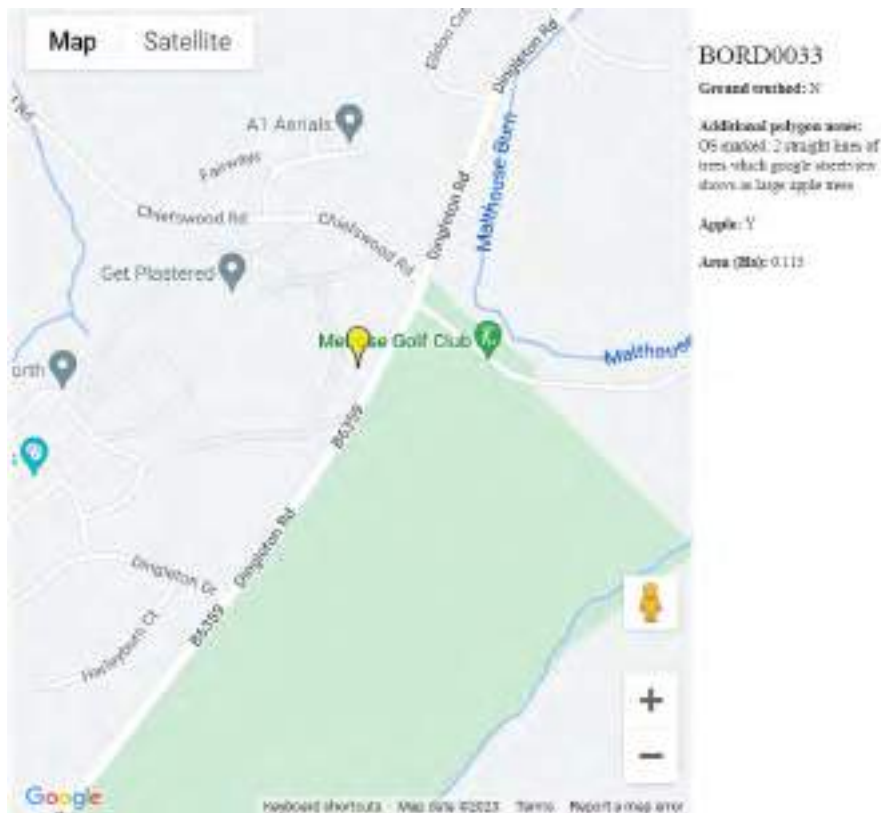


Figure B: Showing the location of the traditional orchard (yellow) located on site.

A check with Scottish Borders Council has noted a tree preservation order on and surrounding the site. The site is not within a conservation area.

Root Protection Areas (RPA)

A root protection area is the minimum area around each tree, group or woodland that must be retained and undisturbed to ensure survival.

The RPA's have been calculated in accordance with BS5837 using the diameter of each feature at a height of 1.5m, referred to as diameter at breast height (DBH).

Protection, designation, and constraints

National Planning Framework (NPF 4)

The fourth National Planning Framework has been adopted in February 2023 and supersedes the NPF 3 and Scottish Planning Policy. It is intended as a long-term plan, guiding spatial development, designating national development and setting out national planning policies.

Its Policy 6 covers trees and woodlands and states:

Local Development Plans: LDPs should identify and protect existing woodland and the potential for its enhancement or expansion to avoid habitat fragmentation and improve ecological connectivity, helping to support and expand nature networks. The spatial strategy should identify and set out proposals for forestry, woodlands and trees in the area, including their development, protection and enhancement, resilience to climate change, and the expansion of a range of types to provide multiple benefits. This will be supported and informed by an up to date Forestry and Woodland Strategy.

Policy 6

- a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- b) Development proposals will not be supported where they will result in:
 - i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
 - ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
 - iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
 - iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.
- c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
- d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

([National Planning Framework 4 \(www.gov.scot\)](https://www.gov.scot))

Local Planning Policy

Scottish Borders Council has implemented Supplementary Planning Guidance (SPG), which in relation to trees states:

‘Developers should ensure that development schemes include measures to safeguard trees, and where appropriate to supplement an area’s tree cover. Development which would result in the unjustified felling, or which would result in damage to important trees or woodland resources, will not be permitted. Conditions and Tree Preservation Orders (TPOs) will be used to safeguard trees in appropriate cases.’ (https://www.scotborders.gov.uk/downloads/file/937/trees_and_development)

Tree Preservation Orders (TPO) and Conservation Areas (CA)

A check with the local planning authority was carried out on 31st June. Simon Wilkinson who is a tree officer from Scottish Borders Council confirmed a tree preservation order is present on site and the site does not lie within a conservation area.

Third Party Trees

Trees identified within this survey area are present on third party land. This included T30 and T32. Permissions for any works carried out on these features will need to be obtained by the owners.

Sites of Special Scientific Interest (SSSI)

A check with the Registers of Scotland confirmed no SSSI sites on or immediately adjacent to the site.

[Register of Sites of Special Scientific Interest - Registers of Scotland \(ros.gov.uk\)](https://www.ros.gov.uk/)

Ancient Woodland

Ancient woodlands are irreplaceable habitats with exceptional value. A desktop search ([Map Results | Woodlandr](#)) confirmed no ancient woodland present on or immediately adjacent to the site.

Ancient and Veteran Trees

There is no national register of ancient or veteran trees. The woodland trust has a database that maintains an inventory of significant trees, to which no trees were registered to the site.

[Tree Search - Ancient Tree Inventory \(woodlandtrust.org.uk\)](https://www.woodlandtrust.org.uk/)

An assessment of each tree was made by a qualified arboriculturist during the survey, to which no trees within the surveyed areas were regarded as veteran or ancient.

Scottish Biodiversity List

The Scottish Biodiversity list supersedes the former UK BAP Priority Habitats Inventory on a national level. It is a list of animals, plants and habitats that are of principal importance for biodiversity in Scotland. [Scottish Biodiversity List | NatureScot](#)

The list has no records of designated deciduous woodland, traditional orchards, woodland pasture and parkland on or adjacent to the site.

Felling Permission

The Forestry and Land Management (Scotland) Act 2018 forms the legal basis for the regulation of forestry in Scotland and includes the requirement to be in possession of a Felling Permission to fell trees. The *Forestry (Exemptions) (Scotland) Regulations 2019* and *The Felling (Scotland) Regulations 2019* include further detailed provisions about the operations of Felling Permission procedures. You must apply for Felling Permission if you wish to fell a tree unless the felling is exempt. A check with your local FC Officer will confirm this. ([Scottish Forestry - Felling permissions](#))

Protected Species

The Nature Conservation (Scotland) Act 2004, the *Wildlife and Natural Environment (Scotland) Act 2011* and the *Habitats Regulations 1994* provides statutory protection for many species, including bats and birds, which can reside in trees.

Bats

To obstruct access to, damage or destroy any structure or place which is used for shelter or protection, breeding, or resting by a bat is a criminal offence. If any works are to be carried out that may affect such, professional advice should be sought by a licenced ecologist.

Birds

It is a criminal offence to intentionally harm wild birds, their eggs or a nest that is in use or being built. Carrying out works that may interfere with such, should be assessed to comply with the law and advice should be sought by a qualified ecologist.

Bird nesting season is officially from February until august inclusive (NatureScot) and it is recommended that all vegetation works, including tree works and site clearance should be done outside of the nesting season. However, the nesting period may start before this and extend beyond it. Consideration must be taken outside of the official nesting season to not impact the habitat in which young birds are developing.

Contractors must aim to avoid impacts to nesting birds and infringement of the *Wildlife and Countryside Act 1981* and breaching the *European Habitats 1992 Nesting Birds Directive*.

Notifiable Diseases and Disease Management

The Forestry Commission (FC) supplies guidance on notifiable diseases which may be notifiable by law. No notifiable diseases were found on the day of inspection.

Assessment

Proposals

The proposed development consists of a dwelling, and associated infrastructure such as roads, footpaths and drainage. The proposals were provided in a .DWG format by Aitken Turnbull Architects on 21st August This is shown in [Appendix 3 - Drawings](#).

Impacts

Tree removals

In total eight individual trees will require removal to facilitate the proposed development, all these trees are conflicting with the footprints of the proposed building and access road.

One tree, T16 requires removal as part of sound arboriculture due to its condition.

	Trees	Hedges
Remove	T6 T7 T8 T9 T10 T11 T16 T29	
Partial removal		H1

Table 1 – Tree removals

Effects on protected and designated features

- Tree preservation orders (TPO) - The proposed development would result in a loss of TPO trees
- Conservation area (CA) - The proposed development would not result in a loss/pruning of trees within a CA
- Ancient woodland - The proposed development would not result in negative effect on ancient woodland
- Veteran trees - The proposed development would not result in a loss/pruning of veteran trees
- Community forest - The proposed development would not result in a loss/pruning of trees within a designated community forest
- Deciduous woodland - The proposed development would not result in a loss/pruning of trees within a designated deciduous woodland
- Woodland pasture and parkland - The proposed development would not result in a loss/pruning within designated woodland pasture and parkland
- Traditional orchards - The proposed development would result in a loss within designated traditional orchard

Recommendations

- An Arboricultural method statement (AMS) should be produced, prior to the commencement of the development, to prevent harm to retained trees in accordance with BS5837:2012 – Trees in relation to Design, Demolition and Construction – recommendations.
- A formal replanting plan shall be produced, prior to commencement of the development to mitigate the required tree works on site
- Retained trees and protection – The measures set out in [Drawing 3 – Tree Protection](#) in [Appendix 3 – Drawings](#) will be in place prior to any commencement of the development.
- All tree works are carried out to the standards defined in the BS 3998: 2010.
- Recommendations for tree work to be undertaken by arborists with the appropriate insurance and qualifications and approved contractors of the Arboricultural Association. TD Tree & Land Services Ltd are AA approved contractors. *see www.TDTREES.co.uk.
- Remove T6-T11 and T16 and T29.
- Remove part of H1.

Appendices

Appendix 1 – Data tables

Appendix 2 – Summary Reports

Appendix 3 - Drawings

Appendix 1 – Data Tables

Key of Terms

- Tree ID - Identification number of tree/trees as shown on plan
- Species - Botanical and Common name of species. Where the sub-group was unknown (Spp) has been used alongside the genus.
- Age class - Young (Y), Early Mature (EM), Mature (M), Late mature. (LM) and Veteran (V)
- Hgt - Height of tree in meters.
- DBH - Diameter at Breast Height: trunk diameter in cm measured at 1.5m.
- Crown spread - Average of 4 measurements taken of North, South, East, and West crown spread.
- MS - Multi-stemmed.

Tree Quality

The British standard, BS5837:2012 Trees in relation to Design, Demolition and Construction – recommendations, assigns categories to features depending on their qualities, hedgerows are not categorised. The following table provides a brief for each category.

Category & Definition	Criteria – Subcategories 1,2 and 3
Trees unsuitable for retention	
<p>Category U</p> <p>Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.</p>	<p>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g., where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning).</p> <p>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline. Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low-quality trees suppressing adjacent trees of better quality</p> <p>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve.</p>
Trees to be considered for retention	
<p>Category A</p> <p>High quality and value with an estimated life expectancy of at least 40 years.</p>	<p>Particularly good example of their species, especially if rare or unusual; or those that are essential components of formal or semi-formal arboricultural feature.</p>

	<p>Trees, groups, or woodlands of visual importance as arboricultural and/or landscape features.</p> <p>Trees, groups, or woodlands of significant conservation, historical, commemorative, or other value.</p>
<p>Category B</p> <p>Moderate quality and value with an estimated life expectancy of at least 20 years.</p>	<p>Trees that might be in category A, but are downgraded because of impaired condition (e.g., presence of significant though remediable defects, including unsympathetic past management or storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation.</p> <p>Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated to make little visual contribution to the wider locality.</p> <p>Trees with material conservation or other cultural value.</p>
<p>Category C</p> <p>Low quality and value with an estimated life expectancy of at least 10 years, or young trees with a diameter <150mm.</p>	<p>Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.</p> <p>Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value, and/or trees offering low landscape benefit.</p> <p>Trees with no material conservation or other cultural value.</p>

Table 1 – BS5837 Categorisations

Data Tables

Trees Surveyed

Full Tree ID	Common Name	Latin Name	Physiological Condition	Tree Height [m]	Stem Diameter [mm]	Root Protection Area [m]	(N) Branch Spread [m]	(E) Branch Spread [m]	(S) Branch Spread [m]	(W) Branch Spread [m]	Height of First Significant Branch [m]	Direction of First Significant Branch	Height of Canopy Above Ground Level [m]	Life Stage	Structural Condition	Estimated Remaining Contribution	Comments	Quality Category	Quality Sub-Category
T1	Apple	Malus domestica	Fair	6	297.83	3.57	3	3	2	3	2	S	4	Mature	Fair	Long (>40 years)	Pruning wounds at around 80mm in diameter. Asymmetrical crown. Adjacent to neighbouring property. Slight lean to north.	B	1, 2
T2	Wych Elm	Ulmus glabra	Good	8	244.95	2.94	3	2	3	3	1	N	6	Early-mature	Fair	Medium (20 to 40 years)	Self-seeded elm growing from hedge on boundary.	C	1
T3	Apple	Malus domestica	Fair	8	231.08	2.77	3	4	3	3	1	N	7	Mature	Fair	Medium (20 to 40 years)	Adjacent to road on the east side.	B	1, 2
T4	Plum	Prunus domestica	Good	6	156.52	1.88	2	2	2	2	0.5	N	5	Early-mature	Fair	Medium (20 to 40 years)	Multi stem union at base. Snapped branch at 2m on south of tree.	C	1, 2
T5	Apple	Malus domestica	Fair	5	151.66	1.82	3	2	2	2	1	E	4	Semi-mature	Fair	Medium (20 to 40 years)	Large pruning wound at 0.5m on North of tree with around 100mm diameter. Minor crown dieback. Crossing branches.	C	1, 2
T6	Apple	Malus domestica	Fair	4	151.66	1.82	3	2	3	2	1.5	S	2.5	Semi-mature	Fair	Medium (20 to 40 years)	Minor deadwood. Epicormic growth at base and going up some sub stems. Pruning wounds. Minor dieback in canopy.	C	1, 2

T7	Apple	Malus domestica	Fair	5	151.66	1.82	3	2	3	2	1	N	2.5	Semi-mature	Fair	Medium (20 to 40 years)	Crossing branches. Decay at base with length of 15cm and width of 8cm. Pruning wounds.	C	1, 2
T8	Apple	Malus domestica	Fair	6	219.32	2.63	2	2	2	4	1.5	E	4	Semi-mature	Fair	Medium (20 to 40 years)	Multi stem union at 0.5m. Large pruning wound at union with diameter of around 100mm. Minor deadwood.	C	1, 2
T9	Apple	Malus domestica	Good	3	89.44	1.07	2	2	1	2	0.5	N	1.5	Young	Fair	Long (>40 years)	Historic pruning wound at 0.5m with diameter of 60mm.	C	1, 2
T10	Apple	Malus domestica	Good	4	134.54	1.61	1	2	2	2	0.5	N	2.5	Early-mature	Fair	Long (>40 years)	Historic pruning wound at 0.5m with diameter of 50mm.	C	1, 2
T11	Apple	Malus domestica	Good	5	134.54	1.62	2	3	2	3	2	S	3	Mature	Fair	Long (>40 years)	Historic pruning wound at 0.5m with diameter of 100mm. Epicormic growth around wounds. Minor deadwood.	B	1, 2
T12	Apple	Malus domestica	Good	6	220	2.64	3	3	3	2	1.5	S	4.5	Mature	Good	Long (>40 years)	Two large pruning wounds on East Side at 0.5m with diameter of around 100mm. Epicormic growth from wounds.	B	1, 2
T13	Apple	Malus domestica	Good	4	160	1.92	2	2	3	2	0.5	W	3	Semi-mature	Fair	Medium (20 to 40 years)	Multiple large pruning wounds at base with diameter of around 80mm. Epicormic growth at base and coming from wounds. Minor deadwood.	C	1, 2
T14	Apple	Malus domestica	Good	5	180	2.16	3	2	3	2	1	W	4	Semi-mature	Fair	Medium (20 to 40 years)	Historic pruning with wounds over 50mm diameter. Minor deadwood. Slight lean to north.	C	1, 2
T15	Apple	Malus domestica	Fair	3	178.89	2.15	2	2	3	2	1	E	2	Semi-mature	Fair	Medium (20 to 40 years)	Minor deadwood. Historic pruning wounds. Decay on sub stem to east at 1m with aperture of 50mm.	C	1, 2
T16	Common Hawthorn	Crataegus monogyna	Good	4	195.96	2.35	2	1	2	2	0	E	4	Semi-mature	Fair	Medium (20 to 40 years)	Adjacent to wall and road. Could cause damage to wall and is already starting to rest on the wall.	U	

T17	Apple	Malus domestica	Good	7	268.7	3.22	4	3	2	3	2	N	5	Mature	Good	Long (>40 years)	Historic pruning wounds. Epicormic growth around wounds. Crossing branches.	B	1, 2
T18	Apple	Malus domestica	Good	6	180	2.16	2	2	3	3	2	E	4	Mature	Good	Long (>40 years)	Historic pruning wounds. Small self-seeded elder growing at base.	B	1, 2
T19	Apple	Malus domestica	Good	2	100	1.2	1	1	1	1	1	N	1.5	Young	Good	Long (>40 years)	Crossing branches. Historic pruning cuts made.	C	1, 2
T20	Apple	Malus domestica	Good	3	100	1.2	1	2	1	1	1	S	2	Young	Fair	Long (>40 years)	Being encroached on by small self-seeded trees adjacent.	C	1, 2
T21	Plum	Prunus domestica	Good	7	220	2.64	3	4	4	3	2	E	5	Mature	Fair	Medium (20 to 40 years)	Adjacent to boundary wall and road. Inspection of base partially restricted by thick brambles and self-seeded specimens.	C	1, 2
T22	Black-thorn	Prunus spinosa	Good	6	183.71	2.2	2	2	2	2	1	NE	4	Early-mature	Fair	Medium (20 to 40 years)	Branches blocking view speed limit sign on adjacent road.	C	1, 2
T23	Apple	Malus domestica	Fair	7	279.11	3.35	4	4	3	3	1	S	6	Mature	Fair	Short (10 to 20 years)	Sapwood is exposed on sub stem to south of tree. Historic pruning cuts made. Multi stem union at 0.5m. Minor deadwood. Lesion on sub stem at 4m on East of tree towards the centre. Decay at base.	C	1, 2
T24	Apple	Malus domestica	Fair	7	240.83	2.89	4	4	3	2.5	0.5	S		Mature	Fair	Medium (20 to 40 years)	Compressive union at 0.5m. Historic pruning wounds. Minor deadwood.	B	1, 2
T25	Apple	Malus domestica	Fair	7	266.08	3.19	3	2.5	3	3	2	W	5	Mature	Good	Long (>40 years)	Multi stem union at 0.5m. Minor deadwood. Historic pruning. Peeling bark at 2m on sub stem.	B	1, 2
T26	Apple	Malus domestica	Good	4	140	1.68	2	2.5	1.5	1.2	1	E	3	Early-mature	Good	Long (>40 years)	Asymmetrical growth. Overall good condition.	B	1, 2
T27	Apple	Malus domestica	Fair	7	240	2.88	4	4	3.5	2	1.5	E	5.5	Mature	Good	Long (>40 years)	minor deadwood. slightly asymmetrical growth.	B	1, 2

T28	Apple	Malus domestica	Fair	5	140.71	1.69	2.5	2	2.5	3.5	1	S	4	Mature	Fair	Medium (20 to 40 years)	Epicormic growth present on some branches. Historic pruning cuts. Minor deadwood. Adjacent to telephone pole and neighbouring garden.	C	1, 2
T29	Apple	Malus domestica	Good	7	290.86	3.49	3.5	3	4	3	2	E	5	Mature	Fair	Long (>40 years)	Compressive union at 1.5m. Minor deadwood. Epicormic growth from wounds at base. Historic pruning wounds. Hogweed at base.	B	1, 2
T30	Common Holly	Ilex aquifolium	Fair	10	367.42	4.41	4	4	3	3	2	SE	8	Mature	Fair	Medium (20 to 40 years)	Located over boundary fence. Multi stem union at 1m. Rubbing branch from adjacent tree.	C	1
T31	Wych Elm	Ulmus glabra	Good	11	240	2.88	5	4	4	4	2	N	9	Early-mature	Good	Medium (20 to 40 years)	Adjacent to boundary wall. Overall good condition.	C	1
T32	Cherry Laurel	Prunus laurocerasus	Good	8	650.54	7.81	4	6	6	5	1	S	7	Mature	Fair	Medium (20 to 40 years)	Multi stem union at 1m with compressive unions. Located on other side of boundary fence. Low hanging branches over access.	C	1, 2

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Hedges Surveyed

Hedge ID	Common Name	Number of Stems	Lower Height Range [m]	Upper Height Range [m]	Lower Stem Diameter [mm]	Upper Stem Diameter [mm]	Height of Canopy Above Ground [m]	Hedge Width [m]	Life Stage	Condition	Estimated Remaining Contribution	Comments
1	Common beech	150	1.5	2.5	30	120	2.5	3	Mature	Good	Long (>40 years)	Well maintained hedge, in good condition. Runs along southern and western boundary.

Appendix 2 – Summary Reports



Tree Summary Report

July 27, 2023 |
Total Tree Count: 32

Apple Tree ID #1
6 Dingleton Road

Tree Details	
Latin Name:	Malus domestica
Tag Number:	2509
Stem Diameter [mm]:	297.83
Priority:	
Comments:	Pruning wounds at around 80mm in diameter. Asymmetrical crown. Adjacent to neighbouring property. Slight lean to north.
Recommendations:	

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

Tree Location	
Longitude:	-2.727406
Latitude:	55.589809

Photos Street View Map View



Wych Elm Tree ID #2

6 Dingleton Road

Tree Details

Latin Name: Ulmus glabra

Tag Number: Unobtainable

Stem Diameter [mm]: 244.95

Priority:

Comments: Self seeded elm
growing from hedge
on boundary.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727375

Latitude: 55.589780

[Photos](#) [Street View](#) [Map View](#)



Apple Tree ID #3
6 Dingleton Road

Tree Details	
Latin Name:	Malus domestica
Tag Number:	Unobtainable
Stem Diameter [mm]:	231.08
Priority:	
Comments:	Adjacent to road on the east side.
Recommendations:	

Tree Location	
Longitude:	-2.727332
Latitude:	55.589795

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

[Photos](#)
[Street View](#)
[Map View](#)



The photograph shows a lush green apple tree in the foreground, partially obscuring a road. The background features more trees and a cloudy sky. The ground is covered in tall grass and some weeds.

Plum Tree ID #4

6 Dingleton Road

Tree Details

Latin Name: Prunus domestica

Tag Number: 2508

Stem Diameter [mm]: 156.52

Priority:

Comments: Multi stem union at base. Snapped branch at 2m on south of tree.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727486

Latitude: 55.589897

Photos [Street View](#) [Map View](#)


Apple Tree ID #5
6 Dingleton Road

Tree Details	
Latin Name:	Malus domestica
Tag Number:	2507
Stem Diameter [mm]:	151.66
Priority:	
Comments:	Large pruning wound at 0.5m on North of tree with around 100mm diameter. Minor crown diaback. Crossing branches.
Recommendations:	

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

Tree Location	
Longitude:	-2.727589
Latitude:	55.589919

Photos Street View Map View



Apple Tree ID #6
6 Dingleton Road

Tree Details

Latin Name:	Malus domestica
Tag Number:	2506
Stem Diameter [mm]:	151.66
Priority:	
Comments:	Minor deadwood. Epicormic growth at base and going up some sub stems. Pruning wounds. Minor dieback in canopy.
Recommendations:	

Work to be Completed by

Surveyor:	Toby
Inspection Cycle:	

Tree Location

Longitude:	-2.727613
Latitude:	55.589990

Photos Street View Map View



Apple Tree ID #7

6 Dingleton Road

Tree Details

Latin Name: Malus domestica

Tag Number: 2505

Stem Diameter [mm]: 151.66

Priority:

Comments: Crossing branches. Decay at base with length of 15cm and width of 8cm. Pruning wounds.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727550

Latitude: 55.589970

[Photos](#) [Street View](#) [Map View](#)


Apple Tree ID #8
6 Dingleton Road

Tree Details	
Latin Name:	Malus domestica
Tag Number:	2504
Stem Diameter [mm]:	219.32
Priority:	
Comments:	Multi stem union at 0.5m. Large pruning wound at union with diameter of around 100mm. Minor deadwood.
Recommendations:	

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

Tree Location	
Longitude:	-2.727570
Latitude:	55.590021

Photos Street View Map View



Apple Tree ID #9

5 Dingleton Road

Tree Details

Latin Name: Malus domestica

Tag Number: 2503

Stem Diameter [mm]: 89.44

Priority:

Comments: Historic pruning wound at 0.5m with diameter of 60mm.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727569

Latitude: 55.590073

Photos [Street View](#) [Map View](#)

Apple Tree ID #10

6 Dingleton Road

Tree Details

Latin Name: Malus domestica

Tag Number: 2502

Stem Diameter [mm]: 134.54

Priority:

Comments: Historic pruning wound at 0.5m with diameter of 50mm.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727414

Latitude: 55.590020

Photos [Street View](#) [Map View](#)

Apple Tree ID #11
6 Dingleton Road

Tree Details	
Latin Name:	Malus domestica
Tag Number:	2501
Stem Diameter [mm]:	134.54
Priority:	
Comments:	Historic pruning wound at 0.5m with diameter of 100mm. Epicormic growth around wounds. Minor deadwood.
Recommendations:	

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

Tree Location	
Longitude:	-2.727492
Latitude:	55.590002

Photos Street View Map View



Apple Tree ID #12

6 Dingleton Road

Tree Details

Latin Name: Malus domestica

Tag Number: 1299

Stem Diameter [mm]: 220

Priority:

Comments:

Two large pruning wounds on East Side at 0.5m with diameter of around 100mm. Epicormic growth from wounds.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727423

Latitude: 55.589978

[Photos](#) [Street View](#) [Map View](#)


Apple Tree ID #13
6 Dingleton Road

Tree Details	
Latin Name:	Malus domestica
Tag Number:	1279
Stem Diameter [mm]:	160
Priority:	
Comments:	Multiple large pruning wounds at base with diameter of around 80mm. Epiroc growth at base and coming from wounds. Minor deadwood.
Recommendations:	

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

Tree Location	
Longitude:	-2.727416
Latitude:	55.589933

[Photos](#) [Street View](#) [Map View](#)



Apple Tree ID #14
6 Dingleton Road

Tree Details	
Latin Name:	Malus domestica
Tag Number:	1283
Stem Diameter [mm]:	180
Priority:	
Comments:	Historic pruning with wounds over 50mm diameter. Minor deadwood. Slight lean to north.
Recommendations:	

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

Tree Location	
Longitude:	-2.727406
Latitude:	55.589882

Photos Street View Map View



Apple Tree ID #15

6 Dingleton Road

Tree Details

Latin Name: Malus domestica

Tag Number: 1284

Stem Diameter [mm]: 178.89

Priority:

Comments: Minor deadwood. Historic pruning wounds. Decay on sub stem to east at 1m with aperture of 50mm.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727350

Latitude: 55.589907

Photos [Street View](#) [Map View](#)

Common Hawthorn Tree ID #16

6 Dingleton Road

Tree Details

Latin Name: Crataegus monogyna

Tag Number: Unobtainable

Stem Diameter [mm]: 195.96

Priority:

Comments: Adjacent to wall and road. Could cause damage to wall and is already starting to rest on the wall.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727197

Latitude: 55.589924

[Photos](#) [Street View](#) [Map View](#)


Apple Tree ID #17

6 Dingleton Road

Tree Details

Latin Name: Malus domestica

Tag Number: 2512

Stem Diameter [mm]: 268.7

Priority:

Comments: Historic pruning wounds. Epicorm growth around wounds. Crossing branches.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727269

Latitude: 55.589932

Photos [Street View](#) [Map View](#)

Apple Tree ID #18
6 Dingleton Road

Tree Details	
Latin Name:	Malus domestica
Tag Number:	2513
Stem Diameter [mm]:	180
Priority:	
Comments:	Historic pruning wounds. Small self seeded elder growing at base.
Recommendations:	

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

Tree Location	
Longitude:	-2.727351
Latitude:	55.589948

[Photos](#) [Street View](#) [Map View](#)



Apple Tree ID #19

6 Dingleton Road

Tree Details

Latin Name: Malus domestica

Tag Number: Unobtainable

Stem Diameter [mm]: 100

Priority:

Comments: Crossing branches.
Historic pruning cuts made.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727247

Latitude: 55.589998

Photos [Street View](#) [Map View](#)

Apple Tree ID #20

6 Dingleton Road

Tree Details

Latin Name: Malus domestica

Tag Number: Unobtainable

Stem Diameter [mm]: 100

Priority:

Comments: Being encroached on by small self seeded trees adjacent.

Recommendations: Remove self seeded specimens adjacent to this tree.

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727182

Latitude: 55.589979

Photos [Street View](#) [Map View](#)

Plum Tree ID #21
6 Dingleton Road

Tree Details	
Latin Name:	Prunus domestica
Tag Number:	Unobtainable
Stem Diameter [mm]:	220
Priority:	
Comments:	Adjacent to boundary wall and road. Inspection of base partially restricted by thick brambles and self seeded specimens.
Recommendations:	

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

Tree Location	
Longitude:	-2.727139
Latitude:	55.590036

[Photos](#)
[Street View](#)
[Map View](#)




Blackthorn Tree ID #22
6 Dingleton Road

Tree Details	
Latin Name:	Prunus spinosa
Tag Number:	Unobtainable
Stem Diameter [mm]:	183.71
Priority:	
Comments:	Branches blocking view speed limit sign on adjacent road.
Recommendations:	Prune branches back from the speed limit sign to create a 0.5m clearance.

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

Tree Location	
Longitude:	-2.727121
Latitude:	55.590002

[Photos](#)
[Street View](#)
[Map View](#)



Apple Tree ID #23

6 Dingleton Road

Tree Details

Latin Name: Malus domestica

Tag Number: 2800

Stem Diameter [mm]: 279.11

Priority:

Comments: Sapwood is exposed on sub stem to south of tree. Historic pruning cuts made. Multi stem union at 0.5m. Minor deadwood. Lesion on sub stem at 4m on East of tree towards thr centre. Decay at base.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727180

Latitude: 55.590039

[Photos](#) [Street View](#) [Map View](#)


Apple Tree ID #24
6 Dingleton Road

Tree Details	
Latin Name:	Malus domestica
Tag Number:	
Stem Diameter [mm]:	240.83
Priority:	
Comments:	Compressive union at 0.5m. Historic pruning wounds. Minor deadwood.
Recommendations:	

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

Tree Location	
Longitude:	-2.727253
Latitude:	55.590050

Photos Street View Map View



Apple Tree ID #25

6 Dingleton Road

Tree Details

Latin Name: Malus domestica

Tag Number: 2798

Stem Diameter [mm]: 266.08

Priority:

Comments: Multi stem union at 0.5m. Minor deadwood. Historic pruning. Peeling bark at 2m on sub stem.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727340

Latitude: 55.590081

Photos [Street View](#) [Map View](#)

Apple Tree ID #26
6 Dingleton Road

Tree Details	
Latin Name:	Malus domestica
Tag Number:	2797
Stem Diameter [mm]:	140
Priority:	
Comments:	Asymmetrical growth. Overall good condition.
Recommendations:	

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

Tree Location	
Longitude:	-2.727255
Latitude:	55.590098

Photos Street View Map View



Apple Tree ID #27

5 Dingleton Road

Tree Details

Latin Name: Malus domestica

Tag Number: 2796

Stem Diameter [mm]: 240

Priority:

Comments: minor deadwood.
slightly asymmetrical
growth.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727427

Latitude: 55.590100

Photos [Street View](#) [Map View](#)

Apple Tree ID #28
5 Dingleton Road

Tree Details	
Latin Name:	Malus domestica
Tag Number:	2795
Stem Diameter [mm]:	140.71
Priority:	
Comments:	Epicormic growth present on some branches. Historic pruning cuts. Minor deadwood. Adjacent to telephone pole and neighbouring garden.
Recommendations:	

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

Tree Location	
Longitude:	-2.727419
Latitude:	55.590152

[Photos](#) [Street View](#) [Map View](#)



Apple Tree ID #29

5 Dingleton Road

Tree Details

Latin Name: Malus domestica

Tag Number: 2794

Stem Diameter [mm]: 290.86

Priority:

Comments: Compressive union at 1.5m. Minor deadwood. Epicormic growth from wounds at base. Historic pruning wounds. Hogweed at base.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727489

Latitude: 55.590107

Photos [Street View](#) [Map View](#)

Common Holly Tree ID #30
5 Dingleton Road

Tree Details	
Latin Name:	Ilex aquifolium
Tag Number:	Unobtainable
Stem Diameter [mm]:	367.42
Priority:	
Comments:	Located over boundary fence. Multi stem union at 1m. Rubbing branch from adjacent tree.
Recommendations:	

Work to be Completed by	
Surveyor:	Toby
Inspection Cycle:	

Tree Location	
Longitude:	-2.727513
Latitude:	55.590175

Photos Street View Map View



Wych Elm Tree ID #31

5 Dingleton Road

Tree Details

Latin Name: Ulmus glabra

Tag Number: 2793

Stem Diameter [mm]: 240

Priority:

Comments: Adjacent to boundary wall. Overall good condition.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727461

Latitude: 55.590183

Photos [Street View](#) [Map View](#)

Cherry Laurel Tree ID #32

5 Dingleton Road

Tree Details

Latin Name: Prunus laurocerasus

Tag Number: Unobtainable

Stem Diameter [mm]: 650.54

Priority:

Comments: Multi stem union at 1m with compressive unions. Located on other side of boundary fence. Low hanging branches over access.

Recommendations:

Work to be Completed by

Surveyor: Toby

Inspection Cycle:

Tree Location

Longitude: -2.727558

Latitude: 55.590163

Photos [Street View](#) [Map View](#)



Hedges Summary Report

September 7, 2023 |
Total Hedges Count: 1

Hedge ID #1**Hedge Details**

Common Name: Common beech

Life Stage: Mature

Condition: Good

Hedge Width [m]: 3

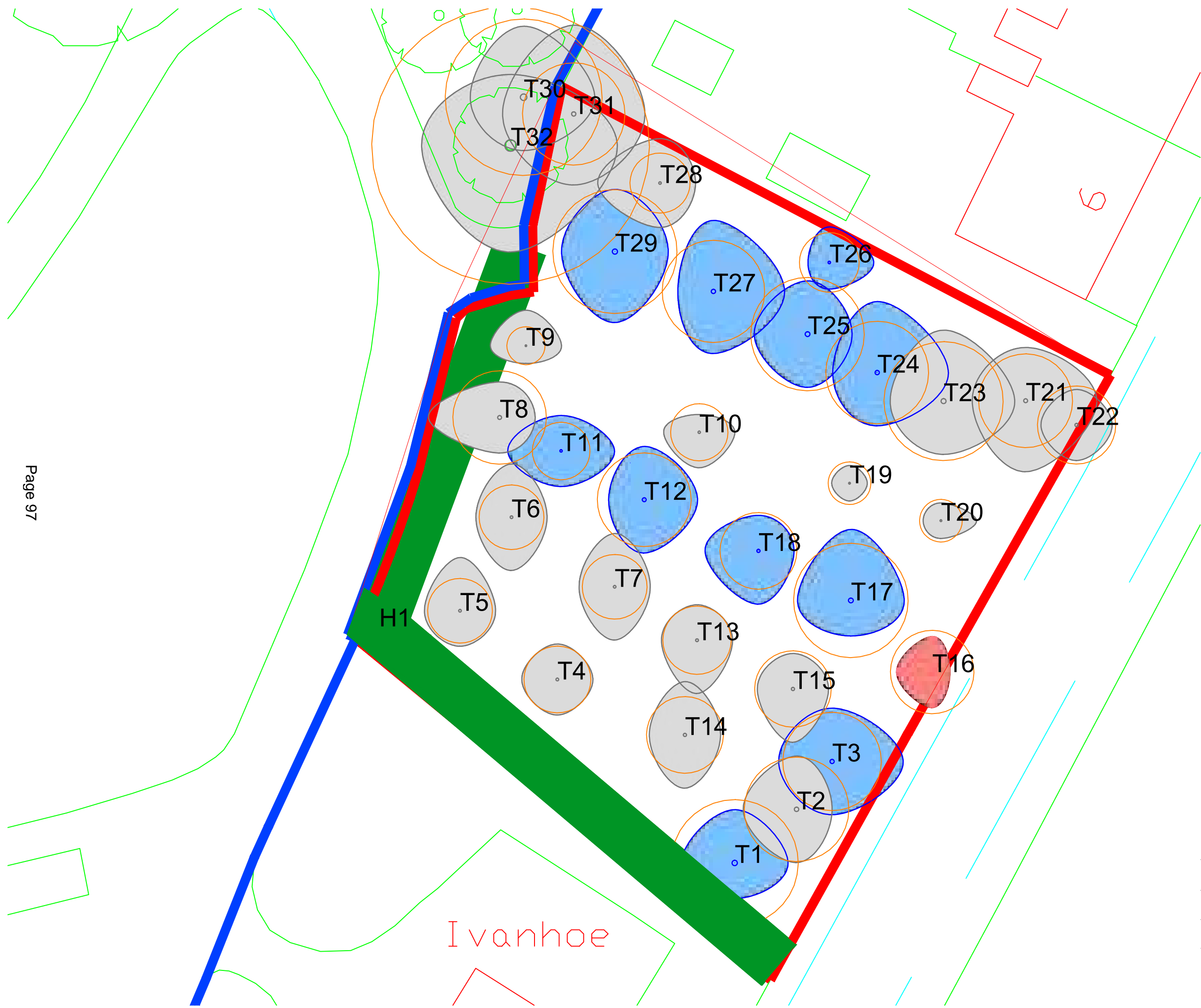
Estimated Remaining Contribution: Long (>40 years)

Recommendations:

Comments: Well maintained hedge, in good condition.

Photos Street View Map View

Appendix 3 - Drawings



KEY

- T1/G1/W1 Trees
- Root Protection Area (RPA)
- Site Boundary

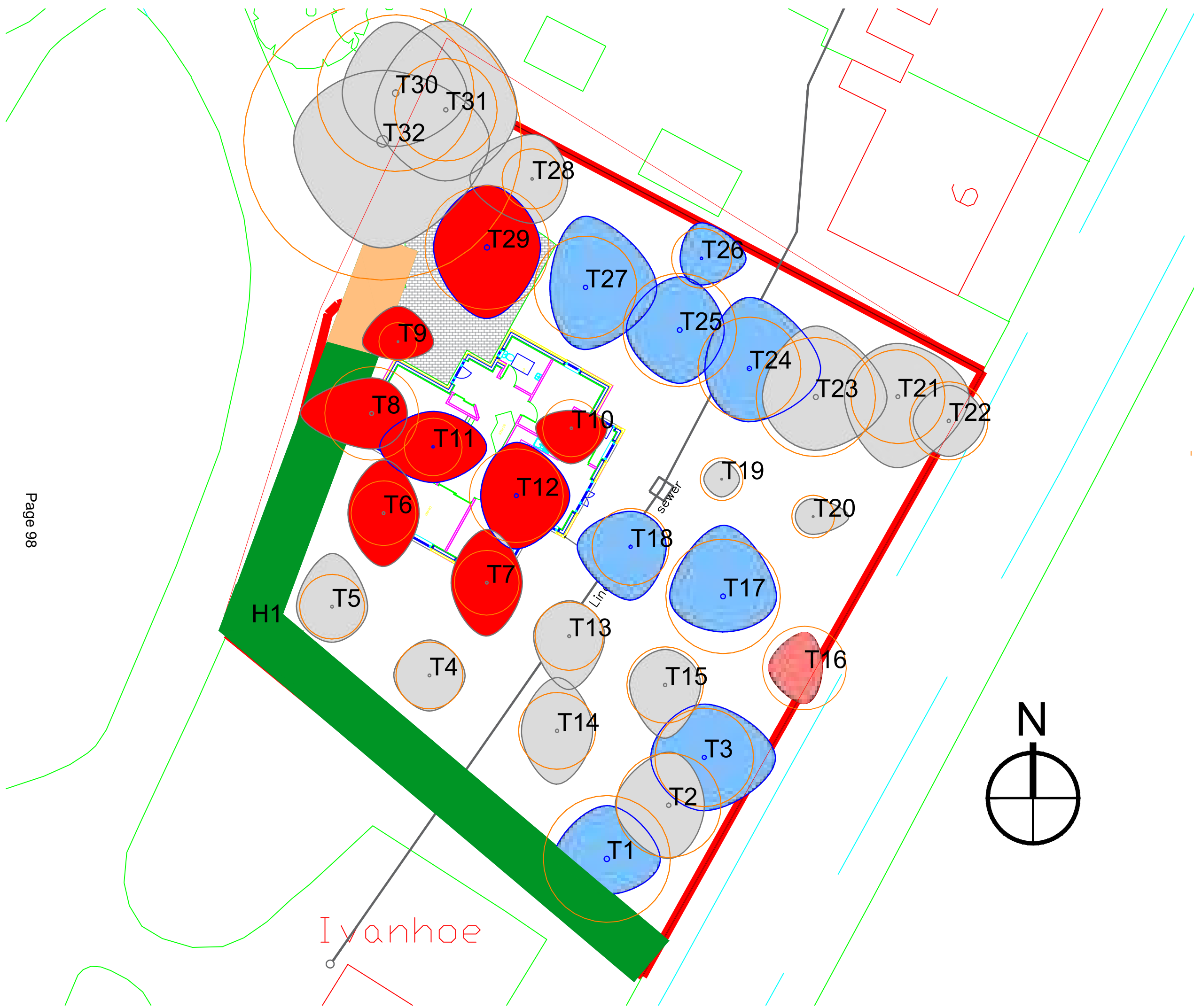
Tree Quality Categorisation
(Based on BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations)

- Category A (High quality)
- Category B (Moderate quality)
- Category C (Low quality)
- Category U (Unsuitable for retention)
- Hedgerow (Not categorised)

Please see the Arboricultural Survey Data in the Appendices 1 - Data Tables and 2 - Summary Reports



Site Dingleton		
Title Drawing 1: Tree Constraints		
Drawing No. 230929001	Scale 1:200@ A3	Date 29/09/2023
Drawn PMR	Checked PCL	Approved PMR



KEY

- T1/G1/W1 Trees
- Root Protection Area (RPA)
- Site Boundary

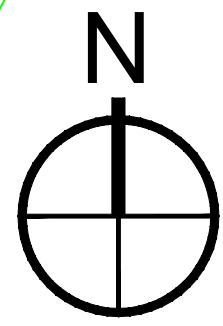
Trees and hedgerow to be retained

- Category A (High quality)
- Category B (Moderate quality)
- Category C (Low quality)
- Category U (May be retained for habitat value)
- Hedgerow (Not categorised)

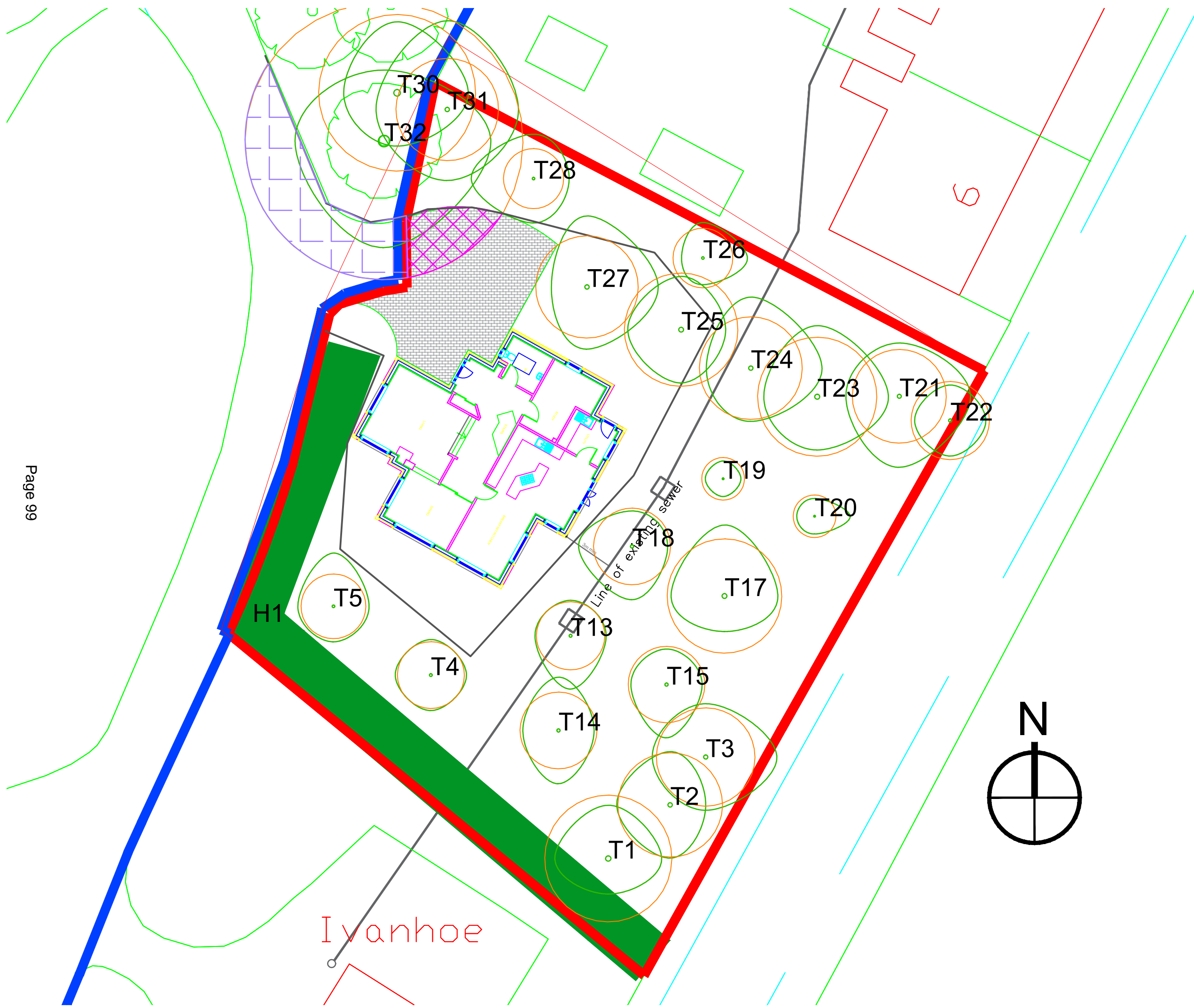
Trees and hedgerow proposed works

- Trees to be removed
- Trees to be pruned
- Hedgerow to be removed

Please see the Arboricultural Survey Data in the Appendices 1 - Data Tables and 2 - Summary Reports



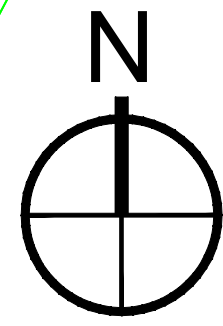
Site Dingleton		
Title Drawing 2: Recommended Tree Works		
Drawing No. 230929002	Scale 1:200@ A3	Date 29/09/2023
Drawn PMR	Checked PCL	Approved PMR



KEY
[This drawing must be reproduced in colour]

- T1/G1/W1 Retained trees
- H1 Retained hedgerow
- Root Protection Area (RPA)
- Site Boundary
- Tree Protective Fencing (c. 81m)
(Must be installed prior to commencement of works)
- Ground protection (c. 44m²)
(Must be installed prior to commencement of works)
- Special Mitigation
(Requires Arboricultural Method Statement)

Ivanhoe



Site Dingleton		
Title Drawing 3: Tree Protection Plan		
Drawing No. 230929003	Scale 1:200@ A3	Date 29/09/2023
Drawn PMR	Checked PCL	Approved PMR

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Arboricultural Method Statement and Tree Protection Plan

For Dingleton

September 2023

By Patrick Rechberger

Change log

Date	Comments
07/09/2023	Original, 1 st version
29/09/2023	Change of design: Garage removed, 2 more trees retained

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Summary

This Arboricultural Method Statement (AMS) with the Tree Protection Plan (TPP) has been created to support the Arboricultural Impact Assessment (AIA) for Land North Of Ivanhoe, Dingleton Road, Melrose, Scottish Borders and must be read in conjunction with the document '[Dingleton_AIA_Full](#)'.

The initial survey was conducted on 26th July 2023 by Toby Wingham, suitably qualified Arboriculturist on behalf of TD Trees. The findings of this survey are summarised in the document '[Dingleton_AIA_Full](#)'.

Tree Protection Plan

The Tree Protection Plan as outlined in this document will be followed, any alterations will need the approval of the appointed Arboriculturist and the LPA.

Sequence of Events

Events to be agreed at a pre-commencement meeting; these recommended events may be subject to change. Any change to this sequence that may directly or indirectly impact the retained trees must be approved by the appointed arboriculturist.

Pre-development Stage

- Ecological impact assessments are undertaken to ensure no protected species or habitat is affected by tree removal, specifically bat activity surveys and nesting bird surveys 48h before removal and other tree works.
- Removal of trees in conflict with the design as per the Arboricultural Impact Assessment (AIA).
- Tree protection measures installed to protect retained trees (protective fencing, ground protection) as per Tree Protection Plan (TPP).
- Site to be inspected by the appointed arboriculturist and works approved in writing.

Development Stage

- This stage is subject to site monitoring visits by the appointed arboriculturist at intervals as agreed at the pre-commencement site meeting. These visits are to ensure that the agreed protection measures are functional and correctly achieving their purpose.
- The appointed arboriculturist will act under the authority of the Site Manager and, under that authority, can request cessation and or alternative working methods.
- Site is accessible to construction traffic.

- Arboricultural supervision is to be conducted at all crucial stages throughout the development process to ensure detailed tasks are conducted as per the approved methodology and at any incursion into RPA for whatever reason.
- This supervision will require the arboriculturist to be present throughout the tasks, to ensure all the Arboricultural objectives are met.
- Supervision may be reduced to telephone contact between the site Project Manager and the arboriculturist by mutual agreement.
- The Local Planning Authority (LPA) arboriculturist will have access to the site and pass any recommendations direct to the developer's arboriculturist.
- Any alterations to the protective fencing should be approved in writing by the developer's arboriculturist and communicated to the LPA arboriculturist.

Post-development Stage

- Removal of protective fencing as agreed by the appointed arboriculturist.
- Landscape operatives to be briefed by appointed arboriculturist.
- Regular annual condition surveys will be commissioned to ensure that retained tree has not been adversely affected by the process outlined in the tree protection plan for a period of 3 years.

Root Protection Areas (RPAs)

The RPAs detailed in the maps of this document are designed to protect at least a functional minimum of tree root mass to ensure that the trees survive the construction process.

The RPAs of the retained tree must be protected via protective fencing as detailed below, being erected and in place prior to construction plant entering site.

It is the responsibility of everyone engaged in the construction process to respect the tree protection measures and observe the necessary precautions within and adjacent to them.

Restrictions within Tree Protection Areas

The exclusion area of the protective fencing follows the drawing in the Tree Protection Plan within this document in [Drawing 3 – A3 Tree Protection in Appendix 1](#). Within this fenced zone the following applies:

- No mechanical excavation without Arboricultural site supervision
- No excavation by any other means without Arboricultural site supervision
- No hand digging without a written method statement having first been approved in writing by the developer's arboriculturist

- No ground level changes
- No storage of plant or materials
- No storage or handling of any chemicals
- No vehicular access

Avoiding Crown and Stem Damage

Under no circumstances shall construction personnel undertake any tree pruning operations.

Great care must be exercised when working close to retained trees. Plant and machinery with booms should be controlled by a banksman to maintain adequate clearance.

The necessary tree works outlined below will be reviewed by the appointed arboriculturist and approved by the LPA Arboriculturist in writing.

Tree Works

- To facilitate the proposed development, eleven trees require removal and one hedgerow requires partial removal. Please refer to [Table 1 – Tree removals](#) in the document [Dingleton_AIA_Full, TD Trees 2023](#) for guidance on these removals.
- All removals and site clearance should be undertaken outside of the nesting season to reduce the ecological impact. If this can't be avoided, the site will be surveyed for nesting birds 48h before any tree works commence. This can be commissioned by TD Tree and Land Services Ltd.
- All tree work operations must be in accordance with BS 3998: 2010 Tree Work Recommendations.
- This work is to be conducted by a suitably qualified Tree Surgeon (ideally chosen from the Arboricultural Association's Approved Contractors list). Proof of experience and insurance provisions will be required.
- All tree works will follow the recommendations and instruction of the Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS), and Tree Protection Plan (TPP).
- All operations shall be carefully conducted to avoid damage to the trees being retained.
- No trees to be retained will be used for anchorage or winching purposes.

Tree Protective Fencing

The protective fencing will be erected before any materials or machinery are brought onto site and before any development commences. Clear instructions of the installation are in [Appendix 2](#).

Once the construction exclusion zone has been protected by the barriers, construction can commence. Signs will be fixed to the fencing panels with the words: “Construction Exclusion Zone – No Access” or similar, a suitable template for this is found in [Appendix 2](#).

Excavations within the RPA

For all excavations within root protection areas required, the following applies:

- The appointed Arboriculturist will be on site to supervise any excavations within Root Protection Areas (RPAs).
- The marked area (see Tree Protection Plan) will be excavated by hand. Air spading, if employed by appropriately trained personnel, is a viable alternative for this task.
- Manually break up and remove debris from the RPA using appropriate tools (e.g., pneumatic breaker, crowbar, sledgehammer, pick, shovel, spade, trowel, fork).
- Remove debris from the RPA without disturbing the adjacent rooting environment, e.g., lifting out with a machine located outside the RPA or manually carry out over ground protection.
- Any small roots with a diameter <25mm damaged, will be pruned back using handsaw or bypass secateurs.
- Any roots larger than 25mm will not be moved without consultation of the appointed Arboricultural Consultant.
- The use of machines with long reach may be appropriate in areas where they can work from outside RPAs, or from protected areas within RPAs without encroaching onto unprotected soil. (see Appendices Removal of Hard Standing)
- Where appropriate, leave below ground structures in place if their removal will cause excessive RPA disturbance.

Temporary Ground Protection

Construction related traffic will require access to the RPA of retained trees along the entrance road.

- Where the existing road will not be re-furbished, the existing hard standing is sufficient for foot-fall and small plant and machinery up to 2t.
- Should HGVs require access, the existing road will be enforced with suitable interlinked ground protection mats, eg. of the type ‘MultiTrack’ by Ground Guards Ltd.

Construction within the RPA

The access road and entrance to the site, encroaching into the RPA of retained trees will be formed with geo-cellular confinement system.

- A geo-cellular confinement system will be installed, to minimise the risk of compaction of the soil within the RPAs. For detailed instructions, see [Appendix 4](#).

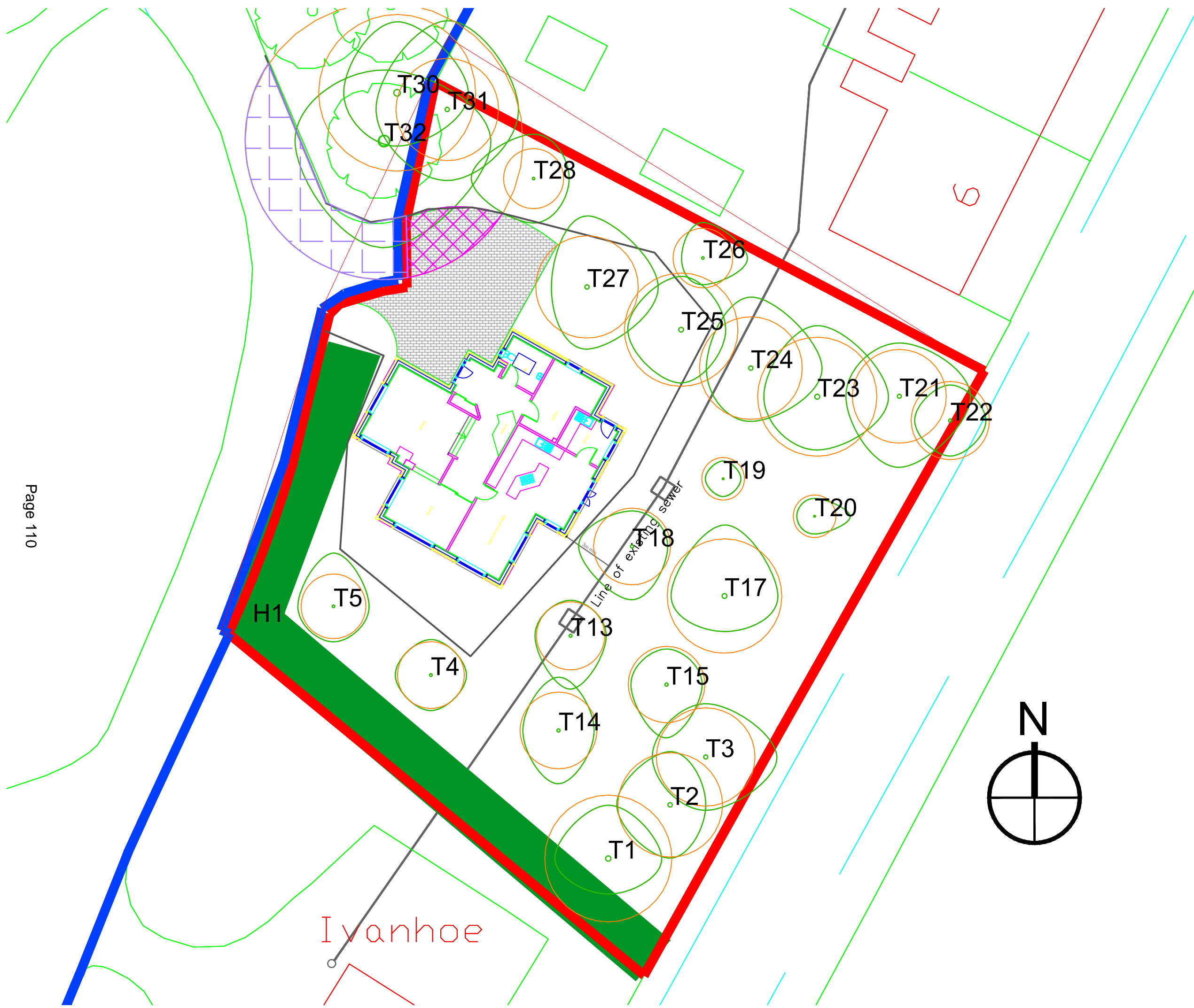
Appendices

Appendix 1 – Tree Protection Plan

Appendix 2 – Tree Protective Fencing

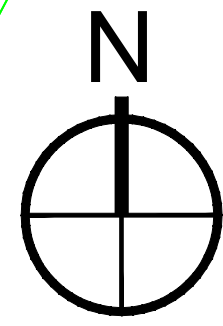
Appendix 3 – Cellular Confinement Ground Protection

Appendix 1 – Tree Protection Plan



KEY
[This drawing must be reproduced in colour]

- T1/G1/W1 Retained trees
- H1 Retained hedgerow
- Root Protection Area (RPA)
- Site Boundary
- Tree Protective Fencing (c. 81m)
(Must be installed prior to commencement of works)
- Ground protection (c. 44m²)
(Must be installed prior to commencement of works)
- Special Mitigation
(Requires Arboricultural Method Statement)



Ivanhoe

Site Dingleton		
Title Drawing 3: Tree Protection Plan		
Drawing No. 230929003	Scale 1:200@ A3	Date 29/09/2023
Drawn PMR	Checked PCL	Approved PMR

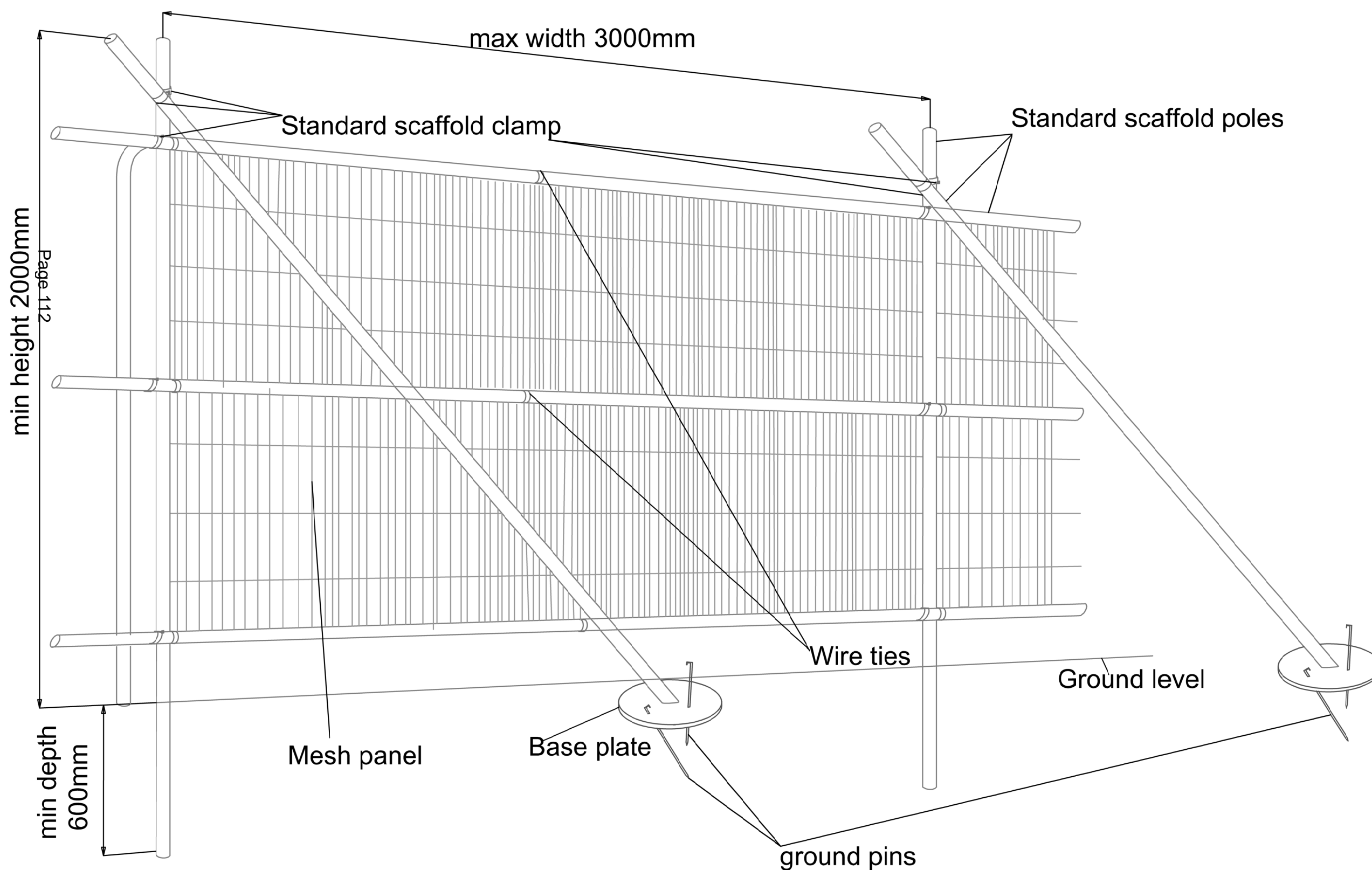
Appendix 2 – Tree Protective Fencing

Arboricultural Method statement protective tree fencing



General conditions

The Tree Protection Plan (Appendix 3) will be followed, any alterations will need the approval of the appointed Arboriculturalist and the LPA. Under no circumstances shall construction personnel undertake any tree pruning operations. Great care must be exercised when working close to retained trees. Plant and machinery with booms should be controlled by a banksman to maintain adequate clearance. All removals and site clearance should be undertaken outside of the nesting season to reduce the ecological impact. All tree work operations must be in accordance with BS 3998: 2010 Tree Work Recommendations. This work is to be conducted by a suitably qualified Tree Surgeon (ideally chosen from the Arboricultural Association's Approved Contractors list). The protective fencing will be erected before any materials or machinery are brought onto site and before any development commences. Once erected these barriers will be regarded as permanent and will not be removed or altered without prior agreement of the appointed arboriculturist and written approval of the LPA. Tree protective fencing will be fit for the purpose of excluding construction activity. Regular checks must be made of the fencing to ensure its stability and structure. Scheduled site visits of the appointed arboriculturist or the LPA will record these checks. Once the construction exclusion zone has been protected by the barriers, construction can commence. Signs should be fixed to the fencing panels with the words: "Construction Exclusion Zone – No Access" or similar.



The tree protective fencing consists of a vertical and horizontal, reinforced scaffold framework and heavy gauge 2 m tall, galvanized tube and welded mesh infill panels.

Installation

- Secure the framework well with standard scaffold clamps.
- Drive the verticals securely into the ground to a minimum depth of 600mm. Proceed with care when locating the vertical poles to avoid underground services and contact with structural roots. The interval between the vertical tubes will be no wider than 3 m.
- Support the framework with stabilizer struts on the inside. These will be attached to a base plate secured with ground pins.
- Fix the welded mesh panels securely onto the framework, using wire ties and standard scaffolding clamps, as suitable.



No access
for unauthorised
persons

ATTENTION

TREE PROTECTION AREA

KEEP OUT



No access for
forklifts or other
industrial vehicles

THIS IS A CONSTRUCTION EXCLUSIVE
ZONE

NO ACCESS PERMITTED

NO STORAGE WITHIN THIS AREA

DO NOT MOVE OR DAMAGE THIS
PROTECTIVE FENCING

FOR ACCESS TO THE TREE PROTECTION
AREA, ASK SITE MANAGER TO CONTACT A
QUALIFIED ARBORICULTURAL
CONSULTANT



Appendix 3 – Cellular Confinement Ground Protection



Title

Arboricultural Method Statement for ground protection

General Terms

The ground protection as set out in this method statement is suitable for cars, vans, 4-wheel drive etc. up to approx. 7t. No HGV shall drive onto this ground protection.

Under no circumstances shall construction personnel undertake any tree pruning operations.

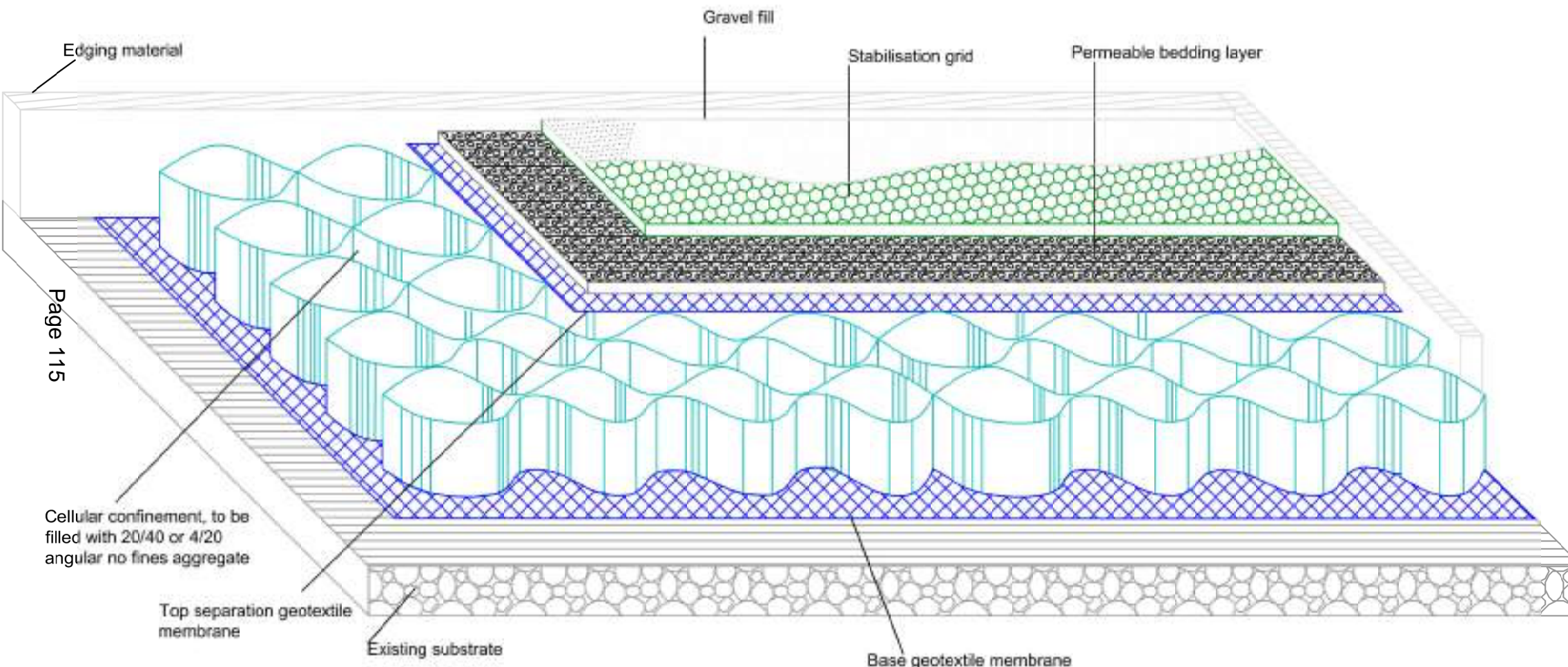
Plant and machinery with booms should be controlled by a banksman to maintain adequate clearance to trees.

No digging works of any kind within the RPA will take place without supervision of the LPA and/or the appointed Arboriculturist.

It is recommended that surrounding trees are reinspected annually by a suitably qualified arboriculturist. These re-inspections may take place up to 8 years after construction works have finished.

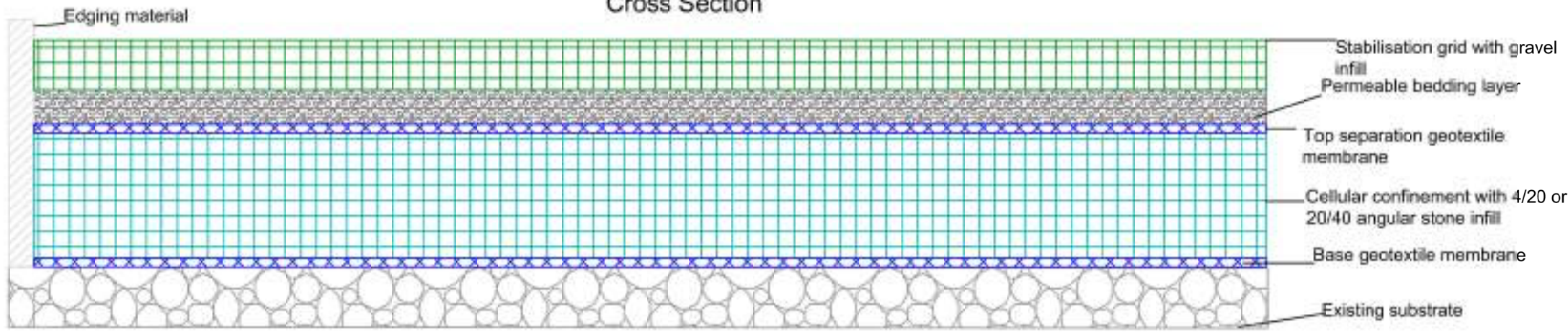
Installation of ground protection

- Carefully remove the surface vegetation.
- Any hollows within the installation zone will be filled with no fines 4/40 clean angular stone.
- Place geotextile membrane (300g/m²) over the installation zones. If several sections are needed, overlap them by a minimum of 300mm.
- Secure the membrane with pins (e.g., steel staking pins) every 500mm along the edging. These pins are ideally 3 times the height of the cellular confinement)
- Place the cellular confinement (100mm depth for cars and vans) on top of the membrane, securing it with the same pins. Where necessary, the cellular confinement can be cut or clipped together.
- Fill the cells of the confinement system with clean, no fines angular stone 20/40 or 4/20. If excavators are used to fill in the aggregate, these will be positioned outside the root protection area. Once the first cells have been filled, the excavator may drive on to these to continue introducing the infill. Drop height is limited to below 1000mm. Ensure all cells are filled even across the whole width before allowing vehicles onto the surface. To allow the stones to settle in the cells, overfill by approximately 25mm.
- Apply light vibrant compaction to help the aggregate settle in the cells.
- Place suitable edging (e.g., kerbstones on top of cellular confinement edges: the edges of the confinement system may in this case be filled with concrete)
- Place a second membrane (100-300g/m²). If several sections are needed, overlap them by a minimum of 300mm.
- Place a 20mm high permeable bedding layer of 2-6mm agricultural grit. Slightly compact by foot, tramping lightly.
- Lay top stabilisation grid (e.g. Core Commercial pavers) and fill with 6-10mm of decorative stone.



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Cross Section

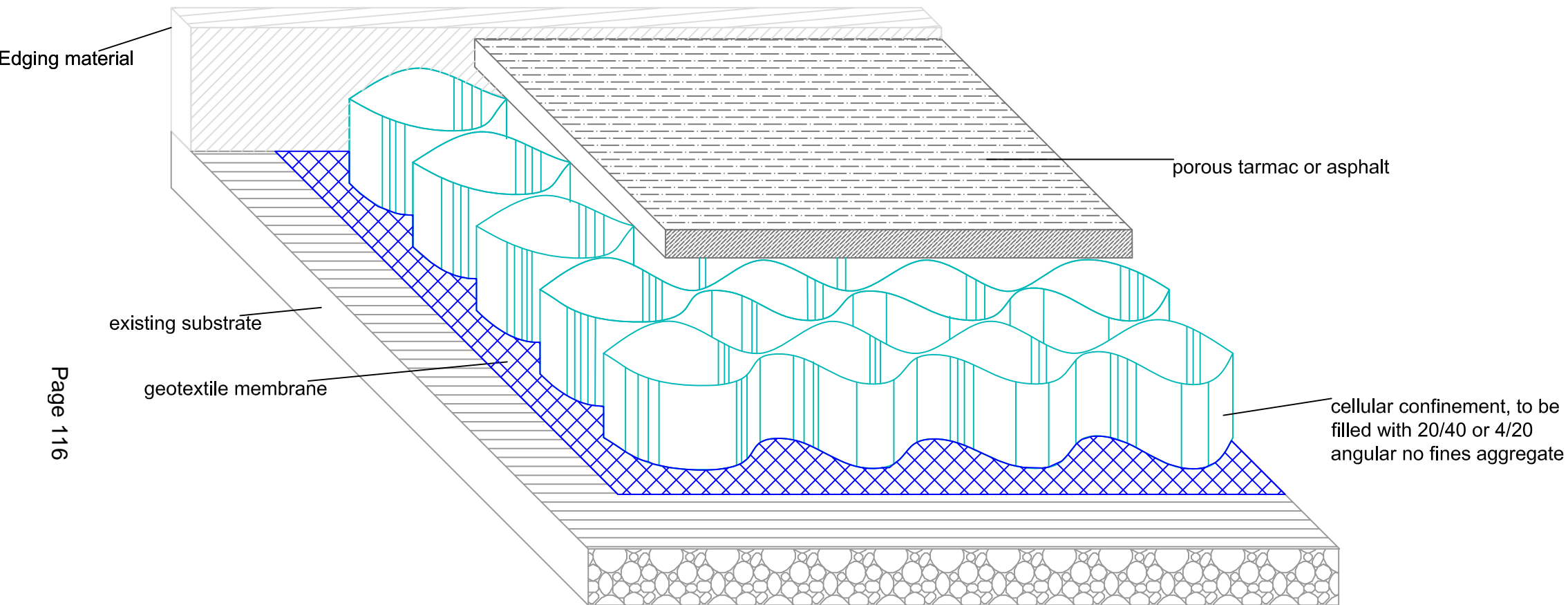


Title Arboricultural method statement for cellular confinement system

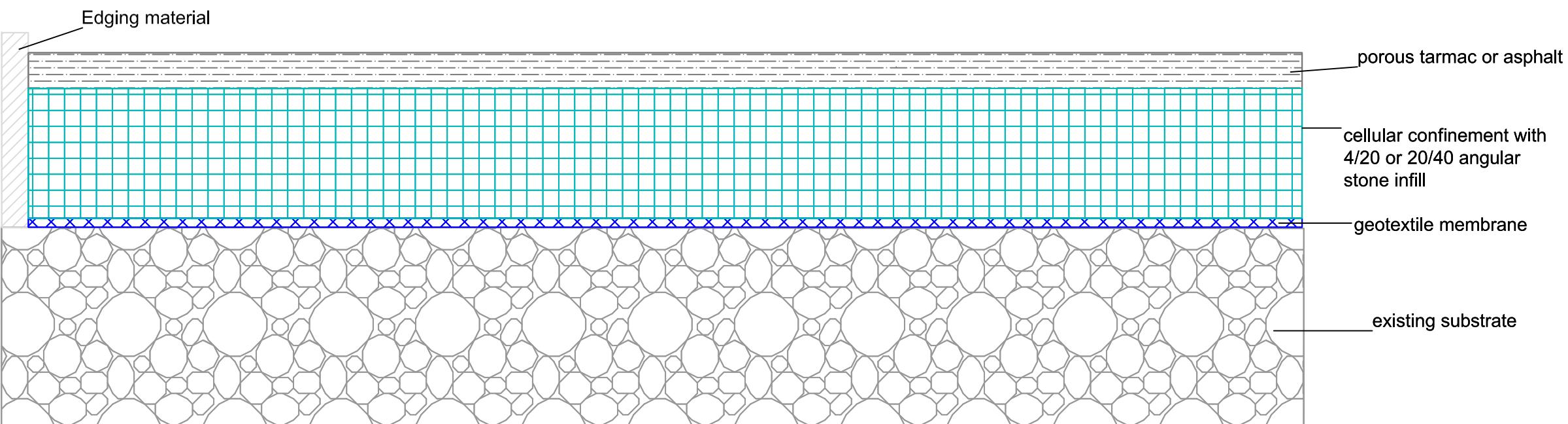


General Terms

The ground protection as set out in this method statement is suitable for cars, vans, 4-wheel drive etc. up to approx. 7t. No HGV shall drive onto these ground protections.
 Under no circumstances shall construction personnel undertake any tree pruning operations.
 Plant and machinery with booms should be controlled by a banksman to maintain adequate clearance to trees.
 No digging works of any kind within the RPA will take place without supervision of the LPA and/or the appointed Arboriculturist.
 It is recommended that surrounding trees are reinspected annually by a suitably qualified arboriculturist. These re-inspections may take place up to 8 years after construction works have finished.



Page 116



Cross Section

Installation of ground protection

- Carefully remove all debris and areas of hard surfacing and reduce site levels by max. 5cm to meet final levels.
- Any hollows within the installation zone will be filled with no fines 4/40 clean angular stone.
- Place geotextile membrane (300g/m²) over the installation zones. If several sections are needed, overlap them by a minimum of 300mm.
- Secure the membrane with pins (e.g., steel staking pins) every 500mm along the edging. These pins are ideally 3 times the height of the cellular confinement)
- Place the cellular confinement (100mm depth for cars and vans) on top of the membrane, securing it with the same pins. Where necessary, the cellular confinement can be cut or clipped together.
- Fill the cells of the confinement system with clean, no fines angular stone 20/40 or 4/20. If excavators are used to fill in the aggregate, these will be positioned outside the root protection area. Once the first cells have been filled, the excavator may drive on to these to continue introducing the infill. Drop height is limited to below 1000mm. Ensure all cells are filled even across the whole width before allowing vehicles onto the surface. To allow the stones to settle in the cells, overfill by approximately 25mm.
- Apply light vibrant compaction to help the aggregate settle in the cells.
- Place suitable edging (e.g., kerbstones on top of cellular confinement system may in this case be filled with concrete)
- Place suitable porous asphalt wearing course to engineer's specification on top.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00492/PPP
APPLICANT : Rivertree Residential Ltd
AGENT : Aitken Turnbull (Edinburgh)
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land North Of Ivanhoe
Dingleton Road
Melrose
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
(-L)000	Location Plan	Refused
(-L)001 A	Existing Site Plan	Refused

NUMBER OF REPRESENTATIONS: 7

SUMMARY OF REPRESENTATIONS:

Seven representations have been received objecting to the proposal (four within the statutory advertisement and neighbour notification periods) and raising the following issues:

o The proposal would remove a valued amenity for the residents of Dingleton and the surrounding neighbourhood, who enjoy the orchard and its fruit, although their upkeep has been neglected by the landowner. The trees are old varieties and many orchards have already been lost in the Borders, to the detriment of the environment and wildlife.

o The orchard can clearly be seen from the Eildons, within the National Scenic Area, and building on this site would be to the detriment of that.

o The loss of this valued amenity seems a disproportionate loss for the gain of one home, particularly when plans are underway to build many homes further up the road and the proposal will not meet the demands for affordable housing.

o The site is described as scrubland but is a productive orchard, formerly for the hospital. Trees are to be removed; several of those are heritage species dating from the creation of the orchard in the early 1870s. Those losses are to be mitigated by the introduction to the site of eight new native fruit trees of various sizes. It must be a condition of approval that those replacements are approved by the Planning and Landscape Officers.

- o Rivertree's original sales prospectus for the 110 Dingleton and Glentress Apartments promoted the orchard as a significant mutual social amenity for the new residents. The trees may in future be out of bounds but their visual amenity must continue to be a collective asset.
- o A survey by NatureScot recorded that the Borders region had lost a third of its established orchards since the 1950s. To sacrifice so much of a surviving one in order to build a single house would be a scandalous additional loss.
- o The orchard is part of the Tree Protection Area covering the old hospital, yet this proposed development seeks to remove most of the orchard trees. Trees are seen as increasingly important, especially among buildings, for their contribution to visual amenity, air quality, ecological diversity, wind tunnel amelioration, water soakaway and flood amelioration and land stability.
- o As an old site, the trees will be linked by a mature mycorrhizal network (a localised 'wood wide web'), which will be damaged, as well as severed and excised in large part, by the construction and future existence of the proposed house, leaving the remaining trees in a compromised and possibly irrecoverable condition. Replacement trees are never a substitute for old, removed trees. The construction operation will cause damage to the trees on the site, as well as introducing continuing stress.
- o This site is a sensitive location, among old stone buildings and behind an old stone wall. It is within the National Scenic Area, visible from the Eildons, from the golf course, and from busy Dingleton Road.
- o The site contains the compost bin for residents.
- o Properties immediately adjacent to the proposed site are traditionally stone built and their design is sympathetic to the locality and complementary to each other. The proposed new property will not blend into its environs and will have a detrimental impact on the appearance of this sensitive area that is frequented by visitors to Melrose as they approach the Eildons.
- o This is the third application for the site to include no description or illustration of the design, materials or size of the proposed house. All immediately neighbouring buildings are in uniform stone. Since reproduction of that design would be impractical today, assurance is needed that the proposal would relate to location and scale. Any design similar to the vernacular pastiche of the adjacent Trimontium Heights by the same developer would be an unacceptable intrusion into the consistent visual amenity of the area. Unless there is significant sensitivity in design and building materials, the visual impact on tourists and recreational walkers of the proposed large house standing within it will be damaging to the image of Melrose and the Central Borders.
- o The only access is via the unmarked existing pedestrian access from the un-named lane running along the western boundary of the site. A 150 year old beech hedge, carefully maintained, prevents access at any other point. The hedge should not be removed to provide access.
- o The proposed access road is not suitable for regular vehicle use. It is narrow and in frequent use by walkers. High hedges and bends make it unsafe for pedestrians if vehicle use increases and would pose a safety risk from construction vehicles.
- o A 2 m section of the stone wall at the eastern edge of the site collapsed several years ago and has been filled by wooden planks. This must be sympathetically restored in any future development of the site on the grounds of amenity and safety.
- o Loss of residential amenities.
- o A dotted red line on the main Site Plan delineates the line of a domestic sewer originating at Ivanhoe, passing through the whole site and continuing north past the rear of Dingleton Cottages. The submission shows it connected by a short spur to the rear of the proposed house.
- o Loss of habitat, flora and fauna.

CONSULTATIONS:

Community Council: No observations.

Scottish Water: No objections. There is currently sufficient capacity in the Howden Water Treatment Works to service the development. However, further investigations may be required to be carried out once a formal application has been submitted to them.

This proposed development will be serviced by Melrose Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow them to fully appraise the proposals they suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water.

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

Landscape Architect: No response.

Education and Lifelong Learning: No response.

Roads Planning Service: Roads Planning Service has previously supported development on this site. I note that some concern has been raised regarding vehicles using the internal roads of the former hospital, however there is an existing dwelling which uses the current roads and there is an option for routes the occupants could use to access Dingleton Road.

Archaeology Officer: The site is crossed by a historic routeway that thought to be a Medieval in date (Canmore ID 343288) which has been mapped from much later Ordnance Survey first edition mapping surveyed in 1859 and published in 1861. This is identified as of local significance. In the first edition mapping the ground is shown as generally open, though with further tracks across it. It is the Ordnance Survey second edition mapping surveyed in 1897 and published in 1898 that shows the development of the Roxburgh, Berwick and Selkirk District Asylum (Canmore ID 100238) in the intervening time.

This remains a major historical site in the area. In addition to the main wards, the adjacent properties now known as Ivanhoe and Dingleton Cottages are identified as staff accommodation. Some of the asylum buildings are Listed Buildings and also appear as separate entries in the HER.

The Ordnance Survey third edition shows the site as an orchard and the walling is part of the asylum's arrangements.

The site of the house proposed is in open ground of the asylum's grounds, orchards and planting being typical of Post Medieval and Modern asylum and hospital arrangements.

There are a number of finds from the general area, but their findspots have not been exactly located to say if they would be impacted by this application.

Remains of the trackway are unlikely to be encountered as any below-ground evidence of finds, features and/or deposits, with the house proposed off what is thought the line that crosses the plot. The loss of the orchard, however, would be a loss of a historic environment feature and part of the gradual attrition of the historic environment.

Therefore whilst no archaeological conditions are recommended to this development, it is suggested an informative is used to cover the possibilities of finds, features and/or deposits of archaeological interest being encountered.

APPLICANT'S SUPPORTING INFORMATION:

- o Bat Roost and Breeding Bird Survey
- o Preliminary Ecological Appraisal
- o Arboricultural Impact Assessment
- o Arboricultural Method Statement and Tree Protection Plan

- o Supporting Statement

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises
Policy 2: Climate Mitigation and Adaptation
Policy 3: Biodiversity
Policy 4: Natural Places
Policy 6: Forestry, Woodland and Trees
Policy 7: Historic Assets and Places
Policy 14: Design, Quality and Place
Policy 15: Local Living and 20 Minute Neighbourhoods
Policy 16: Quality Homes

Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
PMD3: Land Use Allocations
PMD5: Infill development
HD3: Protection of Residential Amenity
EP1: International Nature Conservation Sites and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3: Local Biodiversity
EP4: National Scenic Areas
EP7: Listed Buildings
EP8: Archaeology
EP10: Gardens and Designed Landscape
EP13: Trees, Woodland 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

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development updated October 2020
Biodiversity 2005
Development Contributions updated April 2023
Sustainable Urban Drainage Systems August 2020

Recommendation by - Julie Hayward (Lead Planning Officer) on 26th October 2023

Site and Proposal

The site is situated on the south eastern edge of Melrose, within the National Scenic Area and the Council designated Dingleton Designed Landscape. The trees are protected by a Tree Preservation Order.

The application seeks Planning Permission in Principle for the erection of a dwellinghouse on an area of land that is a well-established orchard behind a stone wall on the Dingleton Road boundary. There is a terrace of cottages to the north east (Dingleton Cottages), a detached dwellinghouse to the south west (Ivanhoe), the former Dingleton Hospital (converted to residential) is to the west and the golf course is to the east.

The indicative site plan shows that the dwellinghouse would be sited on the western portion of the site. Access would be from the existing road serving Dingleton apartments to the rear.

The existing site plan indicates that there are 29 trees within the site and 3 within and overhanging the north eastern corner (apple, plum, hawthorn and blackthorn). The indicative site plan shows 9 trees would be felled to accommodate the proposed development and 9 new fruit trees would be planted.

Planning History

20/00397/PREAPP: Erection of two dwellinghouses.

21/00768/PPP: Erection of two dwellinghouses. Withdrawn 5th August 2021.

21/01846/PPP: Erection of two dwellinghouses. Appeal against non-determination refused by the Local Review Body on 23rd August 2022 for the following reason:

The development would be contrary to Policy EP13 of the Local Development Plan 2016 and the Trees and Development SPG 2008 in that there would be an unacceptable and detrimental impact on the orchard trees forming part of the SBC TPO 21 ("Dingleton Hospital Site") as a consequence of loss of protected trees, prejudice to the remaining trees and insufficient space for adequate and acceptable compensatory planting, resulting in adverse impacts on the character and amenity of the area. Furthermore, the development has not demonstrated that public benefit would outweigh the loss of, and impacts on, the trees.

Planning Policy

The site is within the development boundary for Melrose and so must be assessed against policy PMD5. Within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met.

One criterion is that the development should not conflict with the established land use of the area. The site is within the grounds of Dingleton Hospital within Melrose, which has been converted into residential use, and there are houses along Dingleton Road. The area is characterised by residential uses. However, the site is an orchard, and not currently in residential use, which contributes to the visual amenities of the area and setting of the Dingleton Hospital redevelopment. The impact on the orchard and visual amenities will be discussed below.

The site is within the land allocated for housing: EM32B: Dingleton Hospital, and is allocated for structure planting/landscaping rather than for residential development. The Settlement Profile within the Local Development Plan for this allocation advises that existing trees, many of which are protected by a Tree Preservation Order, should be retained and protected.

The proposal would undermine this allocation and prejudice the aims of this structure planting/landscaping, to provide an attractive setting to the Dingleton Hospital redevelopment, to detriment of the visual amenities of the area. The representations received indicate that this is a valued area of amenity planting/open space enjoyed by residents of the surrounding area. It is considered that the site should be retained as an orchard, as per the site requirements set out in the Local Development Plan 2016.

Sufficient land has been allocated for housing development in the Local Development Plan 2016, and so there is no justification for developing such a sensitive site. The proposal would not result in any public benefit that would outweigh the loss of these trees and their landscape and historic value.

Siting and Layout

Policy 14 of NPF 4 requires development proposals to be designed to improve the quality of an area, whether urban or rural locations and regardless of scale. The policy encourages, promotes and facilitates well designed development that makes successful places by a design-led approach. Proposals will be supported where they are consistent with the 6 qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable.

Policy 4 of NPF 4 states that development proposals that will affect a National Scenic Area will only be supported where the objectives of the designation and overall integrity of the area will not be compromised or any significant adverse effect on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits or national importance.

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 PMD5 requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming; the proposal should not detract from the character and amenity of the surrounding area.

Policy EP4 seeks to protect the special qualities of the National Scenic Area.

The area is within the Eildon and Leaderfoot National Scenic Area (NSA), designated for its high quality landscape and natural heritage to which Dingleton Designed Landscape makes an important contribution.

The terrace of cottages to the north east are single storey, sandstone and slate with a one-and-a-half storey terrace beyond, all of attractive, traditional character. Ivanhoe to the south west is a traditional one-and-a-half storey lodge house. The hospital buildings have been converted into residential properties. The hospital was built in the late 19th century as an asylum and is an attractive complex of buildings within extensive grounds enclosed by mature woodland.

The site is situated adjacent to existing houses in Dingleton Road and would have a road frontage. Subject to the issue of trees (dealt with below), in principle, this would appear a logical infill plot.

In respect of the review against non-determination, the Local Review Body considered the proposal against Policies PMD2 and PMD5 of the Local Development Plan and accepted that the site was an infill site within the defined settlement boundary of Melrose. They also noted that the site was part of the overall housing allocation EM32B in the Local Development Plan, albeit shown on the Settlement Proposals Map as part of the structure planting and landscaping within that land allocation, reflecting the fact that the site contained orchard trees protected by SBC Tree Preservation Order 21. The Local Review Body were of the opinion that this was a suitable infill development opportunity but that the proposal for two houses represented overdevelopment given the constraint of protected trees on the site.

This current proposal is now for one dwellinghouse whereas the previous application (21/00768/PPP) had been for two dwellinghouses on this plot.

The revised indicative site plan shows a detached dwellinghouse sited towards the western boundary. Taking into account the size of the site, the proposal would not result in overdevelopment. However, the indicative site plan shows that the dwellinghouse would be surrounded by existing and proposed trees. Erecting a dwellinghouse within this orchard would result a lack of usable garden ground; the trees would potentially block the light and outlook of the house, there would be considerable leaf fall in the autumn, all of which could lead to requests to remove further trees at a later date or to plant fewer replacement trees, further undermining the use of the area of land as a mature orchard.

As this is a Planning Permission in Principle application no details of the scale or design have been submitted but a high quality of design and materials that are in keeping with the existing houses would be required to respect the character of the area and ensure that there is no harm to the visual amenities of the area or the special qualities of the National Scenic Area. The wall on the Dingleton Road boundary should be retained and repaired as necessary and this can be secured by condition.

Trees and Woodlands

Policy 6 of NPF 4 seeks to protect and expand forests, woodland and trees. Development proposals that enhance, expand and improve woodland and tree cover will be supported. Development proposals will not be supported where they result in adverse impacts on native woodlands, hedgerows and trees of high biodiversity value.

Policy EP13 seeks to protect trees and woodlands from development.

The trees within and overhanging the site are protected by a Tree Preservation Order (TPO 21) and are part of Woodland 4 (W4)). Under the woodland designation all trees within the woodland boundary are protected regardless of age, size or species. The designation was created to protect the tree resource and amenity of the Dingleton Hospital site.

The site is within the Dingleton Designed Landscape and policy EP10 seeks safeguard and enhance their landscape features, character and setting. This Designed Landscape is recognised for its contribution to the landscape character and quality of the area. The wooded component of the Dingleton Designed Landscape forms part of an extensive network of cover which contributes to both biodiversity and visual diversity on the lower north west facing slopes of the Eildon Hills. The area is within the Eildon and Leaderfoot National Scenic Area, designated for its high quality landscape and natural heritage to which Dingleton Designed Landscape makes an important contribution.

The Council's Landscape Architect objected to the original planning application (21/00768/PPP) as the proposal was considered to be contrary to policies EP10 and EP13 of the Local Development Plan and had the potential to compromise the character and amenity of the local area and the integrity of the Dingleton Designed Landscape. House footprints, garages, driveways, patios and ancillary structures all have potential to impact on the health of existing trees and in addition to the considerable risk to trees from the construction process and services installation, developments within wooded areas risk future pressure for severe pruning and tree removal due to the low light levels, shade and future canopy growth.

An Arboricultural Assessment has been submitted. The site survey shows 32 individual fruit trees within the site (apple and plum) arranged in a grid pattern, a mature beech hedgerow along the southern and western boundaries and area of self-seeded blackthorn in the north east corner. The majority of trees are mature and the condition of the trees is noted to be fair. The site is classed as a traditional orchard on "peoples trust for endangered species inventory for traditional orchards". NatureScot also has a UK Biodiversity Action Plan priority description: traditional orchards, which outlines the importance of traditional orchards in the UK.

The AIA states that 8 trees will need to be felled to accommodate the proposed development. These are all apple trees classed as category B: moderate quality and C: low quality. One tree (T16: hawthorn, category U) requires removal due to its condition. A section of hedgerow would have to be removed to provide the vehicular access and mitigation would be required to protect T32 (cherry/laurel) due to the formation of the access and driveway.

An Arboricultural Method Statement and Tree Protection Plan has also been submitted setting out tree protection measures, such as protective fencing for the trees to be retained, ground protection and mitigation for the driveway.

The Local Review Body, when considering the review in respect of application 21/01846/PPP, considered that the orchard trees within the site represented an historic and important element of the natural landscape and environment of the area, providing a public amenity for residents around the site. Whilst they noted the conclusions of the Arboricultural Assessment and the new tree planting proposals, the Local Review Body agreed with the Council's Landscape Officer that there was insufficient space within the site to achieve two dwellinghouses without resulting in the loss of existing orchard trees. Members also considered that there was insufficient space to carry out the new planting and for that planting to become established and retained, given that the proposal was for two houses. Ultimately, the Local Review Body concluded that the impact on the protected trees would result in an adverse impact on the character and amenity of the area and that there were insufficient benefits or mitigation that would outweigh the adverse impact. The proposal was, therefore, considered to be contrary to policy EP13 of the Local Development Plan and the Trees and Development Supplementary Planning Guidance.

The Local Review Body did consider whether a more appropriate proposal would be a submission for one house on the site, which could potentially provide more space for the retention of the existing orchard trees and for adequate compensatory planting. However, Members were required to determine the proposal for two houses as submitted and that this could be a future option available to the applicant, to re-apply for one house on the site in a revised planning application.

The current proposal would result in the loss of 8 trees within the orchard and it is considered that the proposed development would change the nature of this area of ground from historic orchard to house plot. The development, including the house, access, driveway/parking area and utilities, would impact on the health of the remaining trees, despite the proposed protection and mitigation measures, due to construction works and the laying of services (especially the SUDS for surface water drainage), for example, there is no space within the site for the site compound, scaffolding, welfare facilities for workers and parking for deliveries and staff, allowing for safe working distances. In addition, as set out above, developments of this nature within woodlands lead to pressures in the future for further tree removal, crown raising and pruning due to the impact of the proximity of the trees to the house, future tree growth and the impacts of this on outlook, light levels and shade of future occupants. The proposal contravenes the advice within the Supplementary Planning Guidance on Trees and Development.

Although replacement planting is proposed (9 trees), this is not on a 2 for 1 basis normally required, as would be insufficient space within the site once the dwellinghouse and associated works have been completed.

The concerns of the Council's Landscape Architect remain valid and have not been addressed by the reduction in the number of houses proposed. It is considered that the proposal would result in the loss of this valued, historic orchard and amenity space for local residents. In addition, the development would harm the character of the area, the setting of the Dingleton Hospital redevelopment and the integrity of the Dingleton Designed Landscape.

The proposal is therefore considered to be contrary to policies 6 of National Planning Framework 4 and policies EP10 and EP13 of the Local Development Plan and the Supplementary Planning Guidance: Trees and Development.

Impact on Residential Amenities

Policy PMD5 states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. 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 proposed dwellinghouse would need to be designed and sited so that no overlooking or loss of privacy and no loss of light or overshadowing occurs to neighbouring properties.

Ecology

Policy 3 of NPF 4 seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and connections between them. Proposals should integrate nature-based solutions. Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity. Any potential adverse impact of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design.

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

A Preliminary Ecological Appraisal has been submitted. The site is classed as an established orchard. No notable plant species or protected species were found. The report highlights best working practices for site contractors to avoid damage to trees.

A Bat and Breeding Bird Survey has also been submitted. This concludes that the trees are not large enough to be used for bat roosts. Based on the survey findings, breeding birds are not an ecological constraint for the proposed development. However, if site preparation is to commence between March and September as a precaution, the site should be checked for any breeding bird activity at least 48 hours prior to the start of works. This can be controlled by condition.

Policy 3 of National Planning Framework 4 requires post-construction ecological enhancements for new-build developments. These can be secured by condition.

Archaeology

Policy EP8 states that development proposals which will adversely affect local archaeological assets will only be permitted if it can be demonstrated that the benefits of the proposal outweigh the heritage value of the asset. All proposals that adversely affect such an asset must include an acceptable mitigation strategy.

The Council's Archaeology Officer has set out the history of the site. The recommended informative can be attached to any planning permission for this proposal.

Access, Parking and Road Safety

Policy PMD5 requires that adequate access and servicing can be achieved. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The proposed dwellinghouse would utilise the internal road that serves Dingleton Hospital, accessed from Chiefswood Road. Two parking spaces and a turning area would be required within the site.

The Roads Planning Service has previously supported development on this site. They note that some concern has been raised regarding vehicles using the internal roads of the former hospital, however there is an existing dwelling which uses the current roads and there is an option for routes the occupants could use to access Dingleton Road. They have no objection subject to conditions being attached to any consent to secure details of the access, on-site parking and boundary treatments.

Water Supply 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.

The proposed house would connect to the public water supply and foul sewer. No details of the surface water drainage have been submitted.

Scottish Water have confirmed that there is spare capacity in the public water supply system to serve the proposed development but is unable to confirm capacity in the waste water treatment works to serve the development. Surface water should be to a SUDS, which may further impact the trees and replacement planting.

Further investigation would be required by the agent in conjunction with Scottish Water to resolve the issue of foul water drainage.

The water supply and drainage could be agreed via conditions.

There is an existing sewer crossing the site north east to south west. Any development would need to be constructed without impacting the sewer and foul drainage of neighbouring properties.

Developer Contributions

Developer contributions, in compliance with policies IS2 and IS3, are required towards the Borders railway: £2,587, Melrose Primary School: £3,349 and Earlston High School: £4,709

These would be secured by a legal agreement.

REASON FOR DECISION :

The application site is a historic orchard of amenity value to local residents. It is situated within the National Scenic Area and Dingleton Designed Landscape and the trees within the site are protected by a Tree Preservation Order. The site is within the former Dingleton Hospital grounds and allocated for structure planting and landscaping.

The proposal would result in the unacceptable loss of protected trees, which would undermine the value of the site as a historic orchard, compromising the character and amenity of the local area, the setting of the Dingleton Hospital redevelopment and the integrity of the Dingleton Designed Landscape.

The proposal would prejudice the health and future retention of the remaining trees and would allow insufficient space for adequate compensatory planting.

Furthermore, it has not been demonstrated that public benefit of the development would outweigh the loss of, and impacts on, the protected trees.


The proposal is therefore considered to be contrary to policy 6 of National Planning Framework 4 and policies EP10 and EP13 of the Local Development Plan and the Supplementary Planning Guidance: Trees and Development.

Recommendation: Refused

- 1 The development would be contrary to policy 6 of the National Planning Framework 4 and policies EP10 and EP13 of the Scottish Borders Local Development Plan 2016 and SBC Supplementary Planning Guidance: Trees and Development 2020 in that there would be an unacceptable loss of protected trees, which would undermine the value of the site as a historic orchard of amenity value, compromising the character and amenity of the local area, the setting of the Dingleton Hospital redevelopment and the integrity of the Dingleton Designed Landscape, prejudicing the health and future retention of the remaining trees whilst allowing insufficient space for adequate compensatory planting. Furthermore, it has not been demonstrated that the public benefit of the development would outweigh the loss of, and impacts on, the protected trees.

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

Rivertree Residential Ltd
per Aitken Turnbull (Edinburgh)
5 Castle Terrace
Edinburgh
EH1 2DP

**Please ask
for:**


Julie Hayward
01835 825585

**Our Ref:
Your Ref:**

23/00492/PPP

E-Mail:

jhayward2@scotborders.gov.uk

Date:

1st November 2023

Dear Sir/Madam

PLANNING APPLICATION AT Land North Of Ivanhoe Dingleton Road Melrose Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Rivertree Residential 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 : 23/00492/PPP

To : Rivertree Residential Ltd per Aitken Turnbull (Edinburgh) 5 Castle Terrace Edinburgh EH1 2DP

With reference to your application validated on **29th March 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse

at : Land North Of Ivanhoe Dingleton Road Melrose Scottish Borders

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

**Dated 27th October 2023
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00492/PPP

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
(-L)000	Location Plan	Refused
(-L)001 A	Existing Site Plan	Refused

REASON FOR REFUSAL

- 1 The development would be contrary to policy 6 of the National Planning Framework 4 and policies EP10 and EP13 of the Scottish Borders Local Development Plan 2016 and SBC Supplementary Planning Guidance: Trees and Development 2020 in that there would be an unacceptable loss of protected trees, which would undermine the value of the site as a historic orchard of amenity value, compromising the character and amenity of the local area, the setting of the Dingleton Hospital redevelopment and the integrity of the Dingleton Designed Landscape, prejudicing the health and future retention of the remaining trees whilst allowing insufficient space for adequate compensatory planting. Furthermore, it has not been demonstrated that the public benefit of the development would outweigh the loss of, and impacts on, the protected trees.

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. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, 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
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

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

Local Review Reference: 22/00015/RNONDT

Planning Application Reference: 21/01846/PPP

Development Proposal: Erection of two dwellinghouses

Location: Land North of Ivanhoe, Dingleton Road, Melrose

Applicant: Rivertree Residential Limited

DECISION

The Local Review Body refuses planning permission as explained in this decision notice and on the following grounds:

1. The development would be contrary to Policy EP13 of the Local Development Plan 2016 and the Trees and Development SPG 2008 in that there would be an unacceptable and detrimental impact on the orchard trees forming part of the SBC TPO 21 ("Dingleton Hospital Site") as a consequence of loss of protected trees, prejudice to the remaining trees and insufficient space for adequate and acceptable compensatory planting, resulting in adverse impacts on the character and amenity of the area. Furthermore, the development has not demonstrated that public benefit would outweigh the loss of, and impacts on, the trees.

Development Proposal

The application relates to the erection of two dwellinghouses on land North of Ivanhoe, Dingleton Road, Melrose. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	AT3533 LOC
Existing Site Plan	AT3533 (-L)001
Site Plan with Tree Removals	AT3533 (-L)101
Site Plan as Proposed	AT3533 (-L)102

Preliminary Matters

The Local Review Body initially considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 20th June 2022.

After examining the review documentation at that meeting, which included a) Notice of Review; b) Additional Information; c) Consultation Replies; d) Objection Comments; e) Correspondence; and f) List of Policies, the Review Body considered whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to further information submitted by the applicant in the form of a Bat Potential and Breeding Bird Survey.

Members agreed that the information was new and considered that it met the Section 43B test, that it was material to the determination of the Review and could be considered. However, there was a requirement for further procedure in the form of written submissions to enable the Appointed Officer and Ecology Officer to comment on the new information. Members also concluded that a site inspection, as part of the further procedure, would assist them in their determination of the Review.

The Review was, therefore, continued to the Local Review Body meeting on 15th August 2022, the Review Body having previously carried out their site inspection. Members considered all matters, including responses to the further information from the Appointed Officer and Ecology Officer, together with the applicant's comments on the responses. The Review Body then proceeded to determine the case.

Reasoning

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, PMD3, EM32B, PMD5, HD1, HD3, EP1, EP2, EP3, EP4, EP8, EP10, EP13, EP14, IS2, IS3, IS7 and IS9.

Other Material Considerations

- SBC Supplementary Planning Guidance on Developer Contributions 2021
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Local Biodiversity Action Plan 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Sustainable Urban Drainage Systems 2020

The Review Body noted that the proposal was for the erection of two dwellinghouses on land North of Ivanhoe, Dingleton Road, Melrose.

Members firstly considered the application against Policies PMD2 and PMD5 of the Local Development Plan and accepted that the site was an infill site within the defined settlement boundary of Melrose. They also noted that the site was part of the overall housing allocation EM32B in the Local Development Plan, albeit shown on the Settlement Proposals Map as part of the structure planting and landscaping within that land allocation, reflecting the fact that the site contained orchard trees protected by SBC TPO 21. The Review Body noted that the application was for planning permission in principle and that there were no detailed siting and design proposals, although a site plan with house positions and tree positions had been submitted. Having considered all the submissions and informed by their site inspection, the Review Body were of the opinion that this was a suitable infill development opportunity but that the proposal for two houses represented overdevelopment given the constraint of protected trees on the site.

Members considered that the orchard trees within the site represented an historic and important element of the natural landscape and environment of the area, providing a public amenity for residents around the site. Whilst they noted the conclusions of the Arboricultural Assessment and the new tree planting proposals, the Review Body agreed with the Council Landscape Officer that there was insufficient space within the site to achieve two dwellinghouses without resulting in the loss of existing orchard trees. Members also considered that there was insufficient space to carry out the new planting and for that planting to become established and retained, given that the proposal was for two houses. Ultimately, the Review Body concluded that the impact on the protected trees would result in an adverse impact on the character and amenity of the area and that there were insufficient benefits or mitigation that would outweigh the adverse impact. The proposal was, therefore, considered to be contrary to Policy EP13 of the Local Development Plan and the Trees and Development Supplementary Planning Guidance.

The Review Body did consider whether a more appropriate proposal would be a submission for one house on the site, which could potentially provide more space for the retention of the existing orchard trees and for adequate compensatory planting. However, Members were required to determine the proposal for two houses as submitted and that this could be a future option available to the applicant, to re-apply for one house on the site in a revised planning application.


The Review Body finally considered other material issues relating to the proposal including impacts on designated landscapes, residential amenity, ecology, access, parking, water, drainage and development contributions but were of the opinion that detailed siting, design, appropriate conditions and a legal agreement could have addressed these issues, had the application been supported.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reasons stated above.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed.. 
Councillor S Mountford
Chairman of the Local Review Body

Date: August 23rd 2022

...

[REDACTED]

From: Bruce Jackson [REDACTED]
Sent: 24 April 2023 12:04
To: DCConsultees <dcconsultees@scotborders.gov.uk>
Subject: 23/00492 Land North Of Ivanhoe Dingleton Road Melrose Scottish Borders Erection of single dwelling house

CAUTION: External Email

Melrose Community Council have no observations to offer in connection with this planning application.

Bruce Jackson
Vice-Chair. Melrose Community Council
24 April 2023

**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	24 th May 2023	Consultee reference:	
Planning Application Reference	23/00492/PPP	Case Officer: Julie Hayward	
Applicant	Rivertree Residential Ltd.		
Agent	Aitken Turnbull (Edinburgh)		
Proposed Development	Erection of dwelling		
Site Location	Land north of Ivanhoe, Dingleton Road, Melrose		
<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	Roads Planning Service have previously supported development on this site. I note that some concern has been raised regarding vehicles using the internal roads of the former hospital, however there is an existing dwelling which uses the current roads and there is an option for routes the occupants could use to access Dingleton Road.		
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>Parking for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of the property prior to the occupation of the dwelling and be retained thereafter in perpetuity. Reason: To ensure the development hereby approved is served by an appropriate level of off-street parking.</p> <p>Details of the access to the property to be included and agreed at detailed stage showing the construction proposed. Thereafter, the work to be implemented prior to the occupation of the dwellinghouse and retained thereafter in perpetuity. Reason: To ensure the development hereby approved is served by an appropriately constructed access.</p> <p>Details of any boundary treatment to be included with any detailed application and formed as agreed prior to the occupation of the dwellinghouse. Reason: To ensure any treatment does not interfere with the visibility available to drivers using the access and the adjacent access roads.</p>		

Signed: DJI

Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA
Customer Services: 0300 100 1800 www.scotborders.gov.uk

Monday, 03 April 2023



Local Planner
Development Management
Scottish Borders Council
Newtown St. Boswells
TD6 0SA



DevelopmentOperations@scottishwater.co.uk

Dear Customer,

Land North Of Ivanhoe, Dingleton Road, Melrose, TD6 9HP
Planning Ref: 23/00492/PPP
Our Ref: DSCAS-0084217-PQ2
Proposal: Erection of dwellinghouse

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Howden Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ This proposed development will be serviced by Melrose Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 29th March 2023

Contact: Julie Hayward ☎ 01835 825585

Ref: 23/00492/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 April 2023. 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 April 2023, 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: Rivertree Residential Ltd

Agent: Aitken Turnbull (Edinburgh)

Nature of Proposal: Erection of dwellinghouse

Site: Land North Of Ivanhoe Dingleton Road Melrose Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post: Keith Elliott Archaeology Officer	Contact e-mail/number: Keith.Elliott@scotborders.gov.uk 01835 824 000 ext 8886
Date of reply	17.04.2023	Consultee reference:
Planning Application Reference	23/00492/PPP	Case Officer: Julie Hayward
Applicant	Rivertree Residential Ltd	
Agent	Aitken Turnbull (Edinburgh)	
Proposed Development	Erection of dwellinghouse	
Site Location	Land North Of Ivanhoe Dingleton Road Melrose 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 case proposes the construction of a pair of new dwelling houses in the currently garden ground alongside Dingleton Road, on the southern side of the Melrose. The site is located to the north of the house known as Ivanhoe and the terrace of houses known as Dingleton Cottages.</p> <p>This archaeological consultation has been triggered by the application being located in the surrounding of an entry recorded by the Scottish Borders Historic Environment Record (HER). In this case it is the Melrose Golf Course, but other sites are located in the surrounding area also including the historic hospital buildings and landscape.</p> <p>My comments are little different to the previous applications 21/01846/PPP and 21/00768/PPP made for the same plot of ground when a pair of houses proposed.</p>	
Key Issues (Bullet points)	<p>Location of the development proposal</p> <p>Impact upon the archaeological entries in the area that affected by this development</p> <p>Local significance of those features</p> <p>Attrition of the historic environment through loss of the orchard</p>	
Assessment	<p>This application has been assessed against the Scottish Borders Historic Environment Record (HER) as the on-going record of all known archaeological and historic findspots, sites and landscapes across the area that are known, recorded and mapped. Currently there are over 23564 entries in the records so far, but this number is always increasingly and new information being added, at times to better, existing entries.</p> <p>This archaeological consultation has been triggered by the application being in the surroundings of the historic Melrose Golf Course (Canmore ID 307961), though there are a number of historic sites in the area. The application will have no impact upon this site either directly or indirectly to a significant and adverse degree.</p> <p>The plot of the application as a whole is crossed by a historic routeway that thought to be a Medieval in date (Canmore ID 343288) which has been mapped from much</p>	

later Ordnance Survey first edition mapping surveyed in 1859 and published in 1861. This is identified as of local significance in the stretch that in this application area. In the first edition mapping the ground is shown as generally open, though with further tracks across it. It is the Ordnance Survey second edition mapping surveyed in 1897 and published in 1898 that shows the development of the Roxburgh, Berwick and Selkirk District Asylum (Canmore ID 100238) in the intervening time.

This remains a major historical site in the area. In addition to the main wards, then the adjacent properties now known as Ivanhoe recorded as a lodge building (shown by the second edition) and Dingleton Cottages (first shown by the third edition, surveyed in 1918 and 1919 to be published in 1921) are also identified as staff accommodation. The asylum features within the website pages by Harriet Richardson [Historic Hospitals: An Architectural Gazetteer](#). Some of the asylum buildings are Listed Buildings and also appear as separate entries in the HER.

The Ordnance Survey second edition shows the area of this application as open, but bounded ground. It is the Ordnance Survey third edition that shows the site as an orchard and the orchard trees shown by Google Street View photography. The walling that shown by Google Street View photography is part of the asylum's arrangements, though in the 2018 photography it is shown to have a break part the way along. The proposed plans indicate that the various boundary walls, including that on Dingleton Road, are to remain.

The site of the house proposed is in open ground of the asylum's grounds, orchards and planting being typical of Post Medieval and Modern asylum and hospital arrangements. The grounds of the asylum and hospital, as well as the buildings, have been altered through time, though in this location little altered. Only the grounds as the orchard are indicated from the Ordnance Survey second edition onwards.

There are a number of finds from the general area, but their findspots have not been exactly located to say if they would be impacted by this application.

From the purely archaeological point of view there would be no impact to the golf course. Remains of the trackway are unlikely to be encountered as any below-ground evidence of finds, features and/or deposits, with the house proposed off what is thought the line that crosses the plot. The loss of the orchard, however, would be a loss of a historic environment feature and part of the gradual attrition of the historic environment.

Therefore whilst no archaeological conditions are recommended to this development, there it is suggested an informative is used to cover the possibilities of finds, features and/or deposits of archaeological interest being encountered. Some proposed wording for the recovery and recording of finds is suggested below. This would be in line with *Planning Advice Note 2/2011: Planning and Archaeology*. The identification has been made of the various heritage assets in line with the Scottish Borders Local Development Plan policy for Archaeology EP8.

Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
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Recommended Conditions	No archaeological conditions are recommended against this application.
Recommended Informatives	<p>If any finds of archaeological interest are identified during the groundworks to progress this application, these should be recovered, reported and, if necessary, recorded with the Treasure Trove Unit in line with the law of the land in Scotland. If finds are made, then contacts with the Archaeology Officer may be made in case to advise whether Treasure Trove Unit recording will be required. Pictures can be sent with any email to archaeology@scotborders.gov.uk.</p> <p>The <i>Planning Advice Note 2/2011: Planning and Archaeology</i> notes that;</p> <p><i>32. Planning Authorities and developers should be aware of the legal requirement to report the discovery of human remains and archaeological artefacts whether recovered in planned investigation or by chance. Human remains should be reported to the police. Archaeological artefacts should be reported for identification and assessment as possible "Treasure Trove", or as "wreck" if found under water. Human remains and artefacts must if possible be left in situ while the archaeologist is summoned, rather than being lifted and taken off site.</i></p>



**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Local Review Reference: 22/00015/RNONDT

Planning Application Reference: 21/01846/PPP

Development Proposal: Erection of two dwellinghouses

Location: Land North of Ivanhoe, Dingleton Road, Melrose

Applicant: Rivertree Residential Limited

DECISION

The Local Review Body refuses planning permission as explained in this decision notice and on the following grounds:

1. The development would be contrary to Policy EP13 of the Local Development Plan 2016 and the Trees and Development SPG 2008 in that there would be an unacceptable and detrimental impact on the orchard trees forming part of the SBC TPO 21 ("Dingleton Hospital Site") as a consequence of loss of protected trees, prejudice to the remaining trees and insufficient space for adequate and acceptable compensatory planting, resulting in adverse impacts on the character and amenity of the area. Furthermore, the development has not demonstrated that public benefit would outweigh the loss of, and impacts on, the trees.

Development Proposal

The application relates to the erection of two dwellinghouses on land North of Ivanhoe, Dingleton Road, Melrose. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	AT3533 LOC
Existing Site Plan	AT3533 (-L)001
Site Plan with Tree Removals	AT3533 (-L)101
Site Plan as Proposed	AT3533 (-L)102

Preliminary Matters

The Local Review Body initially considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 20th June 2022.

After examining the review documentation at that meeting, which included a) Notice of Review; b) Additional Information; c) Consultation Replies; d) Objection Comments; e) Correspondence; and f) List of Policies, the Review Body considered whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to further information submitted by the applicant in the form of a Bat Potential and Breeding Bird Survey.

Members agreed that the information was new and considered that it met the Section 43B test, that it was material to the determination of the Review and could be considered. However, there was a requirement for further procedure in the form of written submissions to enable the Appointed Officer and Ecology Officer to comment on the new information. Members also concluded that a site inspection, as part of the further procedure, would assist them in their determination of the Review.

The Review was, therefore, continued to the Local Review Body meeting on 15th August 2022, the Review Body having previously carried out their site inspection. Members considered all matters, including responses to the further information from the Appointed Officer and Ecology Officer, together with the applicant's comments on the responses. The Review Body then proceeded to determine the case.

Reasoning

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, PMD3, EM32B, PMD5, HD1, HD3, EP1, EP2, EP3, EP4, EP8, EP10, EP13, EP14, IS2, IS3, IS7 and IS9.

Other Material Considerations

- SBC Supplementary Planning Guidance on Developer Contributions 2021
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Local Biodiversity Action Plan 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Sustainable Urban Drainage Systems 2020

The Review Body noted that the proposal was for the erection of two dwellinghouses on land North of Ivanhoe, Dingleton Road, Melrose.

Members firstly considered the application against Policies PMD2 and PMD5 of the Local Development Plan and accepted that the site was an infill site within the defined settlement boundary of Melrose. They also noted that the site was part of the overall housing allocation EM32B in the Local Development Plan, albeit shown on the Settlement Proposals Map as part of the structure planting and landscaping within that land allocation, reflecting the fact that the site contained orchard trees protected by SBC TPO 21. The Review Body noted that the application was for planning permission in principle and that there were no detailed siting and design proposals, although a site plan with house positions and tree positions had been submitted. Having considered all the submissions and informed by their site inspection, the Review Body were of the opinion that this was a suitable infill development opportunity but that the proposal for two houses represented overdevelopment given the constraint of protected trees on the site.

Members considered that the orchard trees within the site represented an historic and important element of the natural landscape and environment of the area, providing a public amenity for residents around the site. Whilst they noted the conclusions of the Arboricultural Assessment and the new tree planting proposals, the Review Body agreed with the Council Landscape Officer that there was insufficient space within the site to achieve two dwellinghouses without resulting in the loss of existing orchard trees. Members also considered that there was insufficient space to carry out the new planting and for that planting to become established and retained, given that the proposal was for two houses. Ultimately, the Review Body concluded that the impact on the protected trees would result in an adverse impact on the character and amenity of the area and that there were insufficient benefits or mitigation that would outweigh the adverse impact. The proposal was, therefore, considered to be contrary to Policy EP13 of the Local Development Plan and the Trees and Development Supplementary Planning Guidance.

The Review Body did consider whether a more appropriate proposal would be a submission for one house on the site, which could potentially provide more space for the retention of the existing orchard trees and for adequate compensatory planting. However, Members were required to determine the proposal for two houses as submitted and that this could be a future option available to the applicant, to re-apply for one house on the site in a revised planning application.


The Review Body finally considered other material issues relating to the proposal including impacts on designated landscapes, residential amenity, ecology, access, parking, water, drainage and development contributions but were of the opinion that detailed siting, design, appropriate conditions and a legal agreement could have addressed these issues, had the application been supported.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reasons stated above.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed. 
Councillor S Mountford
Chairman of the Local Review Body

Date: August 23rd 2022

...

**REFUSED PLANNING APPLICATION: NOTICE OF REVIEW
REF 23/0048/RREF**

FURTHER REPRESENTATION

I know that I may not introduce any new material, not already included in my existing representations. Rather, the purpose of this further representation to the Local Review Board is to reinforce my position with regard to the developer's Appeal and identify the priorities among the stated grounds for my unequivocal objection.

First, access to the site. There remain serious implications for both plant traffic and subsequent domestic traffic. The lane via which access is proposed is not a "road" as described and any move to make it such would have to involve serious damage to the mature beech hedges mentioned specifically in arboricultural annexes 13 J and 14 I. There would also be clear long-term implications for local residents' safety if the Appeal were to be upheld.

Second, the considerations with regard to local and wider amenity. The grounds for the recommended Refusal are that: it is contrary to policy 6 of the National Planning Framework 4 and policies EP10 and EP13 of the Scottish Borders Local Development Plan 2016 and SBC Supplementary Planning Guidance: Trees and Development 2020; it would result in an unacceptable loss of protected trees in a historic orchard of amenity value; it would thereby compromise the character and amenity of the local area and the integrity of the Dingleton Designed Landscape; it would prejudice the health and future of the remaining trees; and it has not demonstrated any public benefit that could outweigh the loss of habitat and amenity. No action has been offered in response to these contraindications. Furthermore, I would strongly restate my objection that the developed orchard site would be clearly visible from Eildon North Hill and Mid Hill, which form part of the Eildon and Leaderfoot National Scenic Area, would lie on the routes of the Southern Upland Way, Borders Abbeys Way and St Cuthbert's Way, and would therefore have a potentially negative visual impact on the impressions of visitors to this important part of the Central Borders.

Lastly, the appearance of the proposed house. So far we, its immediate neighbours, have had no indication at all of its size or design. Since all adjacent buildings (Ivanhoe, Woodstock, Lammermuir, Chiefswood Court, Dingleton Cottages) are constructed in uniform stone, assurance is needed that acceptance of the Appeal and consequent Permission in Principle would be accompanied by the opportunity for us and others who are less immediately adjacent but definitely neighbours to comment formally on the external appearance of the proposed house (number of storeys; height to roof peak; building materials; treatment of door and window frames; colour of render; and so on) especially given the vernacular pastiche of the same developer's Trimontium Heights.

To sum up, I totally support all six neighbours' objections other than my own (see 23/00492/PPP – OBJECTIONS), especially the very clear and cogently argued submission by Jonathan Leeming, and re-state in the strongest terms my unequivocal objection to the developer's Appeal, which offers no material change whatever to the existing Application in response to the Council's Refusal of Planning Permission.

END

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From: David Howel <dhowel@aitken-turnbull.co.uk>
Sent: 18 December 2023 13:34
To: Henderson, Fiona
Cc: Edinburgh; Alasdair Rankin
Subject: Re Further Representations - Land North Of Ivanhoe Dingleton
Road Melrose Scottish
Borders - 23/00492/PPP and 23/00048/RREF

CAUTION: External Email

Good afternoon Fiona,

We refer to the above and the further representation to the Notice of Review circulated on 4th December.

The applicant notes the comments raised and would comment as follows:

* Access - the applicant confirms that, a) the access is in the ownership of the applicant with the neighbouring property having only a right of access , and, b) the access previously served a car park (currently unused) which generated significantly more traffic movements than the proposed single dwelling. There was no objection from the Council's Roads Officer. A planning condition can address boundary treatments as noted in the Case Officer's Report of Handling.

* Landscape impact - as set out in the Notice of Review supporting statement, the site does not sit within a designation listed in the Inventory of Gardens and Designed Landscapes as per Local Development Plan policy mapping. Impact on the local Dingleton Designed Landscape is considered minimal given both the extent of redevelopment of former hospital grounds and the retention of tree cover with particular respect to views from the public road. It is also noted that the Local Review Body supported the site as a suitable infill opportunity when considering the 2 house application in August 2022. The applicant has directly addressed comments raised at the latter meeting by reducing the proposal from 2 houses to 1 house.

* Design - the application is for planning permission in principle so the detailed design of the house will be a matter for approval of matters specified in conditions. There is no reason to suggest that a suitable design to address the site context cannot be provided.

Regards,

Aitken Turnbull Architects

David Howel MA MSc MRTPI
Planning Consultant

Aitken Turnbull Architects
5 Castle Terrace, Edinburgh, EH1 2DP
w: <https://www.aitken-turnbull.co.uk/>
e: dhowel@aitken-turnbull.co.uk
t: 0131 297 2350 or 07817-295619

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Comments for Planning Application 23/00492/PPP

Application Summary

Application Number: 23/00492/PPP

Address: Land North Of Ivanhoe Dingleton Road Melrose Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Dr Anne Duguid

Address: The Hermitage, Dingleton Road, Melrose, Scottish Borders TD6 9HP

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Alterations/Demolition of wall
- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Height of
- Inadequate access
- Increased traffic
- Land affected
- Loss of view
- Over Provision of facility in area
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected

Comment: Although we were not invited to comment on this proposal, we are very close neighbours to the planned development.

We strongly object to the planning proposal for the following reasons:

1. The site affected includes a beautiful established orchard including heritage fruit trees that provides an important habitat for wildlife and a valuable social amenity for the community here. The trees are very productive and, although their upkeep has been neglected by the landowner, flourishing.

To lose this asset for the sole benefit of one large detached property, that will provide no impact on the demand for local affordable housing, seems vastly out of proportion.

2. The access road to be used by the proposed property is not suitable for regular vehicle use. It is narrow and in frequent use by walkers. High hedges and bends make it unsafe for pedestrians if vehicle use increased.

3. Properties immediately adjacent to the proposed site are traditionally stone built and their design is sympathetic to the locality and complementary to each other. We would suggest that the proposed new property will not blend into its environs and will have a detrimental impact on the appearance of this sensitive area that is frequented by visitors to Melrose as they approach The Eildons.

In summary, the detrimental impact of this proposal is far outweighed by any benefit to our community.

Comments for Planning Application 23/00492/PPP

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Application Number: 23/00492/PPP

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Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

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3. Properties immediately adjacent to the proposed site are traditionally stone built and their design is sympathetic to the locality and complementary to each other. We would suggest that the proposed new property will not blend into its environs and will have a detrimental impact on the appearance of this sensitive area that is frequented by visitors to Melrose as they approach The Eildons.

In summary, the detrimental impact of this proposal far outweighs any benefit to our community.

Comments for Planning Application 23/00492/PPP

Application Summary

Application Number: 23/00492/PPP

Address: Land North Of Ivanhoe Dingleton Road Melrose Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mrs Anne Rae

Address: 66 Dingleton Apartments, Chiefswood Road, Melrose, Scottish Borders TD6 9HJ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity

Comment: The plan to build a home on the orchard at Dingleton will remove a valued amenity for the residents of Dingleton and the surrounding neighbourhood. Residents and neighbours enjoy the orchard and its fruit. The trees are old varieties and many orchards have already been lost in the Borders to the detriment of the environment and wildlife. The orchard can clearly be seen from the Eildons - building on this site would be to the detriment of that. The loss of this valued amenity seems a disproportionate loss for the gain of one home- particularly when plans are underway to build many homes further up the road.

Comments for Planning Application 23/00492/PPP

Application Summary

Application Number: 23/00492/PPP

Address: Land North Of Ivanhoe Dingleton Road Melrose Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mrs Jean Greenshields

Address: 14A Glentress Apartments, Chiefswood Road, Melrose, Scottish Borders TD6 9JY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to Residential Amenity
- Trees/landscape affected

Comment: Ground in question is described as 'scrubland', 'formerly an orchard for the Hospital', but this is incorrect as it is CURRENTLY an orchard - and a very productive one. Apple tree varieties are wide ranging and of Victorian vintage- sweet and juicy. How sad if this ancient Victorian orchard were to be uprooted! Dingleton apartment residents have access to this produce. In addition the orchard contains our compost bin! I visit it regularly.

Comments for Planning Application 23/00492/PPP

Application Summary

Application Number: 23/00492/PPP

Address: Land North Of Ivanhoe Dingleton Road Melrose Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mr Jonathan Leeming

Address: Dewdrop Cottage, Dingleton Road, Melrose, Scottish Borders TD6 9QN

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Land affected
- Overlooking
- Privacy of neighbouring properties affected
- Trees/landscape affected

Comment: Seeing I commented on previous proposals for this site, I would have hoped to be notified about this new proposal for the same site. However, since I was not, and have only just found out about it, I'm putting forward my objections now in the hope that I'm not too late :

- This site is a sensitive location, among old stone buildings and behind an old stone wall. It is within the National Scenic Area, visible from the Eildons, from the Golf Course, and from busy Dingleton Road.
- The orchard on the site has presumably been there for a hundred and fifty years, and is as much part of the locality as the (protected) Dingleton Hospital buildings. It is, furthermore, part of the Statutory Tree Protection area covering the old hospital, yet this proposed development seeks to remove most of the orchard trees. Trees are seen as increasingly important, especially among buildings, for their contribution to visual amenity, air quality, ecological diversity (plant, insect, bird), wind tunnel amelioration, water soakaway and flood amelioration, land stability, and undoubtedly factors we don't even know about yet.
- More than that, the trees are still abundantly productive, and of diverse varieties. They are living repositories of genetic heritage. As an old site, the trees will be linked by a mature mycorrhizal network (a localised 'wood wide web'), which will be damaged, as well as severed and excised in large part, by the construction and future existence of the proposed house, leaving the remaining trees in a compromised and possibly irrecoverable condition. Replacement trees are never a substitute for old, removed trees; inherent history cannot be replaced.

- The construction operation itself, however carefully carried out, is bound to cause damage to the trees on the site, as well as introducing continuing stress. In these times of ecological crisis (as well as food poverty), such wanton destruction of a mature, productive orchard for the establishment of one house is deplorable. It is an asset to the locality in a variety of ways, and this small piece of land should not be viewed as an opportunity for just one more plot in the creeping suburbanisation of Melrose.
- There is little detail about the proposed house. The site is surrounded by stone dwellings of old character. Anything not in keeping with this vernacular would be an obvious and permanent eyesore within the local area.
- Beyond the destruction of most of the trees, the development also proposes the effective conversion of those left from being a common resource to being private property. Such tacit dispossession is a shabby act.

I urge you to reject the application (once again).

Comments for Planning Application 23/00492/PPP

Application Summary

Application Number: 23/00492/PPP

Address: Land North Of Ivanhoe Dingleton Road Melrose Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Miss Judith Middleham

Address: 7 Chiefswood Court, Chiefswood Road, Melrose, Scottish Borders TD6 9FB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected

Comment: I have just discovered that yet another proposal has been made to erect a dwelling on the site of the heritage orchard within the Dingleton Apartment complex. This should not be approved for several reasons.

The loss of a productive heritage orchard which is over a century old with protected trees should not be under threat in order to build one property.

Access to this orchard is via a single width lane which is frequently used by pedestrians and would pose a clear safety risk from construction vehicles.

There is little detail on the type/construction and materials for this property.

Loss of wildlife habitat.

The orchard is a valuable amenity to the local residents and should not be sacrificed because the developer is trying to squeeze yet more profit from the site, when the same developer has previously regarded this orchard as an asset for the residents.

Comments for Planning Application 23/00492/PPP

Application Summary

Application Number: 23/00492/PPP

Address: Land North Of Ivanhoe Dingleton Road Melrose Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mrs Kate Prasher

Address: 5 Chiefswood Court, Chiefswood Road, Melrose, Scottish Borders TD6 9FB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Alterations/Demolition of wall
- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Increased traffic
- No sufficient parking space
- Trees/landscape affected

Comment: The ongoing pressure to develop the orchard site in the grounds of the old Dingleton hospital is distressing - the orchard is a place of meeting and socialising for the residents of the Apartments and the Court and their friends, families and neighbours, it is an irreplaceable habitat for wild flora and fauna, it is where we keep our compost bin and it is a remnant of old Melrose. The local community will lose a valuable resource if it is turned into, firstly, a building site and, secondly, a large detached house with a garage and a private garden. There is already a lot of this kind of building in the immediate neighbourhood, but there is not another old orchard of the size and beauty of this one. We need to keep it.

Comments for Planning Application 23/00492/PPP

Application Summary

Application Number: 23/00492/PPP

Address: Land North Of Ivanhoe Dingleton Road Melrose Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mr Keith Crosier

Address: Ivanhoe, Dingleton Road, Melrose, Scottish Borders TD6 9HP

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Designated Conservation Area
- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Increased traffic
- Privacy of neighbouring properties affected
- Trees/landscape affected

Comment:

Response to Application for Planning in Principle for one dwellinghouse on the site of the former Dingleton Hospital Orchard (described as "Land North of Ivanhoe Dingleton Road Melrose) March 2023.

Reference 23/00492/PPP; online reference 100622909-001.

The above refers to a third Application relating to the described site, following rejection of (1) a proposal lodged in March 2021 for two houses to be built on a larger portion of the same broader site and (2) a revised proposal again for two houses lodged in November 2021. The key difference is that one house is now proposed for the same site as in the second application, in place of two. All three applications were lodged by Aitken Turnbull, Edinburgh as agents for Rivertree Residential Ltd., Hertfordshire.

We note the feedback in the Pre-Application Discussion section of the Application Form, in which the agent says: "The site was subject to a previous application for two detached dwellings. The

Local Review Committee felt two properties was over development, but agreed that the plot was a natural infill plot for a single dwelling". We do not agree for the reasons that follow below, categorised according to SBC's six "material planning considerations".

The appearance of the proposal in terms of design

This is the third Application to include no description or illustration of the design or size of the proposed house or houses: number of storeys; height to roof peak; building materials; treatment of door and window frames; colour of render, if any. All immediately neighbouring buildings (Ivanhoe, Woodstock, Lammermuir, Chiefswood Court, Dingleton Cottages) are in uniform stone. Since reproduction of that design would be impractical today, assurance is needed that permission "in principle" (meaning in Scotland since 2019 that final approval is subject to the condition that certain matters have to be approved before the work begins) would in fact relate only to location, scale and footprint and that there would be a later opportunity for local reaction to the external appearance of the house proposed to occupy the site. Any design similar to the vernacular pastiche of the adjacent Trimontium Heights by the same developer, for instance, would be an unacceptable intrusion into the consistent visual amenity of the area covered by the Location Plan document.

The eventual design will have an especially strong visual impact on us at Ivanhoe but equally on the residents of numbers 1-8 Chiefswood Court. The List of Neighbours Notified comprises only Ivanhoe and numbers 4, 5 and 6 Dingleton Cottages; the Chiefswood Court residents have not been invited to comment. We are aware that "material planning considerations" excludes the impact on "views from a property" but believe it would be wrong to give final approval without appropriate constraints on the appearance of the proposed house, given the site's location on the foothills of the Eildons: see Impact on the natural or built environment, below.

Siting and materials

The area enclosed within the red dotted lines in the Site Plan is not "scrubland" despite the three views in the Site Photos document. The description "Formerly an orchard for the Hospital" in the Existing Use section of the Application Form furthermore gives the clear impression that the 30 fruit trees (25 apple, three plum, one blackthorn, one hawthorn) it contains are defunct. They are in fact still abundantly productive despite not having been tended by Rivertree, the owner since the sale of the hospital site.

We note that one of the Site Plans acknowledges the felling of seven of those trees to make room for the large house it is proposed to build: one U-category and six C-category specimens. Not mentioned is the fact that several of those are heritage species dating from the creation of the Orchard in the early 1870s, including *Malus domestica* 'Melrose'. The same document notes that those losses are to be mitigated by the introduction to the site of eight "new ... native fruit trees of various sizes to compliment the existing planting arrangements in keeping with the original

Orchard use of the site". We suggest it must be a condition of approval that those replacements for the 150-year old existing trees are rigorously approved by your Planning and Landscape officers, especially since their future care would be in the hands of homeowners not necessarily sympathetic to the history or future of the orchard ambience of what will become their "garden". (Though it may well be beyond the Planning remit, we would also hope that the eventual deeds of sale would include some obligations to be custodians of that ambience.)

Rivertree's original sales prospectus for the 110 Dingleton & Glentress Apartments promoted the Orchard as a significant mutual social amenity for the new residents, as it did turn out to be for many. The trees may in future be out of bounds but their visual amenity must continue to be a collective asset.

On the wider scale, a survey by Scottish Natural Heritage recorded that the Borders region had lost a third of its established orchards since the 1950s. To sacrifice so much of a surviving one in order to build a single house would be a scandalous additional loss. Another, at Cherrytrees, a couple of hundred metres further north on Dingleton Road, is already under threat by a different developer.

It should be noted that, in March 2022, the Council's Landscape Architect objected to the impact that the second Application "would have on the historic orchard and the loss of trees within the Designated Landscape and National Scenic Area". The proposal for two houses on the site was therefore rejected in favour of one house "adjacent to the access road ... [see next item] ... a house surrounded by an orchard". Although a pre-application plan did show a single house in that location, the Planning Department cautioned that acceptance would be "dependant on a tree survey being completed and the comments of our Landscape Architect", who had cited specific concerns about the spacing of replacement trees, future occupants' attitude to the historic orchard they now owned, degradation of the remaining trees and effects on the water table. Resistance against any further damage to the natural environment of the Scottish Borders must therefore be vital in the Planning Committee's deliberations.

While we accept that the latest Application addresses these caveats to some extent, we are far from convinced that it has properly respected those important landscape considerations.

Traffic parking or access problems

The various Site Plan documents make it clear that the only access for builder's traffic and eventually for future residents' own vehicles and delivery vans servicing them will be via the unmarked existing pedestrian access from the un-named lane running along the western boundary of the site, which gives onto the grey-shaded area in the Site Plan (presumably the hard-standing area in front of the house). A 150-year-old beech hedge, carefully maintained by the estate's gardening and landscaping team, prevents access at any other point. We fiercely oppose any proposal to grub up some of that in pursuit of wider access.

That lane was described in the second Application as an "existing road". The 1:1250 location plan in the Landownership Plan gives the completely false impression that it is in fact as wide as the B6359 passing the eastern boundary of the site, but it is in fact only 3.7 metres wide at its widest point, at a blind bend. Far from being a "road", it is thus completely unsuitable for the commercial and residential traffic in and out of the site that would result from acceptance of Rivertree's proposal. It is significant that the lane has been used every day since the development of the Apartments by numbers of dog-walkers and exercisers, who would in future have to be alert to an increased number of motor vehicles at all times of day. (It was originally an exercise walk for the hospital's patients).

Not included in the Application or any of its accompanying documents is the fact that a two-metre section of the stone wall at the opposite eastern edge of the site, just north of number six Dingleton Cottages, collapsed several years ago and has ever since been filled only by a few wooden planks. We suggest as strongly as possible that this must be sympathetically restored in any future development of the site, either by Rivertree or SBC according to ownership, on the grounds of amenity and safety.

Residential amenity (noise, overshadowing)

Significant loss of residential amenity has already been amply demonstrated in the comments under other headings above.

Overshadowing is an issue mainly with regard to the relationship with Ivanhoe (and vice-versa). That cannot be properly addressed until the required information about the height of the new house is furnished by the developer, certainly before any final permissions are given.

Drainage and infrastructure

A dotted red line on the main Site Plan delineates the line of a domestic sewer originating at Ivanhoe, passing through the whole site and continuing north past the rear of Dingleton Cottages. The latest submission shows it connected by a short spur to the rear of the proposed house. Since before the previous Application there has been a fenced-in area, visible in Site Photos, marking where a child fell into what was presumably an inspection chamber. The warning notice reads "Danger: keep out". In the current Application document, the developer's agent answers "yes" to the question "Will your proposal require new or altered water supply or drainage requirements?" whereas the answer had previously been "no". Future owner-occupiers would need assurances that those "arrangements" will be made safe.

Impact on the natural or built environment

Rivertree Residential should be required to explain how a single large detached house (neither

footprint nor number of bedrooms stated) in a long-established rural landscape 1.2 km from Melrose Market Square would contribute positively to the general policy of providing affordable housing, rather than adding to suburban sprawl on the outskirts of a rural community. The existing orchard is clearly visible from Eildon North Hill and Mid Hill, located within Eildon and Leaderfoot National Scenic Area and on the routes of the Southern Upland Way, Borders Abbeys Way and St Cuthbert's Way. Unless there is significant sensitivity in design and building materials, the visual impact on tourists and recreational walkers of the proposed large house standing within it will be damaging to the image of Melrose and the Central Borders in general.

Conclusion

We strongly oppose this third proposal (both the previous two having been refused) on the grounds that it still compromises the ambience of the sensitive Dingleton Orchard site. Members of the Planning Committee made a site visit after the submission of the second Application in 2021. We sincerely hope their findings will be taken fully into account in the deliberations with respect to this third application.

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Local Review Body – List of Policies 22nd January 2024

Local Review Reference: 23/00048/RREF

Planning Application Reference: 23/00492/FUL

Development Proposal: Erection of dwellinghouse

Location: Land North of Ivanhoe, Dingleton Road, Melrose

Applicant: Rivertree Residential Ltd

National Planning Framework 4 (NPF4)

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 4: Natural Places

Policy 6: Forestry, Woodland and Trees

Policy 7: Historic Assets and Places

Policy 14: Design, Quality and Place

Policy 15: Local Living and 20 Minute Neighbourhoods

Policy 16: Quality Homes

Scottish Borders Local Development Plan 2016 (LDP)

PMD1: Sustainability

PMD2: Quality Standards

PMD3: Land Use Allocations

PMD5: Infill development

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP4: National Scenic Areas

EP7: Listed Buildings

EP8: Archaeology

EP10: Gardens and Designed Landscape

EP13: Trees, Woodland 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

Other Material Considerations

Supplementary Planning Guidance on:

- Placemaking and Design 2010
- Householder Development (Privacy and Sunlight) 2006
- Trees and Development updated October 2020
- Biodiversity 2005

- Development Contributions updated April 2023
- Sustainable Urban Drainage Systems August 2020



NOTICE OF REVIEW

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)	Agent (if any)
Name Mr Graeme Forsyth	Name Yeoman Architecture Limited
Address 4 Greenburn Cottages, Reston, Eyemouth	Address Suite 6, 5 Kings Mount, Ramparts Busine
Postcode TD14 5LP	Postcode TD15 1TQ
Contact Telephone 1 [REDACTED]	Contact Telephone 1 01289 303960
Contact Telephone 2 [REDACTED]	Contact Telephone 2 0772 969 0520
E-mail* [REDACTED]	E-mail* james@yeomanarchitecture.co.uk
	Mark this box to confirm all contact should be through this representative: <input checked="" type="checkbox"/>
	Yes No
* Do you agree to correspondence regarding your review being sent by e-mail?	<input checked="" type="checkbox"/> <input type="checkbox"/>

Planning authority Scottish Borders Council

Planning authority's application reference number 23/00262/FUL

Site address The Blue House, near Swansfield Farm, Reston, Eyemouth, TD14 5LN

Description of proposed development Change of use of derelict agricultural building and extention to form dwellinghouse and erection of 17.8M wind turbine (tip height)

Date of application 21/02/2023 Date of decision (if any) 21/08/2023

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:

THE APPLICANT HAS EXPANDED ALL AVENUES OF THE PLANNING PROCESS CULMINATING IN REFUSAL, THEREFORE THE APPLICANT SEEKS APPEAL TO THE LOCAL REVIEW BODY

Site inspection

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

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

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

The applicant is happy for the Local Review Body to make an unaccompanied site visit.

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.

The applicant has expended all avenues through the planning process which culminated in a formal refusal, dated 21st August 2023, therefore, the applicant now seeks to appeal to the Local Review Panel. The matters to be raised in the Local Review Panel Appeal are set out in the Appeal Documents and supporting documentation

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.

[Empty box for explanation]

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.

Documents 001 through to Document 029 are all relevant to the Local Review Body assessment. In addition, also provided is a full statement of the planning Appeal

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

Checklist

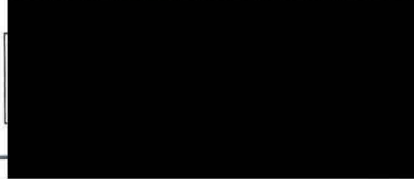
Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

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

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

Declaration

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

Signed  Date

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

PLANNING APPEAL

For Refused Planning Application: 23/00262/FUL

Proposed Conversion and Extension of Existing Agricultural Store
To Sustainable, Off-Grid Dwelling House
@
Blue House
Reston
Eyemouth
Scottish Borders
TD14 5LN

Reference: GF/1512/22

Date: 14th November 2023

Executive Summary:

Yeoman Architecture Ltd are instructed by the Applicant: Mr Graeme Forsyth to appeal to the Local Review Panel in respect the formal Planning Refusal under reference: 23/00262/FUL, which was decided by officer delegation on the 21st August 2023.

It should be noted that the site has been subject to Five separate planning applications, since the year 2000, the initial application was for Change of Use, the second application was also for a 'Change of Use' but was a full Planning Application, the third application was withdrawn before validation.

Planning Applications 4 & 5 were submitted by the current applicant.

Planning Application No 4 was submitted by another party, which was refused by the Planning Officer and later further Refused by the Local Review Body.

Planning Application No 5 was submitted by Yeoman Architecture Limited, this was subsequently refused on the 21st August 2023 and is now subject to this appeal submission to the Local Review Body.

It has been inherently difficult to produce a design that would be accepted by Scottish Borders Council.

Following Planning Application 4 – 21/01982/FUL and the start of our involvement, we fully assessed the refusal documentation and submitted plan, thereafter, we submitted a much reduced design scheme, which met client requirements, but more importantly sought to address the issues raised in the approval.

It is important to also state the proposal is for an off-grid home, fully sustainable, self-sufficient and therefore will be extremely low carbon.

The levels of insulation specified, greatly exceed current Building Standards and micro-generation is provided by Solar Water, Solar Photovoltaic Panel and a Wind Turbine.

There appears to be no consideration given to the applicant's approach to sustainability in the determination process.

The sole Reason for Refusal of 23/00262/FUL is an exact facsimile of the refusal for 21/01982/FUL, in that: *The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The new extension would dominate the more subservient conversion of the existing building in height and footprint resulting in the appearance of a new build dwellinghouse in the open countryside extending off a more subservient old stone outbuilding. The development would contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the existing building, and the surrounding area. Other material considerations have been accounted for but they do not outweigh the harm that would result from the development.*

Relevant Planning Policy:

Policy HD (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.*

We have established that the current building on the site 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*

We have established through an engineering report that the building is substantially intact and requires no significant demolition.

- c) *The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.*

In greatly reducing the size and scale of the proposed conversion, we were of the opinion that these changes would meet the criteria in providing an extension which would in-keeping with the scale, whilst seamlessly incorporating and respecting the character of the existing building.

Clearly, policy HD (C) seems ambiguous, whereby, it is difficult to meet the actual test of this policy, as it is solely the opinion of the designated planning officer, who has the final say.

Prior to the Refusal Determination, we became aware that the planning officer retained his concern regarding Scale & Architectural Character, in the association of the old and new structures.

Email 22 of the 26th July 2023 in the attached email string, details my response following discussions with the planning officer, when we previously discussed what actually would be allowed on the site.

The officer's suggestion was an extension of 17.59M², linked to the existing building which would provide an overall internal footprint of only 46.48M².

We submitted a draft plan of what was deemed acceptable, which is attached in Doc 029.

Clearly, this would not provide the accommodation required for a family home, whilst the officers further suggestion of creating a holiday unit, completely defeats the purpose of the applicant's proposal and aspirations of self-sufficient, off grid, sustainable living.

The context of Scale and Character is subjective, the proposal submitted and subsequently refused, did, in our opinion, meet this criteria, also the existing building is small in size, we incorporated this seamlessly into the design with clear definition between the old and new elements.

I would trust the Local Review Panel will take time to assess the design plans submitted in application 21/01982/FUL which are set out in the attachments -Doc's 001 to 007 against the current refused proposal of the 23/00262/FUL application which are set out in doc's 011 to 018.

I would submit that the character of the existing building is fully respected, which the scale of the new built extension, whilst around 1.8M higher than the existing structure, the scale is not excessive.

Clearly scale, needs to be taken in the context of how two elements sit, side by side, and not by defining heights, which returns to the ambiguity of the policy.

In conclusion, it appears the difficulty in achieving a successful determination by Scottish Borders Council, solely hinges on Policy HD (C) subsection c: *The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.*

As stated the ambiguity of this policy has been stated, however, there are also many merits this proposal possess under sustainability, low carbon and off-grid.

As also stated the refused proposal is greatly reduced from the scheme previously refused under 21/01982/FUL, Therefore, we respectfully ask the Local Review Body to fully assess this project on its positive merits, which would allow a local family to follow their aspiration for sustainable living.

My clients purchased the site at Blue House, with the comfort that the site had twice secured planning consent, they were not to know, the issues that would arise thereafter and the difficulties in trying to obtain planning consent.

Whilst it is accepted that the 21/01982/FUL application could have been considered excessive, they did feel that their sustainability ambitions and off-grid living would act in their favour.

This application 23/00262/FU, which is subject to this appeal to the Local Review Body sought to fully consider the points outlined in the Planning Officers and Local Review Panel report in the refusal of the 2021 application, as a result we did feel we had presented a considered scheme that would meet the determination criteria.

I appreciate that the Planning Officer's role is to test the application against current policy, however, as stated, addressing the issue of Scale and Architectural Character in policy HD (C) subsection c, has been found to be insurmountable, as it would seem the policy is ambiguous and is wholly subjective in consideration.

I therefore ask the Local Review Body to consider the benefits of this proposal to create a modern, energy efficient family home, which is proposed to be respectful of the merits of the existing building in the setting, whilst being totally off-grid, sustainable and low carbon, undoubtedly, this is an opportunity for Scottish Borders Council to support sustainability in the area, therefore, I respectfully hope the Local Review Body will reverse the original refusal and fully support this unique proposal.

Planning Application & Site Information:

Planning Application Reference: 23/00262/FUL

Date of Refusal: 24th August 2023

Reason for Refusal:

The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The new extension would dominate the more subservient conversion of the existing building in height and footprint resulting in the appearance of a new build dwellinghouse in the open countryside extending off a more subservient old stone outbuilding. The development would contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the existing building, and the surrounding area. Other material considerations have been accounted for but they do not outweigh the harm that would result from the development.

Applicant:

Mr & Mrs Graeme Forsyth

Project Address:

Blue House
Reston
Eyemouth
Scottish Borders
TD14 5LN

Proposal:

Proposed Conversion and Extension of Existing Agricultural Store
To Sustainable, Off-Grid Dwelling House

Site Information:

The applicants are the owners of the site outlined in the submission plans and known as Blue House, which is located near Swansfield Farm, Reston, Eyemouth, Scottish Borders, TD15 5NP,

The Total Site Area under the applicant's ownership is 5,819M2, which is defined in two distinct areas:

Area 1: extends to 1,511M2 and is predominantly triangular in shape, bounded with trees and a post & wire fence, this parcel of land is a rough paddock where the existing derelict agricultural storage building is located. The existing building has a footprint of 46.8M2 and is constructed in masonry and has a metal clad roof, which has suffered recent storm damage, however the masonry structure is largely intact, including the gable walls and water tables.

Area 2: extends to 4,308M2 and is rectangular in shape, and forms part of the adjoining agricultural field. Currently this area is not currently defined by fencing, however, this area forms part of the overall package of land under the ownership of the applicants.

A timber post and rail fence will be erected in the coming weeks.

Planning History:

There are notifications of three Four Planning Applications for the subject site, which we understand Three of which, solely relate to Site Area 1 = 1,511M2 and not the designated Paddock Area 2 = 4,308M2

1

00/00183/COU – An application was approved on the 12th April 2000 for change of use to convert the existing building to a dwellinghouse – *No records are readily available for this submission.*

2

05/02159/FUL - An application was approved on the 20th January 2006 for change of use to convert the existing building to a dwellinghouse - *No records are readily available for this submission.*

3

12/00935/FUL - This application was withdrawn prior to validation - *No records are readily available for this submission.*

4

21/01982/FUL – An application was submitted on behalf of the current applicants, which was validated on the 24th December 2021 and determined as refused on the 4th March 2022.

5

23/00262/FUL - A further planning application was submitted on behalf of the current applicants which was validated on the 21st February 2023 and determined, as refused on the 21st August 2023.

Planning Application: 21/01982/FUL.

Planning Permission was sought under reference: 21/01982/FUL – Proposed Alterations, Extension & Change of Use to form Dwelling House.

The Planning Application was considered by Scottish Borders Council and subsequently Refused on the 4th March 2022, thereafter, the Planning Application was further considered and again refused by the Local Review Body on the 22nd July 2022.

The stated ‘Reason for Refusal’ was as follows:

The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

Prior to the determination by the appointed planning officer and the subsequent Local Review Body, the appointed planning officer contacted the previous agent to outline the LDP policy: HD2 (Housing in the Countryside) and the related Housing in the Countryside SPG, which set out the circumstances in which rural housing can be supported.

It was stated policies HD2 (A), (B), (D), (E) & (F) did not apply, however, policy HD2(C) relates to conversions of existing buildings to dwellinghouses.

It was considered that the previous planning application would not convert the existing building into a dwellinghouse, but would take the form of additional accommodation, ancillary to a new build dwellinghouse, to which it would be connected, via a short link.

It was questioned whether the proposals meet the criteria of policy HD2 (C), which required that; any proposed extension to be in keeping with scale and architectural character of the existing building.

The planning officer considered that the proposed new build element would ultimately dominate the existing building and would present a contrasting architectural style. The result would be the appearance of a large new building dwelling linked to a much smaller old building.

It was stated; Policy HD2(C) does not support this approach, and the guidance within the SPG further underpins this position, therefore, it was suggested that the planning application should be withdrawn, however, I understand the application was allowed to run through to the formal determination stage.

In the formal planning refusal, the appointed officer considered: the existing building had some historic merit, but outlined that it was very small in scale at 46.8M², additional concern was raised, that a significant extension would be required to meet modern day standards of residential accommodation.

Although Policy: HD2 CONVERSIONS OF BUILDINGS TO A HOUSE

c) The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

specifically mentions ‘conversion and any proposed extension or alteration’ it is unclear whether an extension in this location would be supported by current policies and guidance.

The appointed planning officer questioned whether the existing building is structurally sound, as no structural survey was submitted with the application, although it was acknowledged the existing building had lost its roof following the collapse of mature trees in recent storms.

Clear issues of concern were raised in the decision making by the appointed planning officer, insofar as the proposal for the large part was seeking permission for what was considered to be tantamount to a new build dwellinghouse, with the small stone building, proposed for conversion (46.9M² footprint) creating ancillary accommodation to the new two storey building (110.39M² footprint) - It was questioned whether the proposals met the most basic requirement of the conversion policy.

Additional concern was raised that the new building was not in keeping with either the scale or the character of the modestly sized existing building, citing its excessive height and greater footprint, with the opinion that the

proposed new building would dominate the existing building, contrary to the purpose and aims of HD2(C), also the existing building would be subservient to the new building, whereas the reverse of this should apply.

The overall effect would be of a new build dwellinghouse in the open countryside linked to a more subservient old stone outbuilding. The contrasting architectural styles, material finishes and approaches to glazing would exacerbate this.

It was therefore considered that the development would therefore contribute to a sense of sporadic residential development in the countryside, to the detriment of the character of the site, the existing building, and the surrounding landscape.

Another point raised was that the new building and garage would extend into a previously undeveloped field. The development does not respect the historic field boundaries at the site and would not be contained within the triangular site's sense of place. It was considered that this would cause further harm to the character of the site and the surrounding landscape.

Concerns in respect of Siting, Layout and Design were lightly commented on in the planning officer's appraisal, however, it was noted that the design of the new dwellinghouse and garage have not avoided the need for excavations into the hillside, with cut and fill required to create flat platforms.

It was also noted that no proposed or existing site levels were provided, to demonstrate the extent of these works.

Generally, it was considered that the orientation of the new dwelling was at odds with the existing building, exacerbating the latter's sense of subservience. In addition, the proposed garage was proposed to be located in a dominant position, on higher ground and was also considered excessive in scale.

No tree survey was submitted with the application. Whilst concerns were raised in respect of the potential damage to mature trees within the site curtilage.

The reason for creating two accesses to the site was a point of contention as was the removal of hedging to create the access to the north-east extents of the site.

It was therefore considered the proposals were contrary to LDP policy EP13 (Trees, Woodlands, and Hedgerows), although it was suggested that it may be possible to avoid or mitigate adverse impacts, therefore, this was not a reason for refusal.

Issues in respect of Ecology were raised, insofar as the existing building would appear to have habitat potential for protected species such as bats and breeding birds. No ecological reports were submitted.

Therefore, it was not demonstrated that the development would not harm nationally or internationally protected species or their habitats, or local biodiversity.

The proposals are therefore considered contrary to the Council's planning policies EP1, EP2 and EP3.

The planning officer outlined further considerations in respect of:

- a) Two new vehicular accesses with service laybys were proposed to the private road to the south and the public road to the north-east, connected by a drive and turning. There are no significant vehicular access or road safety concerns. The Roads Planning Service requests conditions for parking, vehicular access and drainage to the road.
- b) Private water supply and foul drainage arrangements are required. No supporting information was provided regarding water supply. Given the limited information provided, a robustly worded planning condition would be required. For foul waste, a septic tank is proposed with outfall to a soakaway or field tiles.
- c) The Council's Archaeology Officer was consulted as the application proposes the conversion of a building with potential historic interest. The Officer recommends that a record of the building is secured by planning condition on account of such interest, however no further archaeological work is deemed necessary at this site.

- d) The application was discussed with the Contaminated Land Officer, who stated that there was insufficient information available to rule out possible contamination issues at the site. Further information as to the previous uses of the property is needed. This could be secured by condition.
- e) Development contributions would have been sought towards Eyemouth High School and Reston Primary School had the proposals been acceptable.

Relevant Planning Policy:

It is understood that, as the proposed site is outwith any designated settlement boundary, therefore, it falls to be assessed against Local Development Plan Policy HD2 (Housing in the Countryside) and the related Housing in the Countryside SPG. This sets out the circumstances in which rural housing can be supported.

Policy HD (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:

- d) The Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use.
- e) 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
- f) The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

Planning Application 23/00262/FUL:

Further to the information available on the Scottish Borders Council Public Access Portal, we have discussed the proposal at length with the applicants and fully appraised the previous proposal, together with assessing the subsequent reasons for refusal.

We have now re-evaluated the proposal and produced a design, that hopefully meets the relevant criteria and policies set out in the Local Development Plan.

Applicants Objectives:

The applicants propose to demonstrate and fully implement off-grid living within the Scottish Borders, by creating an energy efficient, low carbon and highly insulated family home on a rural site, which will include the conversion of the existing building located on-site and integrating this alongside a traditionally constructed extension, which will form a family dwelling over a 129.36M² footprint.

The applicants have fully considered the shortfalls of the previous 21/01982/FUL planning application and sought to fully address the areas of contention.

The proposed dwelling will implement several methods of renewables which will demonstrate the sustainability of the proposal

Development Footprint:

Overall, the dwelling footprint is now proposed at = Existing 46.8M² + Proposed 82.56M² = 129.36M², whereas the previous application was proposed at = Existing 46.8M² + Link Building 6.0M² + 104.39M² = 157.19M²

Development Area:

The proposed area of development will be entirely retained in the established triangular site area of 1,511M² save for the proposed 6Kw wind turbine on a 15M Tower, located at the western extents of the applicant's site.

Existing Building & Proposed Extension:

One of the previous issues raised by the appointed planning officer was that the existing building, rather than being converted, was to be ancillary to what was considered as a large dwellinghouse, which was to be linked by a glass walkway.

The current proposal changes this approach and fully adjoins the existing building (46.8M²) to a new structure (82.56M²) this design fully integrates the existing building, which will house the Kitchen, Utility Room and Services Cupboard within the Dwelling.

Design Approach:

It is proposed to retain the existing building in its current form and integrate this into the proposed extended dwelling, this will include retaining water tables to the south-east elevation, whilst the north-west gable and water tables are to be carefully removed and reinstated in the new build element. It is proposed that the new roof pitches will align with the existing roof at 45 degrees.

External walls are proposed to be constructed in random natural stone to replicate the existing, with the inclusion of natural stone quoins, window surrounds and water tables to complement the overall appearance, whilst respecting and retaining the historic value of the existing structure.

Sustainability:

The applicants are proposing to build a fully sustainable dwelling which will be highly insulated, whilst exceeding current Building Standards. The dwelling will be wholly off-grid, which will comprise of the following:

- i) Electricity – via 22No Solar Photovoltaic Panels
1No 6Kw Wind Turbine on 15M Tower
Dedicated Battery Storage.
- ii) Water – via Private Supply from Borehole.
- iii) Heating & Hot Water – via 1No Solar Hot Water Panel,
Ground Source Heating via Borehole, Low Temperature Underfloor Heating.

Additional Buildings:

The proposed detached 72M2 Garage detailed on planning application: 21/01982/FUL has been completely removed from the current proposal.

Site Access:

The proposed secondary access to the north-east extents of the site has been removed from the proposal, therefore, the proposed access is to be located at the south-east extent of the site, immediately adjacent to the proposed dwelling.

Site Excavations:

The limitation of the development immediately adjacent to the existing structure will minimise the site excavations and work with the existing ground contours.

The full removal of the detached garage from the proposal will completely eliminate any excavations for this element.

Tree Survey:

In the previous planning submission, no tree survey was undertaken, however, in the ensuing period, the site was been affected by storm damage, principally by Storm Arwin in December 2021, where a number of trees were blown over and have since been removed.

The remaining trees on-site are clear of the proposed development and will be retained by the applicants as they are all established and stable.

Ecology:

A detailed Ecology Survey on the existing structure in respect of habitat potential for protected species, such as Bats and Breeding Birds has been instructed and will be forwarded to SBC when available.

Contaminated Land:

The Contaminated Land Officer, in the previous planning application, cited there was insufficient information to rule out possible contamination issues at the site, however, the site area of 1,511M2 is rough scrubland bordered by trees, therefore it unlikely that there are contamination issues in the area.

It is unknown what was previously stored in the redundant agricultural building, although initial enquires with the adjoining landowner states this was purely animal feed in small quantities, whether the floor area requires testing for contaminants can be undertaken, if requested by the Contaminated Land Officer.

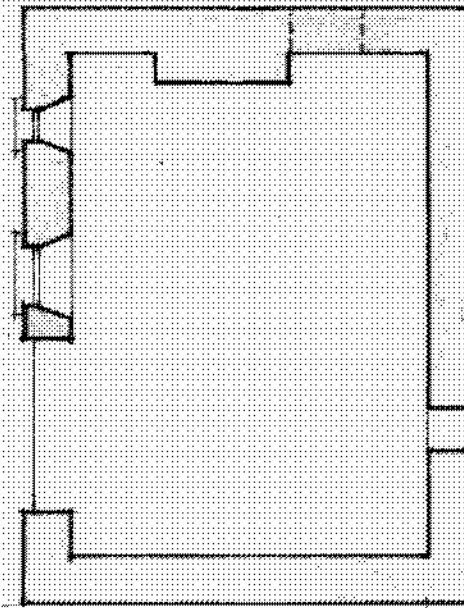
The remaining parcel of land is wholly agricultural and extends to 4,308M2 – it is not envisaged that any of this land will be contaminated.

REFUSED

subject to the
requirements of the
associated Decision
Notice

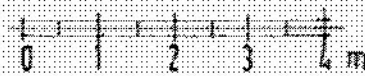
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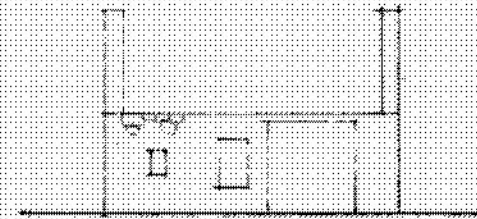


FLOOR PLAN

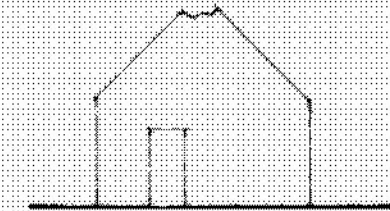
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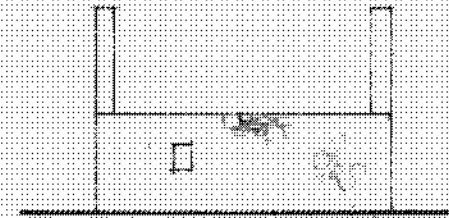
existing access



south west



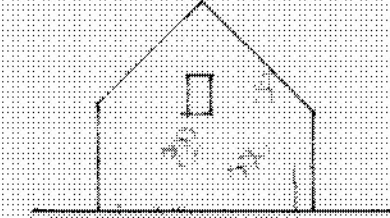
north west



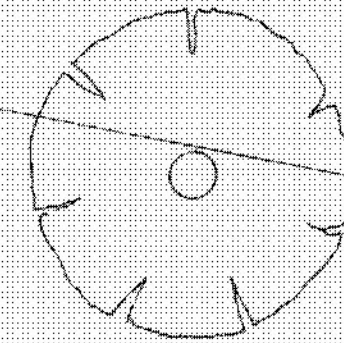
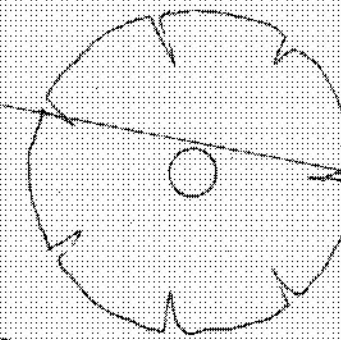
north east

ELEVATIONS

1:200



south east



ROAD

Andrew Walker
Architectural Consultants

Tel: 018907 52978
Mob: 07714213654
Email:
andrew374walker@btinternet.com

client
GRAEME FORSYTH

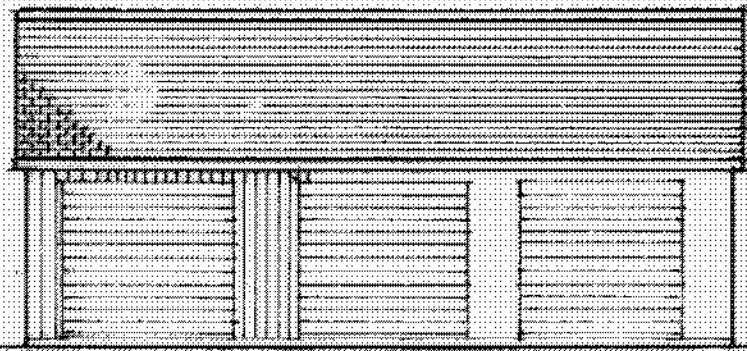
project
**PROPOSED ALTERATIONS
EXTENSION & CHANGE
OF USE AT TO FORM
DWELLING HOUSE AT
THE BLUE HOUSE
NEAR SWANSFIELD
RESTON**

drawing title
BUILDING AS EXISTING

scale
1:100 & A3
drawing No
21-028-007

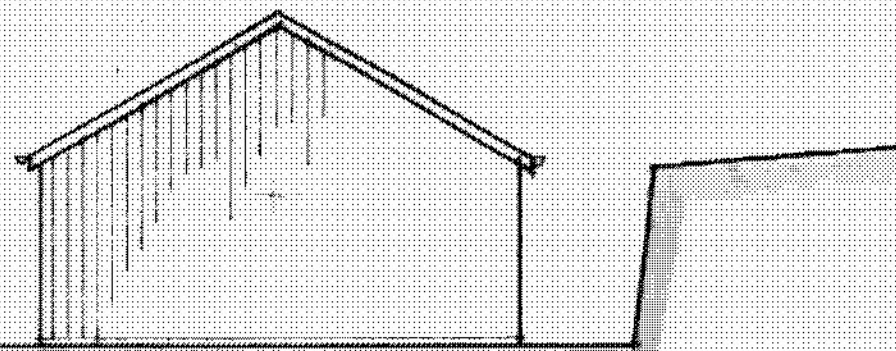
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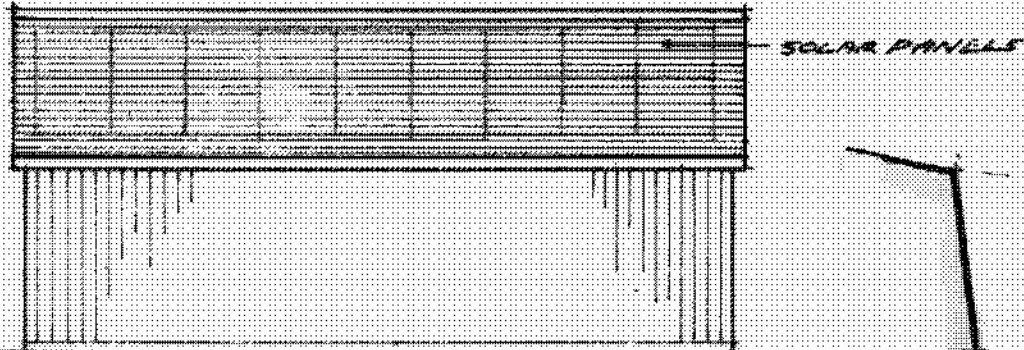
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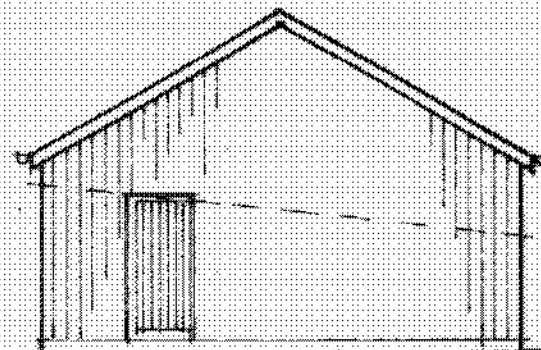
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SOUTH WEST ELEVATION

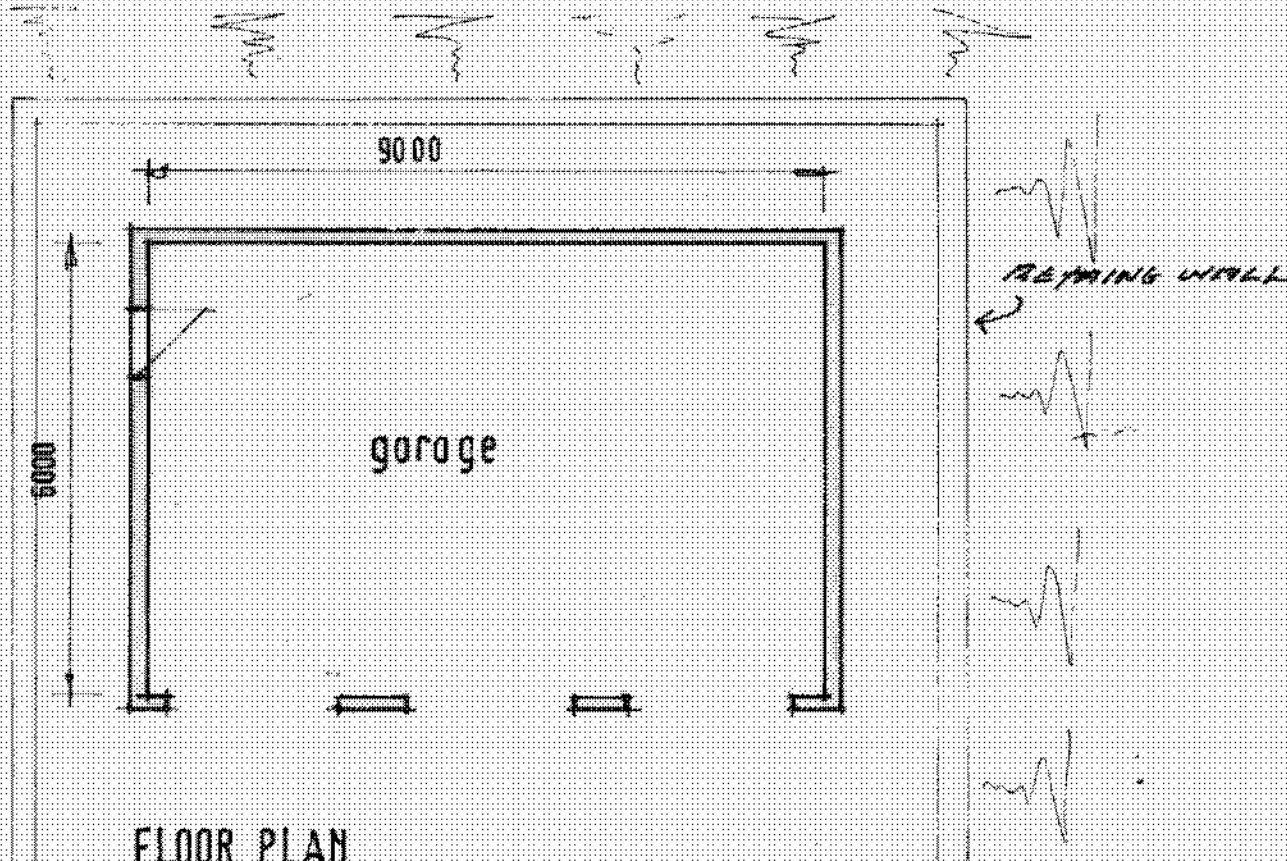
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SOUTH EAST ELEVATION

1:100

Page 187



FLOOR PLAN

1:100



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

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Notice

21/01982/FUL
04/03/2022

Andrew Walker
Architectural Consultants

Tel: 018907 52978
Mob: 07714213654
Email:
andrew374walker@btinternet.com

client
GRAEME FORSYTH

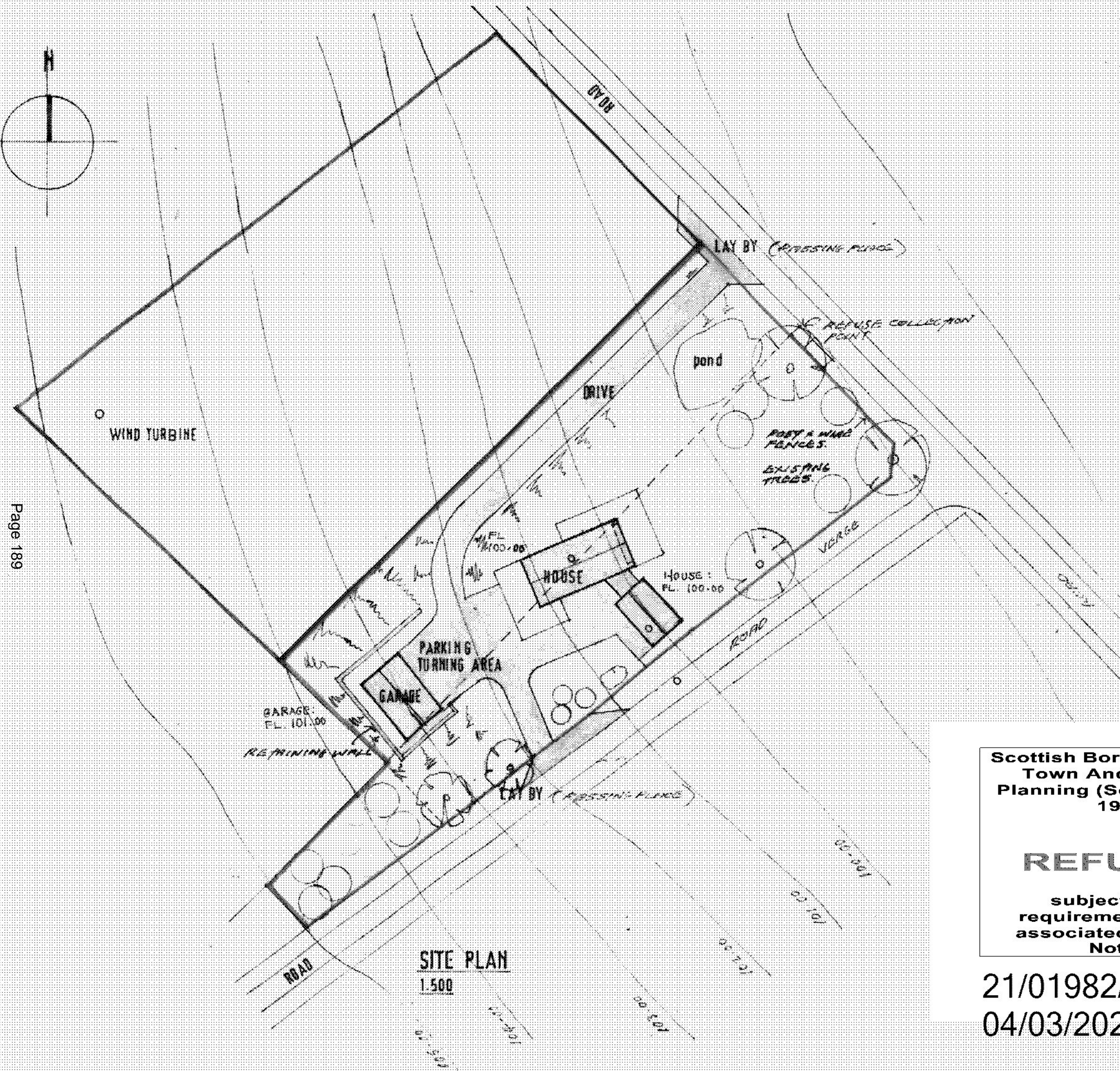
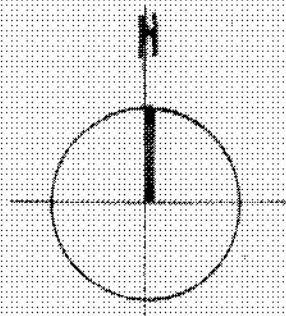
project
PROPOSED ALTERATIONS
EXTENSION & CHANGE
OF USE AT TO FORM
DWELLING HOUSE AT
THE BLUE HOUSE
NEAR SWANSFIELD
RESTON

drawing title
**GARAGE:
PLAN & ELEVATIONS**

scale
1:100 & A3
drawing file
date
NOV 2021
revision

21-028-006

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SITE PLAN
1:500

The contractor will be held to have checked all dimensions before commencing with any works and in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of any works.

NOTES

1. The proposed dwelling house with garage as shown is to be in accordance with drawings 21-028-001 - 007. Generally the proposed House and Garage shall consist of external walls finished in Charred Timber Cladding (Larch), existing building to have a natural stone finish. The roof finish is to be natural or high quality artificial slate. Windows and doors to be Aluclad (or equal) with an Anthracite grey finish. Black Lindab steel guttering and downpipes.
2. Foul water drainage from development to connect into a Klargester (or equal) 3800 litre Septic tank with effluent outfall taken to soakaway or existing field tile drains.
3. Surface water drainage from Dwelling House/Garage to be taken to surface water soakaways. Surface water soakaways to be constructed in strict accordance with the recommendations of BS EN 12056 - 3: 2000. BRE Digest 365. Surface water soakaways to be located within the curtilage of the dwelling house site and to the satisfaction of the local authority Building Control department.
4. The access road together with the main parking and turning area within application site is to consist of a gravel surface overlaid on layers of Type 1 (permeable) crush material to minimize standing water. Lay-By and passing places to be formed where shown on Site Plan in strict accordance Roads Departments details and specifications. The parking and turning arrangements shown on the site plan shall be completed in full and ready for use prior to the first occupation of the proposed Dwelling House.
5. Refuse collection point as shown on Site Layout Plan.
6. Central heating to be provided by Air source heat pump (ASHP) or Ground Source heat pump, with underfloor heating to Ground Floor and radiators/towel rails elsewhere (all to be agreed with client). A solar PV array is to be installed on rear roof of garage. A multi fuel stove shall be installed in the living area to provide a secondary heat source.
7. Existing trees shown on Site Plan to remain. Landscaping scheme to be agreed with planning. The external boundary fencing to be standard post and wire fencing.



Andrew Walker
Architectural Consultants
Tel: 0189077 52978
Mob: 07714213634
Email: andrew374walker@btinternet.com

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

REFUSED

subject to the
requirements of the
associated Decision
Notice

21/01982/FUL
04/03/2022

Client
GRAEME FORSYTH

Project
**PROPOSED ALTERATIONS
EXTENSION & CHANGE
OF USE AT TO FORM
DWELLING HOUSE AT
THE BLUE HOUSE
NEAR SWANSFIELD
RESTON**

Drawing title
SITE PLAN

Scale
1:500 & A3
Drawing No
21-028-005

Date
NOV 2021
Revision

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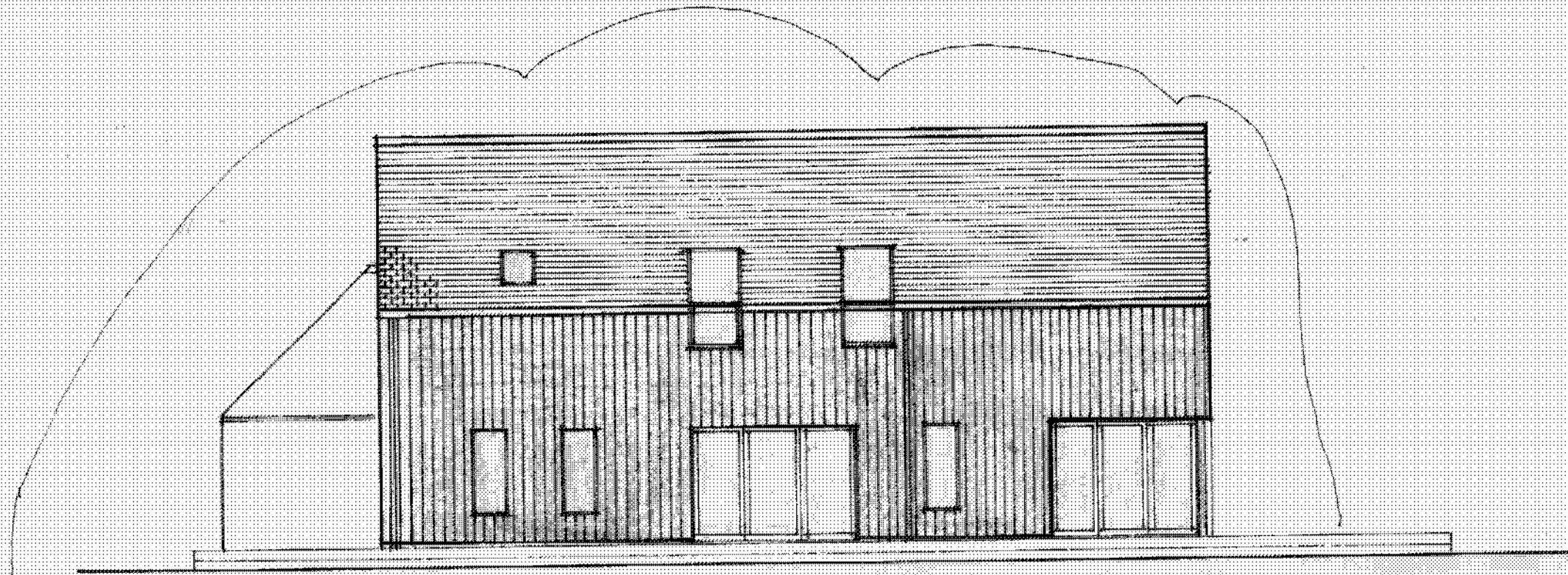
Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
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Notice

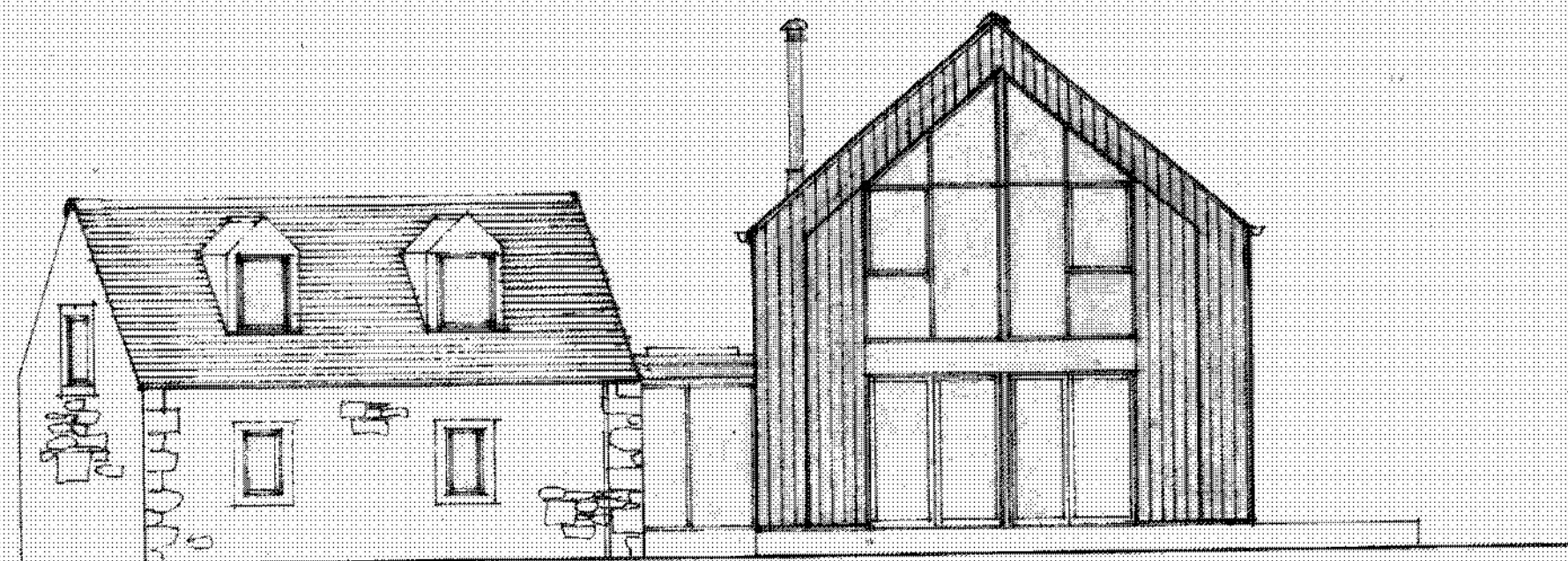
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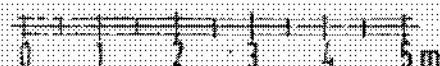
NORTH WEST ELEVATION

1:100



NORTH EAST ELEVATION

1:100



Andrew Walker
Architectural Consultants

Tel: 018907 52978
Mob: 07714213654
Email:
andrew374walker@btinternet.com

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GRAEME FORSYTH

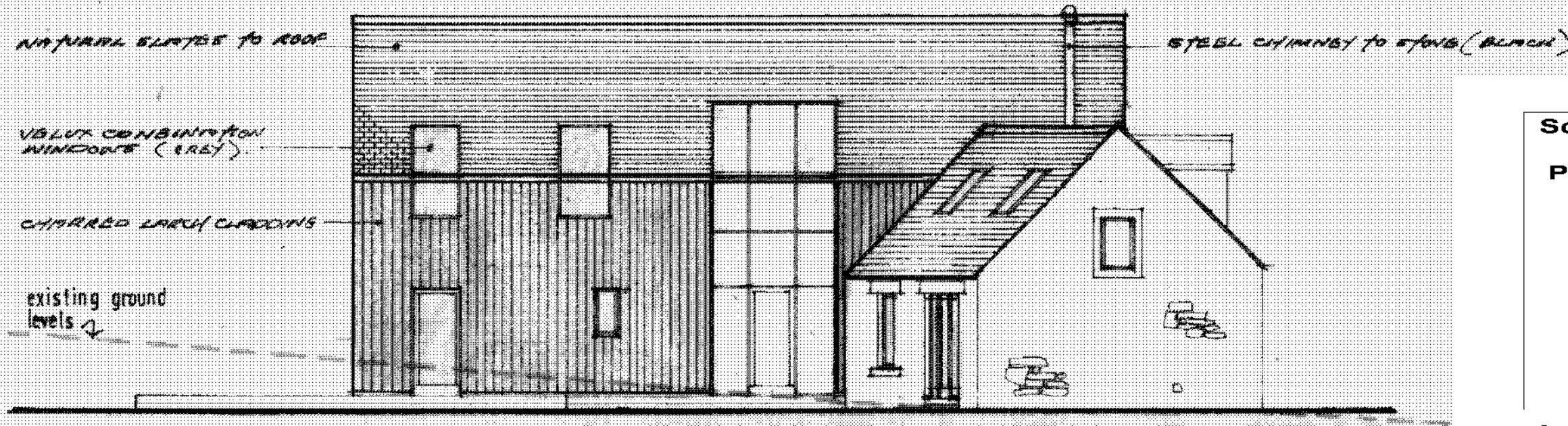
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PROPOSED ALTERATIONS
EXTENSION & CHANGE
OF USE AT TO FORM
DWELLING HOUSE AT
THE BLUE HOUSE
NEAR SWANSFIELD
RESTON

drawing title
NORTH WEST & NORTH EAST
ELEVATIONS AS PROPOSED

scale
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drawing No
date
NOV 2021
revision

21-028-004

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SOUTH EAST ELEVATION
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**Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997**

REFUSED

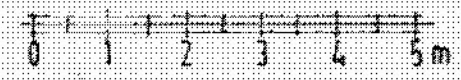
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21/01982/FUL
04/03/2022

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SOUTH WEST ELEVATION
1:100



Andrew Walker
Architectural Consultants

Tel: 018907 52978
Mob: 07714213654
Email:
andrew274walker@btinternet.com

client
GRAEME FORSYTH

project
PROPOSED ALTERATIONS
EXTENSION & CHANGE
OF USE AT TO FORM
DWELLING HOUSE AT
THE BLUE HOUSE
NEAR SWANSFIELD
RESTON

drawing title
SOUTH EAST & SOUTH WEST
ELEVATIONS AS PROPOSED

scale:
1:100 & A3
drawing No
21-028-003

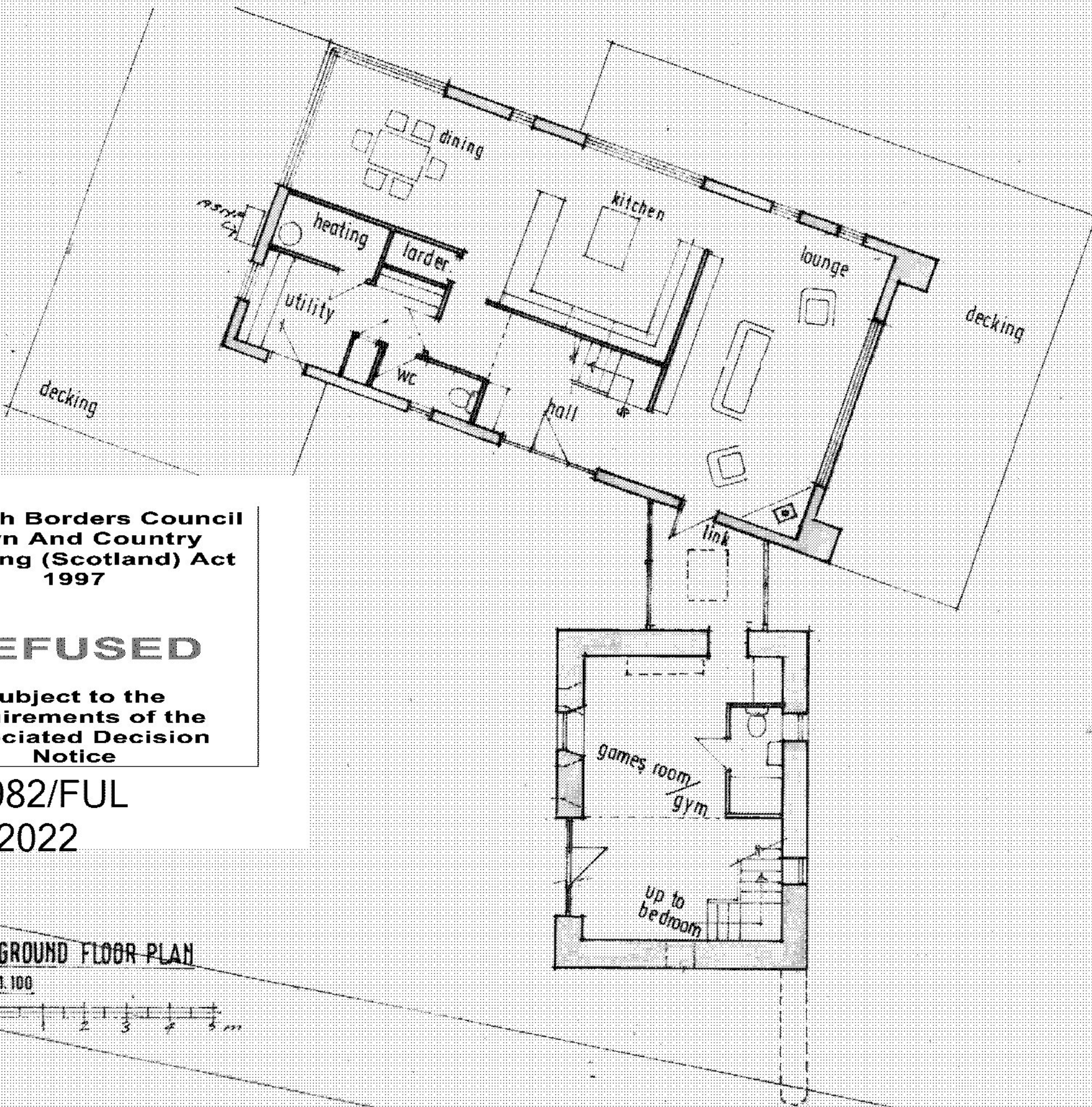
date:
NOV 2021
revision

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The contractor will be held to have checked all dimensions before commencing with any works and in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of any works.

NOTES

1. The proposed dwelling house with garage as shown is to be in accordance with drawings 21-028-001 - 007. Generally the proposed House and Garage shall consist of external walls finished in Charred Timber Cladding (Larch), existing building to have a natural stone finish. The roof finish is to be natural or high quality artificial slate. Windows and doors to be Aluclad (or equal) with an Anthracite grey finish. Black Landab steel guttering and downpipes.
2. Foul water drainage from development to connect into a Klargestor (or equal) 3800 litre Septic tank with effluent outfall taken to soakaway or existing field tile drains.
3. Surface water drainage from Dwelling House/Garage to be taken to surface water soakaways. Surface water soakaways to be constructed in strict accordance with the recommendations of BS EN 12056 - 3: 2000. BRE Digest 365. Surface water soakaways to be located within the curtilage of the dwelling house site and to the satisfaction of the local authority Building Control department.
4. The access road together with the main parking and turning area within application site is to consist of a gravel surface overlaid on layers of Type 1 (permeable) crush material to minimize standing water. Lay-By and passing places to be formed where shown on Site Plan in strict accordance Roads Departments details and specifications. The parking and turning arrangements shown on the site plan shall be completed in full and ready for use prior to the first occupation of the proposed Dwelling House.
5. Refuse collection point as shown on Site Layout Plan.
6. Central heating to be provided by Air source heat pump (ASHP) or Ground Source heat pump, with underfloor heating to Ground Floor and radiators/towel rails elsewhere (all to be agreed with client). A solar PV array is to be installed on rear roof of garage. A multi fuel stove shall be installed in the living area to provide a secondary heat source.
6. Existing trees shown on Site Plan to remain. Landscaping scheme to be agreed with planning. The external boundary fencing to be standard post and wire fencing.



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

REFUSED

subject to the
requirements of the
associated Decision
Notice

21/01982/FUL
04/03/2022

GROUND FLOOR PLAN

1:100



Andrew Walker
Architectural Consultants

Tel: 018907 52978
Mob: 07714213654
Email:
andrew174walker@btinternet.com

client
GRAEME FORSYTH

project
**PROPOSED ALTERATIONS
EXTENSION & CHANGE
OF USE AT TO FORM
DWELLING HOUSE AT
THE BLUE HOUSE
NEAR SWANSFIELD
RESTON**

drawing title

**GROUND FLOOR PLAN
AS PROPOSED**

scale: 1:100 @ A3
drawing No

date: NOV 2021
revision

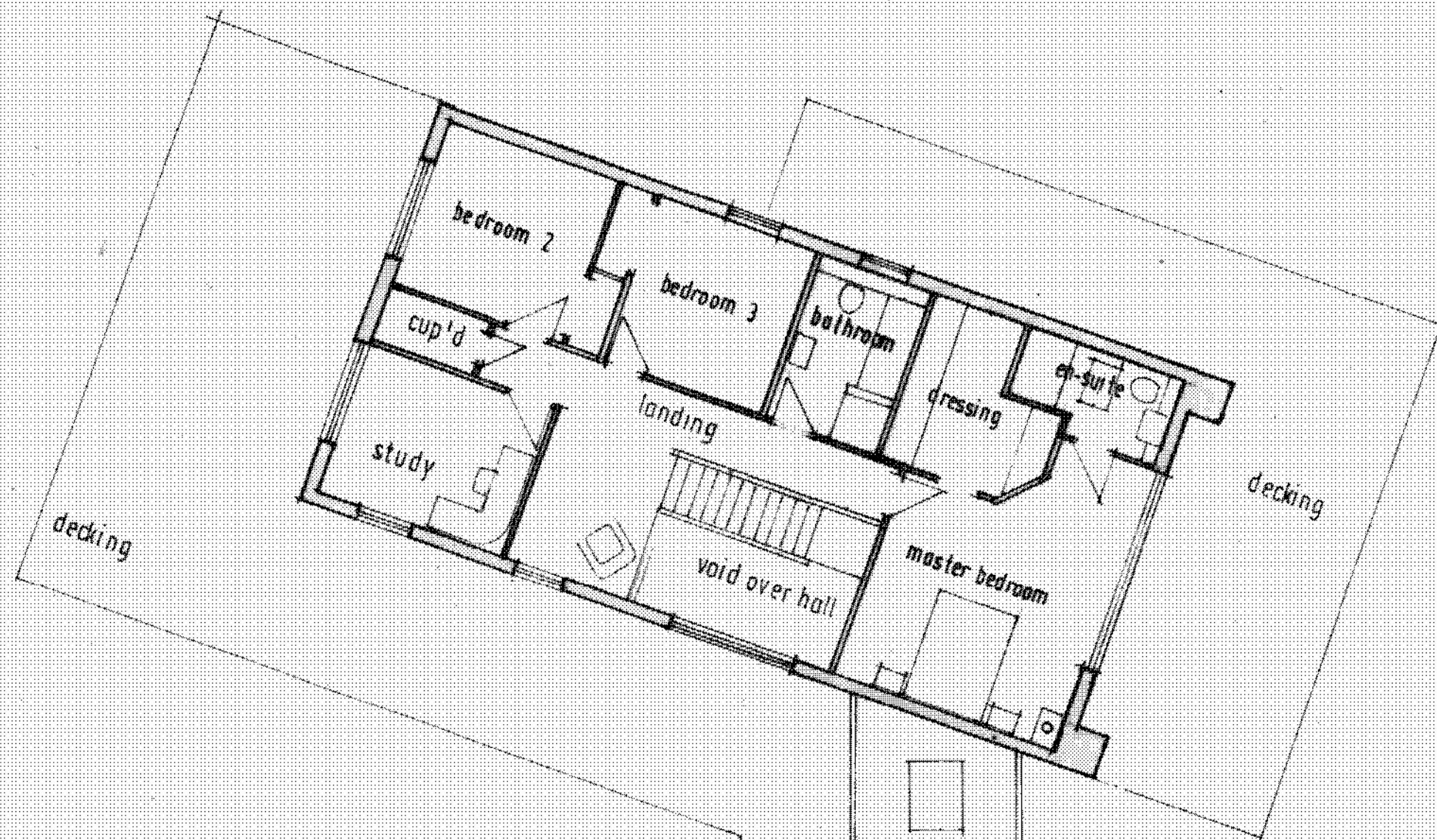
21-028-001

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REFUSED

subject to the
requirements of the
associated Decision
Notice

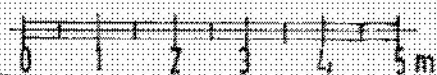
21/01982/FUL
04/03/2022



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FIRST FLOOR PLAN

1:100



Andrew Walker
Architectural Consultants

Tel: 018907 52978
Mob: 07714213654
Email:
andrew174walker@btinternet.com

client
GRAEME FORSYTH

project
**PROPOSED ALTERATIONS
EXTENSION & CHANGE
OF USE AT TO FORM
DWELLING HOUSE AT
THE BLUE HOUSE
NEAR SWANSFIELD
RESTON**

drawing title
**FIRST FLOOR PLAN
AS PROPOSED**

scale
1:100 & A3
drawing No
21-028-002

date
NOV 2021
revision

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/01982/FUL

APPLICANT : Mr Graeme Forsyth

AGENT : Andrew Walker

DEVELOPMENT : Change of use from agricultural store, alterations and extension to form dwellinghouse with garage

LOCATION: The Blue House Near Swansfield Farm
Reston
Eyemouth
Scottish Borders
TD14 5LN

TYPE : FUL Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
21-028-001	Proposed Plans	Refused
21-028-002	Proposed Plans	Refused
21-028-003	Proposed Elevations	Refused
21-028-004	Proposed Elevations	Refused
21-028-005	Proposed Site Plan	Refused
21-028-006	Proposed Elevations	Refused
21-028-007	Existing Elevations	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

One member of the public provided comments in support of the application, commenting as follows:

- the proposal would tidy a derelict area, especially if the Council does something to improve the bin park which currently attracts rats.

CONSULTATIONS

SBC Access: No response.

SBC Archaeology: The existing building is first shown by the later 19th century Ordnance Survey second edition mapping of the area. There is an early building in the general area in the earlier Ordnance Survey mapping. The existing building and plot would therefore benefit from recording. Should the application be consented it would be recommended that a historic building recording condition be carried out for the existing building.

SBC Education: No response.

SBC Environmental Health: No response.

SBC Roads Planning: The site has had previous consent for alterations to form a dwelling (05/01259/FUL and 00/00183/COU). The site has a public road to the north east and a private road to the south. As the principle of a dwelling has already been established in the site, I shall have no objections to this application provided conditions similar to the ones below are attached in any consent given. Conditions for parking, access and drainage to road requested.

Community Council: The community council have received no comments/concerns from the public in relation to this application. The community council discussed this application and are supportive as it seeks to reinstate and rebuild a once derelict eyesore into an aesthetically pleasing family home. This is a great example of a house incorporating eco-friendly solutions, i.e., an independent stand alone home, with off-grid utilities, the use of solar arrays and ASHP or GSHP is an encouraging sign, one where other developers can learn from in this example. What is not clear but having spoken with the applicant is the water supply; the water supply is to be sourced via private water supply independent and with no detrimental impact upon the nearby supply at 'Warlawbank'. Their intentions also to provide passing places if deemed required by roads planning is encouraging, due to the narrowness of this road access points.

Scottish Water: There is no public water or waste water infrastructure within the vicinity of the site therefore private options should be investigated.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016:

PMD1: Sustainability
PMD2: Quality Standards
ED9: Renewable Energy Development
ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP1: International Nature Conservation Sites and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3: Local Biodiversity
EP8: Archaeology
EP13: Trees, Woodlands and Hedgerows
IS2: Development Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and SUDS
IS13: Contaminated Land

Other Considerations:

Biodiversity Supplementary Planning Guidance 2005
Development Contributions Supplementary Planning Guidance 2011 (Updated 2021)
Landscape and Development Supplementary Planning Guidance 2008
New Housing in the Borders Countryside Supplementary Planning Guidance 2008
Privacy and Amenity Supplementary Planning Guidance 2006
Placemaking and Design Supplementary Planning Guidance 2010
Renewable Energy Supplementary Guidance 2018
Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020
Trees and Development Supplementary Planning Guidance 2008
Use of Timber in Sustainable Construction Supplementary Planning Guidance 2009
Waste Management Supplementary Guidance 2015

Scottish Planning Policy 2014

Recommendation by - Paul Duncan (Assistant Planning Officer) on 3rd March 2022

Site Description

The proposed site is located on the lower slopes of Horsely Hill around 2.5km west of Reston, at a junction between the public road to Horsely Farm and the long private road up to Warlawbank. The site comprises two adjoining but distinct parcels of land. The first is a roughly triangular area of scrub on the north side of the private road. It is enclosed by post and wire fencing and marked in the landscape by mature perimeter trees. It hosts a small single-storey stone building with no roof. The second is a small portion of a much larger undeveloped arable field to the north. It is bound to the east by mature hedging but has no clearly defined boundaries to the west or north. A field drain, partially covered, runs along the boundary between the triangular portion of land and the arable field to the north. A bin storage compound for Warlawbank is located along to the east of the site, along the side of the public road to Horsely Farm. Swansfield Farm is located 200m to the north.

Proposed Development

The application proposes the erection of a new two storey building, which would provide primary accommodation for a new dwellinghouse. The new building would be located to the north-west of the existing stone building, and would extend into the adjoining arable field, requiring a cut into the hill slope. It would connect to the existing stone building via a new single-storey, flat-roofed link. The existing stone building would be converted to provide ancillary accommodation to the new dwelling in the form of a games room/ gym, and a first floor bedroom (NB the latter is shown on the ground floor plan only).

A large 9m by 6m detached triple-garage would be erected to the west of the new dwelling, on higher ground, cut into the hillside.

Two new vehicular accesses with service laybys are proposed to the south and north-east, connected by a drive and turning area.

Supporting Information

A short supporting statement was submitted. This states that the proposal complies within Local Development Plan (LDP) policy HD2(C) Housing in the Countryside - Conversions. The points made in the supporting statement have been fully considered.

Assessment

- Planning History

The application supporting statement asserts that planning history at the property supports these new proposals.

Planning history at the property is limited to three previous applications. In 2000 an application was approved for change of use to convert the existing building to a dwellinghouse (00/00183/COU). The report of handling of a later 2005 application (reference 05/02159/FUL) indicates that the same scheme was resubmitted and approved again five years later. There is no indication that any form of extension was approved under either scheme, nor did either application site boundary extend into the adjacent undeveloped field. Furthermore, both permissions predate our New Housing in the Countryside SPG and LDP. They are therefore of limited relevance to this new application, which must be assessed against current policies. In 2012 a further application was withdrawn prior to validation (12/00935/FUL).

Planning history at the site is judged to be a material consideration of limited weight in this instance.

- Principle

The proposed site is located outwith any settlement designated in the Local Development Plan (LDP) so must be assessed against LDP policy HD2 (Housing in the Countryside). 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. The proposed site is distant from any recognised building group so HD2(A) does not apply. Nor does HD2(F), as there is no economic or business justification for the dwelling. HD2 (B), (D) and (E) also do not apply.

Policy HD2(C) states that in principle, the change of use of a building in the countryside to a house may be acceptable provided that: (a) the building has architectural or historic merit, is capable of conversion and is physically suited for residential use; (b) the building stands substantially intact and requires no significant demolition; and (c) the conversion is in keeping with the scale and architectural character of the existing building.

The existing building is considered to have some historic merit but is very small in scale. It is not clear how physically suited it would be for today's standards of residential accommodation without recourse to significant extension that would no longer be supported by current planning policies and guidance. Furthermore, it is not clear whether the building remains structurally sound as no structural survey was submitted with the application. The building has fallen into a state of significant dilapidation and has now lost its roof. Recent storms have brought mature trees down at the site and one of these appears to have landed upon the building, potentially causing further harm.

Notwithstanding these points is the more fundamental issue that the application to the large part is seeking permission for what would be tantamount to a new-build dwellinghouse. The small stone building proposed for conversion (approx 7.9m by 5.9m in footprint) would simply offer ancillary accommodation to the new two storey building (approx. 14.3m by 7.3m in footprint). It is therefore questionable whether the proposals meet the most basic requirement of the conversion policy. Regardless, the new building is clearly not in keeping with either the scale or the character of the modestly sized existing building. By virtue of its excessive height and greater footprint, the proposed new building would dominate the existing building, contrary to the purpose and aims of HD2(C). The existing building would be subservient to the new building, whereas the reverse of this should apply. The overall effect would be of a new build dwellinghouse in the open countryside linked to a more subservient old stone outbuilding. The contrasting architectural styles, material finishes and approaches to glazing would exacerbate this. The development would therefore contribute to a sense of sporadic residential development in the countryside, to the detriment of the character of the site, the existing building, and the surrounding landscape.

A more minor point also of concern is that the new building and garage would extend into a previously undeveloped field. The development does not respect the historic field boundaries at the site and would not be contained within the triangular site's sense of place. This would cause further harm to the character of the site and the surrounding landscape.

- Siting, Layout and Design

Given that the principle and approach of the proposed development is so clearly contrary to relevant planning policies and guidance, it would be inappropriate to comment extensively on siting, layout or design. However it is noted that the design of the new dwellinghouse and garage have not avoided the need for excavations into the hillside, with cut and fill required to create flat platforms. Furthermore, no proposed or existing site levels have been provided to demonstrate the extent of these works. The orientation of the new dwelling is at odds with the existing building, exacerbating the latter's sense of subservience. In addition, the proposed garage is located in a dominant position on higher ground and is also excessive in scale. Indeed, the proposed garage is also larger in footprint than the existing building proposed for conversion.

- Trees

No tree survey has been submitted. The boundary of the triangular portion of the site is marked by fine mature trees. The garage and southern vehicular access to the site are likely to harm the mature trees. The new vehicular access to the north-east would result in the removal of hedging. It is not clear why two vehicular accesses are required. The proposals are considered contrary to LDP policy EP13 (Trees, Woodlands and Hedgerows), though as it may be possible to avoid or mitigate adverse impacts this is not a reason for refusal.

- Ecology

The existing building would appear to have habitat potential to for protected species such as bats and breeding birds. No ecological reports have been submitted. It has not been demonstrated that the development would not harm nationally or internationally protected species or their habitats, or local biodiversity. The proposals are therefore contrary to the Council's planning policies EP1, EP2 and EP3.

- Other Matters

The following matters would not affect the overall outcome of the application and could be dealt with, where necessary, by condition or legal agreement:

Two new vehicular accesses with service laybys are proposed to the private road to the south and the public road to the north-east, connected by a drive and turning. There are no significant vehicular access or road safety concerns. The Roads Planning Service requests conditions for parking, vehicular access and drainage to the road.

Private water supply and foul drainage arrangements are required. No supporting information has been provided regarding water supply. Given the limited information provided, a robustly worded planning condition would be required. For foul waste, a septic tank is proposed with outfall to a soakaway or field tiles.

The Council's Archaeology Officer was consulted as the application proposes the conversion of a building with potential historic interest. The Officer recommends that a record of the building is secured by planning condition on account of such interest, however no further archaeological work is deemed necessary at this site.

The application has been discussed with the Contaminated Land Officer. There is insufficient information available to rule out possible contamination issues at the site. Further information as to the previous uses of the property is needed. This could be secured by condition.

Development contributions would have been sought towards Eyemouth High School and Reston Primary School had the proposals been acceptable.

Issues associated with the existing bin storage area for Warlawbank would not be matters for this application.

REASON FOR DECISION :

The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

Recommendation: Refused

- 1 The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

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

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Mr Graeme Forsyth
per Andrew Walker
2 Beach Avenue
Eyemouth
Scottish Borders
TD14 5AB

Please ask for: Paul Duncan
01835 825558
Our Ref: 21/01982/FUL
Your Ref:
E-Mail: paul.duncan@scotborders.gov.uk
Date: 9th March 2022

Dear Sir/Madam

**PLANNING APPLICATION AT The Blue House Near Swansfield Farm Reston Eyemouth
Scottish Borders TD14 5LN**

PROPOSED DEVELOPMENT: Change of use from agricultural store, alterations and
extension to form dwellinghouse with garage

APPLICANT: Mr Graeme Forsyth

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 : 21/01982/FUL

To : Mr Graeme Forsyth per Andrew Walker 2 Beach Avenue Eyemouth Scottish Borders TD14 5AB

With reference to your application validated on **24th December 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Change of use from agricultural store, alterations and extension to form dwellinghouse with garage

at : The Blue House Near Swansfield Farm Reston Eyemouth Scottish Borders TD14 5LN

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

**Dated 4th March 2022
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 21/01982/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
21-028-001	Proposed Plans	Refused
21-028-002	Proposed Plans	Refused
21-028-003	Proposed Elevations	Refused
21-028-004	Proposed Elevations	Refused
21-028-005	Proposed Site Plan	Refused
21-028-006	Proposed Elevations	Refused
21-028-007	Existing Elevations	Refused

REASON FOR REFUSAL

- 1 The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

FOR THE INFORMATION OF THE APPLICANT

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

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

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

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PLANNING STATEMENT

Proposed Conversion and Extension of Existing Agricultural Store
To Sustainable, Off-Grid Dwelling House
@
Blue House
Reston
Eyemouth
Scottish Borders
TD14 5LN

Reference: GF/1512/22

Date: 14th February 2023

Applicant:

Mr & Mrs Graeme Forsyth

Project Address:

Blue House
Reston
Eyemouth
Scottish Borders
TD14 5NP

Proposal:

Proposed Conversion and Extension of Existing Agricultural Store
To Sustainable, Off-Grid Dwelling House

Site Information:

The applicants are the owners of the site outlined in the submission plans and known as Blue House, which is located near Swansfield Farm, Reston, Eyemouth, Scottish Borders, TD15 5NP,

The Total Site Area under the applicant's ownership is 5,819M2, which is defined in two distinct areas:

Area 1: extends to 1,511M2 and is predominantly triangular in shape, bounded with trees and a post & wire fence, this parcel of land is a rough paddock where the existing derelict agricultural storage building is located. The existing building has a footprint of 46.8M2 and is constructed in masonry and has a metal clad roof, which has suffered recent storm damage, however the masonry structure is largely intact, including the gable walls and water tables.

Area 2: extends to 4,308M2 and is rectangular in shape, and forms part of the adjoining agricultural field. Currently this area is not currently defined by fencing, however, this area forms part of the overall package of land under the ownership of the applicants.
A timber post and rail fence will be erected in the coming weeks.

Historic Planning Applications:

There are notifications of three previous applications for the application site, which we understand solely relate to Site Area 1 = 1,511M2 and not the designated Paddock Area 2 = 4,308M2

In 2000 an application under reference: 00/00183/COU was approved for change of use to convert the existing building to a dwellinghouse – *No records are readily available for this submission.*

In 2005, materially, the same application was resubmitted, under reference: 05/02159/FUL, this was again approved - *No records are readily available for this submission.*

In 2012 a further planning application was submitted under reference: 12/00935/FUL, however, this was withdrawn prior to validation - *No records are readily available for this submission.*

In 2021 a planning application was submitted on behalf of the current applicants, under reference: 21/01982/FUL – Full analysis of this application is outlined in the ensuing paragraphs.

Previous Planning Application: 21/01982/FUL.

Planning Permission was sought under reference: 21/01982/FUL – Proposed Alterations, Extension & Change of Use to form Dwelling House.

The Planning Application was considered by Scottish Borders Council and subsequently Refused on the 4th March 2022, thereafter, the Planning Application was further considered and again refused by the Local Review Body on the 22nd July 2022.

The stated 'Reason for Refusal' was as follows:

The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

Prior to the determination by the appointed planning officer and the subsequent Local Review Body, the appointed planning officer contacted the previous agent to outline the LDP policy: HD2 (Housing in the Countryside) and the related Housing in the Countryside SPG, which set out the circumstances in which rural housing can be supported.

It was stated policies HD2 (A), (B), (D), (E) & (F) did not apply, however, policy HD2(C) relates to conversions of existing buildings to dwellinghouses.

It was considered that the previous planning application would not convert the existing building into a dwellinghouse, but would take the form of additional accommodation, ancillary to a new build dwellinghouse, to which it would be connected, via a short link.

It was questioned whether the proposals meet the criteria of policy HD2 (C), which required that; any proposed extension to be in keeping with scale and architectural character of the existing building.

The planning officer considered that the proposed new build element would ultimately dominate the existing building and would present a contrasting architectural style. The result would be the appearance of a large new building dwelling linked to a much smaller old building.

It was stated; Policy HD2(C) does not support this approach, and the guidance within the SPG further underpins this position, therefore, it was suggested that the planning application should be withdrawn, however, I understand the application was allowed to run through to the formal determination stage.

In the formal planning refusal, the appointed officer considered: the existing building had some historic merit, but outlined that it was very small in scale at 46.8M², additional concern was raised, that a significant extension would be required to meet modern day standards of residential accommodation.

Although Policy: HD2 CONVERSIONS OF BUILDINGS TO A HOUSE

c) The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

specifically mentions 'conversion and any proposed extension or alteration' it is unclear whether an extension in this location would be supported by current policies and guidance.

The appointed planning officer questioned whether the existing building is structurally sound, as no structural survey was submitted with the application, although it was acknowledged the existing building had lost its roof following the collapse of mature trees in recent storms.

Clear issues of concern were raised in the decision making by the appointed planning officer, insofar as the proposal for the large part was seeking permission for what was considered to be tantamount to a new build dwellinghouse, with the small stone building, proposed for conversion (46.9M² footprint) creating ancillary accommodation to the new two storey building (110.39M² footprint) - It was questioned whether the proposals met the most basic requirement of the conversion policy.

Additional concern was raised that the new building was not in keeping with either the scale or the character of the modestly sized existing building, citing its excessive height and greater footprint, with the opinion that the proposed new building would dominate the existing building, contrary to the purpose and aims of HD2(C), also the existing building would be subservient to the new building, whereas the reverse of this should apply.

The overall effect would be of a new build dwellinghouse in the open countryside linked to a more subservient old stone outbuilding. The contrasting architectural styles, material finishes and approaches to glazing would exacerbate this.

It was therefore considered that the development would therefore contribute to a sense of sporadic residential development in the countryside, to the detriment of the character of the site, the existing building, and the surrounding landscape.

Another point raised was that the new building and garage would extend into a previously undeveloped field. The development does not respect the historic field boundaries at the site and would not be contained within the triangular site's sense of place. It was considered that this would cause further harm to the character of the site and the surrounding landscape.

Concerns in respect of Siting, Layout and Design were lightly commented on in the planning officer's appraisal, however, it was noted that the design of the new dwellinghouse and garage have not avoided the need for excavations into the hillside, with cut and fill required to create flat platforms. It was also noted that no proposed or existing site levels were provided, to demonstrate the extent of these works.

Generally, it was considered that the orientation of the new dwelling was at odds with the existing building, exacerbating the latter's sense of subservience. In addition, the proposed garage was proposed to be located in a dominant position, on higher ground and was also considered excessive in scale.

No tree survey was submitted with the application. Whilst concerns were raised in respect of the potential damage to mature trees within the site curtilage.

The reason for creating two accesses to the site was a point of contention as was the removal of hedging to create the access to the north-east extents of the site.

It was therefore considered the proposals were contrary to LDP policy EP13 (Trees, Woodlands, and Hedgerows), although it was suggested that it may be possible to avoid or mitigate adverse impacts, therefore, this was not a reason for refusal.

Issues in respect of Ecology were raised, insofar as the existing building would appear to have habitat potential for protected species such as bats and breeding birds. No ecological reports were submitted.

Therefore, it was not demonstrated that the development would not harm nationally or internationally protected species or their habitats, or local biodiversity.

The proposals are therefore considered contrary to the Council's planning policies EP1, EP2 and EP3.

The planning officer outlined further considerations in respect of:

- a) Two new vehicular accesses with service laybys were proposed to the private road to the south and the public road to the north-east, connected by a drive and turning. There are no significant vehicular access or road safety concerns. The Roads Planning Service requests conditions for parking, vehicular access and drainage to the road.
- b) Private water supply and foul drainage arrangements are required. No supporting information was provided regarding water supply. Given the limited information provided, a robustly worded planning condition would be required. For foul waste, a septic tank is proposed with outfall to a soakaway or field tiles.
- c) The Council's Archaeology Officer was consulted as the application proposes the conversion of a building with potential historic interest. The Officer recommends that a record of the building is secured by planning condition on account of such interest, however no further archaeological work is deemed necessary at this site.
- d) The application was discussed with the Contaminated Land Officer, who stated that there was insufficient information available to rule out possible contamination issues at the site. Further information as to the previous uses of the property is needed. This could be secured by condition.
- e) Development contributions would have been sought towards Eyemouth High School and Reston Primary School had the proposals been acceptable.

Relevant Planning Policy:

It is understood that, as the proposed site is outwith any designated settlement boundary, therefore, it falls to be assessed against Local Development Plan Policy HD2 (Housing in the Countryside) and the related Housing in the Countryside SPG. This sets out the circumstances in which rural housing can be supported.

Policy HD (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.

Proposed Planning Application:

Further to the information available on the Scottish Borders Council Public Access Portal, we have discussed the proposal at length with the applicants and fully appraised the previous proposal, together with assessing the subsequent reasons for refusal.

We have now re-evaluated the proposal and produced a design, that hopefully meets the relevant criteria and policies set out in the Local Development Plan.

Applicants Objectives:

The applicants propose to demonstrate and fully implement off-grid living within the Scottish Borders, by creating an energy efficient, low carbon and highly insulated family home on a rural site, which will include the conversion of the existing building located on-site and integrating this alongside a traditionally constructed extension, which will form a family dwelling over a 129.36M2 footprint.

The applicants have fully considered the shortfalls of the previous 21/01982/FUL planning application and sought to fully address the areas of contention.

The proposed dwelling will implement several methods of renewables which will demonstrate the sustainability of the proposal

Development Footprint:

Overall, the dwelling footprint is now proposed at = Existing 46.8M2 + Proposed 82.56M2 = 129.36M2, whereas the previous application was proposed at = Existing 46.8M2 + Link Building 6.0M2 + 104.39M2 = 157.19M2

Development Area:

The proposed area of development will be entirely retained in the established triangular site area of 1,511M2 save for the proposed 6Kw wind turbine on a 15M Tower, located at the western extents of the applicant's site.

Existing Building & Proposed Extension:

One of the previous issues raised by the appointed planning officer was that the existing building, rather than being converted, was to be ancillary to what was considered as a large dwellinghouse, which was to be linked by a glass walkway.

The current proposal changes this approach and fully adjoins the existing building (46.8M2) to a new structure (82.56M2) this design fully integrates the existing building, which will house the Kitchen, Utility Room and Services Cupboard within the Dwelling.

Design Approach:

It is proposed to retain the existing building in its current form and integrate this into the proposed extended dwelling, this will include retaining water tables to the south-east elevation, whilst the north-west gable and water tables are to be carefully removed and reinstated in the new build element. It is proposed that the new roof pitches will align with the existing roof at 45 degrees.

External walls are proposed to be constructed in random natural stone to replicate the existing, with the inclusion of natural stone quoins, window surrounds and water tables to complement the overall appearance, whilst respecting and retaining the historic value of the existing structure.

Sustainability:

The applicants are proposing to build a fully sustainable dwelling which will be highly insulated, whilst exceeding current Building Standards. The dwelling will be wholly off-grid, which will comprise of the following:

- i) Electricity – via 22No Solar Photovoltaic Panels
1No 6Kw Wind Turbine on 15M Tower
Dedicated Battery Storage.
- ii) Water – via Private Supply from Borehole.
- iii) Heating & Hot Water – via 1No Solar Hot Water Panel,
Ground Source Heating via Borehole, Low Temperature Underfloor Heating.

Additional Buildings:

The proposed detached 72M2 Garage detailed on planning application: 21/01982/FUL has been completely removed from the current proposal.

Site Access:

The proposed secondary access to the north-east extents of the site has been removed from the proposal, therefore, the proposed access is to be located at the south-east extent of the site, immediately adjacent to the proposed dwelling.

Site Excavations:

The limitation of the development immediately adjacent to the existing structure will minimise the site excavations and work with the existing ground contours.

The full removal of the detached garage from the proposal will completely eliminate any excavations for this element.

Tree Survey:

In the previous planning submission, no tree survey was undertaken, however, in the ensuing period, the site was been affected by storm damage, principally by Storm Arwin in December 2021, where a number of trees were blown over and have since been removed.

The remaining trees on-site are clear of the proposed development and will be retained by the applicants as they are all established and stable.

Ecology:

A detailed Ecology Survey on the existing structure in respect of habitat potential for protected species, such as Bats and Breeding Birds has been instructed and will be forwarded to SBC when available.

Contaminated Land:

The Contaminated Land Officer, in the previous planning application, cited there was insufficient information to rule out possible contamination issues at the site, however, the site area of 1,511M2 is rough scrubland bordered by trees, therefore it unlikely that there are contamination issues in the area.

It is unknown what was previously stored in the redundant agricultural building, although initial enquires with the adjoining landowner states this was purely animal feed in small quantities, whether the floor area requires testing for contaminants can be undertaken, if requested by the Contaminated Land Officer.

The remaining parcel of land is wholly agricultural and extends to 4,308M2 – it is not envisaged that any of this land will be contaminated.

End of Statement.

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Image 01 - View of Site & Existing Building from Western Extents



Image 02 - View of Site & Existing Building from South West Approach



Image 03 - View of Site & Existing Building from North West Extents



Image 04 - View of Site & Existing Building from North East Extents



Image 05 - View of Site & Existing Building from South West Approach



Image 06 - View of Site & Existing Building from South West Extents



Image 07 - View of Site & Existing Building from South West Approach



Image 08 - View of Site & Existing Building from North East Extents



Image 09 - View of Site & Existing Building from North West Extents



Image 10 - View of Existing Building from adjoining Highway



Image 11 - View of Existing Building from South West

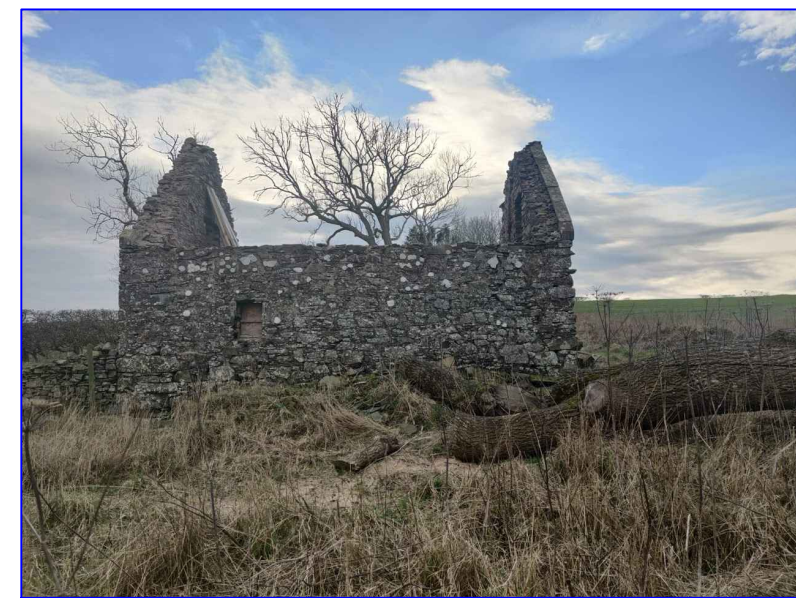


Image 12 - View of Existing Building from North East



Image 13 - View of Existing Building from North East Approach

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YEOMAN
Architecture

Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone: 01289 303960
Email: yeomandesign@aol.com

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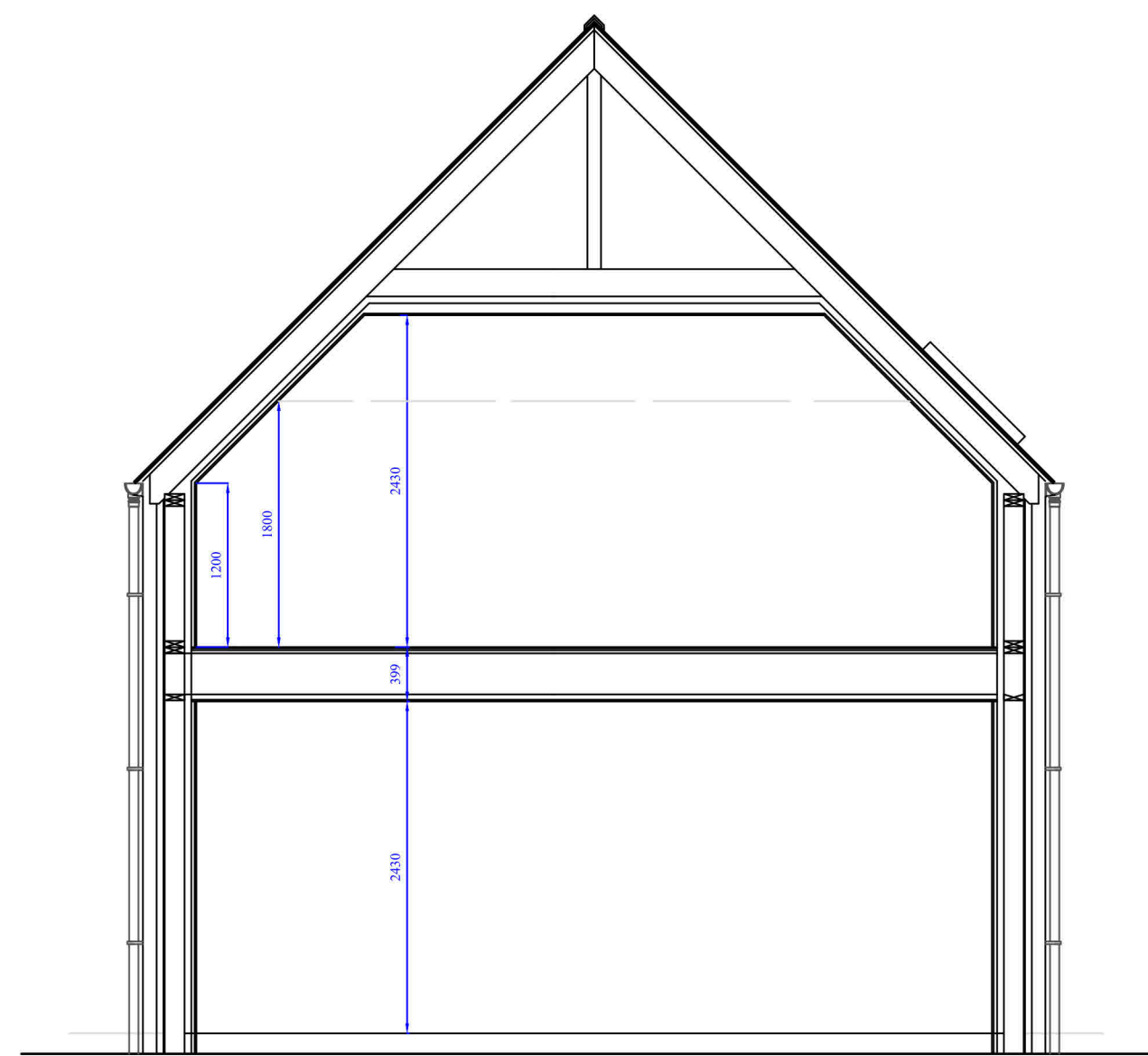
Client:	Mr & Mrs G Forsyth
Project Address:	Blue House Reston Eyemouth Scottish Borders TD14 5LN
Project:	Proposed Conversion & Extension of Existing Agricultural Store to Sustainable, Off-Grid Dwelling House
Sheet Title:	Image Plan
Scale:	NTS @ A1 Size
Date:	14th February 2023
Designed By:	James Cromarty <small>SECRETARY OF THE INSTITUTE OF ARCHITECTS</small> Direct Mobile No: 0772 969 0520
 	
Drawing No:	A108
File Ref:	GF/1512/22

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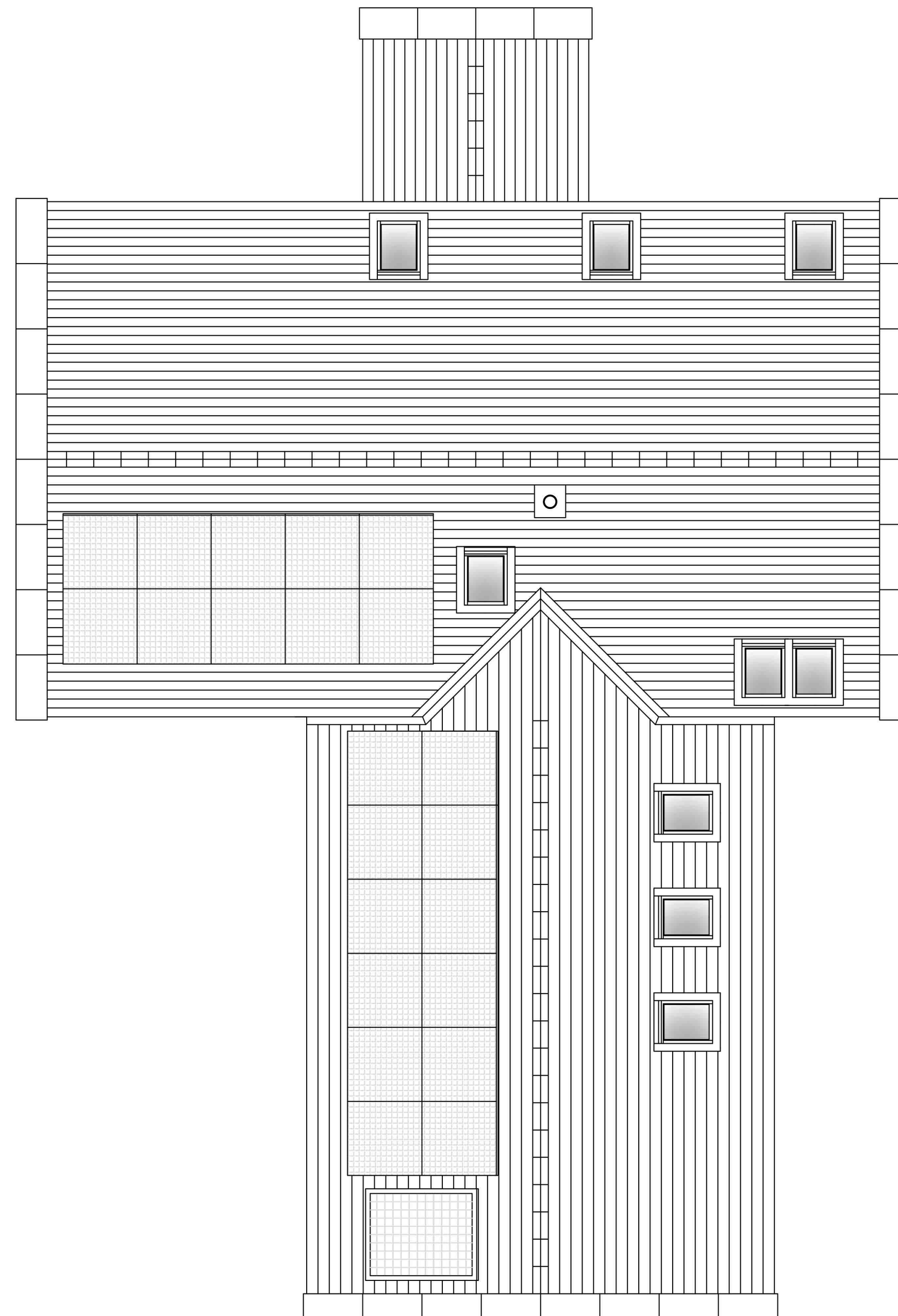
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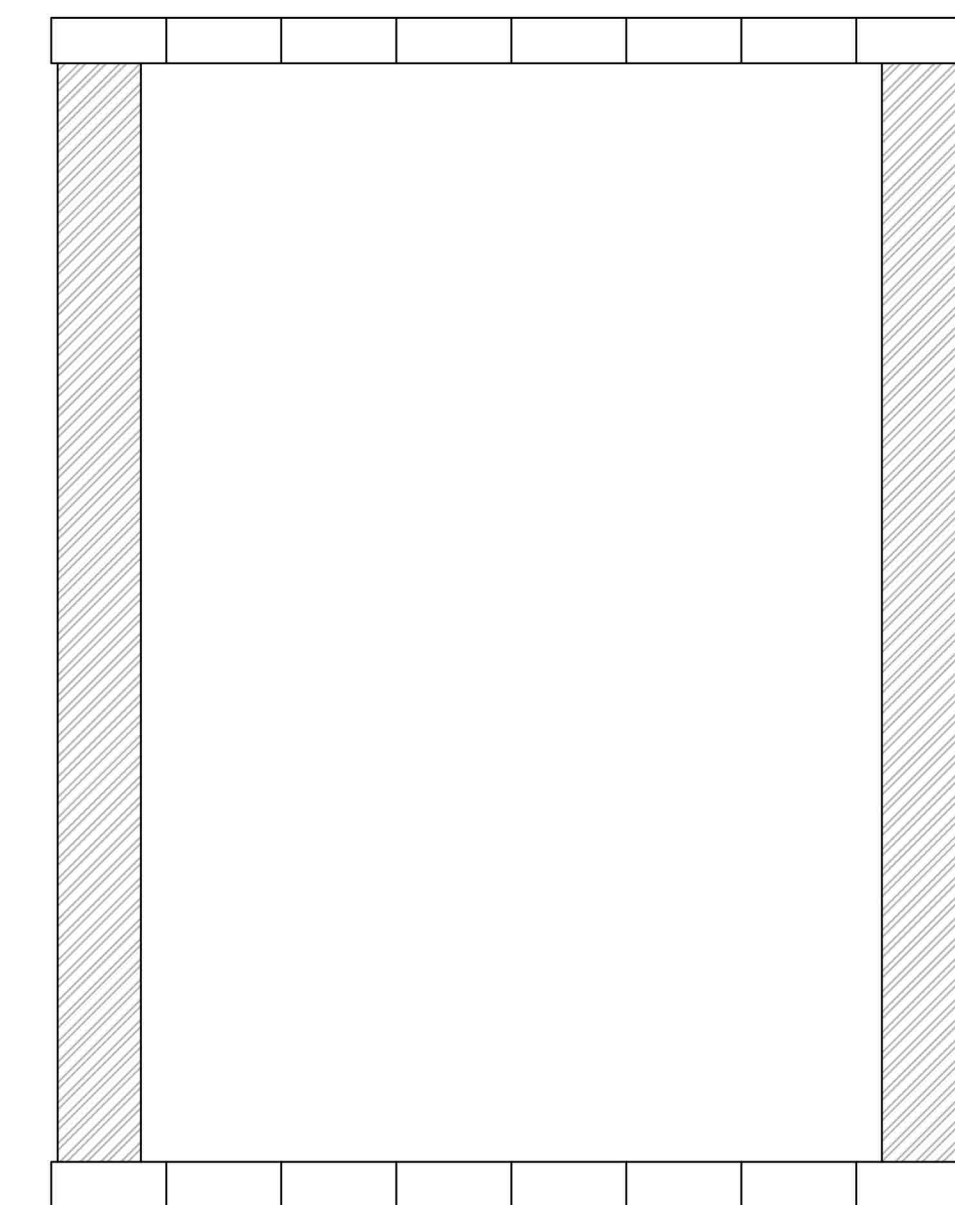
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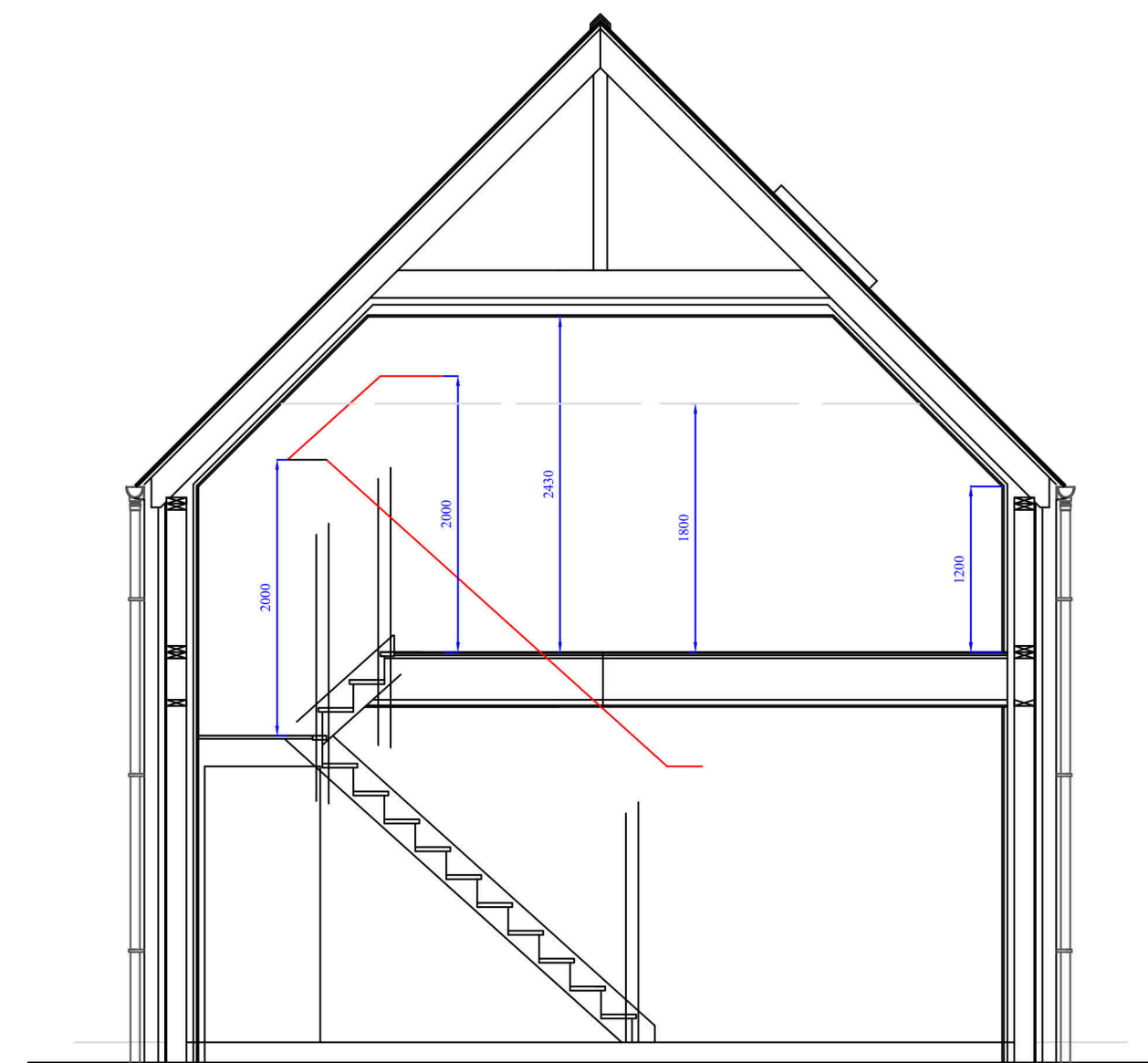
Section Through New Structure



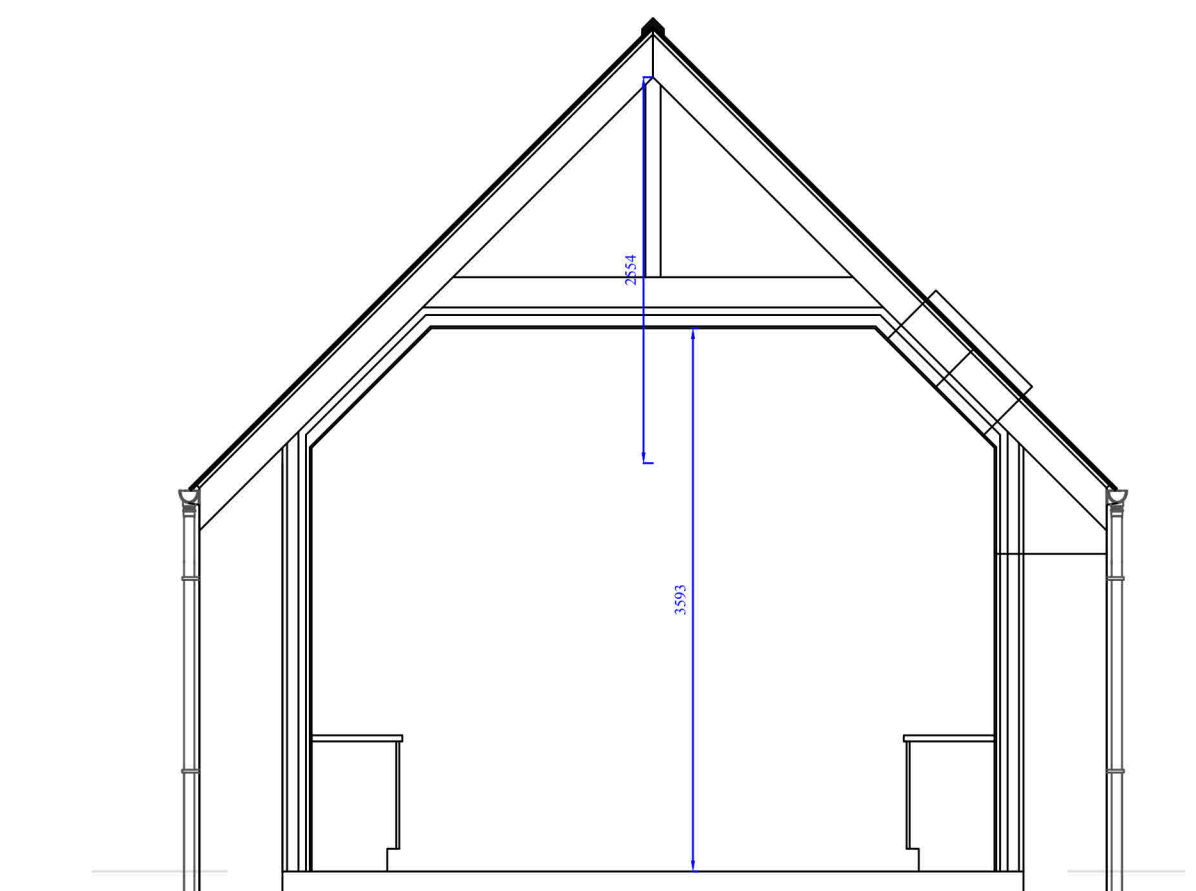
Roof Layout Plan As Proposed



Roof Plan As Existing



Section Through Stairflight



Section Through Existing Structure

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YEOMAN
Architecture

Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone: 01289 303960
E-Mail: yeomandesign@aol.com

Yeoman Architecture Limited
Registered in England & Wales Company Number: 10952408

Client: Mr & Mrs G Forsyth

Project Address: Blue House
Reston
Eyemouth
Scottish Borders
TD14 5LN


Project: Proposed Conversion & Extension
of Existing Agricultural Store
to Sustainable, Off-Grid Dwelling House

Sheet Title: Existing and Proposed
Roof Layout and Sectional Plan

Scale: 1.50 @ A1 Size

Date: 14th February 2023

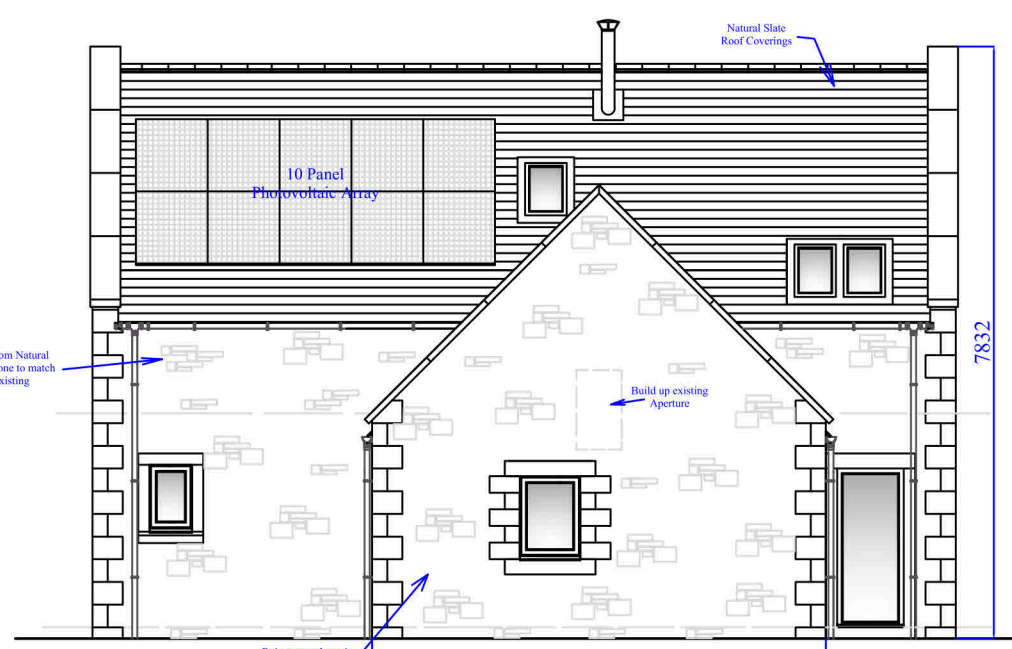
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Direct Mobile No: 0772 969 0520

Drawing No: A107

Plan No: GF/1512/22

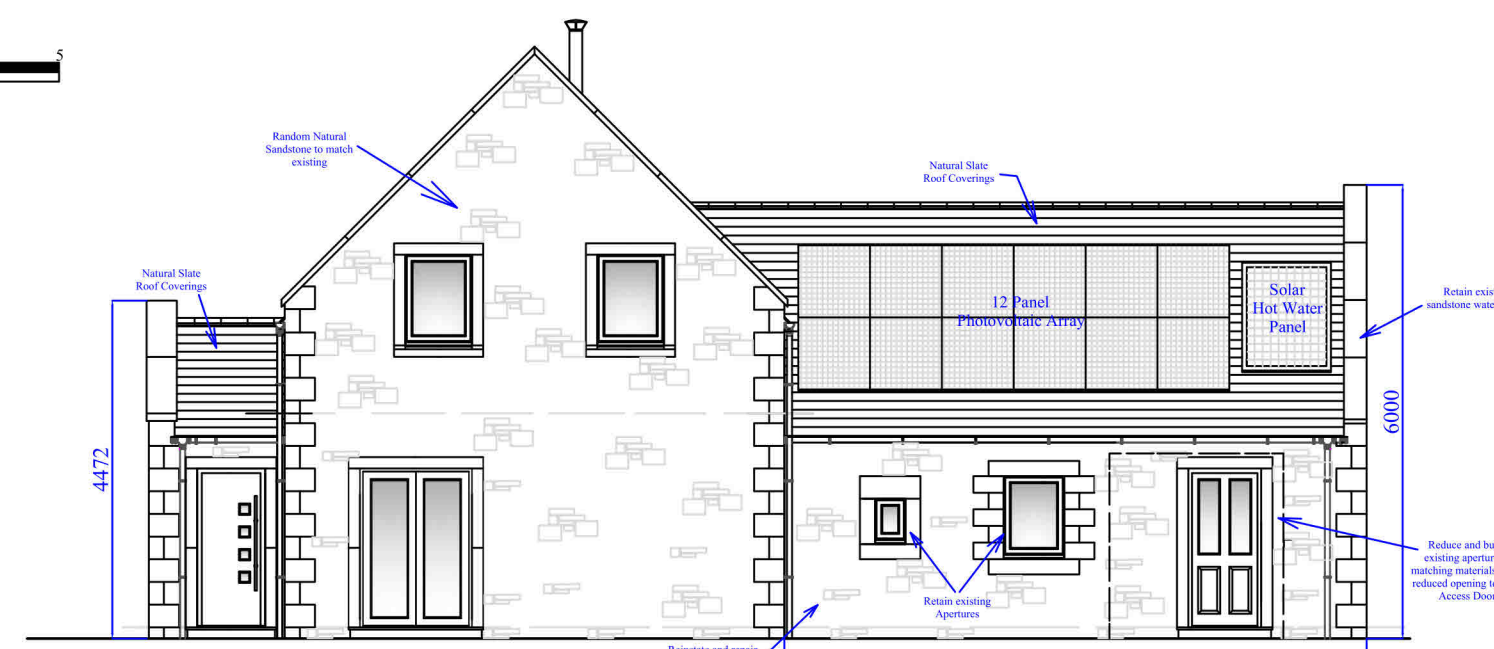
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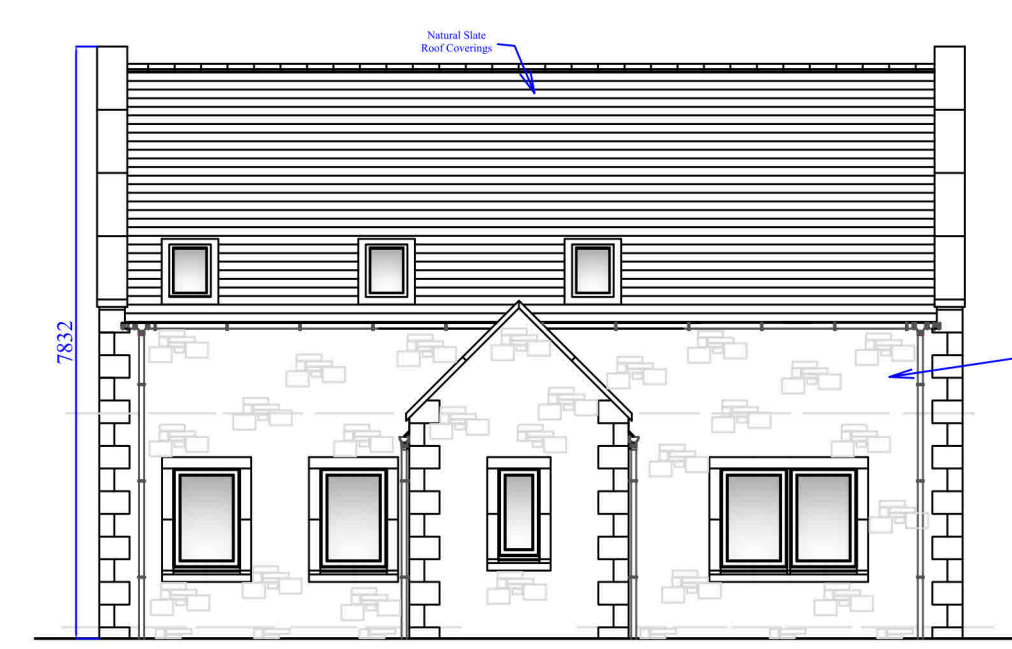
South East Elevation As Proposed



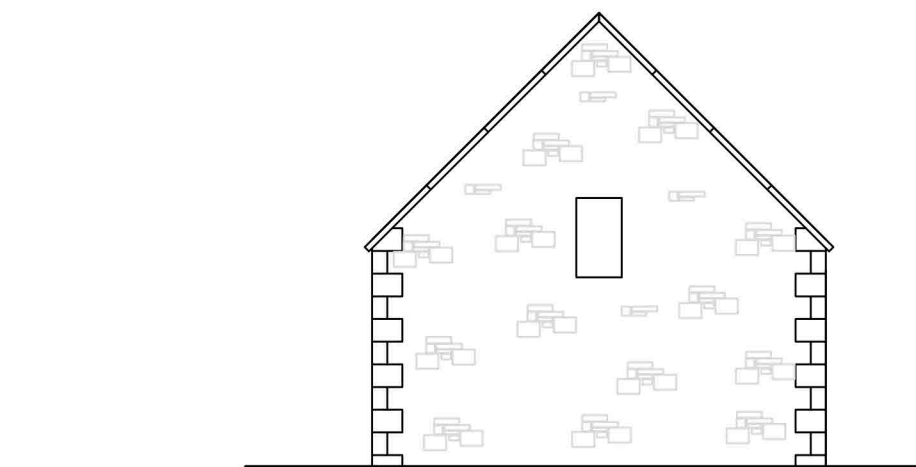
North East Elevation As Proposed



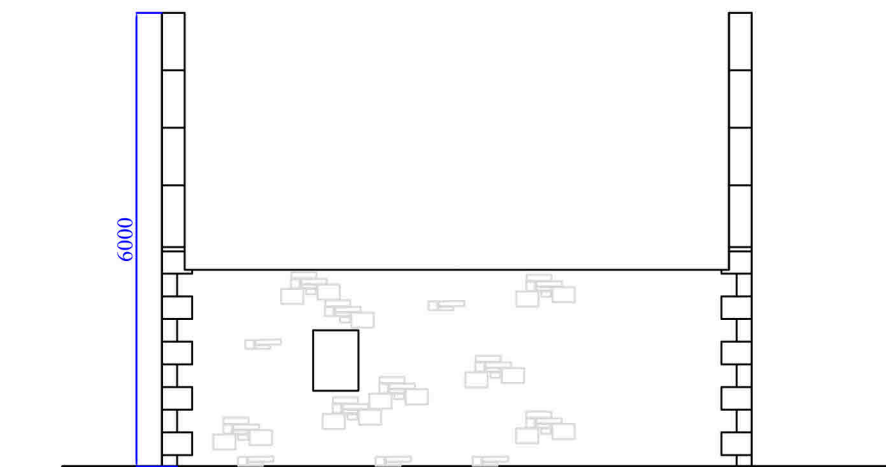
South West Elevation As Proposed



North West Elevation As Proposed

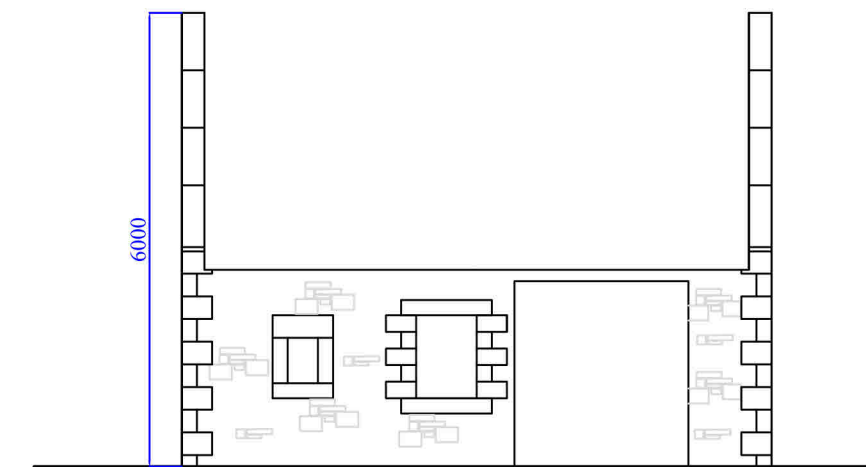


South East Elevation As Existing

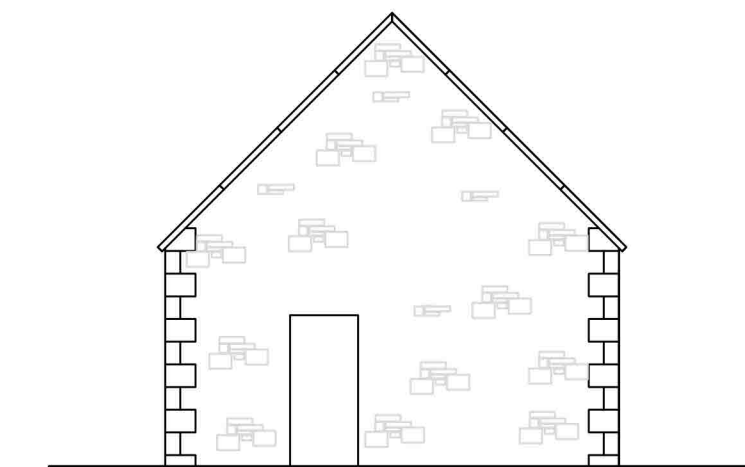


North East Elevation As Existing

Planning Specification:
 Walls: Random Natural Sandstone
 Cast Stone: Quoins, Lintels Sills & Window Surrounds
 Natural Slate
 Roof Coverings: Natural Slate
 Rainwater Goods: uPVC - Anthracite
 Windows: Low E Double Glazed Windows - uPVC - Anthracite
 Bi-Fold Doors: Aluminum Frames - Anthracite - Low E Double Glazed
 Entrance Doors: Composite Construction - Anthracite



South West Elevation As Existing



North West Elevation As Existing

23/00262/FUL
 21.08.2023

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**YEOMAN
 Architecture**

Suite 6
 5 Kings Mount
 Ramparts Business Park
 Berwick Upon Tweed
 Northumberland
 TD15 1TQ

Telephone: 01289 303960
 E-Mail: yeomandesign@aol.com

Yeoman Architecture Limited
 Registered in England & Wales Company Number: 14952498

Client: Mr & Mrs G Forsyth

Project Address: Blue House
 Reston
 Eyemouth
 Scottish Borders
 TD14 5LN

Project: Proposed Conversion & Extension
 of Existing Agricultural Store
 to Sustainable, Off-Grid Dwelling House

Sheet Title: Existing and Proposed
 Layout and Elevation Plan

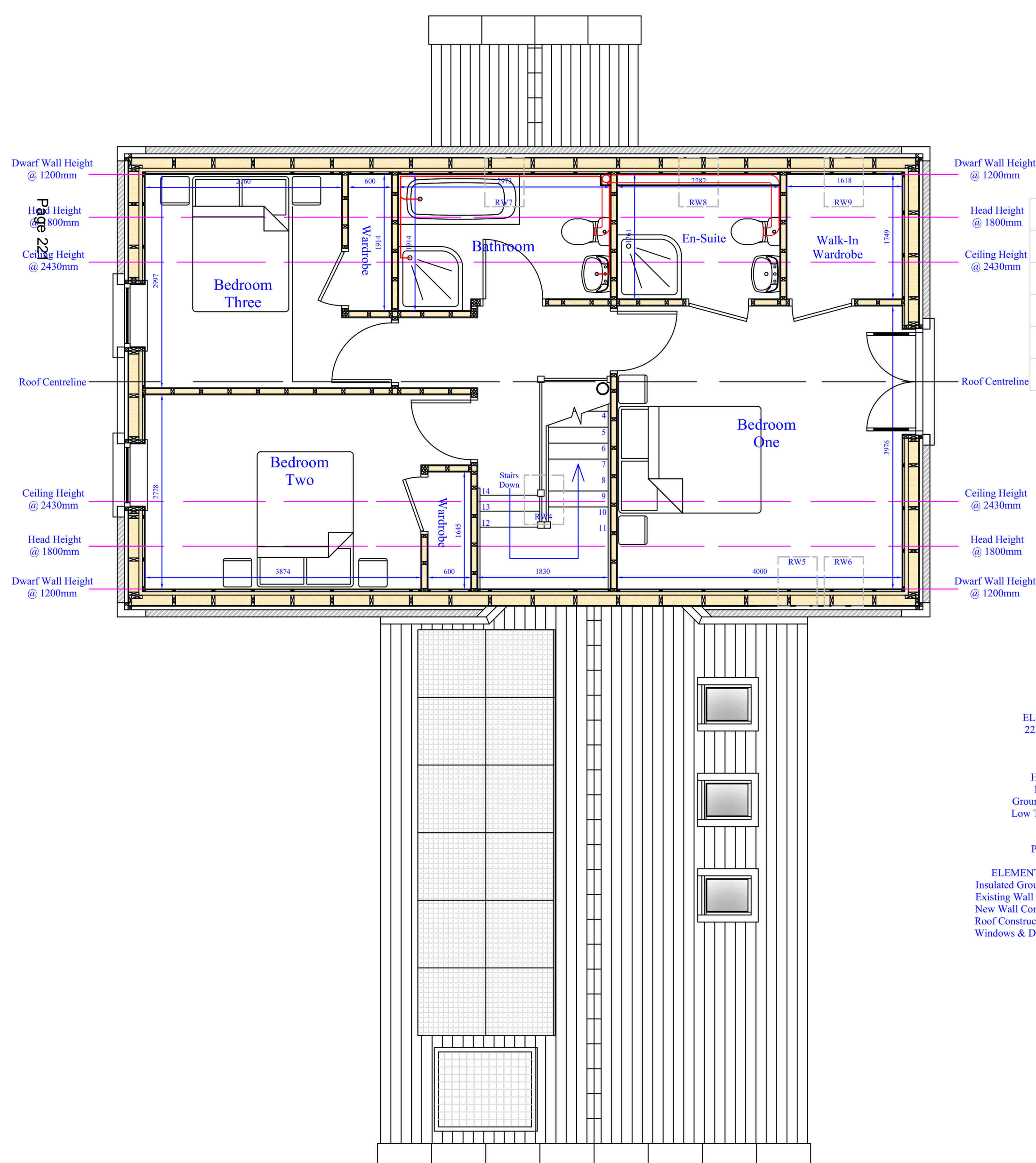
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Date: 14th February 2023

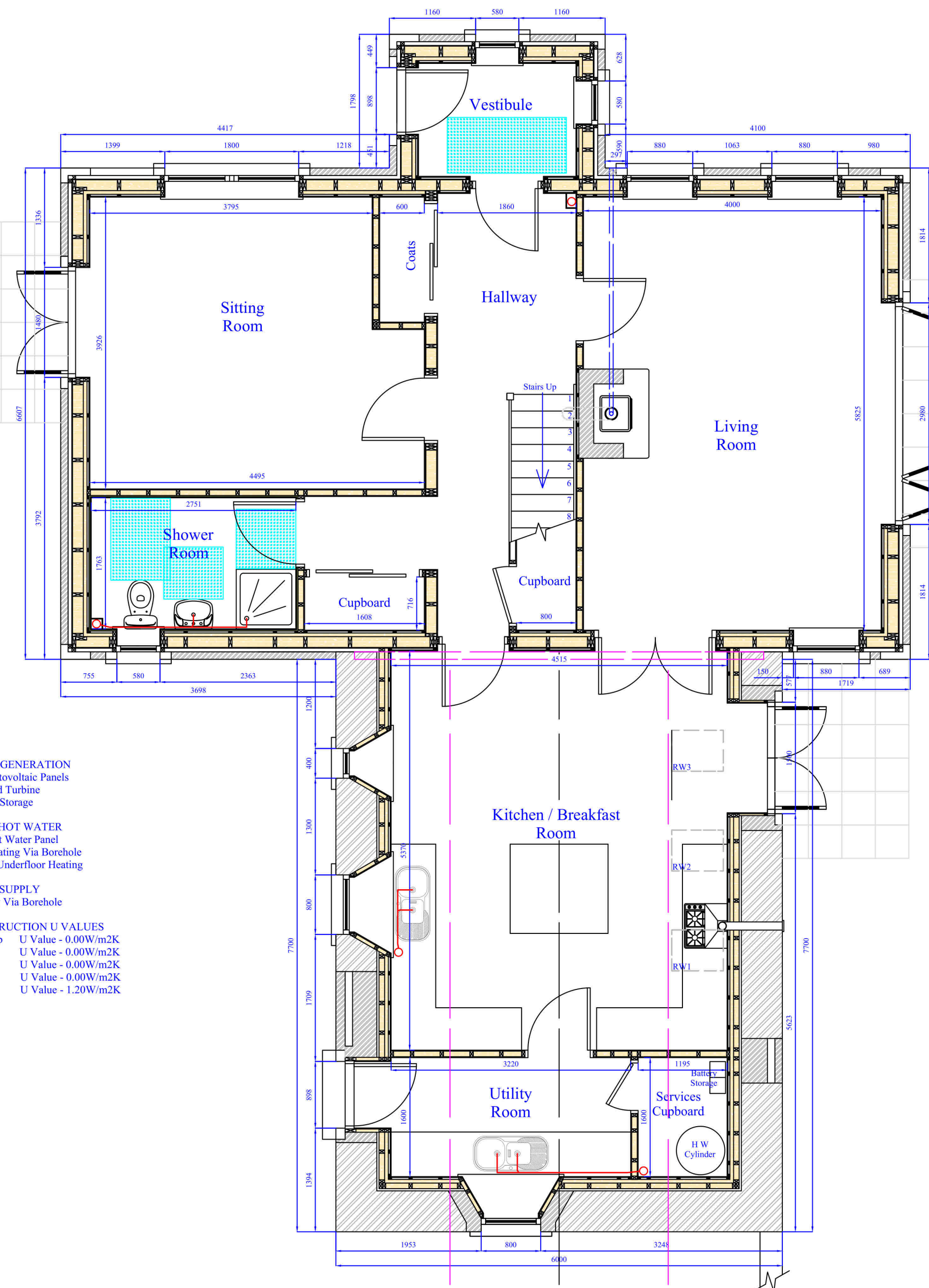
Designed by: James Cromarty
 Direct Mobile No: 0772 969 0520

Approved by:

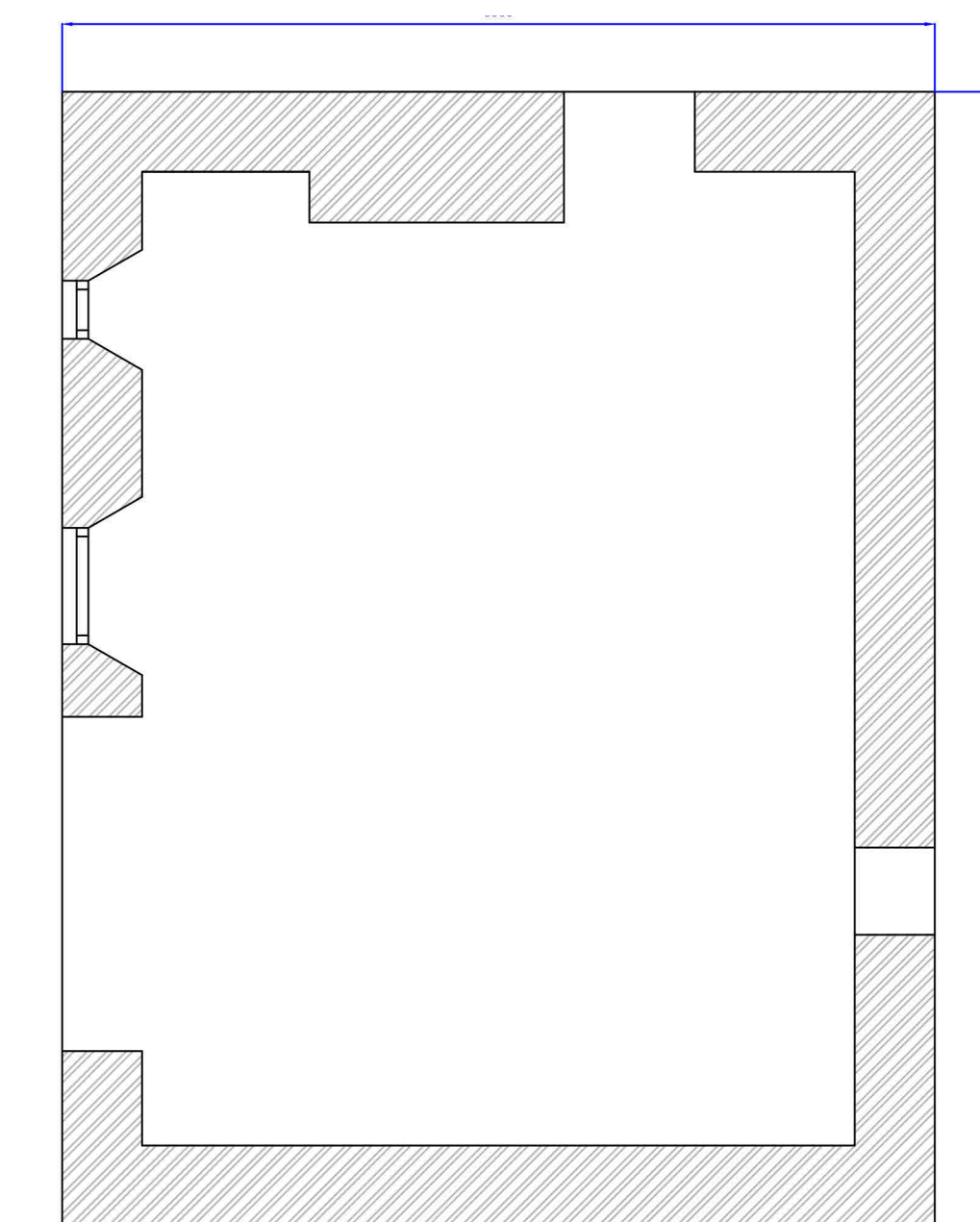
Drawing No: A106
 Plan No: GF/1512/22



First Floor Layout Plan As Proposed



Ground Floor Layout Plan As Proposed



Ground Floor Layout Plan As Existing

ELECTRICITY GENERATION
 22 No Solar Photovoltaic Panels
 1 No Wind Turbine
 Battery Storage

HEATING & HOT WATER
 1 No Solar Hot Water Panel
 Ground Source Heating Via Borehole
 Low Temperature Underfloor Heating

WATER SUPPLY
 Private Supply Via Borehole

ELEMENTAL CONSTRUCTION U VALUES
 Insulated Ground Floor Slab U Value - 0.00W/m2K
 Existing Wall Construction U Value - 0.00W/m2K
 New Wall Construction U Value - 0.00W/m2K
 Roof Construction U Value - 0.00W/m2K
 Windows & Doors U Value - 1.20W/m2K



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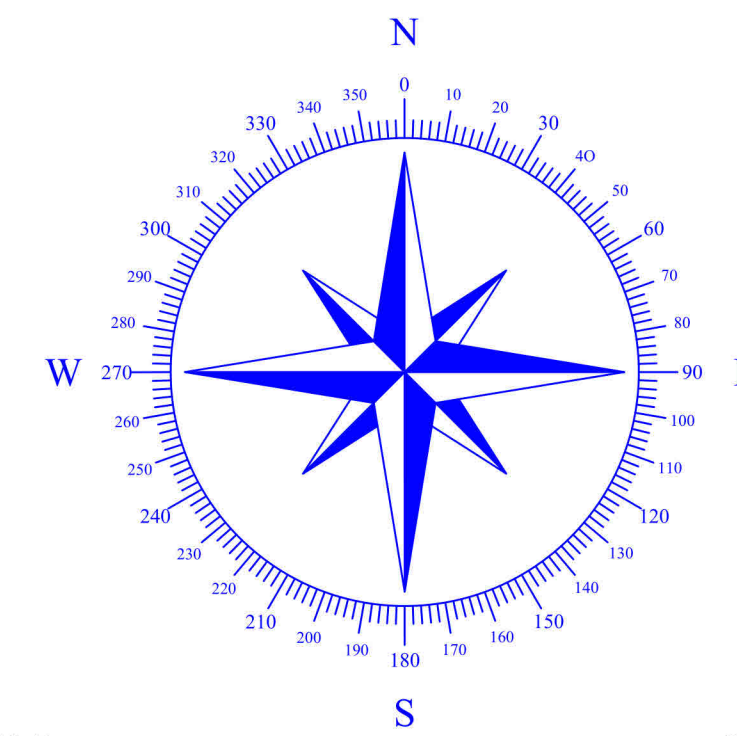
Drainage Outlets to
Field Tiles

Sewage Treatment
Plant

Gravel
Driveway

Borehole for
Ground Source
Heating

Borehole for
Water Supply



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YEOMAN
Architecture
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ
Telephone: 01289 303960
E-Mail: yeomandesign@aol.com

Client: Mr & Mrs G Forsyth

Project Address: Blue House
Reston
Eyemouth
Scottish Borders
TD14 5LN

Project: Proposed Conversion & Extension
of Existing Agricultural Store
to Sustainable, Off-Grid Dwelling House

Sheet Title: Proposed Site Plan

Scale: 1:100 @ A1 Size

Date: 14th February 2023

Designed by: James Cromarty
Direct Mobile No: 0772 969 0520



Drawing No: A105

Plan Ref: GF/1512/22

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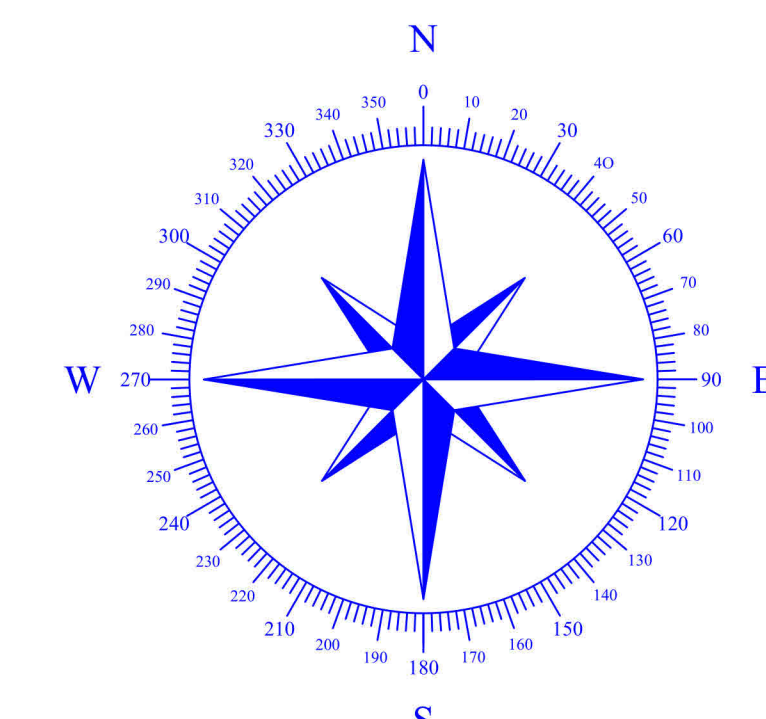
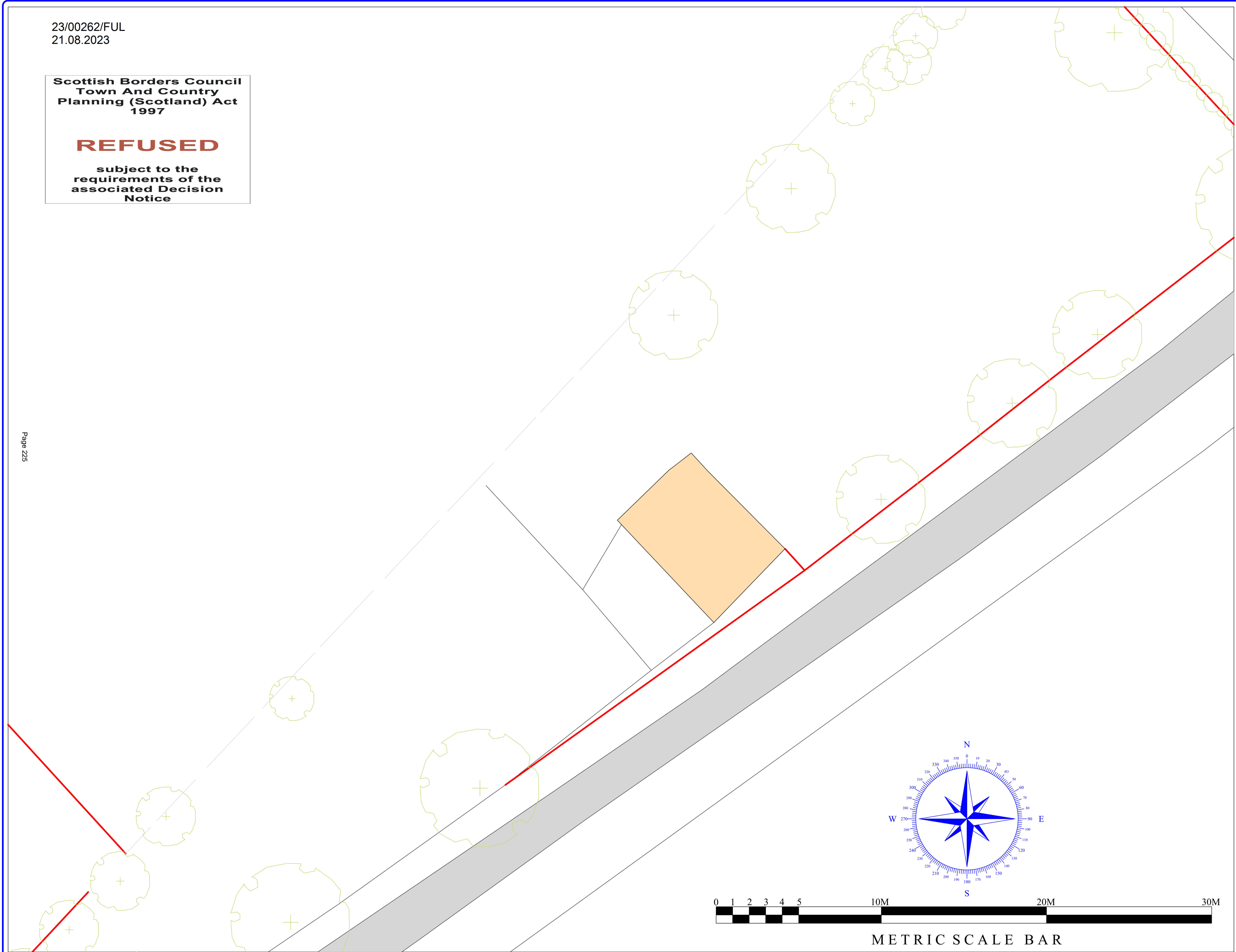
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YEOMAN
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Suite 6
5 Kings Mount
Ramparts Business Park
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Northumberland
TD15 1TQ
Telephone: 01289 303960
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Scottish Borders
TD14 5LN

Project: Proposed Conversion & Extension
of Existing Agricultural Store
to Sustainable, Off-Grid Dwelling House

Sheet Title: Existing Site Plan

Scale: 1:100 @ A1 Size

Date: 14th February 2023

Designed by: James Cromarty
Direct Mobile No: 0772 969 0520



Drawing No: A104

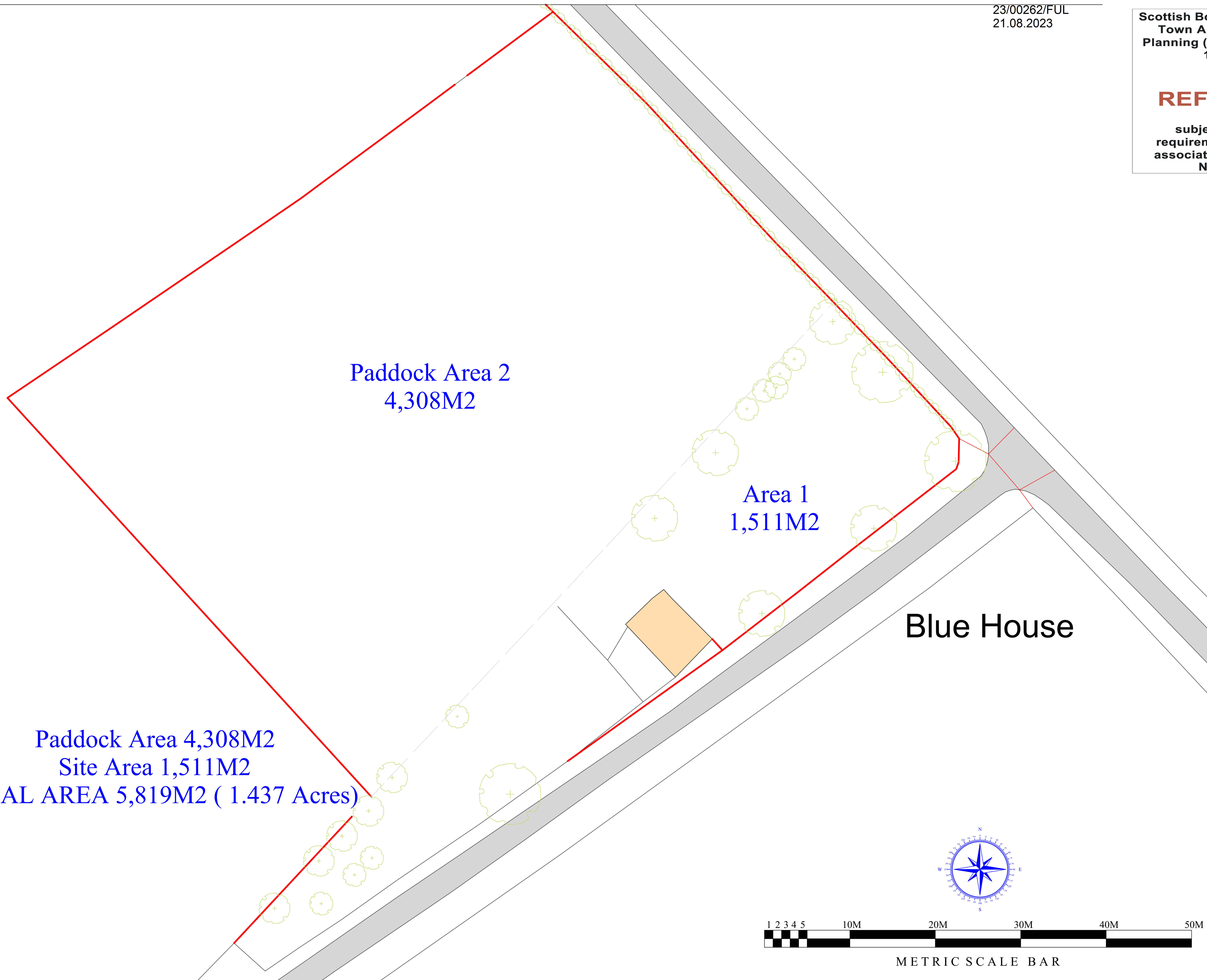
Plan No: GF/1512/22

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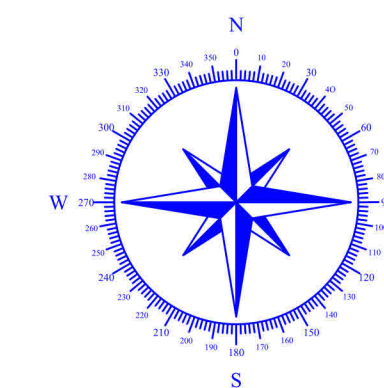


Paddock Area 2
4,308M2

Area 1
1,511M2

Blue House

Paddock Area 4,308M2
Site Area 1,511M2
TOTAL AREA 5,819M2 (1.437 Acres)



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Suite 6
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Berwick Upon Tweed
Northumberland
TD15 1TQ
Telephone: 01289 303960
E-Mail: yeomandesign@aol.com

Client: Mr & Mrs G Forsyth

Project Address: Blue House
Reston
Eyemouth
Scottish Borders
TD14 5LN

Project: Proposed Conversion & Extension
of Existing Agricultural Store
to Sustainable, Off-Grid Dwelling House

Sheet Title: Existing Site Plan

Scale: 1:200 @ A1 Size

Date: 14th February 2023

Designed by: James Cromarty
Direct Mobile No: 0772 969 0520

Drawing No: A102

Plan Ref: GF/1512/22

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PLANNING STATEMENT

Proposed Conversion and Extension of Existing Agricultural Store
To Sustainable, Off-Grid Dwelling House
@
Blue House
Reston
Eyemouth
Scottish Borders
TD14 5LN

Reference: GF/1512/22

Date: 14th February 2023

Applicant:

Mr & Mrs Graeme Forsyth

Project Address:

Blue House
Reston
Eyemouth
Scottish Borders
TD14 5NP

Proposal:

Proposed Conversion and Extension of Existing Agricultural Store
To Sustainable, Off-Grid Dwelling House

Site Information:

The applicants are the owners of the site outlined in the submission plans and known as Blue House, which is located near Swansfield Farm, Reston, Eyemouth, Scottish Borders, TD15 5NP,

The Total Site Area under the applicant's ownership is 5,819M2, which is defined in two distinct areas:

Area 1: extends to 1,511M2 and is predominantly triangular in shape, bounded with trees and a post & wire fence, this parcel of land is a rough paddock where the existing derelict agricultural storage building is located. The existing building has a footprint of 46.8M2 and is constructed in masonry and has a metal clad roof, which has suffered recent storm damage, however the masonry structure is largely intact, including the gable walls and water tables.

Area 2: extends to 4,308M2 and is rectangular in shape, and forms part of the adjoining agricultural field. Currently this area is not currently defined by fencing, however, this area forms part of the overall package of land under the ownership of the applicants.
A timber post and rail fence will be erected in the coming weeks.

Historic Planning Applications:

There are notifications of three previous applications for the application site, which we understand solely relate to Site Area 1 = 1,511M2 and not the designated Paddock Area 2 = 4,308M2

In 2000 an application under reference: 00/00183/COU was approved for change of use to convert the existing building to a dwellinghouse – *No records are readily available for this submission.*

In 2005, materially, the same application was resubmitted, under reference: 05/02159/FUL, this was again approved - *No records are readily available for this submission.*

In 2012 a further planning application was submitted under reference: 12/00935/FUL, however, this was withdrawn prior to validation - *No records are readily available for this submission.*

In 2021 a planning application was submitted on behalf of the current applicants, under reference: 21/01982/FUL – Full analysis of this application is outlined in the ensuing paragraphs.

Previous Planning Application: 21/01982/FUL.

Planning Permission was sought under reference: 21/01982/FUL – Proposed Alterations, Extension & Change of Use to form Dwelling House.

The Planning Application was considered by Scottish Borders Council and subsequently Refused on the 4th March 2022, thereafter, the Planning Application was further considered and again refused by the Local Review Body on the 22nd July 2022.

The stated 'Reason for Refusal' was as follows:

The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

Prior to the determination by the appointed planning officer and the subsequent Local Review Body, the appointed planning officer contacted the previous agent to outline the LDP policy: HD2 (Housing in the Countryside) and the related Housing in the Countryside SPG, which set out the circumstances in which rural housing can be supported.

It was stated policies HD2 (A), (B), (D), (E) & (F) did not apply, however, policy HD2(C) relates to conversions of existing buildings to dwellinghouses.

It was considered that the previous planning application would not convert the existing building into a dwellinghouse, but would take the form of additional accommodation, ancillary to a new build dwellinghouse, to which it would be connected, via a short link.

It was questioned whether the proposals meet the criteria of policy HD2 (C), which required that; any proposed extension to be in keeping with scale and architectural character of the existing building.

The planning officer considered that the proposed new build element would ultimately dominate the existing building and would present a contrasting architectural style. The result would be the appearance of a large new building dwelling linked to a much smaller old building.

It was stated; Policy HD2(C) does not support this approach, and the guidance within the SPG further underpins this position, therefore, it was suggested that the planning application should be withdrawn, however, I understand the application was allowed to run through to the formal determination stage.

In the formal planning refusal, the appointed officer considered: the existing building had some historic merit, but outlined that it was very small in scale at 46.8M², additional concern was raised, that a significant extension would be required to meet modern day standards of residential accommodation.

Although Policy: HD2 CONVERSIONS OF BUILDINGS TO A HOUSE

c) The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

specifically mentions 'conversion and any proposed extension or alteration' it is unclear whether an extension in this location would be supported by current policies and guidance.

The appointed planning officer questioned whether the existing building is structurally sound, as no structural survey was submitted with the application, although it was acknowledged the existing building had lost its roof following the collapse of mature trees in recent storms.

Clear issues of concern were raised in the decision making by the appointed planning officer, insofar as the proposal for the large part was seeking permission for what was considered to be tantamount to a new build dwellinghouse, with the small stone building, proposed for conversion (46.9M² footprint) creating ancillary accommodation to the new two storey building (110.39M² footprint) - It was questioned whether the proposals met the most basic requirement of the conversion policy.

Additional concern was raised that the new building was not in keeping with either the scale or the character of the modestly sized existing building, citing its excessive height and greater footprint, with the opinion that the proposed new building would dominate the existing building, contrary to the purpose and aims of HD2(C), also the existing building would be subservient to the new building, whereas the reverse of this should apply.

The overall effect would be of a new build dwellinghouse in the open countryside linked to a more subservient old stone outbuilding. The contrasting architectural styles, material finishes and approaches to glazing would exacerbate this.

It was therefore considered that the development would therefore contribute to a sense of sporadic residential development in the countryside, to the detriment of the character of the site, the existing building, and the surrounding landscape.

Another point raised was that the new building and garage would extend into a previously undeveloped field. The development does not respect the historic field boundaries at the site and would not be contained within the triangular site's sense of place. It was considered that this would cause further harm to the character of the site and the surrounding landscape.

Concerns in respect of Siting, Layout and Design were lightly commented on in the planning officer's appraisal, however, it was noted that the design of the new dwellinghouse and garage have not avoided the need for excavations into the hillside, with cut and fill required to create flat platforms. It was also noted that no proposed or existing site levels were provided, to demonstrate the extent of these works.

Generally, it was considered that the orientation of the new dwelling was at odds with the existing building, exacerbating the latter's sense of subservience. In addition, the proposed garage was proposed to be located in a dominant position, on higher ground and was also considered excessive in scale.

No tree survey was submitted with the application. Whilst concerns were raised in respect of the potential damage to mature trees within the site curtilage.

The reason for creating two accesses to the site was a point of contention as was the removal of hedging to create the access to the north-east extents of the site.

It was therefore considered the proposals were contrary to LDP policy EP13 (Trees, Woodlands, and Hedgerows), although it was suggested that it may be possible to avoid or mitigate adverse impacts, therefore, this was not a reason for refusal.

Issues in respect of Ecology were raised, insofar as the existing building would appear to have habitat potential for protected species such as bats and breeding birds. No ecological reports were submitted.

Therefore, it was not demonstrated that the development would not harm nationally or internationally protected species or their habitats, or local biodiversity.

The proposals are therefore considered contrary to the Council's planning policies EP1, EP2 and EP3.

The planning officer outlined further considerations in respect of:

- a) Two new vehicular accesses with service laybys were proposed to the private road to the south and the public road to the north-east, connected by a drive and turning. There are no significant vehicular access or road safety concerns. The Roads Planning Service requests conditions for parking, vehicular access and drainage to the road.
- b) Private water supply and foul drainage arrangements are required. No supporting information was provided regarding water supply. Given the limited information provided, a robustly worded planning condition would be required. For foul waste, a septic tank is proposed with outfall to a soakaway or field tiles.
- c) The Council's Archaeology Officer was consulted as the application proposes the conversion of a building with potential historic interest. The Officer recommends that a record of the building is secured by planning condition on account of such interest, however no further archaeological work is deemed necessary at this site.
- d) The application was discussed with the Contaminated Land Officer, who stated that there was insufficient information available to rule out possible contamination issues at the site. Further information as to the previous uses of the property is needed. This could be secured by condition.
- e) Development contributions would have been sought towards Eyemouth High School and Reston Primary School had the proposals been acceptable.

Relevant Planning Policy:

It is understood that, as the proposed site is outwith any designated settlement boundary, therefore, it falls to be assessed against Local Development Plan Policy HD2 (Housing in the Countryside) and the related Housing in the Countryside SPG. This sets out the circumstances in which rural housing can be supported.

Policy HD (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.

Proposed Planning Application:

Further to the information available on the Scottish Borders Council Public Access Portal, we have discussed the proposal at length with the applicants and fully appraised the previous proposal, together with assessing the subsequent reasons for refusal.

We have now re-evaluated the proposal and produced a design, that hopefully meets the relevant criteria and policies set out in the Local Development Plan.

Applicants Objectives:

The applicants propose to demonstrate and fully implement off-grid living within the Scottish Borders, by creating an energy efficient, low carbon and highly insulated family home on a rural site, which will include the conversion of the existing building located on-site and integrating this alongside a traditionally constructed extension, which will form a family dwelling over a 129.36M² footprint.

The applicants have fully considered the shortfalls of the previous 21/01982/FUL planning application and sought to fully address the areas of contention.

The proposed dwelling will implement several methods of renewables which will demonstrate the sustainability of the proposal

Development Footprint:

Overall, the dwelling footprint is now proposed at = Existing 46.8M² + Proposed 82.56M² = 129.36M², whereas the previous application was proposed at = Existing 46.8M² + Link Building 6.0M² + 104.39M² = 157.19M²

Development Area:

The proposed area of development will be entirely retained in the established triangular site area of 1,511M² save for the proposed 6Kw wind turbine on a 15M Tower, located at the western extents of the applicant's site.

Existing Building & Proposed Extension:

One of the previous issues raised by the appointed planning officer was that the existing building, rather than being converted, was to be ancillary to what was considered as a large dwellinghouse, which was to be linked by a glass walkway.

The current proposal changes this approach and fully adjoins the existing building (46.8M²) to a new structure (82.56M²) this design fully integrates the existing building, which will house the Kitchen, Utility Room and Services Cupboard within the Dwelling.

Design Approach:

It is proposed to retain the existing building in its current form and integrate this into the proposed extended dwelling, this will include retaining water tables to the south-east elevation, whilst the north-west gable and water tables are to be carefully removed and reinstated in the new build element. It is proposed that the new roof pitches will align with the existing roof at 45 degrees.

External walls are proposed to be constructed in random natural stone to replicate the existing, with the inclusion of natural stone quoins, window surrounds and water tables to complement the overall appearance, whilst respecting and retaining the historic value of the existing structure.

Sustainability:

The applicants are proposing to build a fully sustainable dwelling which will be highly insulated, whilst exceeding current Building Standards. The dwelling will be wholly off-grid, which will comprise of the following:

- i) Electricity – via 22No Solar Photovoltaic Panels
1No 6Kw Wind Turbine on 15M Tower
Dedicated Battery Storage.
- ii) Water – via Private Supply from Borehole.
- iii) Heating & Hot Water – via 1No Solar Hot Water Panel,
Ground Source Heating via Borehole, Low Temperature Underfloor Heating.

Additional Buildings:

The proposed detached 72M2 Garage detailed on planning application: 21/01982/FUL has been completely removed from the current proposal.

Site Access:

The proposed secondary access to the north-east extents of the site has been removed from the proposal, therefore, the proposed access is to be located at the south-east extent of the site, immediately adjacent to the proposed dwelling.

Site Excavations:

The limitation of the development immediately adjacent to the existing structure will minimise the site excavations and work with the existing ground contours.

The full removal of the detached garage from the proposal will completely eliminate any excavations for this element.

Tree Survey:

In the previous planning submission, no tree survey was undertaken, however, in the ensuing period, the site was been affected by storm damage, principally by Storm Arwin in December 2021, where a number of trees were blown over and have since been removed.

The remaining trees on-site are clear of the proposed development and will be retained by the applicants as they are all established and stable.

Ecology:

A detailed Ecology Survey on the existing structure in respect of habitat potential for protected species, such as Bats and Breeding Birds has been instructed and will be forwarded to SBC when available.

Contaminated Land:

The Contaminated Land Officer, in the previous planning application, cited there was insufficient information to rule out possible contamination issues at the site, however, the site area of 1,511M2 is rough scrubland bordered by trees, therefore it unlikely that there are contamination issues in the area.

It is unknown what was previously stored in the redundant agricultural building, although initial enquires with the adjoining landowner states this was purely animal feed in small quantities, whether the floor area requires testing for contaminants can be undertaken, if requested by the Contaminated Land Officer.

The remaining parcel of land is wholly agricultural and extends to 4,308M2 – it is not envisaged that any of this land will be contaminated.

End of Statement.

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Mark Payne Roads Planning Officer		mark.payne@scotborders.gov.uk 01835 825018
Date of reply	24 th February 2023	Consultee reference:	
Planning Application Reference	23/00262/FUL	Case Officer: Paul Duncan	
Applicant	Mr Graeme Forsyth		
Agent	Yeoman (Berwick) Ltd		
Proposed Development	Change of use of derelict agricultural building and extension to form dwelling house		
Site Location	The Blue House Near Swansfield Farm Reston Eyemouth Scottish Borders TD14 5LN		
<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	Proposed new access to be formed from a private road.		
Key Issues (Bullet points)			
Assessment	I shall have no objections to this proposal provided conditions similar to those below are included in any consent given.		
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>Parking and turning for two vehicles, excluding garages, must be provided within the curtilage of the plot before the dwellinghouse is occupied and retained thereafter in perpetuity. Reason: To ensure the property is served by adequate parking at all times.</p> <p>The access to the site to be formed to an agreed standard prior to occupation of the dwelling. Reason: To ensure the property is served by safe access.</p>		
Recommended Informatives	<p>Any boundary treatment be to be of such a design so as not to obstruct the visibility of drivers leaving the site.</p> <p>The initial 2m of the access must be surfaced as per the specification shown below.</p> <ul style="list-style-type: none"> 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. 		

Signed: *AJS*

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CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	Officer Name and Post: Environmental Health Craig Liddle	Contact e-mail/number: PLACEhealth@scotborders.gov.uk
Date of reply	16/8/23	Consultee reference: 23/00433/PLANCO
Planning Application Reference	23/00262/FUL	Case Officer: Paul Duncan
Applicant	Mr Graeme Forsyth	
Agent	Yeoman (Berwick) Ltd	
Proposed Development	Change of use of derelict agricultural building and extension to form dwellinghouse and erection of 15m high wind turbine	
Site Location	The Blue House Near Swansfield Farm Reston Eyemouth Scottish Borders TD14 5LN	
<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 applicant requests permission for the conversion and extension of an existing agricultural store to a dwellinghouse. Further information was previously requested by Environmental Health in relation to the associated wind turbine, which has now been received.	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Impact on residential amenity – private water supply, wind turbine 	
Assessment	<p>Environmental Health has no objections in principle to the proposal, however we have the following comments to make:</p> <p>Private water supply</p> <p>The information provided refers to the dwelling being connected to a private water supply. Full details should be submitted to ensure the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties. It is therefore recommended that Condition 1 is attached to the consent if granted. The information required to be submitted to satisfy this condition is provided by the private water supply informative, also provided below.</p> <p>Wind turbine</p> <p>Acoustic information has now been submitted in relation to the testing of a Kingspan KW6 turbine in accordance with the BWEA Small Wind Turbine Performance and Safety Standard. When considering this alongside the distance from the turbine to noise sensitive receptors, there is unlikely to be an impact on amenity. In order to safeguard this, we recommend Condition 2 is attached to the consent if granted.</p> <p>Private drainage arrangements</p> <p>Private drainage arrangements are proposed, however no further detail has been provided at this stage. Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the</p>	

	<p>system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. However, in this case it appears the new system will be located on land owned by the applicant and will only serve the applicant's property. If this is not the case, it is recommended that a condition is attached to the planning consent requiring evidence to be submitted of the arrangements in place to ensure the system will be maintained in a suitable condition.</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>1. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.</p> <p><i>Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.</i></p> <p>2. In accordance with ETSU-R-97 (Simplified Method) the noise from the wind turbine must not exceed an LA90,10min of 35dB at the boundary of the curtilage of any noise sensitive premises at wind speeds of up to 10m/s at 10m height.</p> <p><i>Reason: In the interests of residential amenity of neighbouring properties.</i></p>			
Recommended Informatives	<p><u>Private water supply</u></p> <p>To fulfil this Condition (Condition1), the following information should be provided:</p> <ol style="list-style-type: none"> 1. A description of the source(s) / type of the supply – i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources. 2. The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s). 3. The estimated maximum average volume of water provided by the supply in cubic metres per day (m³/day), including the details of any pump tests / flow rate tests undertaken to determine this estimate. For boreholes / wells, refer to BS ISO 14686:2003 “Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use”. 4. The intended use of the proposed building(s) – e.g. owner-occupied domestic dwelling(s), rented domestic dwelling(s), holiday accommodation, etc. 5. Where there are existing users of the supply: 			

- a) the addresses of all properties served;
 - b) the existing occupancy levels of all such properties, as far as is reasonably practicable. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of potential occupancy levels;
 - c) the current use of all properties served – i.e. as above;
 - d) information identifying if and how the development will impact on the existing users; and
 - e) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to the existing users will be secured.
6. Where there are other properties' private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.):
 - a) information identifying if and how the development will impact on these other supplies; and
 - b) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to these other properties will be secured.
 7. Details of all laboratory analysis / tests carried out to demonstrate that the water supplied to the development will be wholesome. For clarification, the quality of the water throughout the building(s) must conform to the requirements of the legislative provisions appropriate to the use of the supply, as described below.
 8. Details of all water treatment systems to be installed to ensure that the water supplied to the development will be wholesome.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. When designing storage facilities, the minimum recommended capacity is three days' reserve, in order to allow for supply interruption / failure.

If the supply only serves owner-occupied domestic dwellings, it will be classed as an "Exempt" (formerly "Type B") private water supply and the quality of the water must comply with the requirements of The Private Water Supplies (Scotland) Regulations 2006 ("the 2006 Regulations"). If there is any commercial use of the supply, it will be classed as a "Regulated" supply and the water quality must comply with the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 ("the 2017 Regulations"). Additionally, the supply will require to be sampled (monitored) on at least an annual basis and Scottish Borders Council will be required to undertake a risk assessment of the supply and reviews of said risk assessment periodically.

Finally, if for any reason the supply to be used is or will be a Regulated supply, it is an offence for the development to use it unless a risk assessment (or a review of an existing risk assessment) has been carried out by Scottish Borders Council at least 8 weeks before said intended first use by the development. It is also an offence for the development to use the supply prior to Scottish Borders Council confirming (by notice to the applicant) that it may be used by the development, on the basis that the intended use does not constitute a potential danger to human health. As such, the applicant must contact the Environmental Health Department of Scottish

	Borders Council sufficiently in advance of the intended occupation of the building(s) to ensure that compliance with these legislative provisions is able to be secured.
--	--

23686-03-report-gf

12th July 2023

Mr & Mrs Forsyth
4 Greenburn Cottages
Reston
TD14 5LN

Dear Sir/Madam

CONVERSION of AGRICULTURAL BUILDING to form DWELLING HOUSE at BLUE HOUSE, RESTON.

Following instruction to proceed we confirm carrying out a visual condition survey of the existing agricultural building located at the above site known as Blue House, Reston. We visited the site on Tuesday 4th July 2023 and the weather was overcast but dry at the time of the survey.

The existing agricultural building is rectangular in form and constructed with random rubble stone walls to all four elevations built from locally sourced stone. The walls are approximately 500mm thick and have quoin stones at the corners and around and original door and window openings. We have considered the Architectural drawing GF/1512/22 A106 for orientation and have referenced the elevations based on this plan.

Southwest Elevation

This can be considered the prominent elevation of the existing building which has a large door opening and 2 window openings located within it (see photograph 002 and 006). The window openings have stone quoins on both sides with a stone lintel and sill above and below the opening. The large door opening has a steel beam acting as the lintel over the opening and has been infilled with a timber stud wall clad with OSB to close the building off. The masonry wall is formed to a height of approximately 2.4m currently and the wall is plumb and vertical. The exposed wall head is open to water ingress and is causing the mortar to erode and the smaller stones forming the wall to loosen.

Northwest Elevation

This can be considered a gable elevation of the existing building with the stone extending to an apex indicating the original building had a pitched roof. The roof is not in place currently, so its form of construction is unknown, but the exposed stone gable retains a clear form and triangular shape. The gable coping stones are missing, and the existing wall head is open and subject to water ingress as the southwest elevation. There is currently a small door opening formed within the elevation and this wall is also plumb and vertical (see photograph 001).

Northeast Elevation

This can be considered the rear elevation of the existing building (see photograph 009) and is built to a height of approximately 2.5m and the wall is plumb and vertical. There is a very small opening in the wall which does not have quoin stones or stone lintel and sill so can be considered an addition rather

than original. The exposed wall head is open to water ingress and is causing the mortar to erode and the smaller stones forming the wall to loosen.

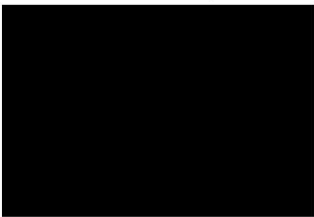
Southeast Elevation

This can be considered a gable elevation of the existing building with the stone extending to an apex and retains a clear form and triangular shape. The gable coping stones are missing, and the existing wall head is open and subject to water ingress as the other elevations. There is currently a window opening formed in the upper section of the wall and it is plumb and vertical (see photographs 003 and 004).

The existing building is substantial in its construction and the 4 outer stone walls retain form to wall head level and are generally true and plumb. We consider the building would be suitable for conversion to form part of the proposed dwelling house as indicated on the Architectural layout plans. The existing mortar would need to be raked and repointed as necessary to ensure the walls remain resistant to water ingress.

We assume our brief condition report is sufficient to meet with your requirements, however if you require any further information or clarification, please do not hesitate to contact us.

Yours faithfully



Gary Fairbairn
Structural Engineer

gf@blueprintdunbar.co.uk

for and on behalf of Blueprint Design (Dunbar) Ltd



Photograph 001



Photograph 002



Photograph 003



Photograph 004



Photograph 005



Photograph 006



Photograph 007



Photograph 008



Photograph 009

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Noise Assesment Blue House Reston

1 message

Simon Maden <simon@madeneco.co.uk>

6 June 2023

To: James Cromarty <james@yeomanarchitecture.co.uk>

James,

From the data sent yesterday we can conclude that if a 6kw SD Wind machine was installed the noise at 60m from the nacelle (hub) would be 44 db at a slant distance 60m in an 8m/s

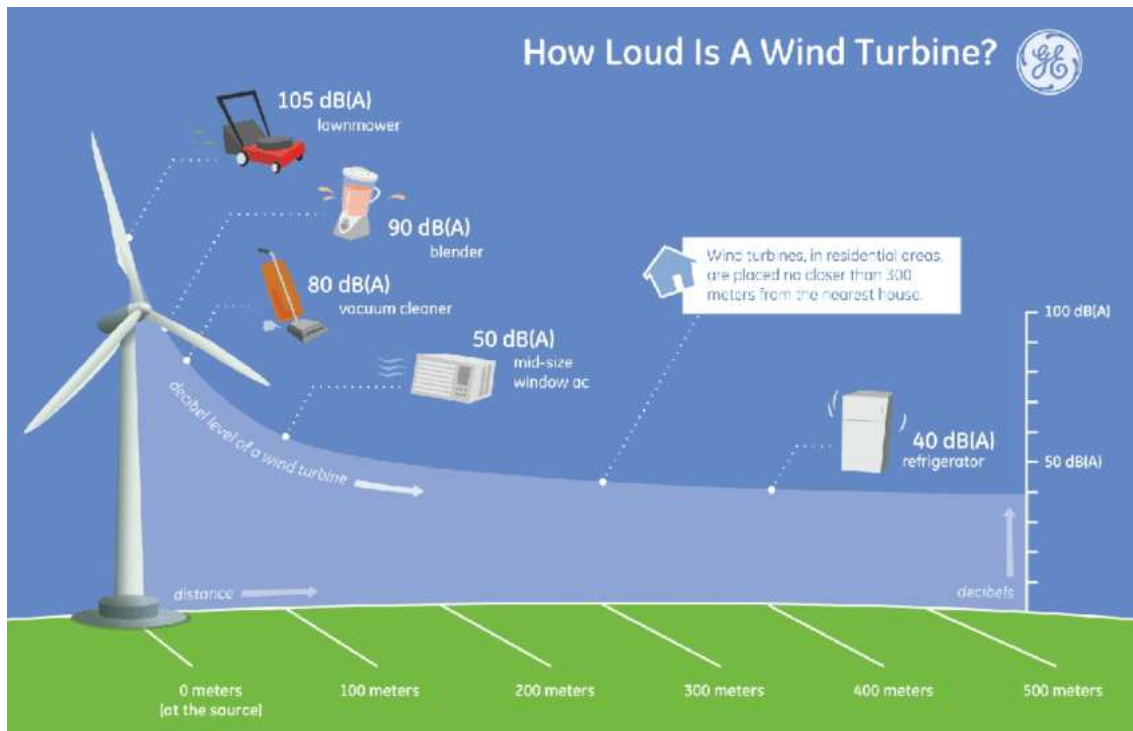
The immission sound pressure levels at 25m and 60m slant distance were calculated in accordance to BWEA Small Wind Turbine Performance and Safety Standard (Ref 1). The results are shown in Table 8.

Immission Sound Pressure Level at 60m $L_{p, 60m}$	44.8 dB(A)
Immission Sound Pressure Level at 25m $L_{p, 25m}$	52.4 dB(A)
Slant Distance Required for 45dB(A)	58.5 m
Slant Distance Required for 40dB(A)	104 m

A noise label was determined according to BWEA Small Wind Turbine Performance and Safety Standard (Ref 1) and is shown in Appendix H.

9 CONCLUSIONS

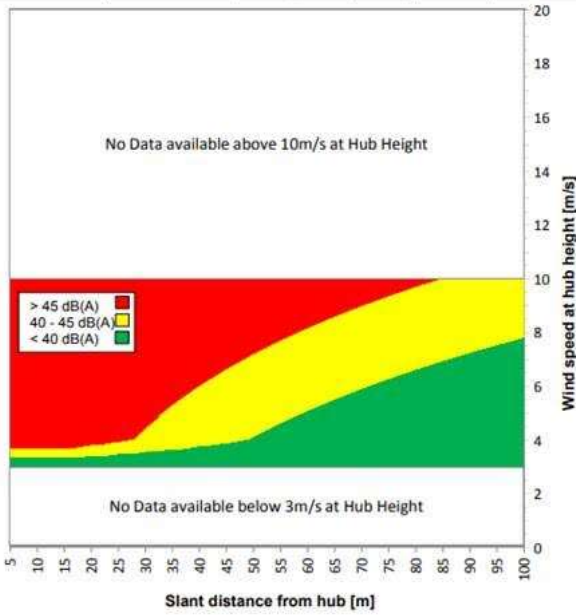
- 9.1 A wind turbine noise performance test was performed according to BWEA Small Wind Turbine Performance and Safety Standard (Ref 1) on a Kingspan KW6 WTG installed at Prince Bank Barn in Lumb on 16 June 2011.
- 9.2 The WTG has been calculated to have an apparent sound power level of 85.2 dB(A) ±1.87 dB(A) at 8 m/s hub height wind speed.
- 9.3 The declared apparent sound power level was calculated to be 88.3 dB(A) at 8 m/s hub height wind speed.
- 9.4 Tonality of the Kingspan KW6 has been assessed according to the BWEA Small Wind Turbine Performance and Safety Standard (Ref 1). The WTG was found not to be tonal.



Above image puts it into context if we read the noise label of the 6kw machine below which is much quieter than the one in this image

APPENDIX H: NOISE LABEL

Acoustic Noise Levels				
Turbine Make:	Kingspan Renewables Ltd	Model:	KW6	
Noise Emission Level			Noise Penalty	
Sound Power $L_{Wd, 8m/s}$	88.3 dB(A)	Noise Slope S_{dB} [dB/ms ¹]	1.62	NO



The full report that was attached yesterday, you may get away with just submitting that report and use the guidance that as there are no objectionable receptors within any audible distar the proposed property.

Hope this helps, if they want specific site modelling report that would be to the likes of Browns or Neo Environmental consultants.

Regards

Simon Maden BSc Build. Surv. Sales Director

Maden Eco Ltd

Eco House

Kings Mount

Ramparts Bs Pk

Berwick upon Tweed

Northumberland

TD15 1TQ

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Kingspan Renewables Ltd

**Kingspan KW6 Wind Turbine
Noise Performance Test**

December 2011



Sustainable Engineering Worldwide

225 Bath Street, Glasgow, G2 4GZ
 Telephone: +44 (0) 141 227 1700
www.sgurrenergy.com

Kingspan Renewables Ltd

Kingspan KW6 Wind Turbine Noise Performance Test

SUMMARY:

A wind turbine noise performance test has been performed according to BWEA Small Wind Turbine Performance and Safety Standard (Ref 1) on a Kingspan KW6 (formerly known as Proven P11) wind turbine generator (WTG).

The WTG has been calculated to have an apparent sound power level of 85.2 dB(A) \pm 1.87 dB(A) at 8 m/s hub height wind speed.

The declared apparent sound power level has been calculated to be 88.3 dB(A) at 8 m/s hub height wind speed.

Tonality of the Kingspan KW6 has been assessed according to the BWEA Small Wind Turbine Performance and Safety Standard. The WTG was found not to be tonal.

CLIENT: Kingspan Renewables Ltd

CONTACT: Ben Brown

DISTRIBUTION :

Client:

Ben Brown

SgurrEnergy:

Eric Donnelly

	Name	Job Title	Signature
Prepared by	Christian Schengber	Renewable Energy Consultant	
Checked by	David McLaughlin	Senior Noise and Vibration Consultant	
Authorised by	Richard Boddington	Measurement and Analysis Group Manager	
Date of Issue	21 December 2011	Classification:	

SF/04/023

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1 INTRODUCTION

SgurrEnergy has performed a wind turbine noise performance test on a Proven P11 wind turbine generator (WTG) at Prince Bank Barn, Lumb, approximately 7 km south of Burnley. The objective of the test was to determine the noise performance characteristic of the WTG. The sound power level, 1/3 octave band and narrow band characteristic were monitored during the survey.

The noise performance test was conducted according to the BWEA Small Turbine Performance and Safety Standard (Ref 1) which is based on BS EN 61400-11 Wind turbine generator systems – Part 11: Acoustic noise measurement techniques (Ref 2) with exceptions to allow for specific operational characteristics of small wind turbines.

Kingspan Renewables provided a certificate of conformity from TUV nel (Ref 3) verifying that the Kingspan KW6 WTG is identical in design to the tested Proven P11 WTG. The results are therefore transferable and the WTG will be referred to as Kingspan KW6 throughout the report.

2 TURBINE DESCRIPTION

The Kingspan KW6 is a three bladed, passive stall free yawing downwind WTG with self-regulating speed control. It has a rotor diameter of 5.5 m and the tested WTG has a hub height of 9 m. A summary of the WTG specifications is shown in Table 1.

Table 1: Turbine Specifications	
Manufacturer	Kingspan Renewables Ltd.
Model	KW6
Type	Downwind
Number of Blades	3
Rated Power	5.2 kW
Hub height	9 m
Rotor Diameter	5.5 m
Cut-in wind speed	3.5 m/s
Cut-out wind speed	n/a
Survival wind speed	70 m/s
Control Mechanism	Passive stall
Tower Type	Tilt up monopole

3 ACOUSTIC DESCRIPTION OF THE AREA

The area around the WTG mainly consists of open farmland bordered by fences. The closest building to the WTG is Prince Bank Barn approximately 100 m to the west. In other directions land use appears to be mainly fields. There is an absence of noise emitting industrial premises in the surroundings of the WTG. During the measurement

period background noise was dominated by the wind with infrequent contributions from distant traffic, high flying air traffic and farm noises. Data records where the contribution from these noise sources was considerable were removed during the screening of the gathered data.

At the time of the measurements no animals were kept on the field. Cows and sheep were grazing on the adjacent fields. The tested Kingspan KW6 is the only WTG on site.

A map of the site area is shown in Appendix A.

4 MEASUREMENT

The measurements were performed according to BWEA Small Wind Turbine Performance and Safety Standard (Ref 1) and BS EN 61400-11 (Ref 2) including amendment A1:2006 (Ref 4) with exceptions to allow for the specific operational characteristics of small wind turbines.

4.1 ACOUSTIC MEASUREMENTS

The microphone was placed in the centre of a 1m diameter ground mounted wooden board, with the diaphragm of the microphone in a plane normal to the board and the axis of the microphone pointing towards the WTG, as specified in BS EN 61400-11 (Ref 2). The distance between microphone and WTG base was 11.75 m which matches the tip height of the WTG.

The microphone was covered by a 90 mm open foam wind shield, which was cut to allow the microphone to lie flat on the board.

The microphone was positioned at an angle of 90° from the WTG. The wind direction varied between 230.2° and 296.7° during the measurement period, which lies within the specified allowable arc of $\pm 60^\circ$. All gathered data points are in the acceptable range throughout the monitoring period.

4.2 WIND SPEED AND DIRECTION MEASUREMENTS

The wind speed and direction were measured using a 10 m telescopic mast, extended to 9 m height. The mast was installed upwind of the WTG at a distance of 13.75 m, which lies within 2 to 4 rotor diameters, as specified in BS EN 61400-11 (Ref 2).

The wind rose and time series of the measured wind speed are shown in Appendix B.

Table 2: Heights and Distances	
Hub height	9 m
Anemometer height	9 m
Distance WTG to met mast	13.75 m
Distance WTG to microphone	11.75 m
Slant distance WTG hub to microphone	14.8 m

Photographs of the monitoring setup are shown in Appendix C.

5 INSTRUMENTATION

Bruel and Kjaer Type 2260 sound level meter serial number 2044353

Bruel and Kjaer Type 4230 SLM calibrator serial number 2052327

Bruel and Kjaer Type 4189 microphone serial number 2523678

The sound level meter was programmed to record the equivalent continuous sound pressure level L_{Aeq} and 1/3 octave band spectra in ten second intervals. These 10 second intervals were later averaged to obtain 30 second intervals.

The instrument was calibrated shortly before the surveys began, and the calibration has been checked again shortly after the surveys were complete. The calibration deviation after the monitoring period was -0.07dB compared to the calibration at the start of the measurement. A calibration history is available upon request.

Wind speed and direction were measured using a Vector A100L2 anemometer, NRG #200P vane and Campbell Scientific CR10X logger. The wind data were logged in ten second intervals and later averaged to 30 second intervals.

The logger and sound level meter were both set to GMT and synchronised before the start of the monitoring period.

6 RESULTS

6.1 MEASURED NOISE LEVELS

The ten second average measured L_{Aeq} total noise data and background noise data were averaged to 30 second periods. Any data points affected by extraneous noise, such as aircraft, vehicles or barking dogs were removed from the data set. The resulting dataset consisted of 206 data points for the total measured noise and 27 data points for the background noise. The data was plotted against the concurrent measured wind speed.

The total noise and background noise plotted against wind speed are shown in Appendix D.

6.2 SOUND POWER LEVEL CALCULATION

A linear regression line was fitted to the measured total noise and background noise to give the sound pressure level for a wind speed of 8 m/s at rotor centre height, as specified in BWEA Small Wind Turbine Performance and Safety Standard (Ref 1). The equations obtained from the regression lines were used to calculate the total noise and background noise at each integer wind speed.

A background noise correction needs to be applied if the margin between total noise and background noise is less than 6 dB. The margin between the measured background and total noise was found to be at least 18.7 dB and therefore no correction was applied.

The Apparent Emission Sound Power Level of the WTG was calculated following the method described in BS EN 61400-11 (Ref 2). The results are shown in Table 3.

Table 3: Apparent Sound Power Level								
Hub Height Wind Speed [m/s]	4	5	6	7	8	9	10	11
Total Noise Level $L_{Aeq, total}$ [dB(A)]	50.4	52.0	53.7	55.3	56.9	58.5	60.1	61.8
Background Noise Level $L_{Aeq, BG}$ [dB(A)]	31.7	33.1	34.5	35.9	37.2	38.6	40.0	41.4
Margin ($L_{Aeq, total} - L_{Aeq, BG}$) [dB(A)]	18.7	18.9	19.2	19.4	19.7	19.9	20.1	20.4
Apparent Sound Power Level $L_{WA, k}$ [dB(A)]	78.7	80.4	82.0	83.6	85.2	86.9	88.5	90.1

6.3 1/3 OCTAVE ANALYSIS

The 10 second averaged measured 1/3 octave band spectra have been averaged to get 30 second periods. The four 30 second averaged periods closest to 8 m/s, the four periods closest to 6 m/s and the four periods closest to 4 m/s wind speed were chosen to calculate the energy average 1/3 octave band spectra. The linear, A-weighted and C-weighted results are shown in Appendix E. No background correction was carried out.

The assessment of tonality was performed according to the methodology specified in ISO 1996-2: 2007 Annex D (Ref 4) as suggested in BWEA Small Wind Turbine Performance and Safety Standard (Ref 1).

A WTG is declared tonal if any 1/3 octave band is higher than its adjacent bands by:

15 dB in the low frequency bands (50 to 125 Hz)

8 dB in the mid-frequency bands (160 to 400 Hz)

5 dB in the high frequency bands (500 to 10000 Hz).

Each four 1/3 octave band spectra closest to 8 m/s, 6 m/s and 4 m/s wind speed were chosen for the analysis. The analysis was performed for the linear, A-weighted and C-weighted 1/3 octave bands. The results are shown in Appendix F. Based on the analysed 1/3 octave spectra the Kingspan KW6 WTG was not found to be tonal.

This assessment is valid for the reference point, where the noise measurement took place and describes the noise character for the proximity of the wind turbine only.

6.4 NARROW BAND ANALYSIS

In addition to the 1/3 octave data analysis narrow band measurements were taken on site and analysed according to the committee draft of IEC 61400-11 Wind Turbine – Part 11: Acoustic noise measurement techniques (Ref 6). The narrow band data was measured in 10 second averages. The twelve records closest to each wind speed bin were used in the analysis. The measured narrow band data at wind speed bins between 5 m/s and 9 m/s are shown in Appendix G.

Possible tones were identified from the graphs shown in Appendix G. Further analysis was performed on the possible tones at 101.1 Hz at 5 m/s, 74.7 Hz at 6 m/s and 76.2 Hz at 7 m/s. At higher wind speeds no significant local maxima were present in the data.

The narrow band analysis was performed using the methodology described in IEC 61400-11 (Ref 6). The results are shown in Table 4.

Table 4: Determination of Audibility				
Wind Speed [m/s]	Centre Frequency	Critical Bandwidth	$\Delta L_{a,k}$	Audibility
5	101.1	100.74	-15.5	No Audible Tones
6	74.7	100.40	-15.9	No Audible Tones
7	76.2	100.42	-17.2	No Audible Tones

The energy average of the tones $\Delta L_{a,k}$ was found to be below the threshold of -3.0 dB, as described in IEC 61400-11 (Ref 6). The WTG was not found to be tonal

7 UNCERTAINTY

The measurement uncertainty was assessed in accordance with the methodology described in Annex D of BS EN 61400-11 (Ref 2). The uncertainties have been divided into type A and type B. Type A uncertainties are evaluated using statistical methods to determine the variation of the measurements around their mean value at each wind speed sector. Type B uncertainties are evaluated using judgment and experience from similar situations. The typical values presented in Table D.1 in Annex E of BS EN 61400-11 (Ref 2) have been used as a guideline to assess the type B uncertainties. The total uncertainty is evaluated from the square root of the sum of the squares of the individual type A and type B uncertainties.

The standard uncertainty of the sound power curve U_A was calculated using formula D.1 in Annex D of BS EN 61400-11 (Ref 2). The calculation parameters and result are shown in Table 5.

Table 5: Type A Uncertainty U_A	
Number of Elements	206
Sum $((y - y_{est})^2)$	174.4 dB
Type A Uncertainty U_A	0.926 dB

The type B uncertainties and the combined total uncertainty are shown in Table 6.

Table 6: Type B and Combined Uncertainty	
Standard Error U_A	0.93 dB
Calibration U_{B1}	0.2 dB
Instrument U_{B2}	0.2 dB
Board U_{B3}	0.5 dB
Distance U_{B4}	0.1 dB
Impedance U_{B5}	0.1 dB
Turbulence U_{B6}	0.5 dB
Wind Speed, measured U_{B7}	1.4 dB
Direction U_{B8}	0.3 dB
Background U_{B9}	-
Total U_C	1.87 dB

8 TABLES OF RESULTS

The declared apparent emission sound power level $L_{Wd, 8m/s}$ was calculated to a 95% confidence level, as described in BWEA Small Wind Turbine Performance and Safety Standard (Ref 1). The results are shown in Table 7.

Table 7: Noise Levels at 8m/s	
Apparent sound power level $L_{W, 8m/s}$ [dB (A)]	85.2
Measurement Uncertainty U_C [dB]	1.87
Declared apparent sound power level $L_{Wd, 8m/s}$ [dB (A)]	88.3
Wind Speed Dependence S_{dB} [dB/ms ⁻¹]	1.62
Noise Penalty [dB]	-

The immission sound pressure levels at 25m and 60m slant distance were calculated in accordance to BWEA Small Wind Turbine Performance and Safety Standard (Ref 1). The results are shown in Table 8.

Table 8: Immission Sound Pressure Level at Slant Distance at 8m/s	
Immission Sound Pressure Level at 60m $L_{p, 60m}$	44.8 dB(A)
Immission Sound Pressure Level at 25m $L_{p, 25m}$	52.4 dB(A)
Slant Distance Required for 45dB(A)	58.5 m
Slant Distance Required for 40dB(A)	104 m

A noise label was determined according to BWEA Small Wind Turbine Performance and Safety Standard (Ref 1) and is shown in Appendix H.

9 CONCLUSIONS

- 9.1 A wind turbine noise performance test was performed according to BWEA Small Wind Turbine Performance and Safety Standard (Ref 1) on a Kingspan KW6 WTG installed at Prince Bank Barn in Lumb on 16 June 2011.
- 9.2 The WTG has been calculated to have an apparent sound power level of 85.2 dB(A) \pm 1.87 dB(A) at 8 m/s hub height wind speed.
- 9.3 The declared apparent sound power level was calculated to be 88.3 dB(A) at 8 m/s hub height wind speed.
- 9.4 Tonality of the Kingspan KW6 has been assessed according to the BWEA Small Wind Turbine Performance and Safety Standard (Ref 1). The WTG was found not to be tonal.

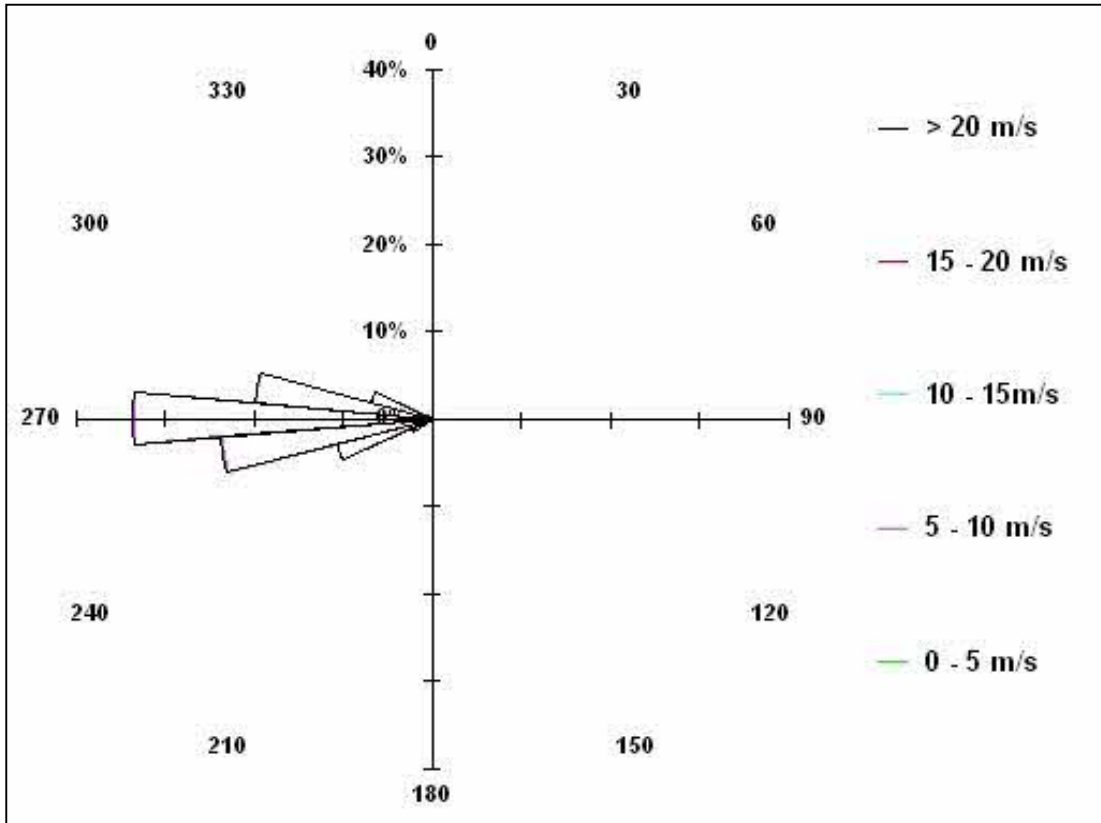
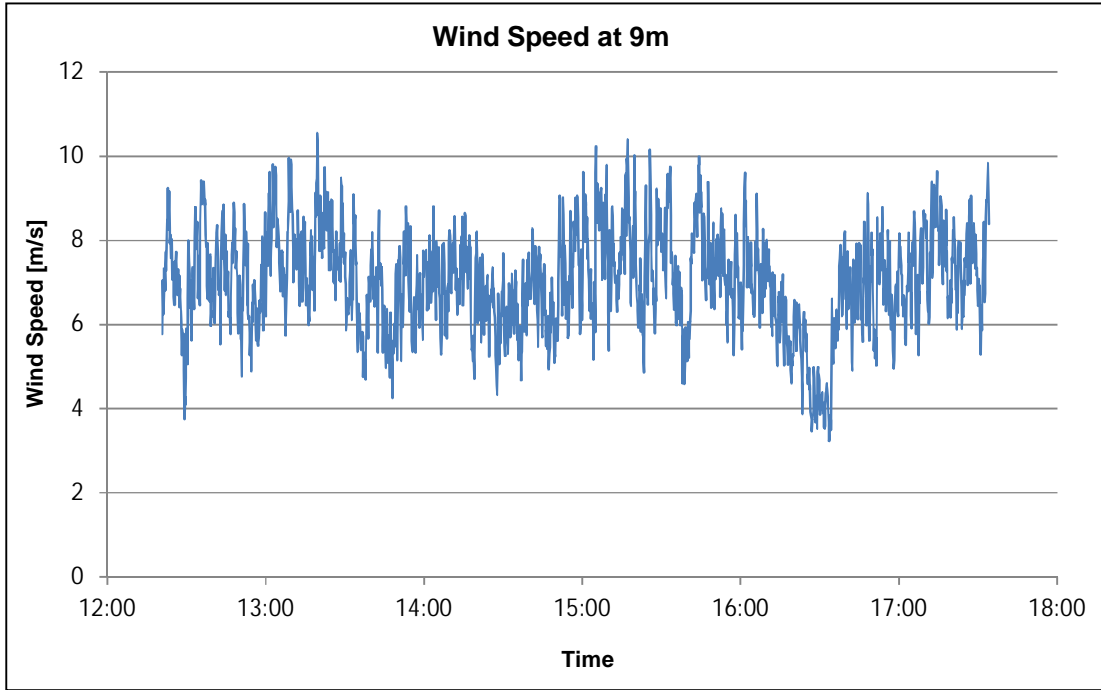
10 REFERENCES

1. Small Wind Turbine Performance and Safety Standard, British Wind Energy Association, 2008
2. Standards Policy and Strategy Committee: BS EN 61400-11 Wind turbine generator systems – Part 11: Acoustic noise measurement techniques (2003) BS EN 61400-11:2003 including Amendment A1:2006 Wind turbine generator systems – Part 11: Acoustic noise measurement techniques Incorporating Amendment no. 1 (identical with IEC 61400-11:2002 including amendment 1:2006) Standards Policy and Strategy Committee, August 2006
3. TUV nel. Type Certificate, Certification Number TUV0008, Certificate Number MCS/2011/05, November 2011
4. ISO 1996-2 Acoustics – Description, measurement and assessment of environmental noise, Part 2: Determination of environmental noise levels International Organization for Standardization, 2007
5. IEC TS 61400-14 Wind turbines – Part 14: Declaration of apparent sound power level and tonality values, International Electrotechnical Commission, 2005
6. IEC 61400-11 Wind Turbine – Part 11: Acoustic noise measurement techniques, International Electrotechnical Commission, 2011 (Committee Draft for Vote, 88/384/CDV)

APPENDIX A: MAP



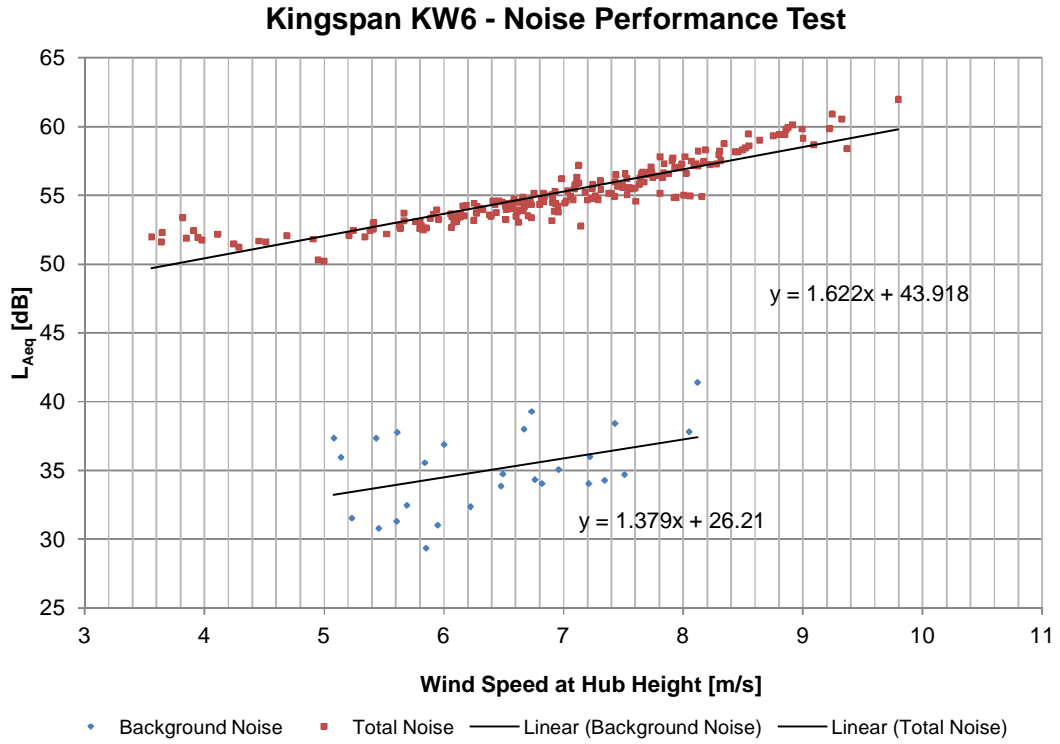
APPENDIX B: WIND CONDITIONS



APPENDIX C: PICTURES OF MEASUREMENT SETUP



APPENDIX D: NOISE OVER WIND SPEED



APPENDIX E: 1/3 OCTAVE BAND DATA

Table E1: 1/3 Octave Band Levels at 8m/s			
Frequency [Hz]	$L_{W, 1/3 \text{ Octave}}$ [dB(lin)]	$L_{W, 1/3 \text{ Octave}}$ [dB(A)]	$L_{W, 1/3 \text{ Octave}}$ [dB(C)]
16	62.7	6.2	54.2
20	59.2	8.8	52.9
25	59.4	14.6	55.0
31.5	58.3	18.8	55.2
40	56.0	21.5	54.0
50	53.2	22.9	51.9
63	54.8	28.6	54.0
80	56.8	34.4	56.3
100	55.0	35.8	54.7
125	49.9	33.7	49.8
160	47.8	34.5	47.7
200	47.1	36.2	47.0
250	48.5	39.8	48.5
315	49.1	42.4	49.1
400	48.3	43.5	48.3
500	49.7	46.4	49.7
630	49.8	47.9	49.8
800	50.1	49.3	50.1
1k	48.7	48.7	48.7
1.25k	46.3	46.9	46.3
1.6k	44.5	45.5	44.4
2k	42.9	44.1	42.7
2.5k	39.7	41.0	39.4
3.15k	37.0	38.2	36.5
4k	37.3	38.3	36.5
5k	33.1	33.6	31.8
6.3k	32.3	32.2	30.3
8k	33.6	32.4	30.5
10k	37.7	35.2	33.3
12.5k	38.8	34.6	32.7

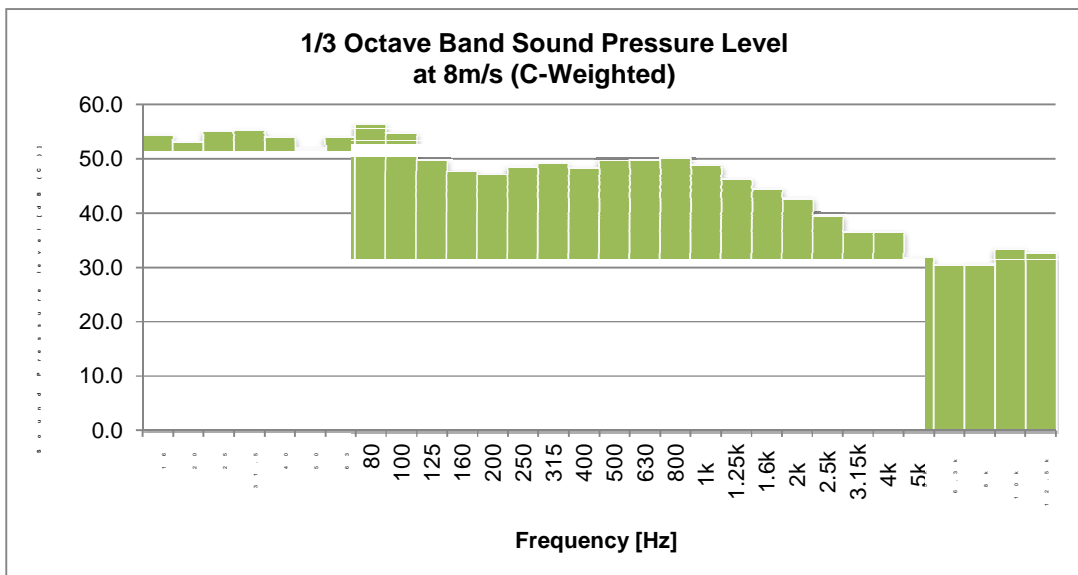
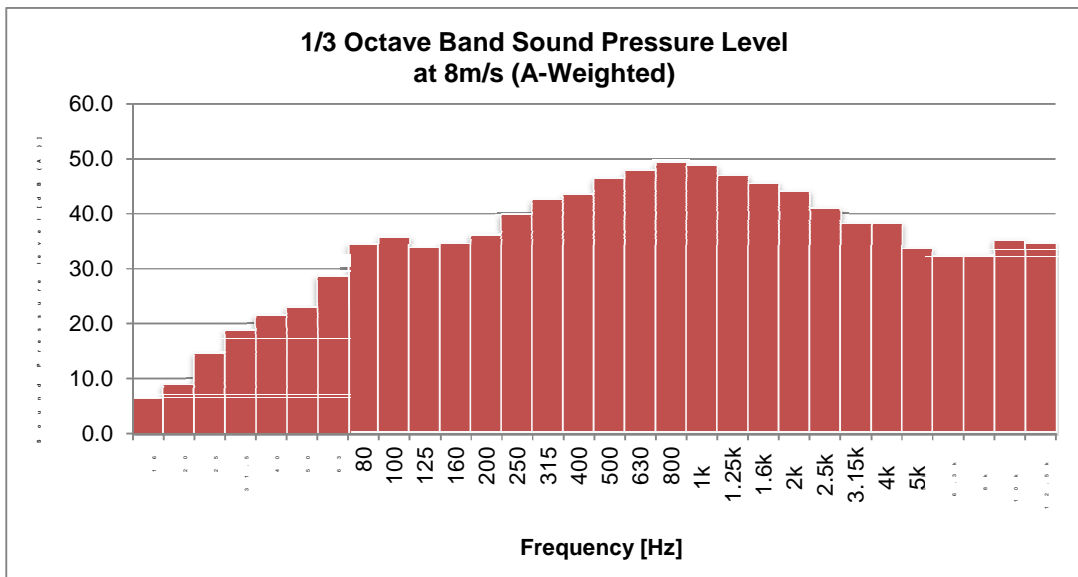
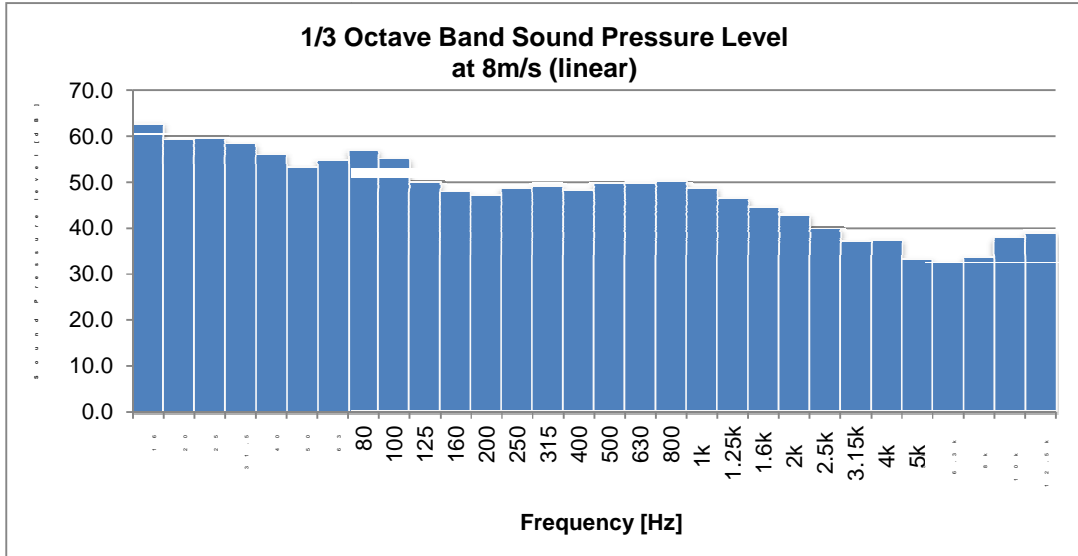


Table E2: 1/3 Octave Band Levels at 6m/s			
Frequency [Hz]	$L_{W, 1/3 \text{ Octave}}$ [dB(lin)]	$L_{W, 1/3 \text{ Octave}}$ [dB(A)]	$L_{W, 1/3 \text{ Octave}}$ [dB(C)]
16	56.0	-0.4	47.6
20	53.7	3.3	47.5
25	53.7	8.9	49.2
31.5	55.5	16.0	52.5
40	52.7	18.2	50.7
50	50.1	19.9	48.8
63	52.4	26.1	51.5
80	56.2	33.8	55.7
100	51.2	32.0	50.9
125	48.7	32.5	48.5
160	46.7	33.5	46.6
200	46.4	35.6	46.4
250	45.7	37.1	45.7
315	44.6	38.0	44.6
400	43.0	38.2	43.0
500	44.2	40.9	44.2
630	44.5	42.6	44.5
800	45.3	44.5	45.3
1000	44.9	44.9	44.9
1250	43.4	43.9	43.3
1600	42.4	43.4	42.3
2000	41.2	42.4	41.0
2500	38.9	40.2	38.6
3150	36.8	38.0	36.3
4000	34.7	35.7	33.9
5000	32.0	32.6	30.7
6300	30.2	30.1	28.2
8000	34.5	33.4	31.5
10000	38.0	35.5	33.6
12500	41.5	37.3	35.3

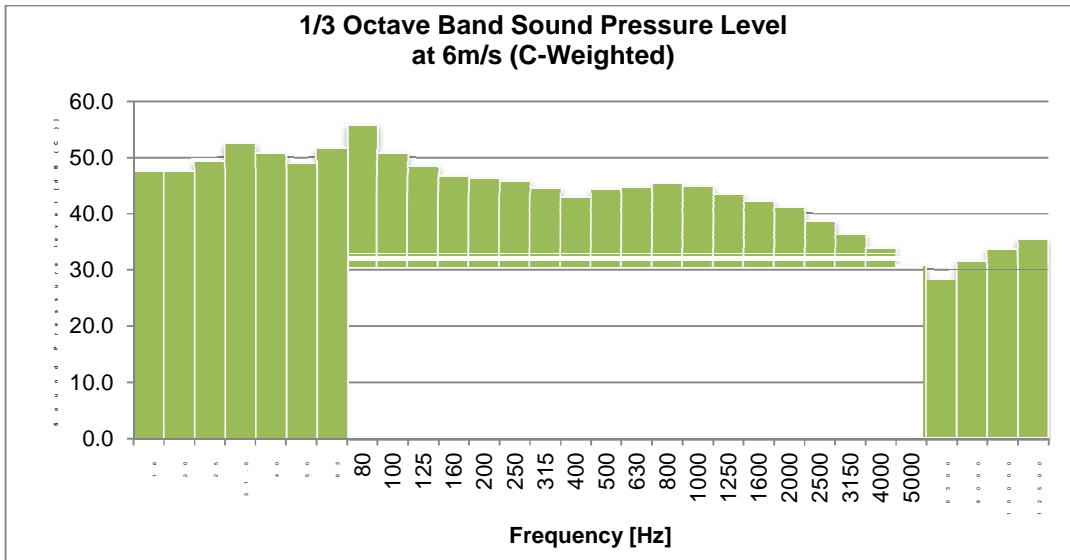
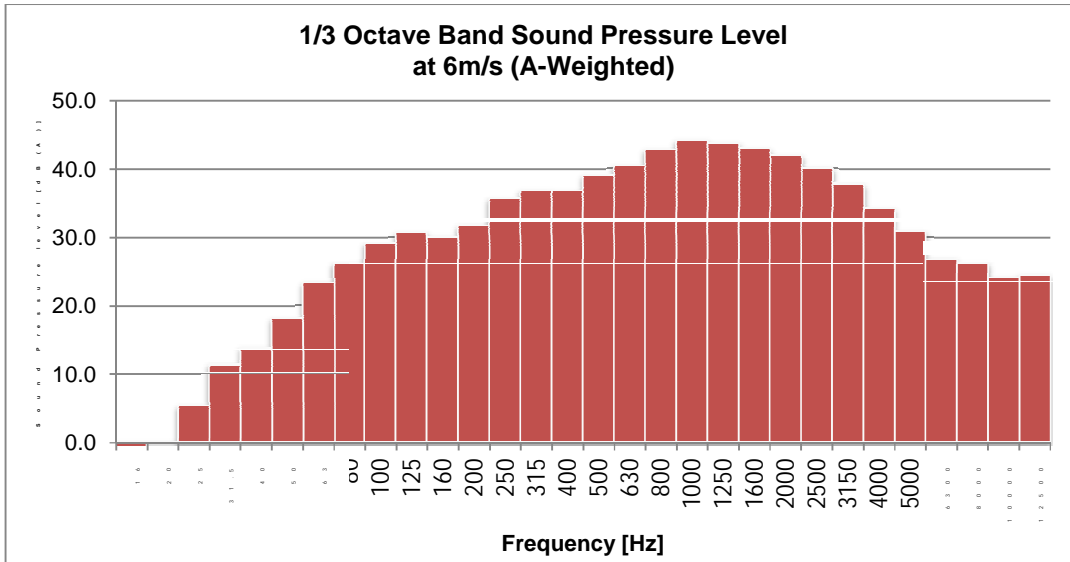
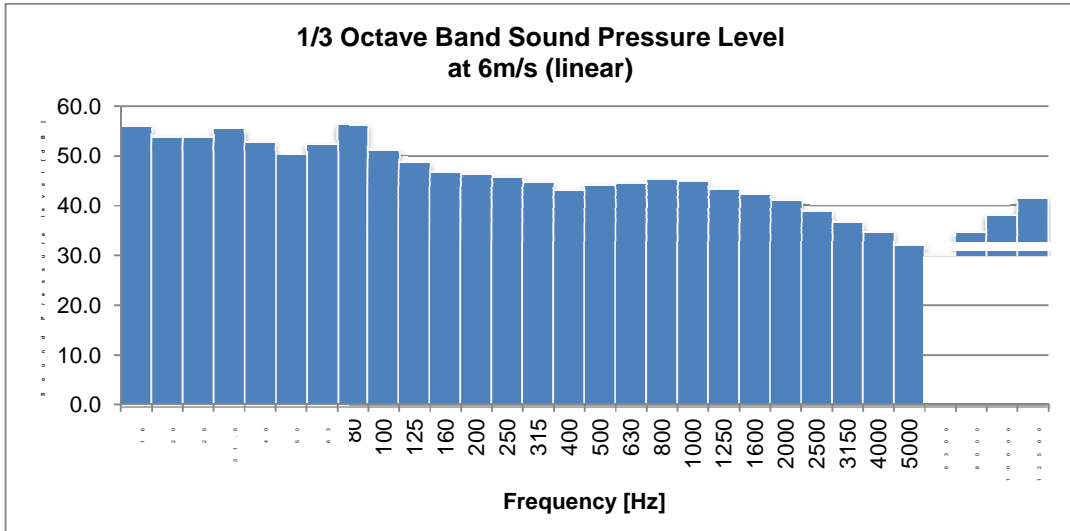
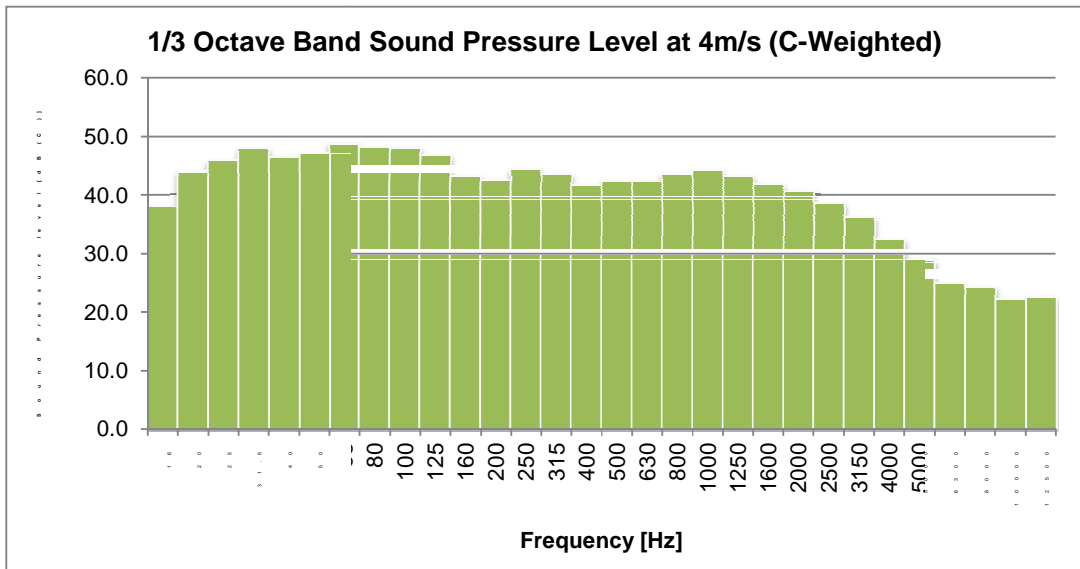
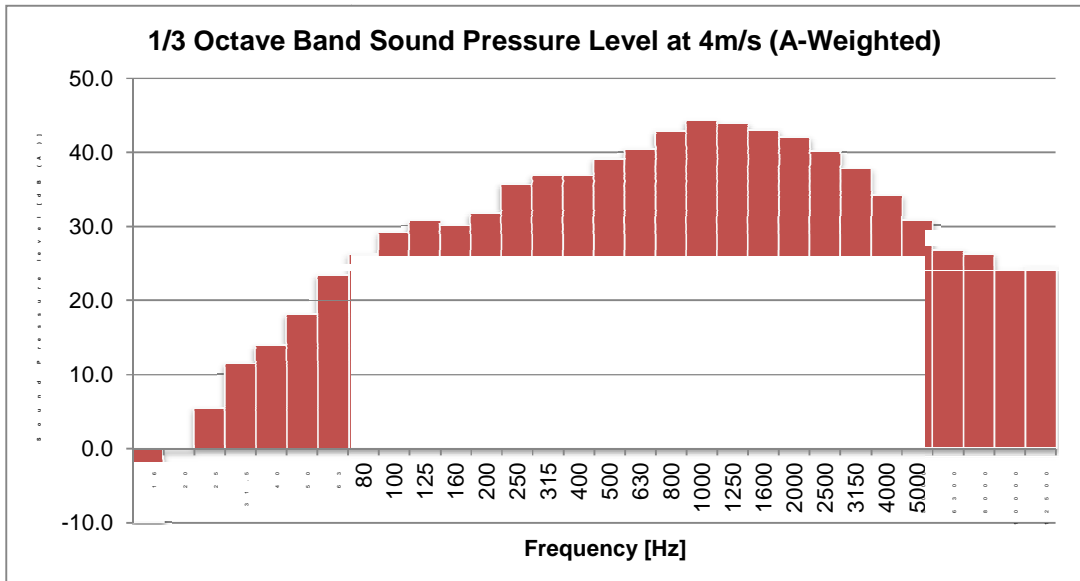
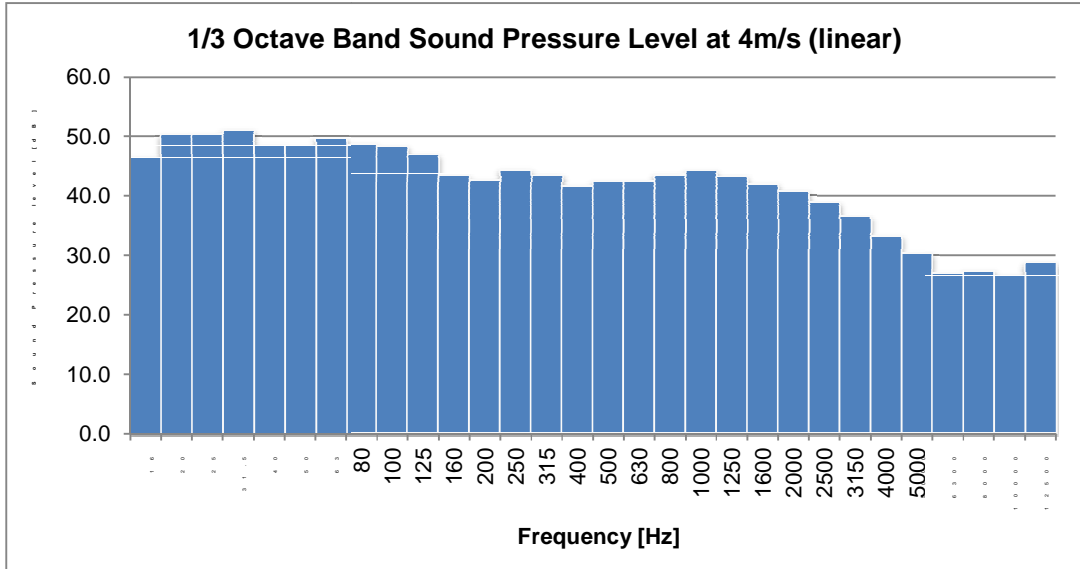
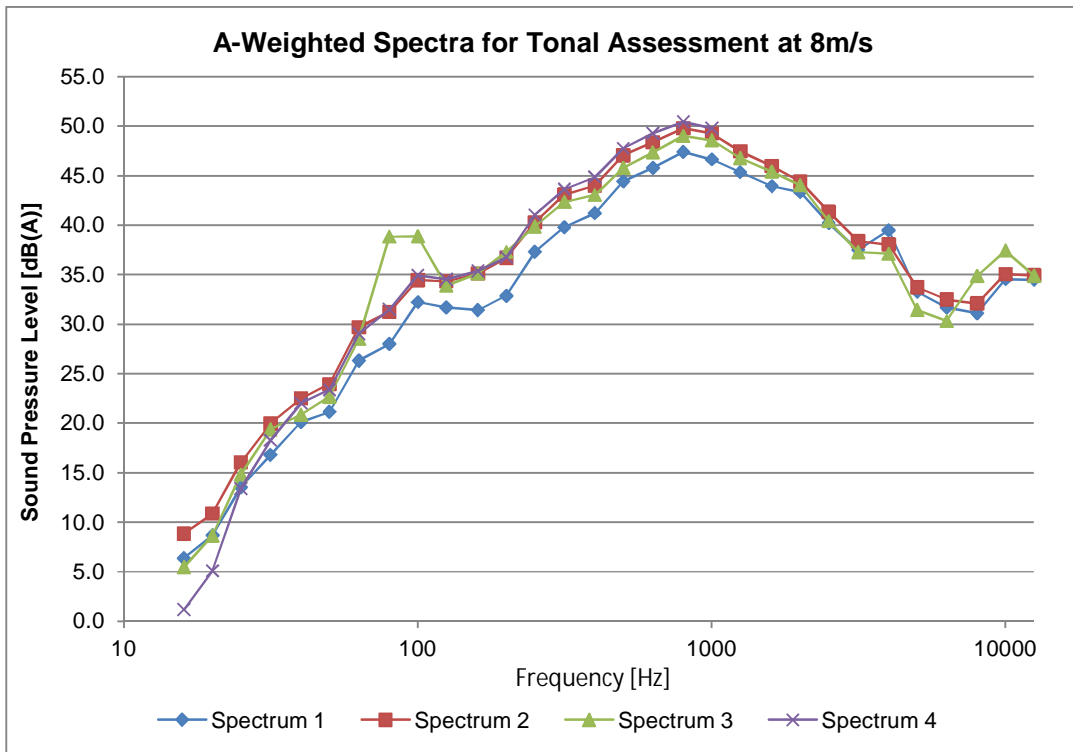
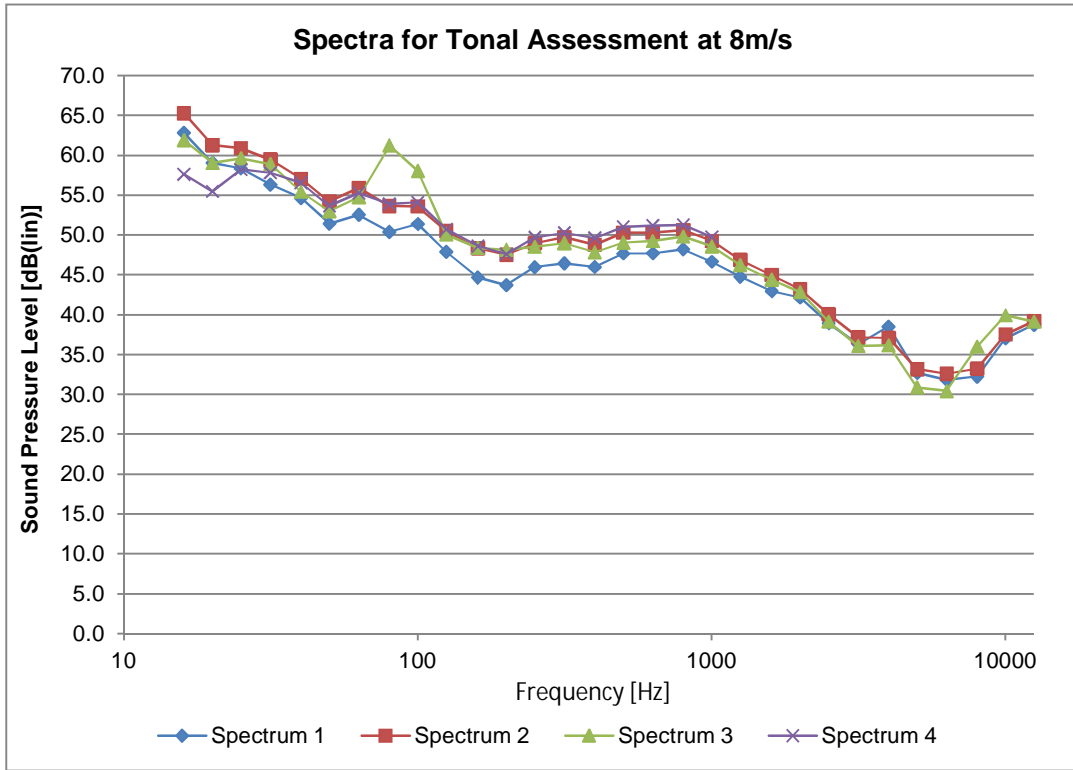
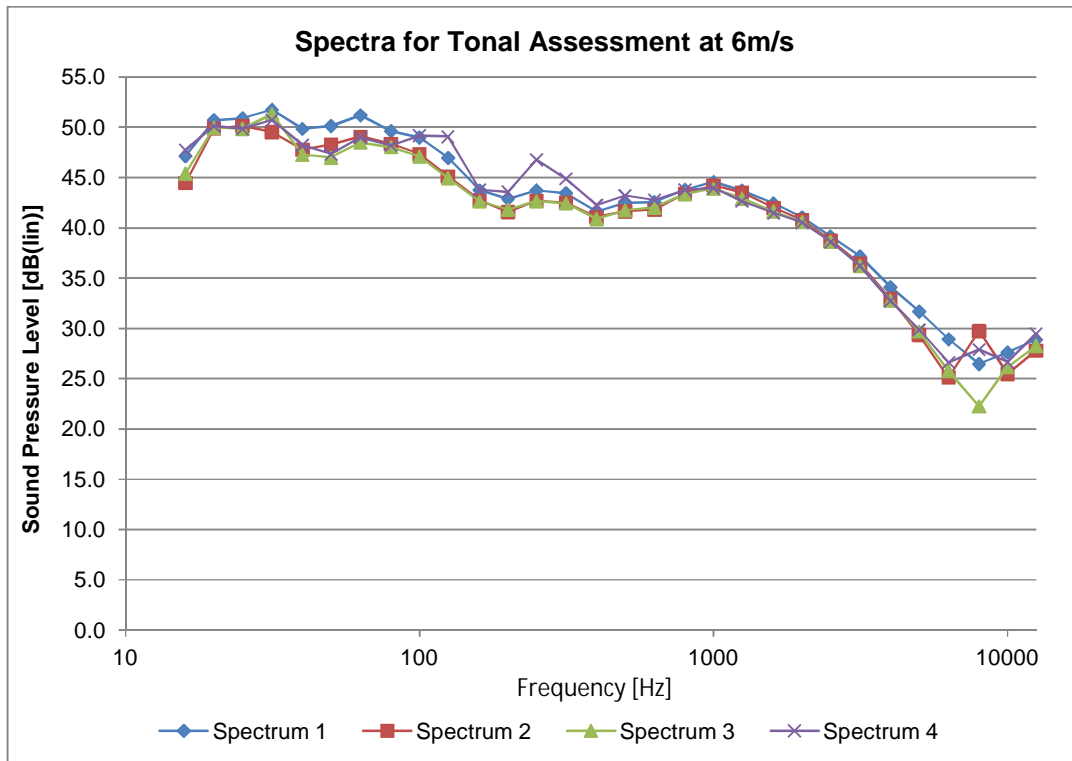
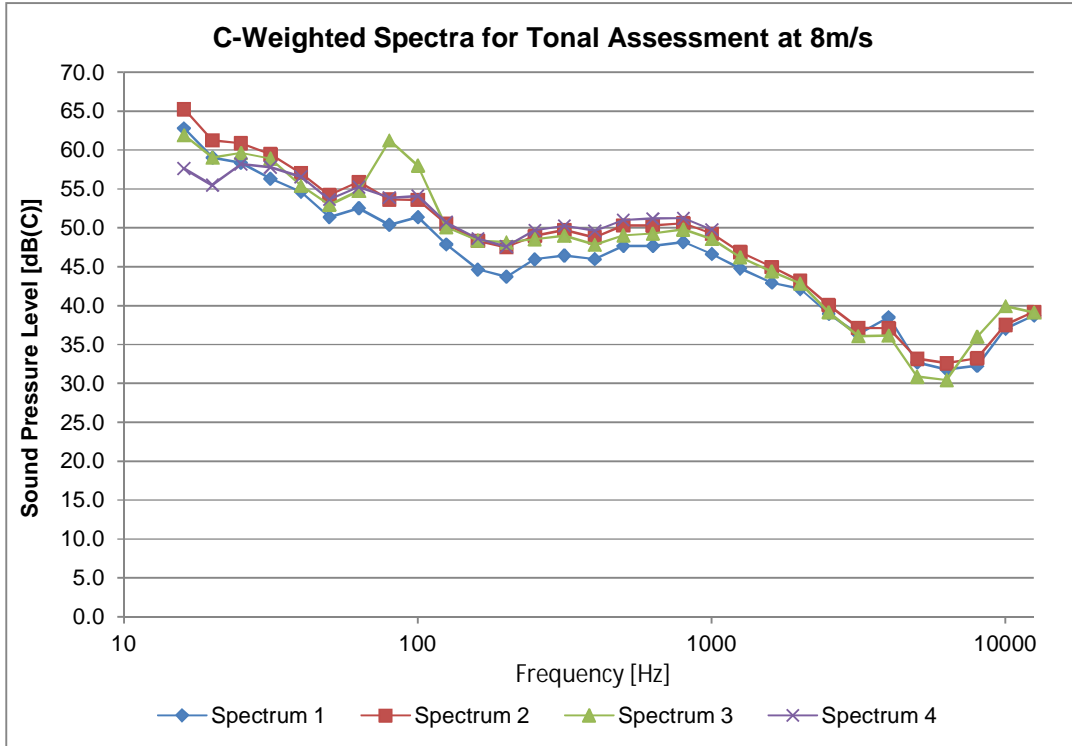


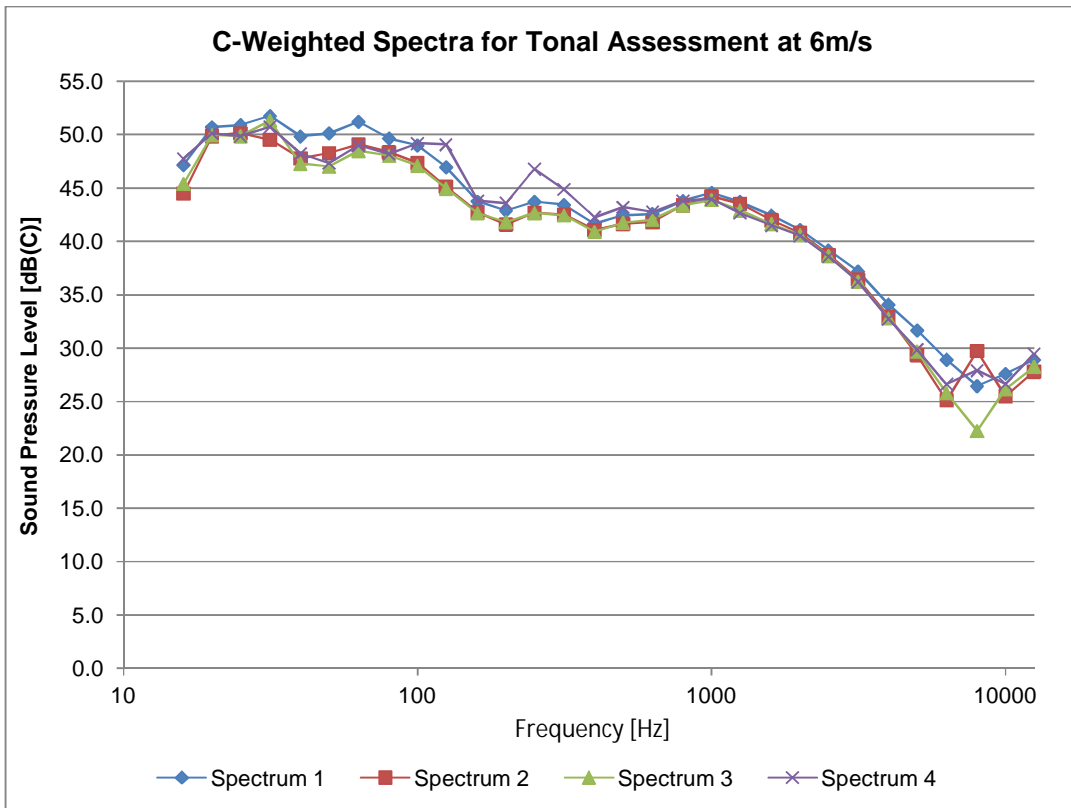
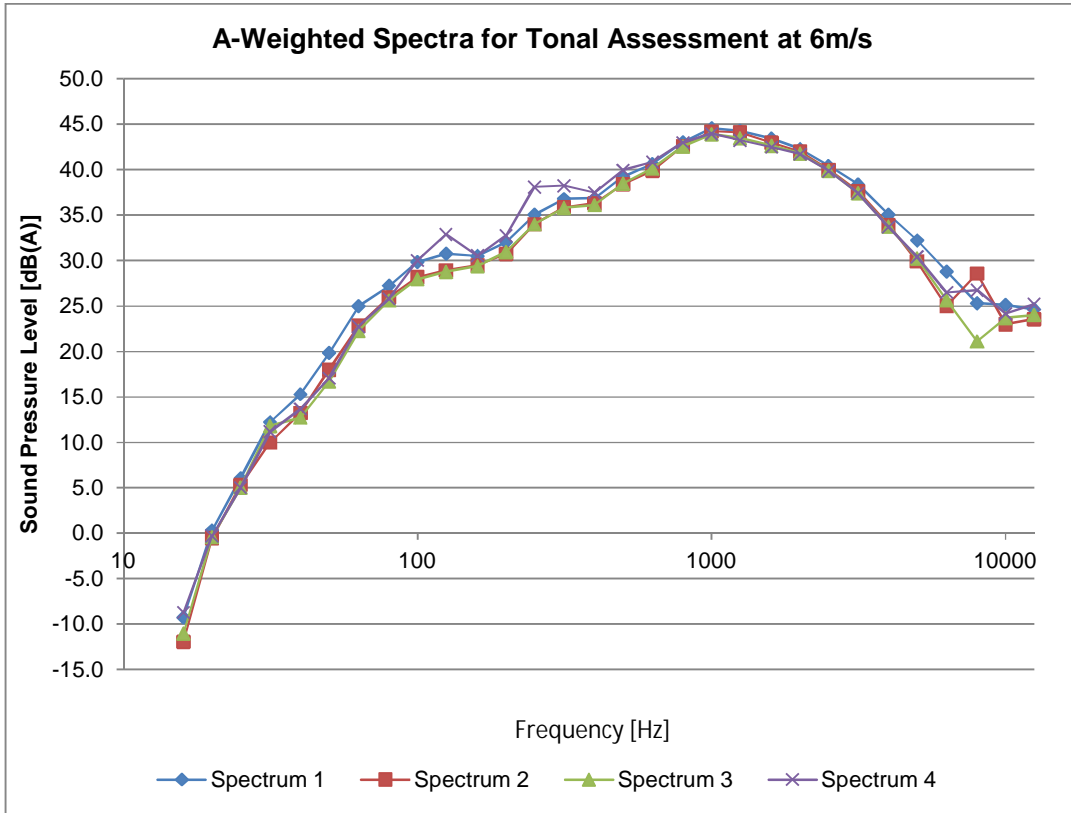
Table E3: 1/3 Octave Band Levels at 4m/s			
Frequency [Hz]	$L_{W, 1/3 \text{ Octave}}$ [dB(lin)]	$L_{W, 1/3 \text{ Octave}}$ [dB(A)]	$L_{W, 1/3 \text{ Octave}}$ [dB(C)]
16	46.4	-10.0	38.0
20	50.2	-0.2	44.0
25	50.2	5.4	45.8
31.5	50.9	11.4	47.9
40	48.4	13.9	46.4
50	48.4	18.1	47.1
63	49.6	23.4	48.8
80	48.6	26.2	48.1
100	48.3	29.1	48.0
125	46.9	30.7	46.7
160	43.3	30.0	43.2
200	42.5	31.7	42.5
250	44.3	35.7	44.3
315	43.4	36.8	43.5
400	41.5	36.7	41.5
500	42.3	39.1	42.4
630	42.3	40.4	42.3
800	43.6	42.8	43.6
1000	44.2	44.2	44.2
1250	43.2	43.8	43.2
1600	41.9	42.9	41.8
2000	40.8	42.0	40.6
2500	38.8	40.1	38.5
3150	36.5	37.7	36.0
4000	33.2	34.1	32.4
5000	30.3	30.8	29.0
6300	26.9	26.8	24.9
8000	27.4	26.2	24.3
10000	26.6	24.1	22.2
12500	28.7	24.4	22.5

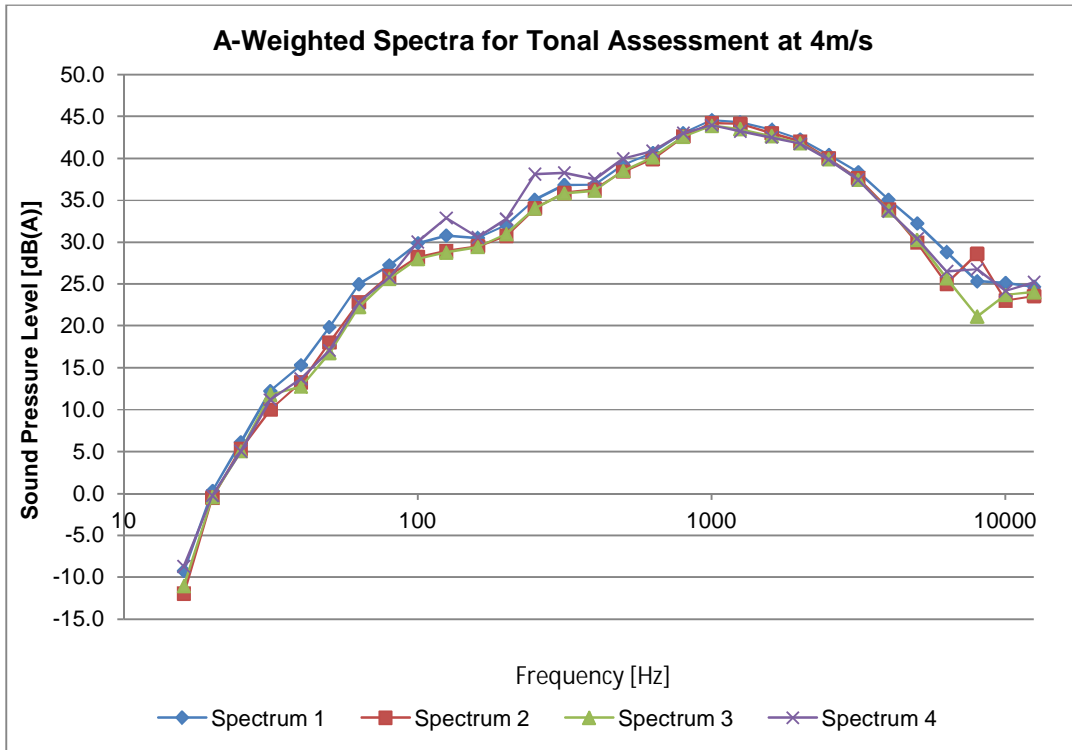
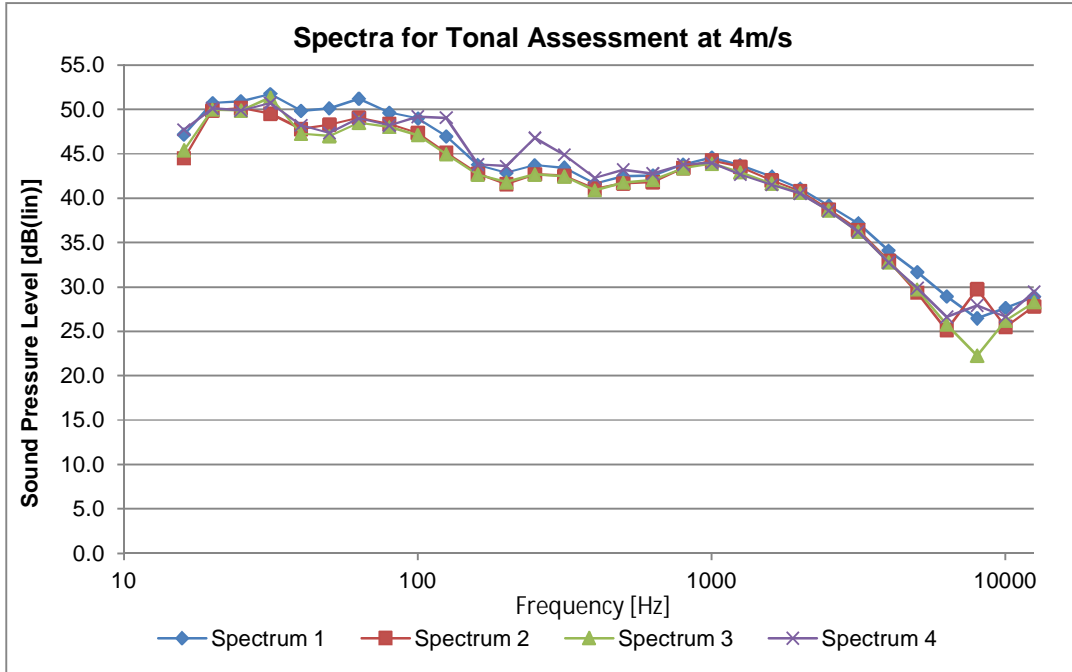


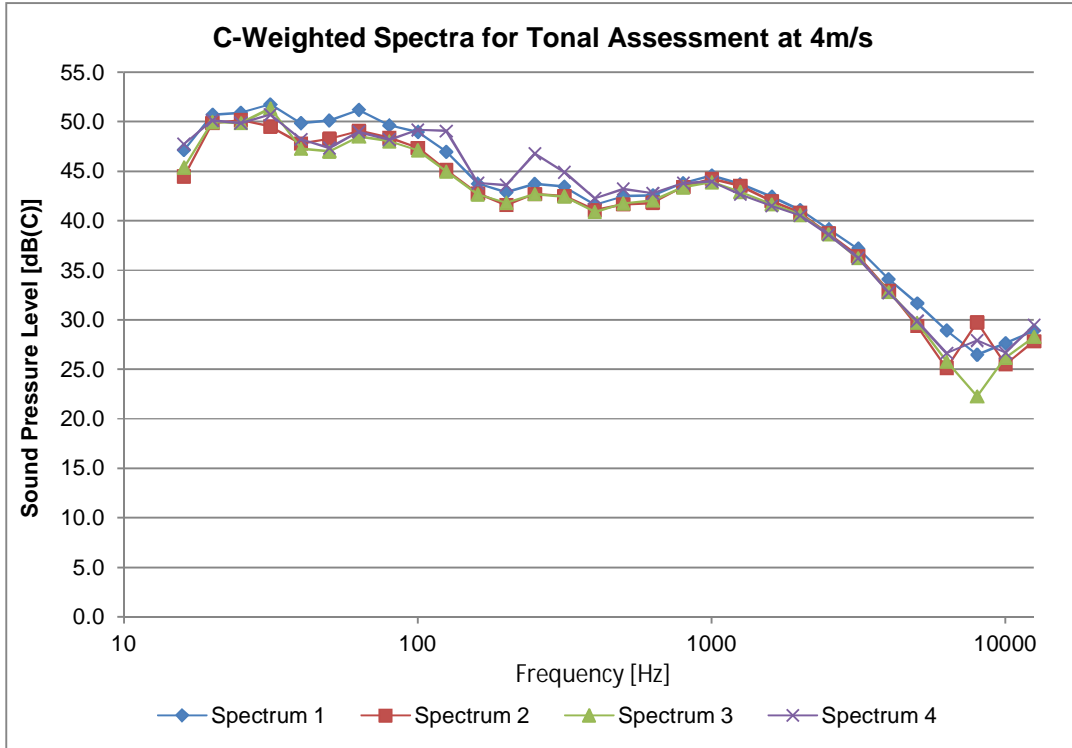
APPENDIX F: SPECTRA FOR TONALITY ASSESSMENT



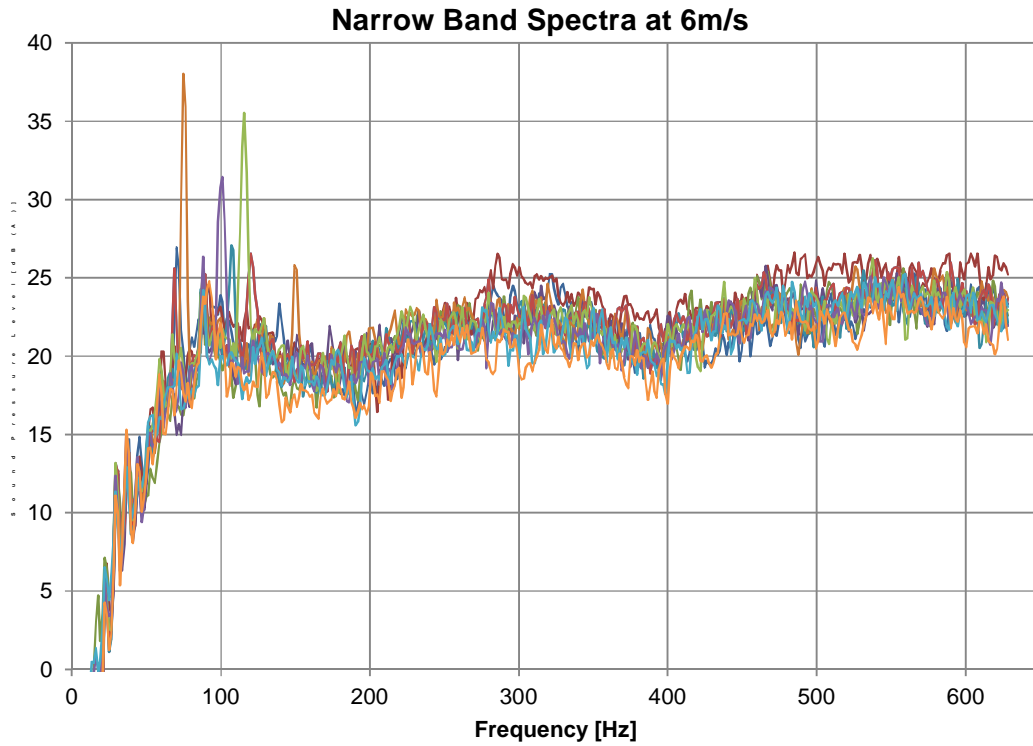
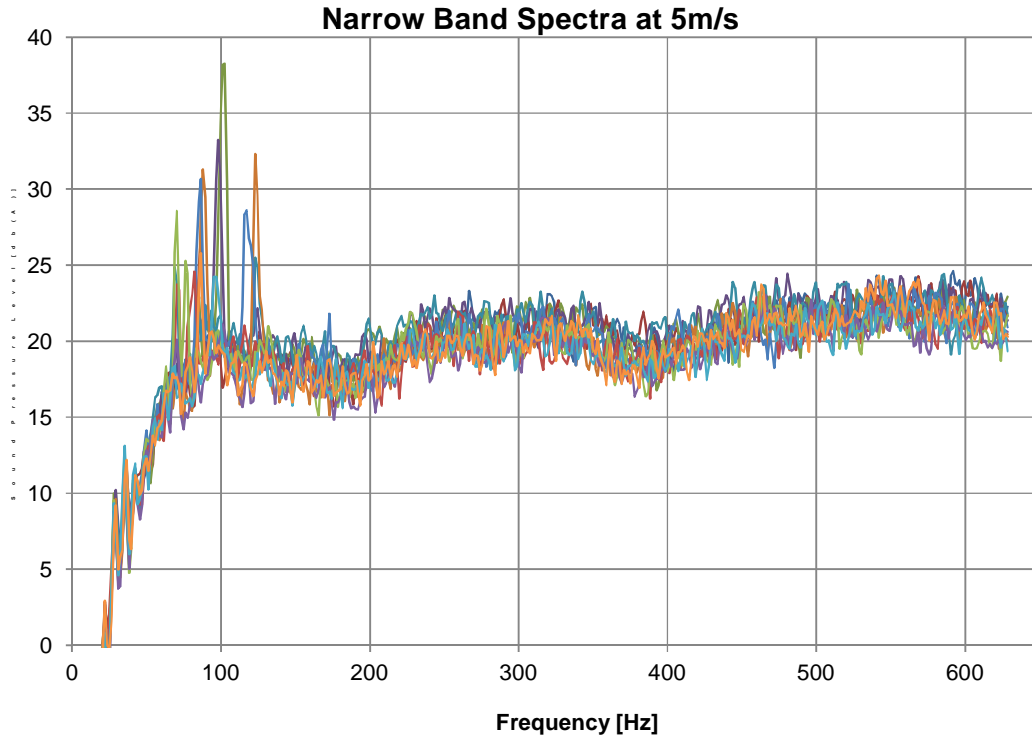


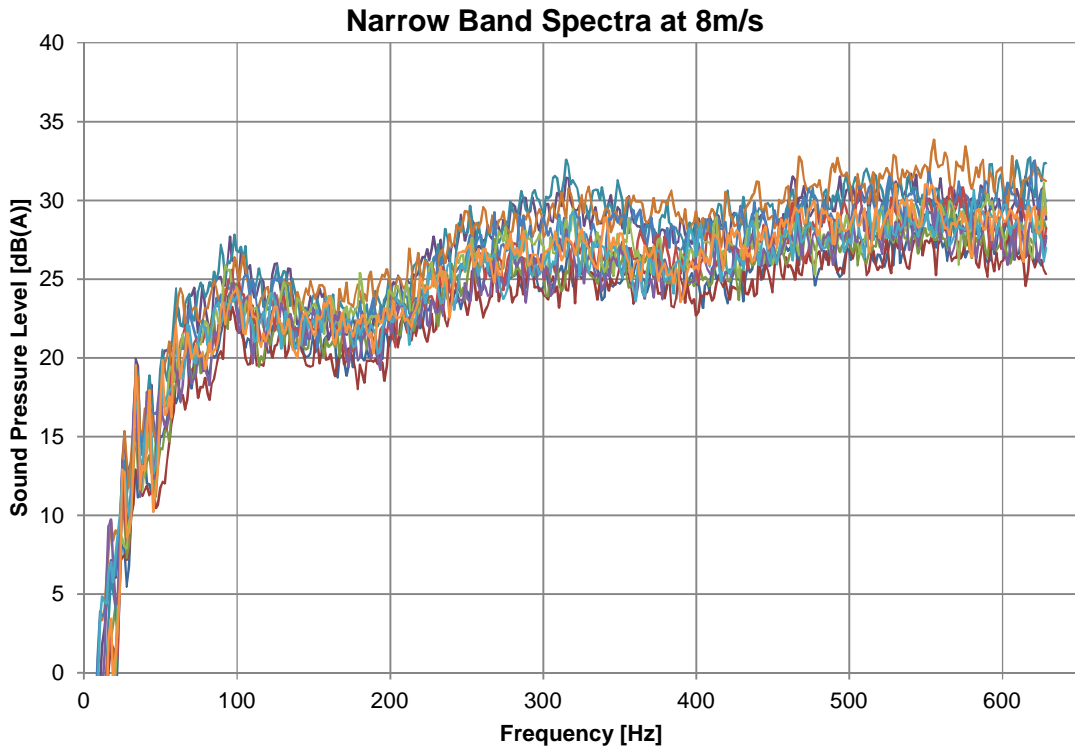
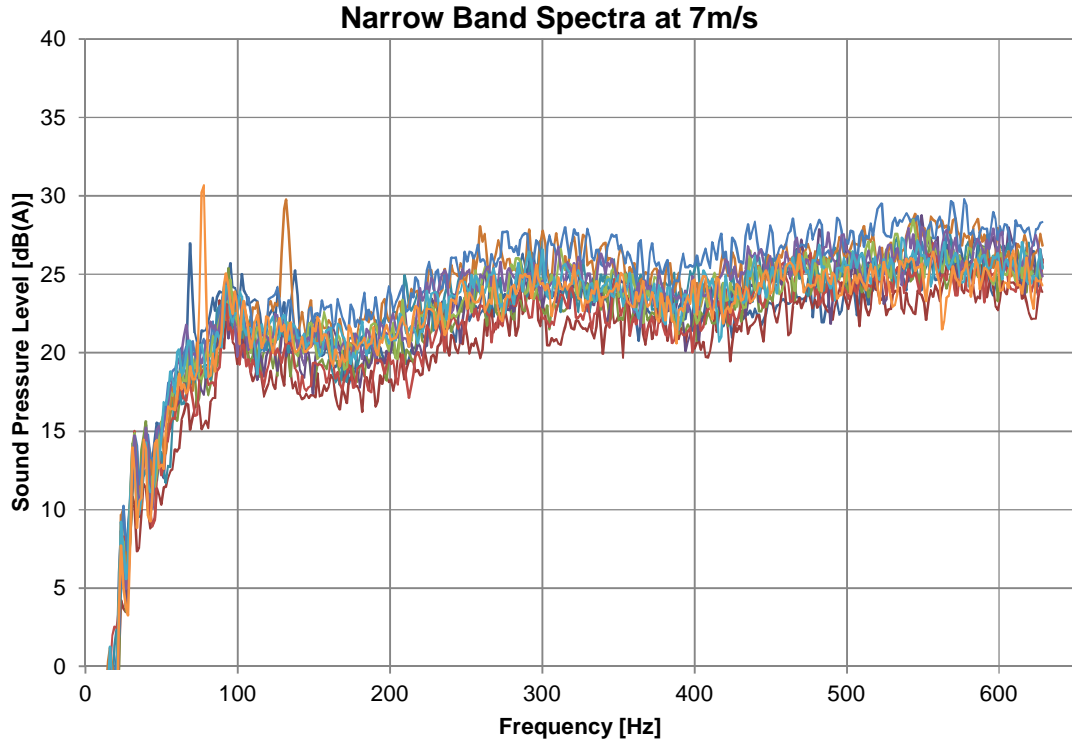


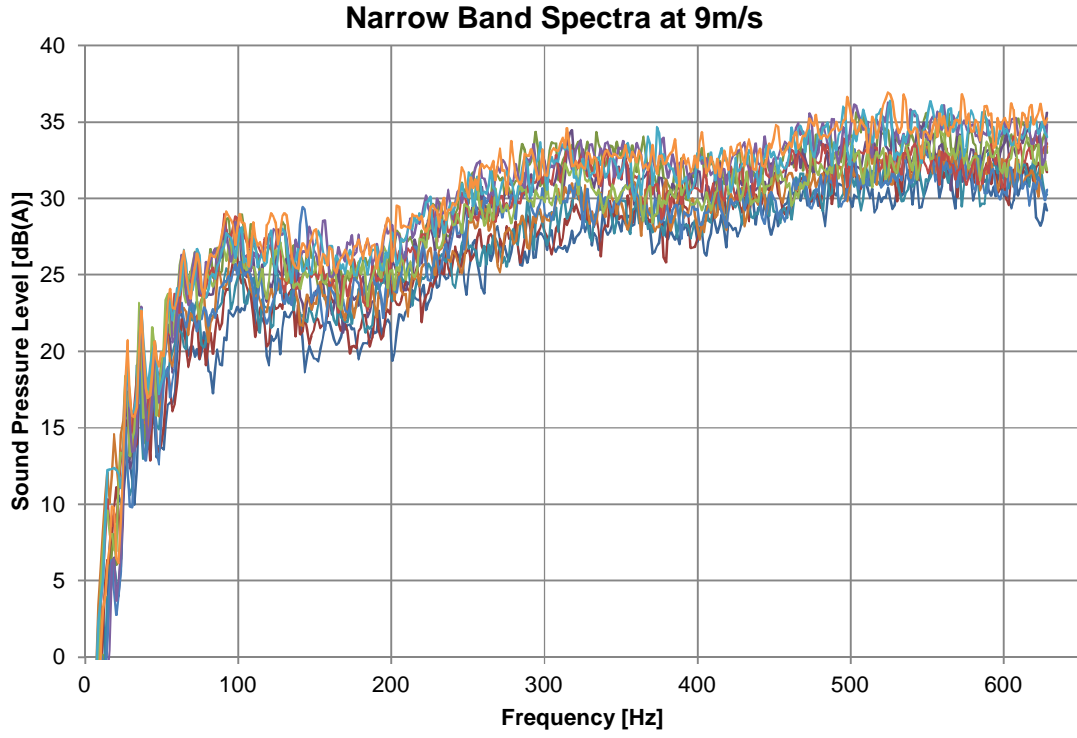




APPENDIX G: NARROW BAND DATA

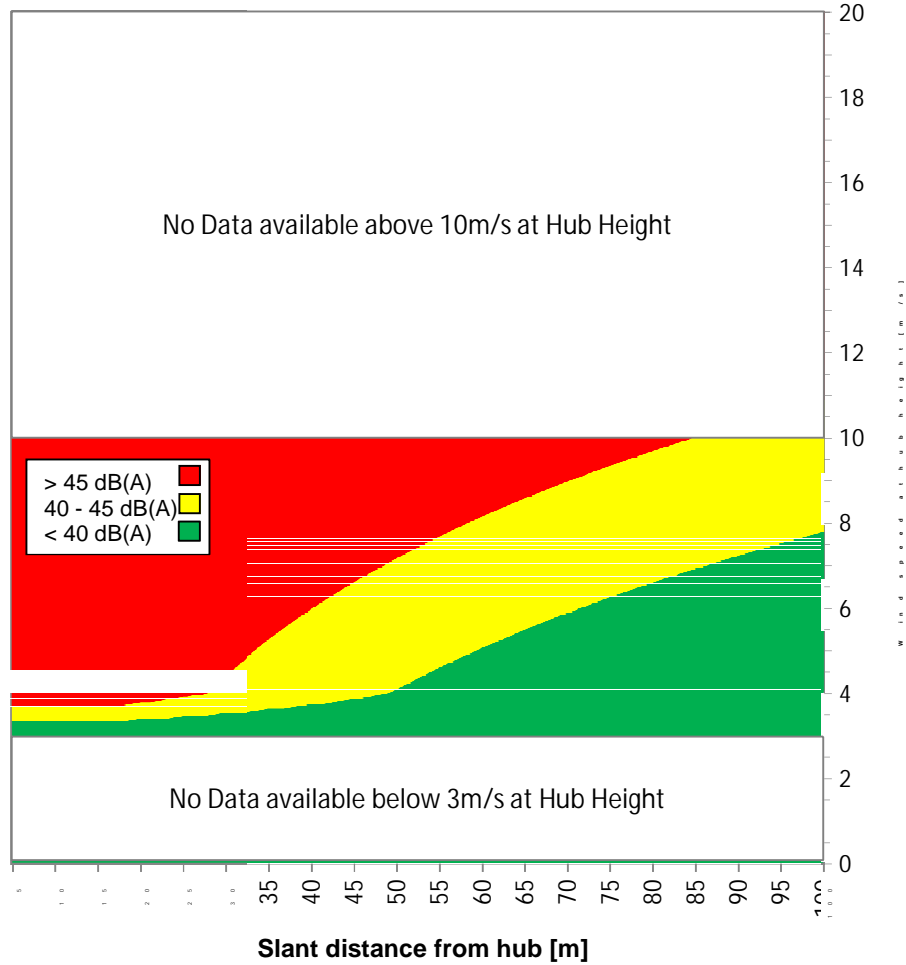






APPENDIX H: NOISE LABEL

Acoustic Noise Levels				
Turbine Make:	Kingspan Renewables Ltd	Model:	KW6	
Noise Emission Level				Noise Penalty
Sound Power $L_{Wd, 8m/s}$	88.3 dB(A)	Noise Slope S_{dB} [dB/ ms^{-1}]	1.62	NO



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23/00262/FUL
21.08.2023

KW6 WIND TURBINE

PLANNING SUPPORT DOCUMENT

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

REFUSED

subject to the
requirements of the
associated Decision
Notice

Kingspan Wind

ISSUE 01 JULY 2013

Certification Number TUV 0008

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Kingspan
Environmental

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SITING	2
TECHNICAL DRAWINGS	3/5



IMPORTANT

This document is intended as an aid to complete planning applications. It includes product information normally required for UK planning applications. For additional information please contact wind.support@kingspan.com

PRODUCT SPECIFICATION

ARCHITECTURE AND ROTOR

Type: Downwind, 360 degrees free yawing
 Speed control: Self-regulating
 Blades: 3 blades, passive coning and pitch control
 Rotor diameter: 5.6m
 Rated speed: 11m/s
 Rotor thrust: 10kN

GENERATOR

Type: Brushless permanent magnet, direct drive
 Output: Grid connect (300v), battery charging (48V)

TOWER

Type: Self-supporting monopole
 Hub height: 9m, 11m and 15m (hinged or hydraulic tower)
 3.5m x 3.5m x 0.9m (max) Pad Foundation
 Root Foundations are also available

WEIGHTS

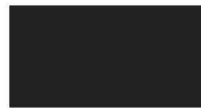
Wind turbine: 600kg

PERFORMANCE

Cut-in wind speed: 3.5m/s
 Max wind speed (survival): Designed to Class 1 (70m/s), Tested to Class 2 (59.5m/s)
 Rated Power: 5.2kW (at 11m/s measured at hub height)
 Peak Power: 6.1kW
 RAE: 8,949kWh as certified by TUV NEL (at 5m/s measured at hub height)

BUILD MATERIALS AND COLOURS

Frame: Galvanised steel, grey (not visible)
 Towers: Galvanised steel, grey
 Blades: Glass thermoplastic composite, black, white or grey
 Covers: Plastic.



Black (RAL 9005)



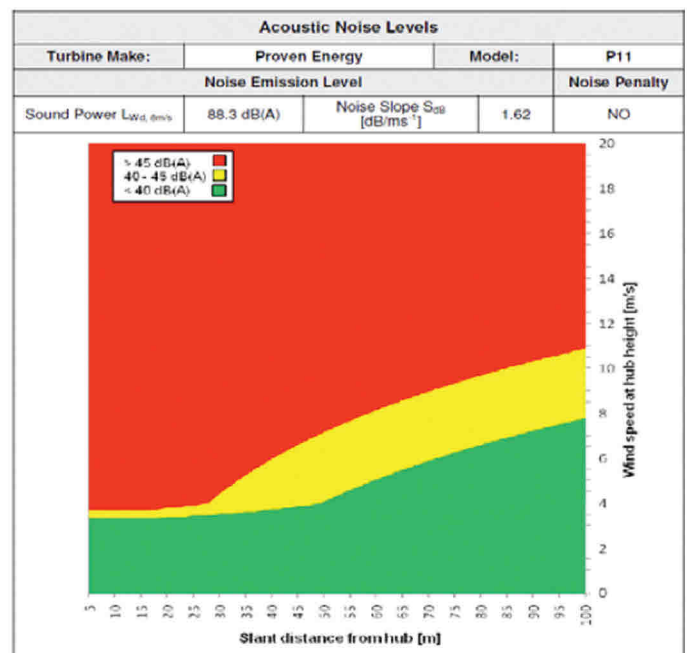
White (RAL 9003)



Grey (RAL7000)

ACOUSTIC DATA

The following noise map is a declaration of the sound power level, including noise slope tested according to BWEA standard (29th Feb 2008) which amends IEC 61400-11 for the purposes of acoustic testing of small wind turbines.



A full report is available upon request from wind.support@kingspan.com

SITTING

Siting and installation of your wind turbine should comply with “Installing small wind-powered electricity generating systems” (CE72) and “Micro-generation Installation Standard” (MIS 3003) which reflect the industry’s best practice.

Energy Saving Trust publication “Installing small wind-powered electricity generating systems” (CE72) can be downloaded from:

<http://www.energysavingtrust.org.uk/Global-Data/Publications/Installing-smallwind-powered-electricity-generating-systems-CE72>

The Micro-generation Certification Scheme publication “Micro-generation Installation Standard” (MIS3003) can be downloaded from:

<http://www.microgenerationcertification.org>

Kingspan Wind recommends that an Accredited Installer should be consulted on site location prior to a planning application being submitted

It is also recommended that potential wind turbine owners consult with their neighbours prior to applying for the necessary planning approvals

TECHNICAL DRAWINGS

The following technical drawings are scaled elevations for the wind turbines listed below:

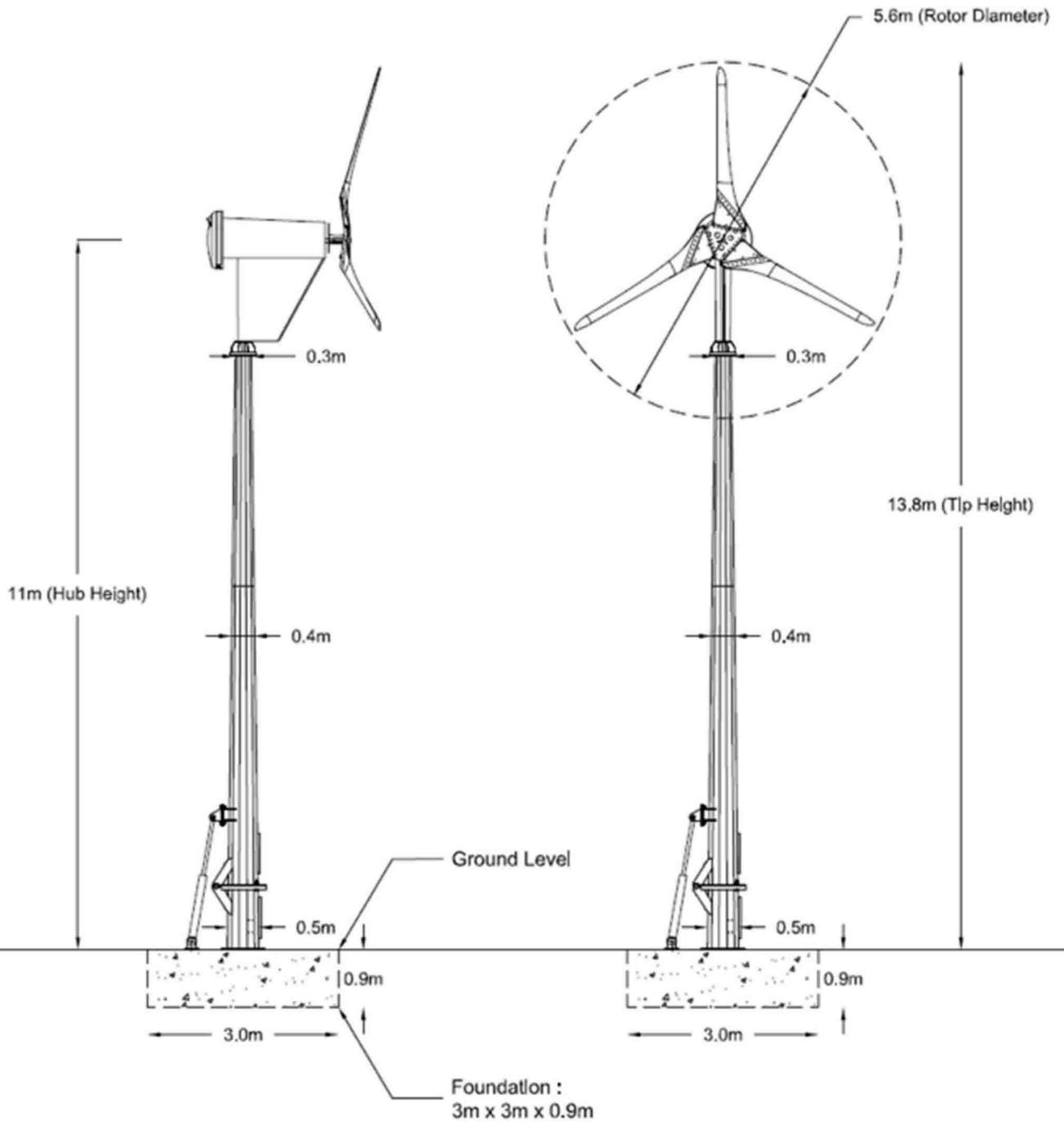
KW6 on 11M Hydraulic Tower

KW6 on 12M Hydraulic Tower

KW6 on 15M Hydraulic Tower

NB - Please ensure when printing that Page Scaling is set to “None”

NOTE: Document for reference only. Check sheet size and drawing scale before printing. When printing PDF ensure print scale in printer properties is set to off or to none.

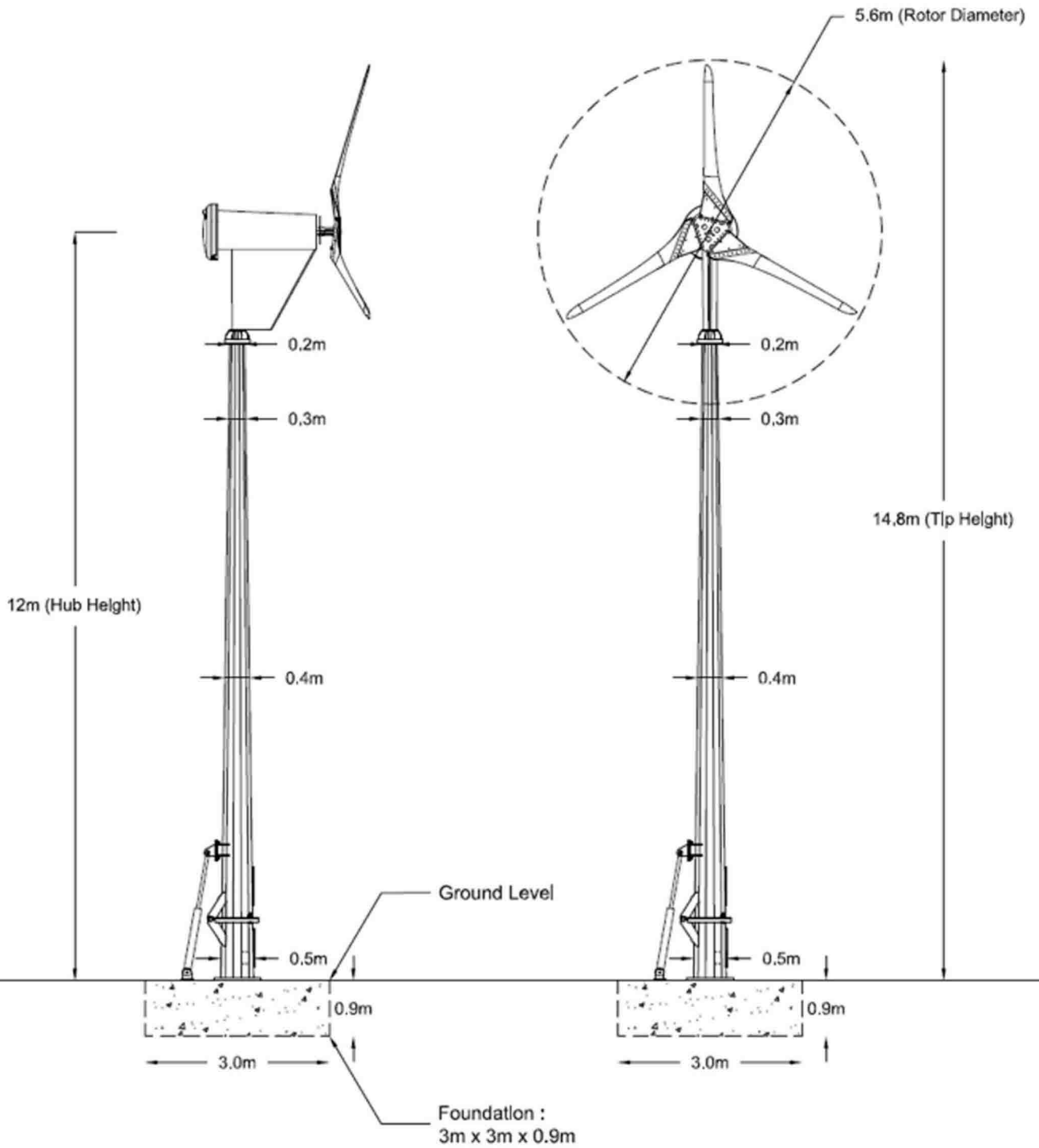


TITLE:	KW6 11m ARE Tower System		
DWG No:	KWI-06-TW-15-207		
SCALE:	1:100	SHEET SIZE:	A4
DRAWN BY:	CF 26-04-2013	CHECKED BY:	BA 26-04-2013
		REV:	A



COLOUR:
See Build Materials & Colours section of Production Specification section of Planning Support Document Page 3.

NOTE: Document for reference only. Check sheet size and drawing scale before printing. When printing PDF ensure print scale in printer properties is set to off or to none.



TITLE: KW6 12m ARE Tower System

DWG No: KWI-06-TW-12-220

SCALE: 1:100

SHEET SIZE: A4

DRAWN BY: CF
26-04-2013

CHECKED BY: BA
26-04-2013

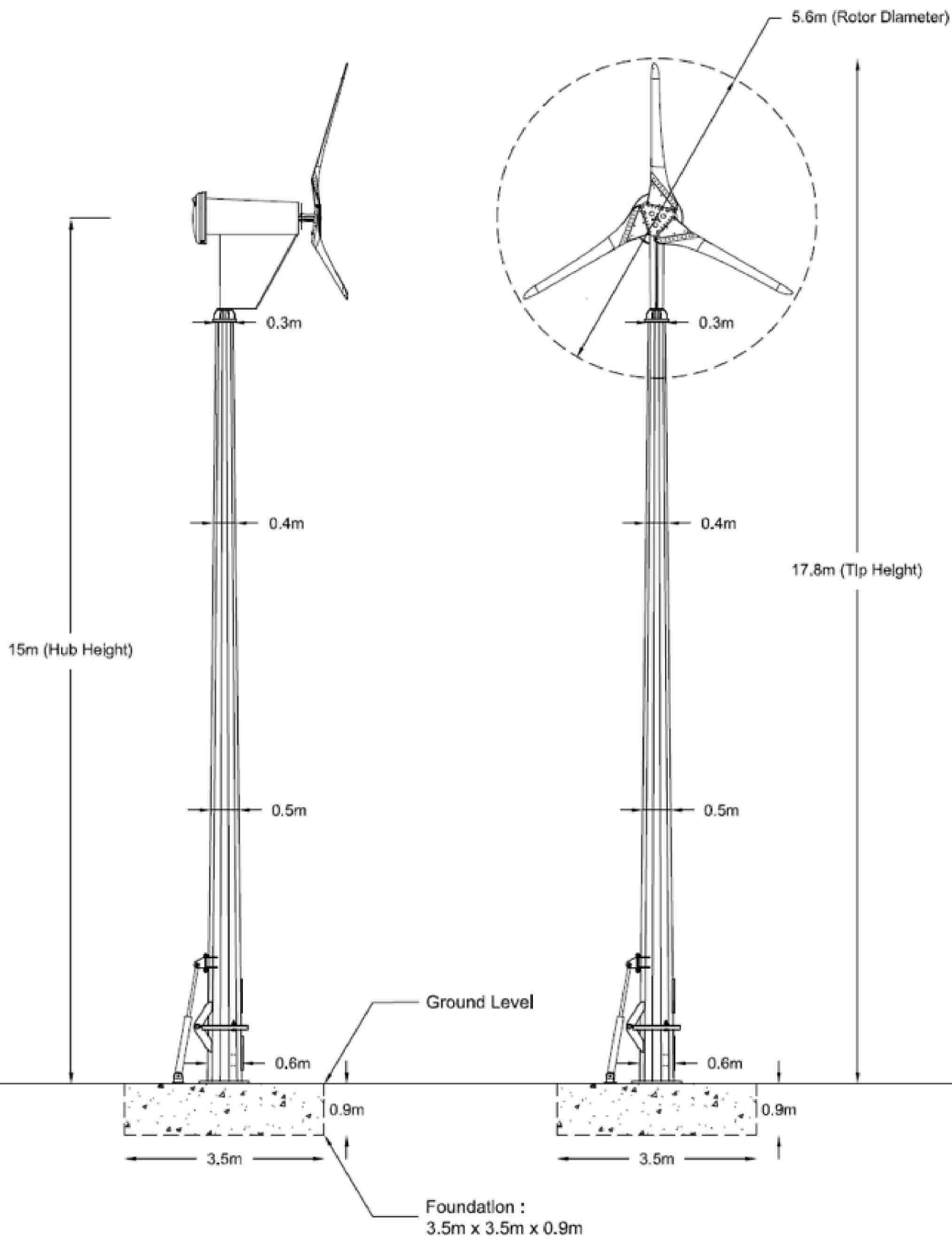
REV: A



COLOUR:

See Build Materials & Colours section of Production Specification section of Planning Support Document Page 3,

NOTE: Document for reference only. Check sheet size and drawing scale before printing. When printing PDF ensure print scale in printer properties is set to off or to none.



TITLE: KW6 15m ARE Tower System			
DWG No: KWI-06-TW-15-200			
SCALE: 1:100	SHEET SIZE: A4		
DRAWN BY: CF 26-04-2013	CHECKED BY: BA 26-04-2013	REV: A	



COLOUR:
See Build Materials & Colours section of Production Specification section of Planning Support Document Page 3.



Contact us now for further information
Tel. +44 (0)1560 486 570
Email: wind.support@kingspan.com

Wardhead Park, Stewarton
Ayrshire, KA3 5LH
Tel: +44 (0)1560 486 570

UK Planning Specialists -
NEO Environmental
Tel: 0141 773 6262
info@neo-environmental.co.uk

www.kingspanwind.com



Single Phase TUV008
Dual Phase TUV0012
Three Phase TUV 0013

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00262/FUL

APPLICANT : Mr Graeme Forsyth

AGENT : Yeoman (Berwick) Ltd

DEVELOPMENT : Change of use of derelict agricultural building and extension to form dwellinghouse and erection of 17.8m high wind turbine (tip height)

LOCATION: The Blue House Near Swansfield Farm
Reston
Eyemouth
Scottish Borders
TD14 5LN

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
A101	Location Plan	Refused
A102	Existing Site Plan	Refused
A104	Existing Site Plan	Refused
A103	Proposed Site Plan	Refused
A105	Proposed Site Plan	Refused
A106	Existing Elevations	Refused
A107	Proposed Elevations	Refused
KINGSPAN 6KW PLANNING SUPPORT DOCUMENT	Other	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

One representation in support of the application was received raising the points summarised below:

- the proposals would secure the the addition of a family home to the area;
- no additional pressure would be put on the existing utilities and infrastructure, or, as it would be developed by existing residents, it would put no extra pressures on services like doctors and dentists;
- as an off grid property, Blue House would be perfectly situated in the area;
- hope that the scale of the land owned is considered and compare the scale of the proposed property to that of the two-acre site;
- a dwellinghouse would be more beneficial to the local area than a holiday let;
- risk of dereliction if not approved.

CONSULTATIONS

SBC Access officer: According to the records of Scottish Borders Council Outdoor Access there is a public right of way on the South and West boundaries of the application site on the road. The public

have a right of responsible access on this route and should be expected to use the road and verges for walking cycling and horse riding.

SBC Archaeology: The archaeological and historic features, including the standing building ruin, have been summarised in the earlier planning application 21/01982/FUL which in essence identified the standing ruin as of later 19th century in date within a plot present by the mid-19th century. Should the application be consented it would be recommended that a historic building recording condition be carried out for the existing building. It would be recommended that this be carried out at the appraisal level of survey in line with the ALGAO Scotland Historic Building Recording Guidance. The condition advocated for would give an opportunity for recording work to be carried out as few smaller farm buildings have been recorded in this part of the Scottish Borders.

SBC Contaminated Land: There is an indication within the application that the site has had agricultural use. The specific uses and activities undertaken at the application site are not currently known. The applicant has been provided with a questionnaire to enable them to provide information relating to the previous use of the site. If the questionnaire is not returned, a planning condition would be needed to ensure that the development is suitable for its proposed use.

SBC Ecology: The habitats within the site appear suitable for bats, badgers and reptiles, possible also amphibians. A Preliminary Ecological Assessment should be carried out to determine whether any protected species are using areas within or outside the site boundary which may be impacted by the proposed development.

SBC Education: No response.

SBC Environmental Health: No objection subject to conditions.

SBC Roads Planning Service: No objections subject to conditions to secure parking and turning within the plot and the vehicular access to be formed, all prior to the occupation of the proposed dwelling.

Community Council: Viewed the application and associated comments in relation to both LDP, policies and SPG.

The community council has supported this application from the onset, with the proposal to be an 'Off Grid' eco friendly family home. This was seen as a first in the Scottish Borders, especially the details in relation to totally self supportive.

We are encouraged by this application in turning a derelict eye-sore into a family home. As demonstrated in the Finalised Local Plan there is an ongoing shortfall in housing stock; this application seeks to re-use a building that was once used but left abandoned and falling into disrepair.

We should embrace the design and the concept of this proposed building, in being a stand alone, self supporting structure and creating a family home.

Reference is made to HD2 (Housing in the countryside).

Whilst we draw you to the attention of paragraph "C The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building" .

We must first look at the policy; the policy makes the statement that "may be acceptable provided that"; this policy is open to interpretation and can be used and interpreted as guidance. We feel that the planning department has interpreted this in a negative way.

There should be leeway in planning matters and policies, especially housing in the countryside. The applicant has demonstrated in their application, to build and recreate a family home that has no strain on utility resources.

We also note throughout this application comments, that it is the planning officers interpretation of the supplementary Guidance on the scale of the property, whilst we understand the officer needs to keep

planning applications and designs within a certain parameter. This is an application for a family home and as such needs to be a suitable size that can house a family. Already mentioned via the applicant, the size of the property will be in keeping with the sizes of local build.

The planning department should have a sympathetic approach to this family, self-sustainable home and we welcome the reuse of a derelict eyesore.

Scottish Water: There is currently capacity at the water treatment works for a connection to the public water mains, however there is no waste water infrastructure within the vicinity of the development and private treatment options would need to be explored.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4:

Policy 1: Tackling the Climate and Nature Crises
Policy 2: Climate Mitigation and Adaptation
Policy 3: Biodiversity
Policy 4: Natural Places
Policy 5: Soils
Policy 6: Forestry, Woodland and Trees
Policy 7: Historic Assets and Places
Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
Policy 11: Energy
Policy 13: Sustainable Transport
Policy 14: Design, Quality and Place
Policy 15: Local Living and 20 Minute Neighbourhoods
Policy 16: Quality Homes
Policy 17: Rural Homes
Policy 18: Infrastructure First
Policy 22: Flood Risk and Water Management
Policy 23: Health and Safety
Policy 29: Rural Development

Local Development Plan 2016:

PMD1: Sustainability
PMD2: Quality Standards
ED9: Renewable Energy Development
ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP1: International Nature Conservation Sites and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3: Local Biodiversity
EP8: Archaeology
EP13: Trees, Woodlands and Hedgerows
IS2: Development Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and SUDS
IS13: Contaminated Land

Other Considerations:

Biodiversity Supplementary Planning Guidance 2005
Development Contributions Supplementary Planning Guidance 2011 (Updated 2023)
Landscape and Development Supplementary Planning Guidance 2008
Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire
Supplementary Planning Guidance 2013 (Updated 2015)
New Housing in the Borders Countryside Supplementary Planning Guidance 2008

Privacy and Amenity Supplementary Planning Guidance 2006
Placemaking and Design Supplementary Planning Guidance 2010
Renewable Energy Supplementary Guidance 2018
Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020
Trees and Development Supplementary Planning Guidance 2008
Use of Timber in Sustainable Construction Supplementary Planning Guidance 2009
Waste Management Supplementary Guidance 2015

Recommendation by - Paul Duncan (Assistant Planning Officer) on 17th August 2023

Site Description

The application site is located on the lower slopes of Horsely Hill around 2.5km west of Reston, at a junction between the public road to Horsely Farm and the long private road up to Warlawbank. The site comprises two adjoining but distinct parcels of land. The first is a roughly triangular area of scrub on the north side of the private road. It is enclosed by post and wire fencing and marked in the landscape by mature perimeter trees. It hosts a small single-storey stone building with no roof. The second is a small portion of a much larger undeveloped arable field to the north. It is bound to the east by mature hedging but has no clearly defined boundaries to the west or north. A field drain, partially covered, runs along the boundary between the triangular portion of land and the arable field to the north. Swansfield Farm is located around 200m to the north.

Planning History

Planning application history at the site is summarised below:

In 2000, an application was approved for change of use to convert the small existing single-storey stone building to a dwellinghouse (planning reference 00/00183/COU). The report of handling of a later 2005 application (reference 05/02159/FUL) indicates that the same scheme was resubmitted and approved again five years later. There is no indication that any form of extension was approved under either scheme. Both permissions predate the New Housing in the Countryside SPG and the current development plan. They and are therefore of limited relevance to this new application.

In 2012 a further application was withdrawn prior to validation (12/00935/FUL).

In 2021, a new application for the conversion, alteration and extension of the existing stone building was refused permission (planning reference 21/01982/FUL). This scheme involved the erection of a new building with a single storey link to the existing stone building. The reason for refusal was as follows:

"The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development."

This decision was upheld on appeal to the Council's Local Review Body (appeal reference 22/00017/RREF), which also refused planning permission.

Proposed Development

This new application proposes the erection of a new extension off the north-west gable of the existing single-storey stone building. Rather than being connected to the existing building by a short link, it would extend directly off the gable. The extension would incorporate the majority of the living accommodation for a new dwellinghouse over two floors of accommodation. The existing stone building would be converted to provide a kitchen/ breakfast room and utility room for the new dwellinghouse.

A new vehicular access is proposed to the south, with parking and turning for three vehicles in front of the new dwellinghouse.

In the field to the north, a new wind turbine is proposed to provide energy for the proposed new dwelling. The application drawings refers to a 6Kw turbine on a 15m high tower. Information latterly submitted indicates that the turbine would have a hub height of 15m and a tip height of 17.8m.

Supporting Information

A Planning Statement was submitted with the application. This responded to the Report of Handling for the refusal of the previous application, drawing attention to revisions that have been made subsequently in response to issues raised previously.

An ecology report, structural survey statement and noise information has also latterly been provided.

Assessment

- Principle

The application must be assessed against the provisions of the development plan, which currently comprises National Planning Framework 4 (NPF4) and the Local Development Plan 2016 (LDP).

o Policy Context

The proposed site is located outwith any settlement designated in the LDP so must be assessed against policy HD2 (Housing in the Countryside). NPF4 Policy 17 (Rural Homes) is also relevant.

The proposed site is distant from any recognised building group so HD2(A) does not apply. Nor does HD2(F), as there is no economic or business justification for the dwelling.

Policy HD2 (C) is particularly relevant as the proposal includes the conversion of an existing building. This policy states that in principle, the change of use of a building in the countryside to a house may be acceptable provided that: (a) the building has architectural or historic merit, is capable of conversion and is physically suited for residential use; (b) the building stands substantially intact and requires no significant demolition; and (c) the conversion is in keeping with the scale and architectural character of the existing building. NPF4 policy a) criteria iii. and iv. are also supportive of appropriate use of historic environment assets and reuse of redundant buildings. The Council's New Housing in the Borders Countryside SPG supplements these policies with detailed guidance on the assessment of rural conversions.

o Housing Supply

It should be noted that there is no housing supply shortfall in the Scottish Borders. The Council's Housing Land Audit 2021 found the Scottish Borders had an established housing land supply of 8715 units including some 1902 units within the Berwickshire Area. There is therefore no shortage of land for new family homes or new dwellinghouses more generally.

o The Existing Building

An engineer's report has been submitted which advises that the existing building is structurally capable of conversion. It is also considered to have some historic merit. The conversion is therefore supported in principle, however the building is very small in scale. As noted at the time of the last application, it is not clear how physically suited it would be for today's standards of residential accommodation without recourse to significant extension that is not supported by planning policies and guidance. The applicant has therefore been advised that the existing building may be capable of conversion to a small studio dwellinghouse or holiday let, though it is recognised that this does align with the applicant's aims.

Ultimately the size of an existing building determines the scale of what can be achieved through its conversion. The purpose of planning policies and guidance in relation to conversions is to support their appropriate and sensitive conversion, retaining their character and interest. This does allow for modest extension/s but these must be subordinate and must not affect the character of the existing building. This

inevitably restricts the scale of dwellinghouse that can be achieved. The underlying principle is that the justification for conversion in the first place is that the building is deemed to be worthy and capable of conversion, rather than that the Council is allowing residential development in a location where it would not ordinarily be acceptable. If a larger scale dwellinghouse is required, then as noted above, there is sufficient allocated housing land to cater for this.

- o Design

As with the previous application, to the large part permission is sought for what would be tantamount to a new-build dwellinghouse. The small stone building proposed for conversion (one floor at approximately 7.8m by 6m in footprint) would provide a small amount of accommodation to the larger new extension (two floors at approximately 11.4m by 6.6m in footprint). The latter would provide almost all the dwelling's primary accommodation. The new extension is not in keeping with either the scale or the character of the small existing building. By virtue of its excessive height (including higher eaves and ridgeline) and greater footprint, the proposed new extension would dominate the existing building, contrary to the purpose and aims of policy HD2(C). The existing building would be subservient to the new extension, whereas the reverse of this should apply. The addition of a new porch on the north side of the extension would exacerbate these points, characterising the new front of the extension as the entrance to the dwelling. The overall effect would be of a new build dwellinghouse in the open countryside extending off a more subservient old stone outbuilding. The development would therefore contribute to a sense of sporadic residential development in the countryside, to the detriment of the character of the site, the existing building, and the surrounding landscape.

- o Sustainability

Policy 1 of NPF4 (Tackling the climate and nature crises) requires significant weight to be given to the global climate and nature crises when considering all development proposals. NPF4 policy 2 (Climate mitigation and adaptation) states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. LDP policy PMD1 is also relevant in these regards.

The application proposes a range of measures to improve the sustainability of the proposed dwellinghouse. Whilst such measures would be welcome, they do not overcome the fundamental issues of principle outlined above. Furthermore, sporadic new rural housing is not considered conducive to low carbon living. This is one reason why planning policies direct most new housing to towns and villages. Sporadic new housing in the countryside is both harmful to the landscape and generally less efficient in servicing and transport. Whilst the development may seek to include renewable energy technologies, in siting, the development would amount to unsustainable, car dependent, sporadic housing development that is contrary to policies 1 and 2 of NPF4 and PMD1 of the Local Development Plan 2016. This underlines the purpose of HD2(C) that rural housing conversions are only supported where they reuse an existing building of historic or architectural merit in a sensitive and appropriate manner. Otherwise, they result in development that is deemed inappropriate.

- Landscape and Visual Impact

As noted above, the proposed dwellinghouse would contribute to a sense of sporadic residential development in the countryside, to the detriment of the local surrounding landscape.

The proposed erection of a wind turbine has been considered against the provisions of NPF4 policy 11 (Energy) and LDP policy ED9 (Renewable Energy Development). The guidance set out in the Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire Supplementary Planning Guidance document has also been considered. The proposed turbine is of micro-scale and would be located within a landscape character area defined as rolling lowland margin. The SPG considers that turbines of up to 20m can be readily accommodated within this landscape type. The turbine siting takes account of the guidance at Section 22 of the SPG by forming a cluster of development with the existing stone building. Taking account of local landform, tree cover and other screening, and the modest number of local visual receptors, it is considered that the landscape and visual impact of the proposed turbine would be very low and is acceptable.

- Residential Amenity

The nearest existing dwellinghouse is some distance from the application site, at Swansfield Farm.

The proposed wind turbine has the potential to generate noise. The Environmental Health Service was consulted and sought further information in relation to turbine noise. The Service is satisfied by the information subsequently submitted and consider that there is unlikely to be an impact to amenity. The Service recommends a condition that would add additional control in the event of the approval of the application.

Given the distances to neighbouring dwellings, the proposed dwellinghouse does not raise any significant amenity concerns.

Subject to the aforementioned turbine noise condition, relevant planning policies in relation to residential amenity are considered to be satisfied.

- Ecology

The existing building would appear to have habitat potential for protected species such as bats and breeding birds. A preliminary ecological appraisal (PEA) was undertaken in June and has since been submitted. No Ecology Officer has been in post to assess the findings of the study. The study area for the PEA was the triangular portion of the site only. The report recommended biodiversity enhancements that could be secured by planning condition if the application was approved. As regards impacts to protected species, these could not be fully determined until the completion of further bat activity surveys. No further reports have been provided so it is not known whether these have been carried out. It has not therefore been demonstrated that the development would not harm nationally or internationally protected species or their habitats. The proposals are therefore contrary to the Council's planning policies EP2 and EP3 though as it may be possible to avoid or mitigate such impacts this has not been deemed a reason for refusal in this instance.

- Other Matters

The following matters would not affect the overall outcome of the application and could be dealt with, where necessary, by condition or legal agreement:

There are no significant vehicular access, road safety or parking concerns. The Roads Planning Service requests conditions to ensure the vehicular access, parking and turning is in place prior to occupation.

The boundary of the triangular portion of the site is marked by fine mature trees (though a number have been lost since Storm Arwen). The new vehicular access may impact the RPA of a mature tree to the west though it is not clear any more preferable access arrangements are feasible. If such impacts were required to facilitate the appropriate conversion of the existing building, they would be accepted.

Private water supply and foul drainage arrangements are proposed. The response from Scottish Water indicates a connection could be made to the public water mains. This should be explored before a private borehole water supply is considered, though it is not known whether the connection is practically achievable. In any event, a robustly worded planning condition would be required to ensure suitable arrangements are in place prior to occupation. For foul waste, a sewage treatment plant is proposed with outfall to existing field tiles. A condition would be required to ensure suitable arrangements were in place prior to occupation.

The Council's Archaeology Officer recommends that a record of the building is secured by planning condition on account the building's historic interest. No further archaeological work is deemed necessary at this site.

There remains insufficient information available to rule out possible contamination issues at the site. Further information as to the previous uses of the property would be needed. This could be secured by condition.

Development contributions would have been sought towards Eyemouth High School and Reston Primary School had the proposals been acceptable.

REASON FOR DECISION :

The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The new extension would dominate the more subservient conversion of the existing building in height and footprint resulting in the appearance of a new build dwellinghouse in the open countryside extending off a more subservient old stone outbuilding. The development would contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the existing building, and the surrounding area. Other material considerations have been accounted for but they do not outweigh the harm that would result from the development.

Recommendation: Refused

- 1 The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The new extension would dominate the more subservient conversion of the existing building in height and footprint resulting in the appearance of a new build dwellinghouse in the open countryside extending off a more subservient old stone outbuilding. The development would contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the existing building, and the surrounding area. Other material considerations have been accounted for but they do not outweigh the harm that would result from the development.

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

Mr Graeme Forsyth
per Yeoman (Berwick) Ltd
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed

Please ask for: Paul Duncan
01835 825558
Our Ref: 23/00262/FUL
Your Ref:
E-Mail: paul.duncan@scotborders.gov.
uk
Date: 24th August 2023

Dear Sir/Madam

**PLANNING APPLICATION AT The Blue House Near Swansfield Farm Reston Eyemouth
Scottish Borders TD14 5LN**

PROPOSED DEVELOPMENT: Change of use of derelict agricultural building and
extension to form dwellinghouse and erection of 17.8m high wind turbine (tip height)

APPLICANT: Mr Graeme Forsyth

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 : 23/00262/FUL

**To : Mr Graeme Forsyth per Yeoman (Berwick) Ltd Suite 6 5 Kings Mount Ramparts Business Park
Berwick Upon Tweed TD15 1TQ**

With reference to your application validated on **21st February 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Change of use of derelict agricultural building and extension to form dwellinghouse and erection of 17.8m high wind turbine (tip height)

at : The Blue House Near Swansfield Farm Reston Eyemouth Scottish Borders TD14 5LN

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

**Dated 21st August 2023
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00262/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
A101	Location Plan	Refused
A102	Existing Site Plan	Refused
A104	Existing Site Plan	Refused
A103	Proposed Site Plan	Refused
A105	Proposed Site Plan	Refused
A106	Existing Elevations	Refused
A107	Proposed Elevations	Refused
KINGSPAN 6KW PLANNING SUPPORT DOCUMENT	Other	Refused

REASON FOR REFUSAL

- 1 The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The new extension would dominate the more subservient conversion of the existing building in height and footprint resulting in the appearance of a new build dwellinghouse in the open countryside extending off a more subservient old stone outbuilding. The development would contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the existing building, and the surrounding area. Other material considerations have been accounted for but they do not outweigh the harm that would result from the development.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, 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 Graeme Forsyth
per Andrew Walker
2 Beach Avenue
Eyemouth
Scottish Borders
TD14 5AB

Please ask for: Paul Duncan
01835 825558
Our Ref: 21/01982/FUL
Your Ref:
E-Mail: paul.duncan@scotborders.gov.uk
Date: 9th March 2022

Dear Sir/Madam

**PLANNING APPLICATION AT The Blue House Near Swansfield Farm Reston Eyemouth
Scottish Borders TD14 5LN**

PROPOSED DEVELOPMENT: Change of use from agricultural store, alterations and extension to form dwellinghouse with garage

APPLICANT: Mr Graeme Forsyth

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 : 21/01982/FUL

To : Mr Graeme Forsyth per Andrew Walker 2 Beach Avenue Eyemouth Scottish Borders TD14 5AB

With reference to your application validated on **24th December 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Change of use from agricultural store, alterations and extension to form dwellinghouse with garage

at : The Blue House Near Swansfield Farm Reston Eyemouth Scottish Borders TD14 5LN

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

**Dated 4th March 2022
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 21/01982/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
21-028-001	Proposed Plans	Refused
21-028-002	Proposed Plans	Refused
21-028-003	Proposed Elevations	Refused
21-028-004	Proposed Elevations	Refused
21-028-005	Proposed Site Plan	Refused
21-028-006	Proposed Elevations	Refused
21-028-007	Existing Elevations	Refused

REASON FOR REFUSAL

- 1 The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

FOR THE INFORMATION OF THE APPLICANT

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

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

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

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/01982/FUL

APPLICANT : Mr Graeme Forsyth

AGENT : Andrew Walker

DEVELOPMENT : Change of use from agricultural store, alterations and extension to form dwellinghouse with garage

LOCATION: The Blue House Near Swansfield Farm
Reston
Eyemouth
Scottish Borders
TD14 5LN

TYPE : FUL Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
21-028-001	Proposed Plans	Refused
21-028-002	Proposed Plans	Refused
21-028-003	Proposed Elevations	Refused
21-028-004	Proposed Elevations	Refused
21-028-005	Proposed Site Plan	Refused
21-028-006	Proposed Elevations	Refused
21-028-007	Existing Elevations	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

One member of the public provided comments in support of the application, commenting as follows:

- the proposal would tidy a derelict area, especially if the Council does something to improve the bin park which currently attracts rats.

CONSULTATIONS

SBC Access: No response.

SBC Archaeology: The existing building is first shown by the later 19th century Ordnance Survey second edition mapping of the area. There is an early building in the general area in the earlier Ordnance Survey mapping. The existing building and plot would therefore benefit from recording. Should the application be consented it would be recommended that a historic building recording condition be carried out for the existing building.

SBC Education: No response.

SBC Environmental Health: No response.

SBC Roads Planning: The site has had previous consent for alterations to form a dwelling (05/01259/FUL and 00/00183/COU). The site has a public road to the north east and a private road to the south. As the principle of a dwelling has already been established in the site, I shall have no objections to this application provided conditions similar to the ones below are attached in any consent given. Conditions for parking, access and drainage to road requested.

Community Council: The community council have received no comments/concerns from the public in relation to this application. The community council discussed this application and are supportive as it seeks to reinstate and rebuild a once derelict eyesore into an aesthetically pleasing family home. This is a great example of a house incorporating eco-friendly solutions, i.e., an independent stand alone home, with off-grid utilities, the use of solar arrays and ASHP or GSHP is an encouraging sign, one where other developers can learn from in this example. What is not clear but having spoken with the applicant is the water supply; the water supply is to be sourced via private water supply independent and with no detrimental impact upon the nearby supply at 'Warlawbank'. Their intentions also to provide passing places if deemed required by roads planning is encouraging, due to the narrowness of this road access points.

Scottish Water: There is no public water or waste water infrastructure within the vicinity of the site therefore private options should be investigated.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016:

PMD1: Sustainability
PMD2: Quality Standards
ED9: Renewable Energy Development
ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP1: International Nature Conservation Sites and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3: Local Biodiversity
EP8: Archaeology
EP13: Trees, Woodlands and Hedgerows
IS2: Development Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and SUDS
IS13: Contaminated Land

Other Considerations:

Biodiversity Supplementary Planning Guidance 2005
Development Contributions Supplementary Planning Guidance 2011 (Updated 2021)
Landscape and Development Supplementary Planning Guidance 2008
New Housing in the Borders Countryside Supplementary Planning Guidance 2008
Privacy and Amenity Supplementary Planning Guidance 2006
Placemaking and Design Supplementary Planning Guidance 2010
Renewable Energy Supplementary Guidance 2018
Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020
Trees and Development Supplementary Planning Guidance 2008
Use of Timber in Sustainable Construction Supplementary Planning Guidance 2009
Waste Management Supplementary Guidance 2015

Scottish Planning Policy 2014

Recommendation by - Paul Duncan (Assistant Planning Officer) on 3rd March 2022

Site Description

The proposed site is located on the lower slopes of Horsely Hill around 2.5km west of Reston, at a junction between the public road to Horsely Farm and the long private road up to Warlawbank. The site comprises two adjoining but distinct parcels of land. The first is a roughly triangular area of scrub on the north side of the private road. It is enclosed by post and wire fencing and marked in the landscape by mature perimeter trees. It hosts a small single-storey stone building with no roof. The second is a small portion of a much larger undeveloped arable field to the north. It is bound to the east by mature hedging but has no clearly defined boundaries to the west or north. A field drain, partially covered, runs along the boundary between the triangular portion of land and the arable field to the north. A bin storage compound for Warlawbank is located along to the east of the site, along the side of the public road to Horsely Farm. Swansfield Farm is located 200m to the north.

Proposed Development

The application proposes the erection of a new two storey building, which would provide primary accommodation for a new dwellinghouse. The new building would be located to the north-west of the existing stone building, and would extend into the adjoining arable field, requiring a cut into the hill slope. It would connect to the existing stone building via a new single-storey, flat-roofed link. The existing stone building would be converted to provide ancillary accommodation to the new dwelling in the form of a games room/ gym, and a first floor bedroom (NB the latter is shown on the ground floor plan only).

A large 9m by 6m detached triple-garage would be erected to the west of the new dwelling, on higher ground, cut into the hillside.

Two new vehicular accesses with service laybys are proposed to the south and north-east, connected by a drive and turning area.

Supporting Information

A short supporting statement was submitted. This states that the proposal complies within Local Development Plan (LDP) policy HD2(C) Housing in the Countryside - Conversions. The points made in the supporting statement have been fully considered.

Assessment

- Planning History

The application supporting statement asserts that planning history at the property supports these new proposals.

Planning history at the property is limited to three previous applications. In 2000 an application was approved for change of use to convert the existing building to a dwellinghouse (00/00183/COU). The report of handling of a later 2005 application (reference 05/02159/FUL) indicates that the same scheme was resubmitted and approved again five years later. There is no indication that any form of extension was approved under either scheme, nor did either application site boundary extend into the adjacent undeveloped field. Furthermore, both permissions predate our New Housing in the Countryside SPG and LDP. They are therefore of limited relevance to this new application, which must be assessed against current policies. In 2012 a further application was withdrawn prior to validation (12/00935/FUL).

Planning history at the site is judged to be a material consideration of limited weight in this instance.

- Principle

The proposed site is located outwith any settlement designated in the Local Development Plan (LDP) so must be assessed against LDP policy HD2 (Housing in the Countryside). 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. The proposed site is distant from any recognised building group so HD2(A) does not apply. Nor does HD2(F), as there is no economic or business justification for the dwelling. HD2 (B), (D) and (E) also do not apply.

Policy HD2(C) states that in principle, the change of use of a building in the countryside to a house may be acceptable provided that: (a) the building has architectural or historic merit, is capable of conversion and is physically suited for residential use; (b) the building stands substantially intact and requires no significant demolition; and (c) the conversion is in keeping with the scale and architectural character of the existing building.

The existing building is considered to have some historic merit but is very small in scale. It is not clear how physically suited it would be for today's standards of residential accommodation without recourse to significant extension that would no longer be supported by current planning policies and guidance. Furthermore, it is not clear whether the building remains structurally sound as no structural survey was submitted with the application. The building has fallen into a state of significant dilapidation and has now lost its roof. Recent storms have brought mature trees down at the site and one of these appears to have landed upon the building, potentially causing further harm.

Notwithstanding these points is the more fundamental issue that the application to the large part is seeking permission for what would be tantamount to a new-build dwellinghouse. The small stone building proposed for conversion (approx 7.9m by 5.9m in footprint) would simply offer ancillary accommodation to the new two storey building (approx. 14.3m by 7.3m in footprint). It is therefore questionable whether the proposals meet the most basic requirement of the conversion policy. Regardless, the new building is clearly not in keeping with either the scale or the character of the modestly sized existing building. By virtue of its excessive height and greater footprint, the proposed new building would dominate the existing building, contrary to the purpose and aims of HD2(C). The existing building would be subservient to the new building, whereas the reverse of this should apply. The overall effect would be of a new build dwellinghouse in the open countryside linked to a more subservient old stone outbuilding. The contrasting architectural styles, material finishes and approaches to glazing would exacerbate this. The development would therefore contribute to a sense of sporadic residential development in the countryside, to the detriment of the character of the site, the existing building, and the surrounding landscape.

A more minor point also of concern is that the new building and garage would extend into a previously undeveloped field. The development does not respect the historic field boundaries at the site and would not be contained within the triangular site's sense of place. This would cause further harm to the character of the site and the surrounding landscape.

- Siting, Layout and Design

Given that the principle and approach of the proposed development is so clearly contrary to relevant planning policies and guidance, it would be inappropriate to comment extensively on siting, layout or design. However it is noted that the design of the new dwellinghouse and garage have not avoided the need for excavations into the hillside, with cut and fill required to create flat platforms. Furthermore, no proposed or existing site levels have been provided to demonstrate the extent of these works. The orientation of the new dwelling is at odds with the existing building, exacerbating the latter's sense of subservience. In addition, the proposed garage is located in a dominant position on higher ground and is also excessive in scale. Indeed, the proposed garage is also larger in footprint than the existing building proposed for conversion.

- Trees

No tree survey has been submitted. The boundary of the triangular portion of the site is marked by fine mature trees. The garage and southern vehicular access to the site are likely to harm the mature trees. The new vehicular access to the north-east would result in the removal of hedging. It is not clear why two vehicular accesses are required. The proposals are considered contrary to LDP policy EP13 (Trees, Woodlands and Hedgerows), though as it may be possible to avoid or mitigate adverse impacts this is not a reason for refusal.

- Ecology

The existing building would appear to have habitat potential to for protected species such as bats and breeding birds. No ecological reports have been submitted. It has not been demonstrated that the development would not harm nationally or internationally protected species or their habitats, or local biodiversity. The proposals are therefore contrary to the Council's planning policies EP1, EP2 and EP3.

- Other Matters

The following matters would not affect the overall outcome of the application and could be dealt with, where necessary, by condition or legal agreement:

Two new vehicular accesses with service laybys are proposed to the private road to the south and the public road to the north-east, connected by a drive and turning. There are no significant vehicular access or road safety concerns. The Roads Planning Service requests conditions for parking, vehicular access and drainage to the road.

Private water supply and foul drainage arrangements are required. No supporting information has been provided regarding water supply. Given the limited information provided, a robustly worded planning condition would be required. For foul waste, a septic tank is proposed with outfall to a soakaway or field tiles.

The Council's Archaeology Officer was consulted as the application proposes the conversion of a building with potential historic interest. The Officer recommends that a record of the building is secured by planning condition on account of such interest, however no further archaeological work is deemed necessary at this site.

The application has been discussed with the Contaminated Land Officer. There is insufficient information available to rule out possible contamination issues at the site. Further information as to the previous uses of the property is needed. This could be secured by condition.

Development contributions would have been sought towards Eyemouth High School and Reston Primary School had the proposals been acceptable.

Issues associated with the existing bin storage area for Warlawbank would not be matters for this application.

REASON FOR DECISION :

The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

Recommendation: Refused

- 1 The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

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

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**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

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

Local Review Reference: 22/00017/RREF

Planning Application Reference: 21/01982/FUL

Development Proposal: Change of Use from agricultural store, alterations and extension to form dwellinghouse with garage

Location: The Blue House, near Swansfield Farm, Reston

Applicant: Mr Graeme Forsyth

DECISION

The Local Review Body upholds the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

1. The proposed dwellinghouse would be contrary to Policy HD2 (C - Conversions) of the Local Development Plan 2016 in that the proposed conversion and extension would not be in keeping with the scale and character of the existing building. The development would have the appearance of a new building dwellinghouse in the open countryside linked to a more subservient outbuilding which is proposed for ancillary use. The development would therefore contribute to the sense of sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

DEVELOPMENT PROPOSAL

The application relates to change of use from agricultural store, alterations and extension to form dwellinghouse with garage. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	
Ground Floor Plan	21-028-001

First Floor Plan	21-028-002
SE and SW Proposed Elevations	21-028-003
NW and NE Proposed Elevations	21-028-004
Site Plan	21-028-005
Garage Plan and Elevations	21-028-006
Existing building	21-028-007

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 18th July 2022.

After examining the review documentation at that meeting, which included a) Notice of Review (including Officer's Report and Decision Notice); b) Papers referred to in Officer's Report; c) Additional Information and d) List of Policies, the Review Body noted that the applicant had lodged an additional 3D image of the proposed development which had not been available to the Appointed Officer before a decision was taken on the application. Members applied the submission against S43B of The Act and admitted the image as they considered it to be material to their consideration of the Review.

The Review Body also noted that the applicant had requested further procedure in the form of written submissions, a hearing and site inspection but did not consider further procedure necessary in this instance and proceeded to determine the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, ED9, ED10, EP1, EP2, EP3, EP8, EP13, IS2, IS7, IS9 and IS13

Other Material Considerations

- SBC Supplementary Planning Guidance on Housing in the Countryside 2008
- SBC Supplementary Planning Guidance on Developer Contributions 2021
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Renewable Energy 2018
- SBC Supplementary Planning Guidance on Sustainable Urban Drainage Systems 2020
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Use of Timber in Sustainable Construction 2009

- Scottish Planning Policy 2014

The Review Body noted that the application was for a change of use from agricultural store, alterations and extension to form dwellinghouse with garage at The Blue House, near Swansfield Farm, Reston. Members noted that the building was last used as an agricultural store, that it currently had no roof and that it had historic residential usage.

Members principally assessed the application against Section C of Local Development Plan Policy HD2 and the relevant Supplementary Planning Guidance. They noted this was the only Section of that Policy which covered conversion of non-residential buildings to dwellinghouses, Sections C and D relating to restoration or replacement of existing houses. Whilst Members were generally sympathetic to the applicant's intentions of bringing the old building back into use by conversion and addition, they agreed with the Appointed Officer that the scale of the new-build additions would be out of context with, and overbearing in relation to, the retained building. Members considered that this could result in the existing building appearing to be a subservient element, the overall impression being of a new-build dwellinghouse in an isolated position, outwith any building group.

Whilst the Review Body had no particular issue with the choice of contemporary materials, they considered that the excessive scale and incongruous relationship with the retained building would result in a conversion of little architectural merit. Members also did not accept the applicant's contention that the proposed overall design was intended to give the impression of an agricultural barn or grouping. Ultimately, the Review Body considered that the proposal was in contravention of Section C of Policy HD2 for reasons of excessive scale of the new-build additions. They also noted that Policy PMD2 required alterations or extensions to be appropriate to the existing building and that the proposal was too excessive in scale to achieve this.

Members suggested that a proposal of reduced scale more sympathetic to, and utilising the existing building at the heart of the conversion, would be more appropriate in relation to Policy HD2 and would be of greater architectural and historic merit.

The Review Body finally considered other material issues relating to the proposal including water, drainage, access, parking, archaeology, ecology, trees, contamination and developer contributions. As Members did not accept the scale of the development, they agreed that these issues did not influence their final decision.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reasons stated above.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application to the Court of

Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.
-

Signed.....
Councillor S Mountford
Chairman of the Local Review Body

Date 22 July 2022

E-MAIL TRAIL FOR PLANNING APPLICATION: 23/00262/FUL

Email 001 – 12th April 2023

Hi James

I write with reference to the above application to advise of the outcome of its assessment and must advise that the application cannot be supported. The primary reasons for this are as follows:

- The principle of conversion has not been established as no structural survey has been submitted.
- The scale of extension proposed remains wholly excessive and cannot be supported. The Council's guidance on rural housing conversions can be found [here](#).
- The requested further information in relation to turbine noise emissions has not been provided therefore the application cannot be supported in terms of residential amenity impacts.
- No ecological information has been submitted so the proposals are contrary to relevant planning policies for ecology and biodiversity.

Accordingly, it will not be possible to support this application and I will therefore be moving forward with its refusal.

Please do not hesitate to contact me should you wish to discuss this matter.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 002 – 12th April 2023

Hi Paul

Thank you for your email dated 11th April 2023.

Please see below my responses to your points:

a) The principle of conversion has not been established as no structural survey has been submitted.

The Structural Survey of the existing building has been undertaken, so I will chase this.

b) The requested further information in relation to turbine noise emissions has not been provided therefore the application cannot be supported in terms of residential amenity impacts.

Maden Eco are currently preparing a report to detail and address the concerns of the environmental health officer regarding the Wind Turbine, I will forward this when available,

c) No ecological information has been submitted so the proposals are contrary to relevant planning policies for ecology and biodiversity.

Falco Ecology have been to site and are in the process of completing the Ecology Report, so again, I will chase this.

Can we therefore agree an extension of time to allow these reports to be submitted?

This leaves the issue, that you consider that the proposed scale of the extension remains excessive, I'm obviously disappointed at this stance, as clearly the existing building, which has a ground footprint of 46.8M², is obviously deemed too small to accommodate a successful modern day dwelling house, hence the requirement of an extension. The current planning application details; Internally, the area of the existing derelict building at 32.71M², whilst the proposed ground floor area including the existing building is 98.93M² with the first floor measuring 61.93M², this gives a total internal footprint for the proposed dwelling of 128.15M², which is commensurate with a moderate sized dwellings in the local area.

The proposed extension has been reduced in size by 30M² from the previous submission, in addition, the massing has also been reduced, by designing the proposed dwelling as 1 1/2 storey, as opposed to a full two storey in the previous submission, also the current submission, fully integrates the existing building into the proposed dwelling, this coupled with a more traditional appearance and the removal of the outbuildings from the previous proposal. This is also an opportunity to demonstrate fully sustainable, low carbon, off-grid living in the Scottish Borders, which should be supported.

I was therefore hopeful that the design would have been considered favourable.

Turning to the Scottish Borders Council's guidance on rural housing conversions, which you point is relative in your decision making process. The relevant paragraphs in the guide, relating to Conversions appear to be under the following, of which, I have detailed alongside my responses in bold print against the points stipulated in the guide.

2.a. Conversion of Existing Buildings and Rebuilding on Existing Sites

Rehabilitation of any available existing buildings should be considered as an alternative to new development and the Scottish Borders Council will look sympathetically at proposals for the sensitive reuse, conversion or rehabilitation of traditional buildings. There is, however, no automatic presumption in favour of redevelopment or replacement of derelict or dilapidated buildings in the countryside, particularly where the proposed housing is of a different scale and character to that which had existed previously.

2.a.1 Conversions In assessing proposals for the conversion of agricultural and other non-residential buildings to residential use, and in addition to policy D2 in the Local Plan, the following criteria will be applied:

- 1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm; **Blue House is a redundant farm building, fully detached from the adjoining farm, the building is surplus to requirements and has been sold by the landowner to the applicant.***
- 2. Satisfactory access and other road requirements; **The access to the site is directly from an unclassified road, SBC Road Department has raised no concern regarding access.***
- 3. Satisfactory public or private water supply and drainage facilities; **The potable water supply to the dwelling will be via a private borehole, constructed by the applicant, whilst the drainage will be private via a sewage treatment plant.***
- 4. The building is structurally sound, in a reasonable state of repair, and capable of conversion without substantial rebuilding. A Structural Survey will be required where it appears that a building may not be capable of conversion. If it is incapable of conversion, any replacement building should reflect the form and character of the original structure. Significant alterations will only be permitted where it is demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design; **A structural survey of the existing building has been undertaken, this will be submitted to SBC as soon as available.***
- 5. The building can be converted without alterations to its external appearance which would detract from its character and attractiveness; **The design has sought to preserve the existing building and bring back into meaningful use, as opposed to the building eventually collapsing and being lost forever.***
- 6. The building makes a positive contribution to the landscape and has no adverse effect on countryside amenity or nature conservation; **The proposed conversion will demonstrate low carbon, sustainable, off-grid living in the Scottish Borders, whilst providing a comfortable family home for the applicant and his family. There is also a desire for the applicants family to live in a sustainable, self sufficient manner, which in itself will provide an element of nature conservation. In short, this is a lifestyle the family are extremely keen to adopt and has previously been well supported by the Scottish Government.***
- 7. No adverse impact on ancient monuments or archaeological sites; **There is no known impacts on any ancient monuments or archaeological sites.***

8. Appropriate siting, design and materials in accordance with the relevant Local Plan policies. The siting of the dwelling is established by the existing position of the derelict building, whilst the construction materials selected are predominantly traditional, however, the design, although we were of the opinion that this met the overall criteria, appears to be a significant issue.

Where existing agricultural buildings are being lost to agricultural use, the applicant will be required to give information on any consequent need and proposals for siting new agricultural buildings to replace those which are redundant.

Such buildings should not conflict with the residential use of the redundant buildings. (Refer to Appendix 2 for further advice on Farm Steading Conversions).

Similarly, if existing agricultural uses are to be retained in buildings adjacent to or close to the proposed residential uses, consent will not normally be granted unless assurance can be given that conflict or nuisance will not occur

In conclusion and as earlier outlined, I don't feel the dwelling presented in the current submission is "wholly excessive", however, this is of course, contrary to your own opinion.

Can you therefore clarify the hypothetical question of; in the circumstance that points a,b & c (above) are all satisfactorily addressed, would Scottish Borders Council support the proposed residential conversion and extension of Blue House? I ask this, only because, it is futile trying to present a design, which in any event will not be considered acceptable.

If the response is in the affirmative and the proposed internal footprint of 128.15M2 cannot be supported, what size of extension would be deemed acceptable, in rough percentage terms?

In terms of height, the current submission details 1 1/2 Storey, do you consider the overall height to be an issue that requires further consideration?

In the design process, I sought to fully consider the reasons for refusal in the previous submission, insofar as the design is now more compact, with reduced height and massing, whilst adopting a more traditional design and significantly reducing the scope of the entire previous submission. It is therefore difficult to interpretate and adopt a design style that would be considered acceptable to SBC, if indeed one exists.

Sorry, for the rambling long email, but I'm trying to find a way forward for my clients and would value any guidance or pointers you may be able to provide.

Kind regards

James

James Cromarty MCIAT Eng Tech OCDEA LCGI MCIPHE RP
Director
Direct Mobile; 0772 969 0520

Yeoman Architecture Limited
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone 01289 303960

Email 003 – 18th April 2023

Hi James

Thank you for your email and response to my comments.

I note that a number of further reports are in preparation and also note your comments in relation to design however I am also mindful that the target date for the application is Friday.

I would therefore suggest that the current application be treated as withdrawn. A new application could be submitted at a later date once the reports were ready for submission. This would allow for further discussion outwith the planning application process in relation to design. Putting aside the question of whether the building is capable of conversion to a dwellinghouse (e.g. structurally), it may be that the scale of accommodation your client seeks is incompatible with what could be supported. However it would still be useful to explore these matters through discussion and resolve as many of the issues as is possible.

There would be no fee for resubmission within 12 months of the making of the current application if it is treated as withdrawn.

I look forward to hearing from you.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 004 – 19th April 2023

Good morning Paul

Is it possible that we can agree an extension of time of four weeks, to enable the submission of the requested reports, regarding: 1) Structure 2) Turbine Noise Appraisal 3) Ecology.

In speaking to the specialist consultants, I'm clear the requested reports will positively support the proposed development.

If possible, I want to avoid sending the applicant's back to the start of the process again, as a withdrawal and free resubmission would be time consuming not only for the applicants, but the planning administration of Scottish Borders Council, also the Council would also have bear the cost of a full re-consultation and notification, when this has already been undertaken and is valid.

Regarding the design of the proposed extension and conversion, I don't feel the question outlined in my email, dated 12th April, has been answered, insofar as you seem unwilling or unable to indicate an acceptable scale of accommodation that you could support, consequently, I don't have a starting point or benchmark that I can assess the viability of the project for the applicants. If the scale of the extension and conversion is ultimately stipulated to be so small that modern day habitable accommodation cannot be achieved, then any attempt to find a design compromise will be futile.

In my opinion, there are merits in redeveloping the current site with a highly insulated, off-grid, sustainable dwelling, whilst providing quality accommodation for a local family, however, we seem at loggerheads in trying to agree and achieve a form of design that is acceptable to all parties.

I look forward to your response in due course.

Kind regards

James

James Cromarty MCIAT Eng Tech OCDEA LCGI MCIPHE RP
Director
Direct Mobile; 0772 969 0520

Yeoman Architecture Limited
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone 01289 303960

Email 005 – 25th April 2023

Good afternoon James,

Thank you for your email.

I remain of the view that it would be most appropriate for the application to be withdrawn to allow further discussions outwith the planning process, particularly given the structural survey was first requested on 22 February.

However, if you are not prepared to do so, a 4 week extension can be provided to give further time to respond to the issues raised previously and reiterated below:

1. The principle of conversion had not been established as no structural survey had been submitted [as requested on 22 February]
2. The scale of extension proposed remained wholly excessive and could not be supported.
3. The requested further information in relation to turbine noise emissions had not been provided therefore the application could not be supported in terms of residential amenity impacts [as requested 1 March]
4. No ecological information had been submitted so the proposals are contrary to relevant planning policies for ecology and biodiversity.

Please note that addressing points 1, 3 and 4 without addressing point 2 satisfactorily will still result in the refusal of the application. I note the green energy objectives of the proposals, whilst positive features of the proposals they would not overcome the fundamental issues of principle, scale and amenity raised above.

In relation to point 2, LDP policy HD2-C states that the conversion and any proposed extension or alteration should be in keeping with the scale and architectural character of the existing building. The New Housing in the Countryside SPG – to which I have previously referred - provides further guidance and is very clear on our requirements for the rural housing conversions particularly at Appendix 2 (Farm Steading Conversions Advice Note). This notes on Page 39 that the guidance also applies to derelict cottages etc. Page 42 provides the following:

Generally speaking, conversion of buildings should only normally be acceptable without recourse to significant extension. Remember, the underlying principle is that the justification for conversion in the first place is that the building is deemed to be worthy and capable of conversion, rather than that the Council is allowing residential development in a location where it would not ordinarily be acceptable. Extensions ancillary to conversion schemes will only be accepted where it can be demonstrated that it is necessary to secure the restoration of the existing building, without adversely affecting its character. They should be subordinate in scale and should also relate to the character of the farmstead group. This is especially the case where the existing building(s) are listed. Extensions after conversion will be discouraged and removal of permitted development rights for later extensions should be considered. Where acceptable extension or alteration is proposed to the steading, it is preferable if these are accommodated on 'private' elevations.

Taking into account the guidance in the SPG document, and subject to the addressing of points 1, 2 and 4 above, I would be able to support a single storey extension to the north gable of the existing building of half the frontage width of the existing building, provided it is clearly subordinate in ridge height. The extension would likely need to have a narrower gable width to the host dwelling and a matching (pitched) roof pitch. As noted previously, this may be incompatible with your client's objectives however our policies and guidance restrict what can be allowed.

I have set out a PPA below to give you the requested four week extension (from today's date) to submit the outstanding reports and respond to the concerns raised in relation to scale/ design.

If the reports are not received within the four week extension period the application will proceed to refusal.

PLANNING PROCESSING AGREEMENT

This processing agreement aims to identify the key milestones in the planning application process and sets out the information required to process the application. This processing agreement is not legally binding and can be altered with each party's agreement.

Decision

Subject to the achievement of the timetable set out in this document, the application will be determined by the date set out in the schedule of actions

AGREED ACTIONS

Action	Who/when
1 Amended plans	Applicant by Wednesday 24 May
2 Consultation of EHO	SBC by Friday 30 June
2 Determination by SBC.	SBC by Friday 28 July

Please note our pre-application advice service has been in operation since the turn of the year should you wish to use it in the future.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 006 – 27th April 2023

Good afternoon Paul

Thank you for your response, I have spoken with the applicants and they want to continue the application on the basis of submitting the 3No required surveys by the 24th May 2023.

In regard to the indication that you would be able to support a subservient extension of half the width of the existing building, with the extension being narrower than the existing gable width.

I have attached a draft plan showing the footprint and the elevations, representing the acceptable dimensions you indicate, this provides an extension with an internal footprint of 17.59M2 together with the footprint of the existing

building of 28.89M2, when allowing for framing and insulation, therefore, the total ground floor footprint would be only 46.48M2.

I considered the utilising the first floor roofspace for residential use, however, this is limited in height and affords only a useable floor area of 1.4M wide x the length of the building, therefore unsuitable for any conversion to accommodation.

The ground floor usable footprint is therefore extremely limited and is not compatible with the family size of accommodation that my client's are seeking.

I fully understand that the current policies and guidance restrict what can be allowed, however, are there any other mechanisms, that you may be aware of, that could possibly support the proposal, such as the sustainability and off-grid factors.

I trust you understand the predicament and would welcome any constructive suggestions.

Kind regards

James

James Cromarty MCIAT Eng Tech OCDEA LCGI MCIPHE RP
Director
Direct Mobile; 0772 969 0520

Yeoman Architecture Limited
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone 01289 303960

Email 007 – 4th May 2023

Hi James

Thanks for your email and apologies for the slight delay in responding.

I certainly appreciate the issue here, which does not come as a surprise. The existing building is very modest in scale. Ultimately the size of an existing building determines the scale of what can be achieved through its conversion. The purpose of planning policies and guidance in relation to conversions is to support their appropriate and sensitive conversion, retaining their character and interest. This does allow for modest extension/s but these must be subordinate and must not affect the character of the existing building. This inevitably restricts the scale of dwellinghouse that can be achieved. As I have therefore advised previously, your client's objectives may therefore be incompatible with what can be achieved at this property. Factors such as sustainability benefits etc. do not overcome such matters of principle and I am not aware of any other mechanism by which your client could address these matters without conflicting with policies and guidance.

Nevertheless, I do believe the existing building is capable of conversion to a small studio dwellinghouse or holiday let.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 008 – 15th May 2023

Hi Paul

I met with Graeme and Jane, the applicants, late last week, when we had a long discussion regarding the proposal. Clearly, their wish is to construct a dwelling which is not only suitable as a family home, but to be sustainable, low carbon and wholly off-grid, an approach which they feel should be fully supported in the current climate, in line and in context with the low carbon and sustainability aspirations set out by the Scottish Government. However, they also understand the restrictions set out in the various planning policies enforced by Scottish Borders Council, which appear to give no weight to this type of proposal.

The limited size of a dwelling following the SBC guidelines, as set out in drawing A109, previously supplied, shows how restrictive a small studio dwellinghouse would be, with the second option of a holiday let being somewhat confusing, as the applicant's understand there is SBC advice in force to restrict the construction of holiday units at this time.

One of the issues the applicants have also raised is the policy directive of; ***CONVERSIONS OF BUILDING TO A HOUSE -c) The conversion and any proposed extension or alteration is in keeping with the Scale and Architectural Character of the existing building'*** The applicant's feel they have moved to retain the architectural character of the existing building, by fully incorporating this into the revised design, as opposed to it being ancillary in the previous application, therefore, the existing building will be prominent in the design and will demonstrate its architectural character regardless of scale.

Would it be possible, now that we are fully through the Covid issues, to arrange a site meeting with you, the applicants and myself, so the applicants can outline their proposal and physically demonstrate the limited size of the permitted conversion and extension allowed under the outlined policies.

Kind regards

James

James Cromarty MCIAT Eng Tech OCDEA LCGI MCIPHE RP
Director
Direct Mobile; 0772 969 0520

Yeoman Architecture Limited
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone 01289 303960

Email 009 – 22nd May 2023

Good morning Paul

Are you able to respond to my last email, in regard to arranging a site meeting.

The applicant's feel this will definitely help them to understand current policy and provide an opportunity present their proposal.

Kind regards

James

James Cromarty MCIAT Eng Tech OCDEA LCGI MCIPHE RP
Director
Direct Mobile; 0772 969 0520

Yeoman Architecture Limited
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone 01289 303960

Email 010 – 23rd May 2023

Hi James

As you are aware, I am awaiting further information on this application, including a structural survey first requested on 22 February.

We have a PPA in place that allows you to provide this information on or before 24 May. Can you advise whether that timescale will be met?

Given the principle of conversion is still to be established, any suggestion of a site meeting would appear to be premature at best. It is also not clear to me what the practical benefit of such a meeting could be.

That said, if you are convinced it would be useful to your client, I will not decline a meeting if the principle of conversion is established.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 011 – 26th May 2023

Hi James

Further information in the form of a structural survey was first requested on 22 February. Other information was requested shortly thereafter. It is now three months on and this information is still to be received, despite the four week extension of time that was requested and agreed. Please can you give me some indication as to when this information will be provided? If the requested information is not forthcoming I will have no choice but to refuse the application on the various grounds referred to previously.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 012 – 5th June 2023

Hi James

I am still awaiting a response to my email below. Please can you advise how you wish to progress this application?

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 013 – 12th June 2023

Hi James

Can you confirm what's happening with this application?

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 014 – 13th July 2023

Good afternoon Paul

Sorry for the delay, however, please find attached the following documentation in respect of my client's proposal to refurbish and extend Blue House, Reston, TD14 5LN.

- 1) Ecology Report
- 2) Structural Engineers Condition Report
- 3) Appraisal Information for Wind Turbine

Let me know if there is any further information you may want me to provide or feel free to get in touch if there are any aspects you may wish to discuss.

Kind regards

James

James Cromarty MCIAT Eng Tech OCDEA LCGI MCIPHE RP
Director
Direct Mobile; 0772 969 0520

Yeoman Architecture Limited
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone 01289 303960

Email 015 – 19th July 2023

Hi James

I have passed the noise information to the EHO to review.

The structural survey will be considered in due course.

As you are aware the design of the development cannot be supported and that aspect of matters remains outstanding.

I have looked at the Executive Summary of the PEA ecological report. Unfortunately the Ecology Officer is on leave and I have not been able to discuss this with them at this time. However the Executive Summary suggests that further bat checking surveys are required in stating “the value to bats will be determined after the completion of the required bat activity survey”

I am not formally requesting this further information as I am not suitably qualified to interpret the report and furthermore, given the proposed development cannot currently be supported, this would not be appropriate. However, I wish to flag this for your early attention and consideration. I suggest you discuss this with your Ecologist as a matter of priority as it may not be possible to carry out this survey work year-round and this may impact timescales if the other outstanding matters can be overcome.

I have provided an updated PPA below – if you could please confirm your agreement to the dates set out this will keep the application live and avoid immediate refusal.

PLANNING PROCESSING AGREEMENT

This processing agreement aims to identify the key milestones in the planning application process and sets out the information required to process the application. This processing agreement is not legally binding and can be altered with each party's agreement.

Decision

Subject to the achievement of the timetable set out in this document, the application will be determined by the date set out in the schedule of actions

AGREED ACTIONS

Action		Who/when
1	Consideration of new information	SBC by end August
2	Further discussions and revisions on design	All by end September
3	Determination by SBC.	End October if all issues addressed adequately

Please do not hesitate to call should you wish to discuss.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 016 – 20th July 2023

Good morning Paul

Thank you for your response.

Hopefully, the EHO can agree on the noise information supplied, likewise the Structural Engineers condition report can be accepted.

In regard to ecology, the officer requested the following:

The habitats within the site appear suitable for bats, badgers and reptiles, possible also amphibians.

A Preliminary Ecological Assessment should be carried out to determine whether any protected species are using areas within or outside the site boundary which may be impacted by the proposed development.

This has been supplied in accordance with the requirements of the Council's Ecology Officer.

The applicant is aware of their ecologists recommendation to undertake a 'Bat Activity Survey' which is in the process of being arranged, as the applicant is aware this will be essential if 'outstanding matters' can be overcome.

My understanding is that the three items, which were not requested to determine application 21/01982/FUL - Noise Assessment, Structural Condition and Ecology, were the only matters to be addressed in order for you to determine this current planning application.

Clearly the main outstanding point of contention, is that you are unable to support the proposed extension in its current form, for the reasons set out in your earlier correspondence, however, as demonstrated, the maximum

allowable extension that you advised would be acceptable at 17.59M2 achieve a combined internal footprint of 46.48M2 is wholly inadequate to meet the applicant's family's requirements. Although we do agree the principle of constructing an extension is acceptable, we are clearly unable to agree on the physical size of the proposed extension.

Can you therefore move this forward to determination, as it is of course disappointing that we cannot achieve an agreeable form of development, especially, after the proposed development was completely redesigned and reduced in size, in full consideration of the planning refusal for application 21/01982/FUL, however, it appears a pointless exercise in delaying matters further, when there are other avenues the applicant can pursue, if this sustainable, off grid family home is deemed unacceptable.

Kind regards

James

James Cromarty MCIAT Eng Tech OCDEA LCGI MCIPHE RP
Director
Direct Mobile; 0772 969 0520

Yeoman Architecture Limited
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone 01289 303960

Email 018 – 20th July 2023

Good morning Paul

Thank you for your call and the constructive discussion.
I am meeting the applicants this afternoon to further discuss option, hopefully, they will be happy to agree the PPA
I will therefore contact you to confirm as soon as I can.

Kind regards

James

James Cromarty MCIAT Eng Tech OCDEA LCGI MCIPHE RP
Director
Direct Mobile; 0772 969 0520

Yeoman Architecture Limited
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone 01289 303960

Email 019 – 21st July 2023

Hi James

Are you able to confirm the outcome of your discussion with your clients?

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 020 – 21st July 2023

Good afternoon Paul

I met with my clients yesterday afternoon and had a long discussion regarding the proposal and the possibility of trying to achieve further compromises concerning the scale and massing of the proposed extension.

We compared the original 21/01982/FUL proposal, which as you know was refused on the 4th March 2022, against the much reduced extension and overall scheme that was submitted in respect of the current application: 23/00262/FUL.

My clients feel the compromises set out in the current submission, fully considered all the points raised in the 21/01982/FUL refusal document, in short, by reducing the scope of the proposed development, by removing the proposed detached triple garage and one of the driveways, thereafter, greatly reducing the size of the proposed extension and bringing the retained existing building into the actual building, as opposed to being ancillary in the previous unsuccessful proposal.

In our own earlier discussions, we spoke about the scale and massing of the current proposal, with the difference between the existing roof height and the proposed extension being 1832mm or thereby, which is not what could be considered as excessive, however, to offer a reduction in this height would involve consideration to lowering the floor level in the proposed extension, I discussed this at length with the applicants, however, they have reservations in creating a split level dwelling, as the requirement under Building Standards, is that, any change of level would need to be at least 3 steps, this would cause issues for future disability living, therefore, the preference would be for the dwelling to be retain floor arrangement as per the current proposal.

In conclusion, the applicants are extremely happy with the current proposal and feel any additional design changes would compromise the overall appearance of the development, whereas, currently the original and existing single storey element would be easily distinguishable against the proposed new element and as such will complement one and another.

The applicants are aware that you are unable to support the proposed extension in its current form, even with the sustainable benefits and demonstratable low carbon living and self-sustaining features, however, the applicants do have support in the local community for the current proposal, including local councillors, plus Mr John Lamont MP has expressed his support for this unique, off-grid, sustainable family home and is apparently happy to take this forward on the applicant behalf, if there is an initial planning refusal and a further refusal by the Local Review Panel, therefore, rather than extend the consideration period over the next three months, the applicant would prefer to obtain the determination, sooner rather than later.

In regard to agreeing an achievable PPA, I understand you require a certain timescale to consider the consultant reports on Ecology, Structural Condition and Turbine Noise, before you are in a position to determine the proposal, therefore, could we agree a timescale of 21 days, to consider the reports with a determination timeously thereafter, possibly at total of 28 days - is this achievable?

The applicants are extremely disappointed that we cannot seem to achieve agreement in this matter, as they feel they have resubmitted a planning proposal that not only meets their own minimum requirements, but achieves a development which complements and respects the existing structure whilst wholly blending into the local countryside environment.

Let me know if you wish to discuss any aspect of the proposal, as we are happy to explore any suggestions that may achieve an acceptable compromise.

Kind regards

James

James Cromarty MCIAT Eng Tech OCDEA LCGI MCIPHE RP
Director
Direct Mobile; 0772 969 0520

Yeoman Architecture Limited
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone 01289 303960

Email 021 – 26th July 2023

Hi James

Thank you for getting back to me and for setting out your client's position on these matters.

The proposed 28 day extension is appropriate and hereby agreed. Below is a PPA confirming the agreed dates. I wasn't sure if and when you were planning to submit the further surveys mentioned in the ecology report (we would need them) but these dates can be amended if necessary to allow for this.

PLANNING PROCESSING AGREEMENT

This processing agreement aims to identify the key milestones in the planning application process and sets out the information required to process the application. This processing agreement is not legally binding and can be altered with each party's agreement.

Decision

Subject to the achievement of the timetable set out in this document, the application will be determined by the date set out in the schedule of actions

AGREED ACTIONS

Action		Who/when
1	Consideration of recent submissions	SBC for 21 days from Friday 21 July
2	Determination by SBC.	SBC within 28 days of Friday 21 July

Next steps

The position of your client in this matter is acknowledged. As you are aware the planning department must assess the application against policy and guidance and our position is that the proposals currently do not satisfy these, and by some distance. Our recent discussion was constructive and I remain keen to discuss any possible revisions that might allow this application to be supported. Please let me know if you would like to arrange any further discussions or meetings on these matters – if there is any possible way of avoiding the refusal of this application I would be keen to find it.

Please do not hesitate to contact me on the direct dial below to discuss any of the points covered above, or any aspect of this application.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 022 – 26th July 2023

Hi Paul

Thank you for your response.

The additional Ecology Survey cannot be undertaken until 14 days after the first emergence survey, which was carried out last Monday evening, therefore, this is expected to be undertaken within the next seven days, so, as soon as I receive the information from Adrian, the ecologist, I will send this over to you.

In regard the planning proposal itself, as I stated in my earlier email, my clients do feel that they fully and extensively considered the reasons for refusal as given in the 21/01982/FUL previous scheme, and as such, made a large number of adjustments and reductions to the current proposal, prior to submission. They are clear that they want to avoid a split level dwelling and the problems this may have in possible disability living in the future. On reflection, submerging the new extension into the ground by around 1M may be detrimental to the appearance of the established and retained structure on-site, and make the proposed development somewhat disjointed in fenestration terms and alignment, I don't know whether you would concur with this?

I am slightly perplexed by your comment that the proposal does not satisfy the policy and guidance by some distance. I rightly or wrongly understood from our correspondence and discussions, that if the issues of Building Condition, Ecology and Noise Appraisal were satisfactorily addressed, the remaining issue was 'Scale and Massing', consequently, I wasn't aware of any other issue, other than this, that needed to be considered, therefore, is it possible you could outline the additional issues, so I can revert back to my clients in this regard.

I know my clients are happy to explore and consider any suggested revisions that may allow this application to be supported, however, any changes would need to meet their own specific requirements, together with achieving a reasonably expected standard of accommodation.

Clearly, the previous suggestion of an extension of 17.59M² leading to an overall internal footprint of only 46.48M² would not provide the accommodation required for a family home, whilst the suggestion of creating a holiday unit, completely defeats the purpose of the applicant's proposal and aspirations of self-sufficient, off grid, sustainable living.

In our constructive discussions, the main issue we discussed was the difference in roof heights between the ridge of the existing retained structure and the ridge of the proposed extension, which is calculated at 1.832M or 6 feet in

imperial measurement, although this is undoubtedly higher than the existing retained structure, in my opinion, it is not significantly higher, whereby, it would be detrimental to the appearance of the existing retained element. As discussed, it is difficult to try and achieve a height reduction without compromising the accommodation, unless the ground floor footprint was significantly increased.

The pitch of the roof currently proposed, aligns with the existing roof pitch, therefore, in my opinion, any change in roof pitch, as suggested, to the new element, will make the overall appearance of the development somewhat disjointed and mismatched.

I am grateful we have an understanding and willingness to explore options, leading to possible revisions that may ultimately achieve a supported outcome in this application, therefore, both myself and the applicants are happy to consider any further constructive suggestions you may have.

Kind regards

James

James Cromarty MCIAT Eng Tech OCDEA LCGI MCIPHE RP
Director
Direct Mobile; 0772 969 0520

Yeoman Architecture Limited
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone 01289 303960

Email 023 – 28th July 2023

Hi James

Thanks for getting back to me.

There are no further issues with these proposals that have not been raised previously. Please be assured that if there were, you would be advised.

Please let me know if you would like me to arrange any further discussions or meetings.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 024 – 28th July 2023

Hi Paul

Thanks for your response.

Just for clarity, once the Structural Appraisal, Ecology and Noise Assessment are hopefully accepted, is the fundamental issue here, one of scale and massing? if so, then we at least we would know where the main issues lies, certainly in respect of the proposal, when tested against Scottish Borders Council adopted policies.

I know my clients would prefer if we could achieve a level of compromise that would satisfy all parties, therefore, I am more than happy for us to further discuss the proposal. I am, as previously stated, at a loss as to how any further height reductions could be achieved, without compromising the overall design, and whilst it may be possible to achieve some reduction in small increments, it would be almost impossible to try and achieve a reduction of 1.832M without increasing the dwelling footprint, however, I am more than happy to explore any suggestions you may have.

Kind regards

James

James Cromarty MCIAT Eng Tech OCDEA LCGI MCIPHE RP
Director
Direct Mobile; 0772 969 0520

Yeoman Architecture Limited
Suite 6
5 Kings Mount
Ramparts Business Park
Berwick Upon Tweed
Northumberland
TD15 1TQ

Telephone 01289 303960

Email 025 – 17th August 2023

Good evening James

Further to all previous discussions and correspondence, this application is now being recommended for refusal.

The issues with the proposal have been made clear from the very outset of this application (and indeed the previous application). Based on our discussions it seems clear that your client's aims cannot be met in a way which would align with planning policies leaving no choice but to refuse the application. The additional information (ecology/ structural report/ noise information) you submitted on 13 July in response to my emails of 23 February, 1 March and 11 April have been taken into consideration and covered in my report of handling.

Your client will of course have the right to appeal the refusal of the application as you intimated they would likely do.

The decision notice will be issued in due course along with details of how to appeal the application.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 026 – 24th August 2023

James/ Mr Forsyth

The decision notice cannot be issued until the advertisement fee (£80) is paid. Please could one of you make contact with our Registration Team to make payment. You will need banking details to hand, and to quote the above reference number.

You can call Laura Tait on 01835 82 5586 to do so.

Kind regards

Paul

Paul Duncan
Asst Planning Officer (Development Management)
Planning, Housing & Related Services
Scottish Borders Council
Tel: 01835 82 5558

Email 027 – 24th August 2023

Paul

Paid in full (£80) at 20.06 last night.

Kind regards

Mr Forsyth

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Local Review Body – List of Policies 22nd January 2024

Local Review Reference: 23/00049/RREF

Planning Application Reference: 23/00262/FUL

Development Proposal: Change of use of derelict agricultural building and extension to form dwellinghouse and erection of 17.8m high wind turbine (tip height)

Location: The Blue House Near Swansfield Farm, Reston, Eyemouth

Applicant: Mr Graeme Forsyth

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 4: Natural Places

Policy 5: Soils

Policy 6: Forestry, Woodland and Trees

Policy 7: Historic Assets and Places

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 11: Energy

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 15: Local Living and 20 Minute Neighbourhoods

Policy 16: Quality Homes

Policy 17: Rural Homes

Policy 18: Infrastructure First

Policy 22: Flood Risk and Water Management

Policy 23: Health and Safety

Policy 29: Rural Development

Scottish Borders Local Development Plan 2016 (LDP)

PMD1: Sustainability

PMD2: Quality Standards

ED9: Renewable Energy Development

ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP8: Archaeology

EP13: Trees, Woodlands and Hedgerows

IS2: Development Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and SUDS

Other Material Considerations:

SBC Supplementary Planning Guidance on;

- Biodiversity Supplementary Planning Guidance 2005
- Development Contributions Supplementary Planning Guidance 2011 (Updated 2023)
- Landscape and Development Supplementary Planning Guidance 2008
- Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire
- Supplementary Planning Guidance 2013 (Updated 2015)
- New Housing in the Borders Countryside Supplementary Planning Guidance 2008
- Privacy and Amenity Supplementary Planning Guidance 2006
- Placemaking and Design Supplementary Planning Guidance 2010
- Renewable Energy Supplementary Guidance 2018
- Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020
- Trees and Development Supplementary Planning Guidance 2008
- Use of Timber in Sustainable Construction Supplementary Planning Guidance 2009
- Waste Management Supplementary Guidance 2015



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 M & J Ballantyne

Name

Address 24 Shedden Park Road

Address

Postcode TD5 7AL

Postcode

Contact Telephone 1 [REDACTED]

Contact Telephone 1

Contact Telephone 2 [REDACTED]

Contact Telephone 2 [REDACTED]

E-mail* [REDACTED]

E-mail* [REDACTED]

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

Yes No

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

Planning authority Scottish Borders Council

Planning authority's application reference number 23/00684/FUL

Site address 58 Waldie Griffiths Drive Kelso TD5 7UH

Description of proposed development

Change of use from amenity land to garden ground

Date of application 4 May 2023

Date of decision (if any) 29 August 2023

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:

Please see attached documents

Site inspection

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

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

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

Statement

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

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

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

We do not consider that this alteration to the fence line has any detrimental effect to the amenity ground in question, particularly considering it is nothing more than a grassed area and will not be used for any form of sport. Please also see attached documents.

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

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

Supporting letter from applicant
Letter from Mr M Ballantyne
Photographs of site

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

Checklist

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

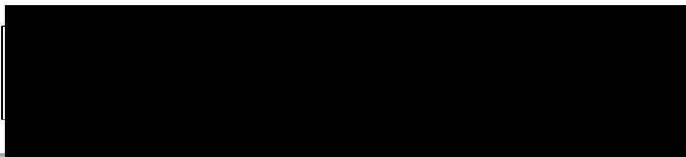
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

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

Signed



Date

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



REGISTERED OFFICE
24 SHEDDEN PARK ROAD
KELSO ROXBURGHSHIRE TD5 7AL
TELEPHONE: KELSO 01573 224255
EMAIL: Enquiries@mjballantyne.co.uk
WEBSITE: www.mjballantyne.co.uk

21 November 2023

Clerk to the Local Review Body
Democratic Services
Scottish Borders Council
Council Headquarters
Newtown St Boswells
TD6 0SA

Dear Sirs

Planning permission 23/00684/FUL

As applicant and on behalf of our Client at Plot 65 East Broomlands, Kelso – 58 Waldie Griffiths Drive, Kelso, we hereby would like to appeal the Planning Consent refusal as per your letter 30 August 2023.

Please find following supporting evidence from the householder at the above.

Yours faithfully

M M Ballantyne
Managing Director

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58 Waldie Griffiths Drive
East Broomlands
Kelso
TD5 7UH

21 November 2023

Clerk to the Local Review Body
Democratic Services
Scottish Borders Council
Council Headquarters
Newtown St Boswells
TD6 0SA

Dear Sir,

My name is John Fleming. My wife, Sandra, and I live at the above address in Kelso. We moved into our house on Tuesday 20th December last year. I would like to appeal the Planning Decision, reference 23/00684/FUL.

The following statement is my recollection of events that happened in the Autumn of 2022 when we initially approached M&J Ballantyne Ltd with an enquiry to buy the property and I spoke with Michael Ballantyne at the site.

I felt that the fence on the piece of land towards the roadside of the property came rather close to the side of the house and the downward concave arc of the proposed fencing would make our potential garden rather small. I spoke with our solicitors, Aberdein Considine and asked that they approach the Builders' Solicitors (Taits) formally about the matter before offering to buy the property. I proposed that the concave arc curved upwards with the same starting and finishing points. That can be seen in pink on the Application that M&J Ballantyne's Architects later submitted on my behalf (23/00684/FUL). There was quite a bit of correspondence between both sets of Solicitors and when I spoke informally with Michael Ballantyne, he seemed hopeful that there would be no issues about the shape of the side fencing. At this time I was travelling from our home in Perthshire on a number of occasions to see how the building was coming on.

Michael then confirmed that we would have to get Council Planning permission to change the concave shape of the fence. He told us that he was surprised by that but he would arrange with his Architects to submit a Planning Application. Sandra and I did were not involved with this but we were told that this had been done.

We were then devastated to hear from Michael that the Application had been turned down and he asked if we wanted to appeal the decision. We immediately said yes and put all of our gardening plans on hold.

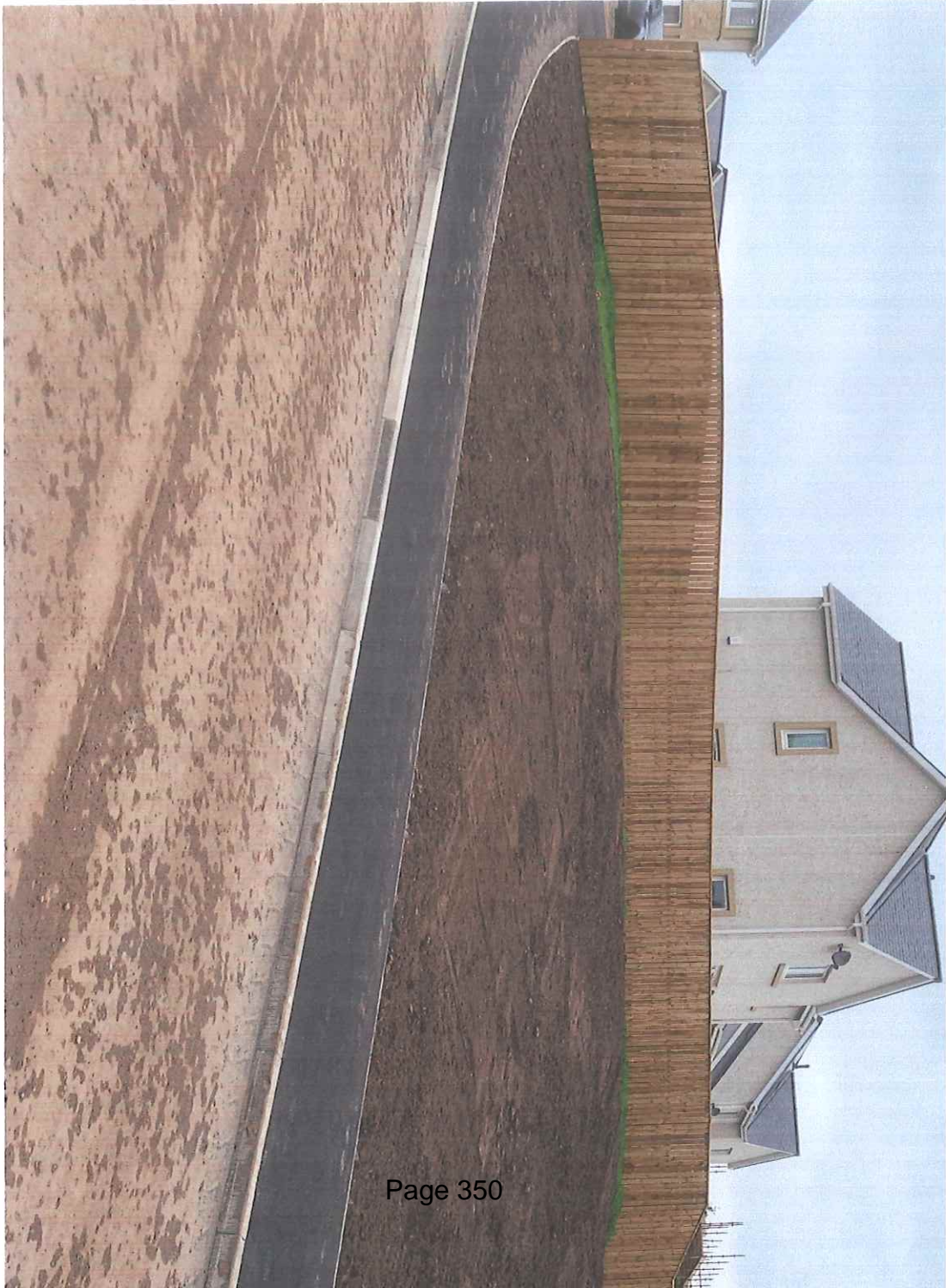
I have enclosed a number of photographs that I have taken over the last few months.

Photos 1-8 show the extent of the land that M&J Ballantyne started landscaping some months ago. I believe that it shows that the piece of land required to change the shape of the fence is quite small. Photos 9-14 were taken this week. I believe that photo 9 shows how close the fence is to our living room window and photo 14 shows that there will still be a large piece of open land below the fence.

I hope that this Appeal will be viewed favourably as it would make a significant difference to us, as a family. I have spoken with all of my neighbours and they have also wished me all the best with the Appeal.

Yours faithfully
John Fleming





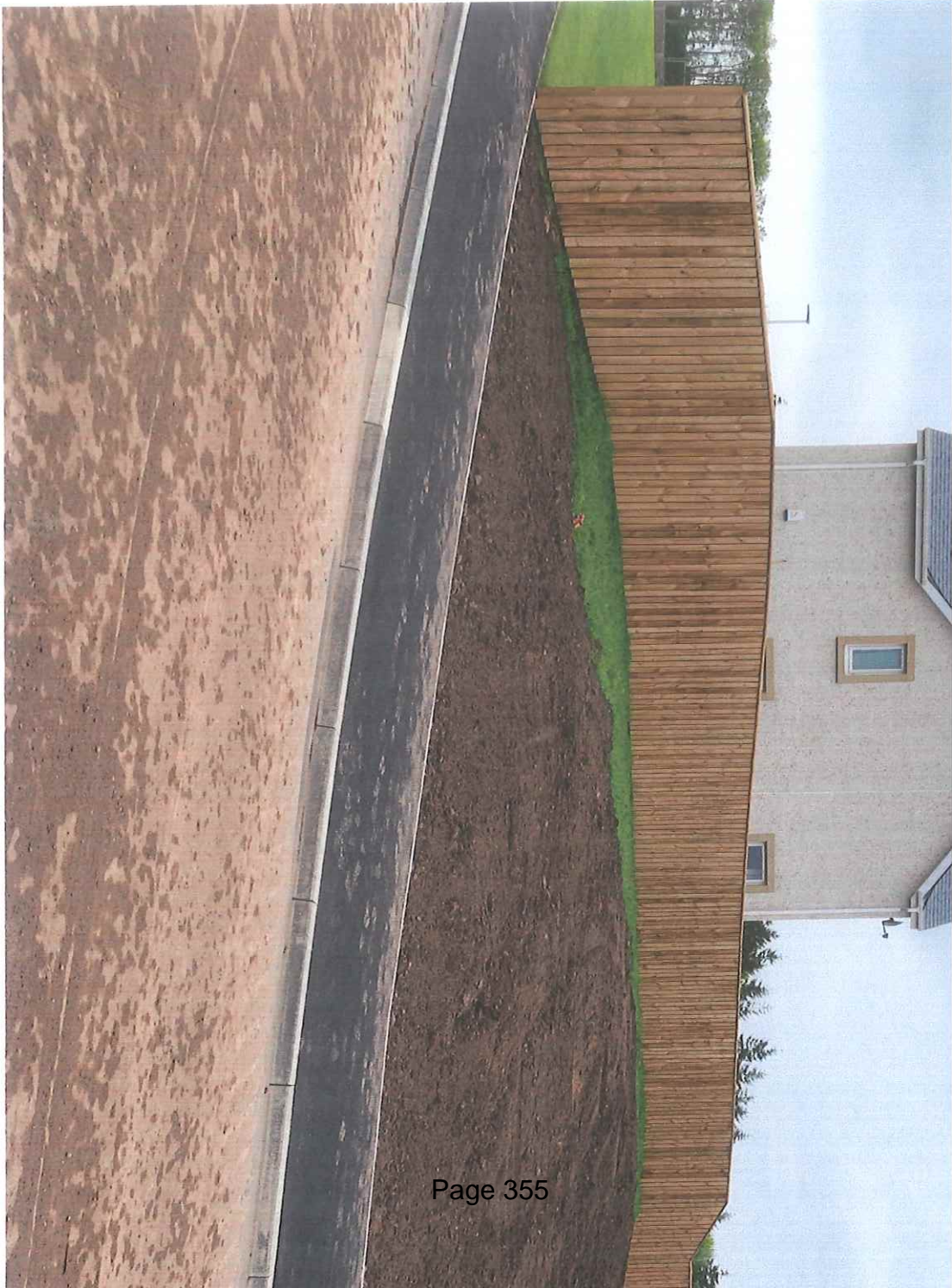






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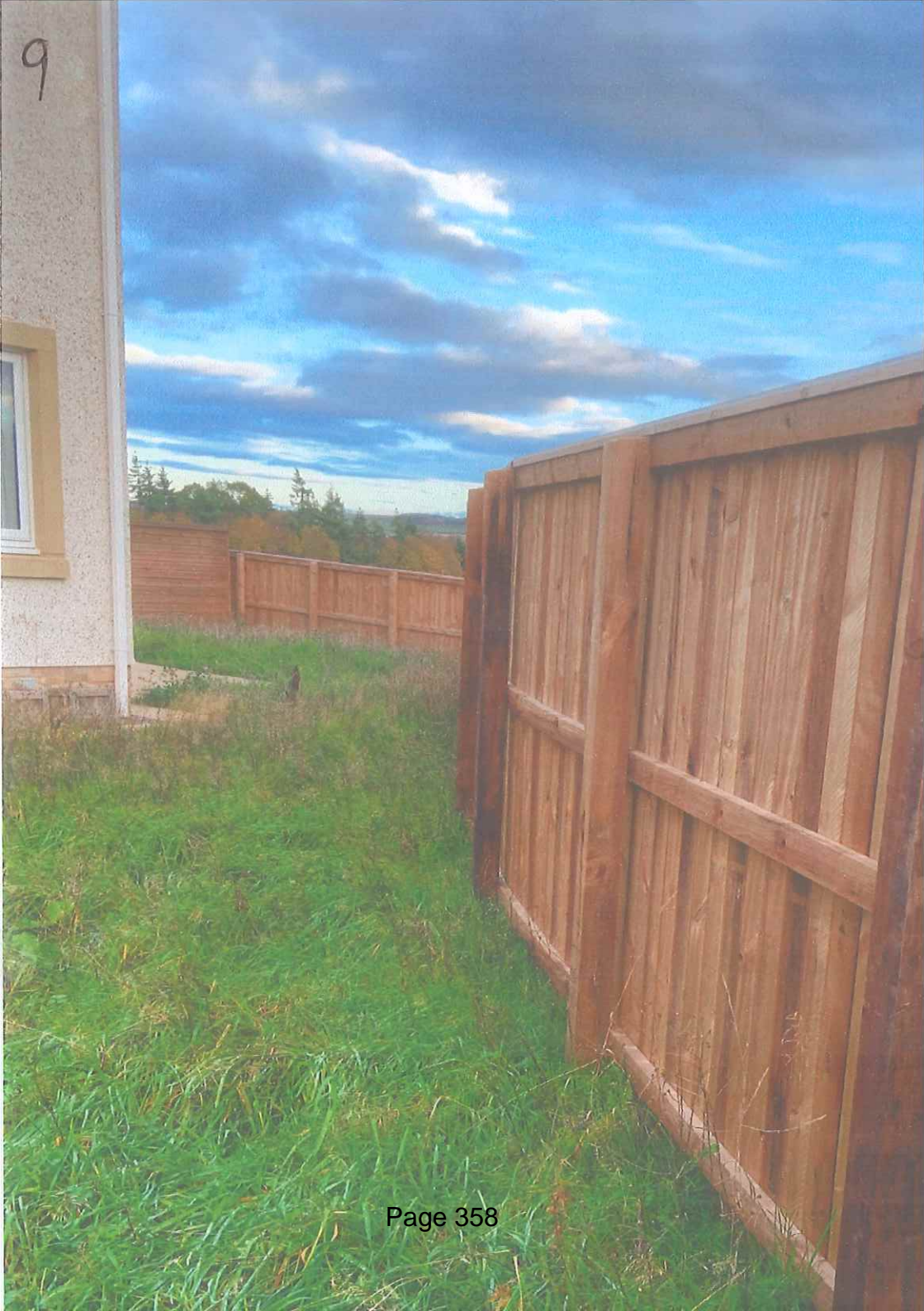
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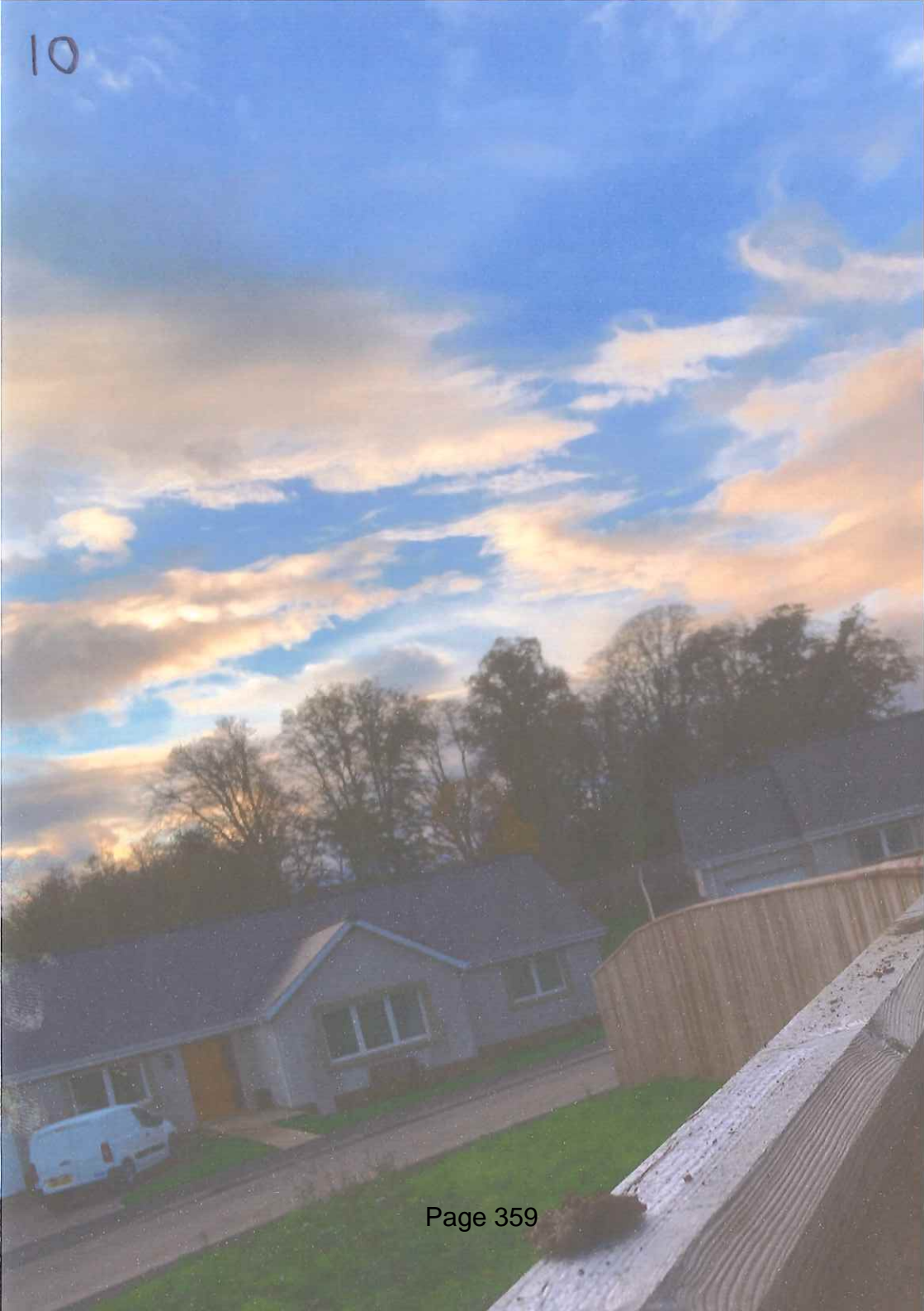


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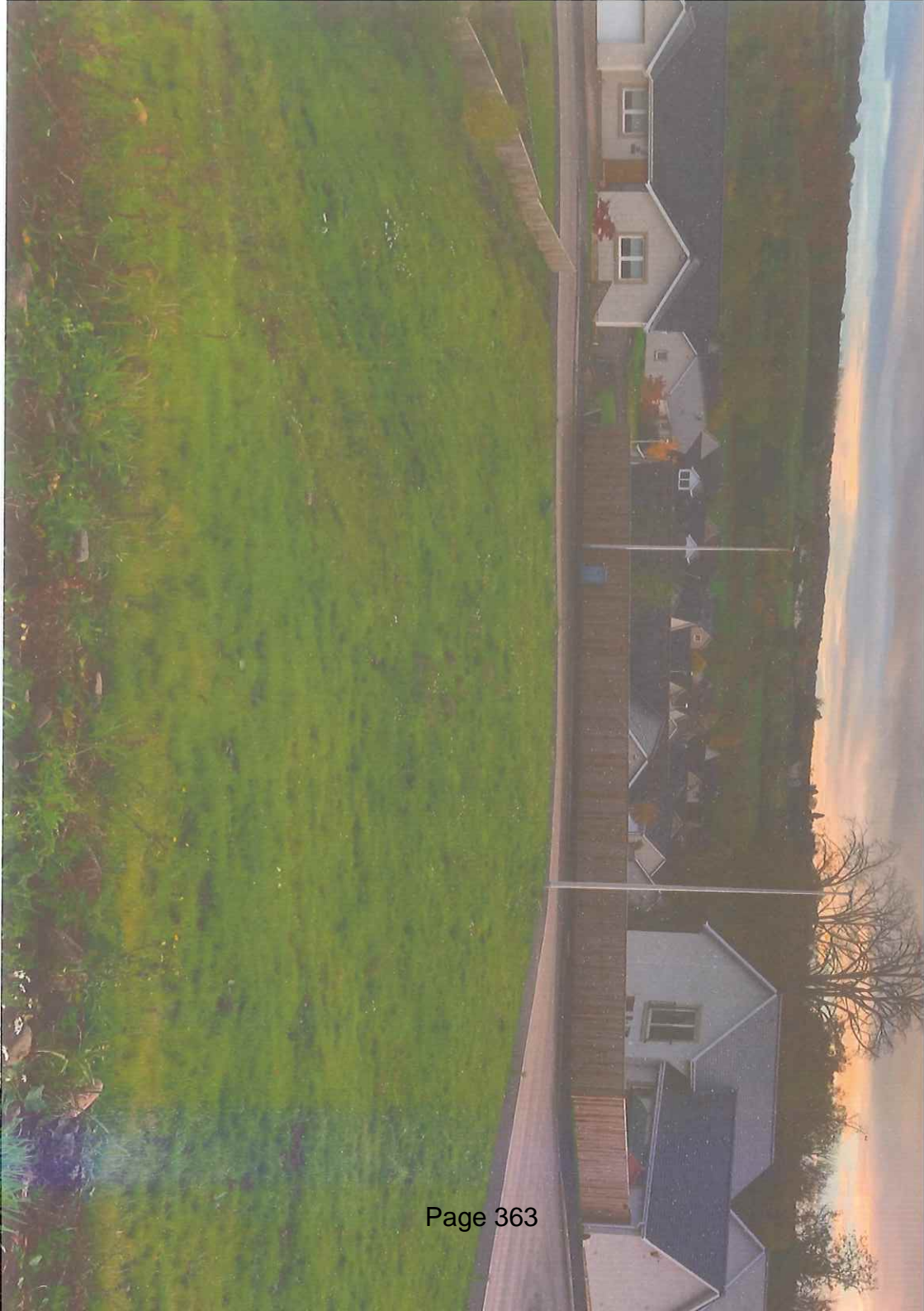




12







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Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@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 100627319-001

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)

Change of use from public open space to additional garden ground to 58 Waldie Griffiths Drive

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:	Aitken Turnbull Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Aitken	Building Name:	
Last Name: *	Turnbull	Building Number:	9
Telephone Number: *	01896 752760	Address 1 (Street): *	Bridge Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1SN
Email Address: *	admin@aitken-turnbull.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:	24
Last Name: *		Address 1 (Street): *	Shedden Park Road
Company/Organisation	M&J Ballantyne Ltd	Address 2:	
Telephone Number: *		Town/City: *	Kelso
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	TD5 7AL
Fax Number:			
Email Address: *	admin@aitken-turnbull.co.uk		

Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

58 WALDIE GRIFFITHS DRIVE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KELSO

Post Code:

TD5 7UH

Please identify/describe the location of the site or sites

Northing

634935

Easting

373702

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

105.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Public open space

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

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

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

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

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

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

Not required - already on existing site

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Aitken Turnbull

On behalf of: M&J Ballantyne Ltd

Date: 03/05/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Aitken Turnbull Architects Aitken Turnbull

Declaration Date: 03/05/2023

Payment Details

Cheque: M&J Ballantyne Ltd, 0000000

Created: 03/05/2023 09:53

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M&J Ballantyne Ltd
per Aitken Turnbull Architects Ltd
9 Bridge Place
Galashiels
Scottish Borders
TD1 1SN

Please ask for: Euan Calvert
01835 826513
Our Ref: 23/00684/FUL
Your Ref:
E-Mail: ecalvert@scotborders.gov.uk
Date: 30th August 2023

Dear Sir/Madam

PLANNING APPLICATION AT 58 Waldie Griffiths Drive Kelso Scottish Borders TD5 7UH

PROPOSED DEVELOPMENT: Change of use from amenity land to garden ground

APPLICANT: M&J Ballantyne 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 : 23/00684/FUL

To : M&J Ballantyne Ltd per Aitken Turnbull Architects Ltd 9 Bridge Place Galashiels Scottish Borders TD1 1SN

With reference to your application validated on **4th May 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Change of use from amenity land to garden ground

at : 58 Waldie Griffiths Drive Kelso Scottish Borders TD5 7UH

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

**Dated 29th August 2023
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00684/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
P65 L 101	Proposed Site Plan	Refused
P65 LOC	Location Plan	Refused
P65 L 102	Specifications	Refused

REASON FOR REFUSAL

- 1 The proposal would be contrary to Policy 20 of National Planning Framework 4 and Policies PMD2 and EP11 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that it would result in the loss of public open space that would be out of character with the existing and proposed development pattern to the detriment of the visual amenity and character of the surrounding area. In addition, it has not been demonstrated that there is a social, economic or community benefit for the loss of open space or that the need for development outweighs the need to retain the space. No comparable or enhancement of existing open space has been provided to mitigate the potential loss.

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. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, 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 : 23/00684/FUL
APPLICANT : M&J Ballantyne Ltd
AGENT : Aitken Turnbull Architects Ltd
DEVELOPMENT : Change of use from amenity land to garden ground
LOCATION: 58 Waldie Griffiths Drive
Kelso
Scottish Borders
TD5 7UH
TYPE : FUL Application
REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P65 L 101	Proposed Site Plan	Refused
P65 LOC	Location Plan	Refused
P65 L 102	Specifications	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

10 neighbours were notified. No representations were received.

Consultations:

Roads Planning: No objection.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 20 Blue and Green Infrastructure

Local Development Plan 2016

PMD1 Sustainability

PMD2 Quality Standards

EP11 Protection of Greenspace

Supplementary Planning Guidance

Placemaking and Design 2010

Householder Development 2006

Recommendation by - Euan Calvert (Assistant Planning Officer) on 23rd August 2023

Site and Proposal

This is an application for the enlargement of garden ground and the erection of a fence on land adjacent to 58 Waldie Griffiths Drive, Kelso.

The property is located within the Broomlands housing development and is a detached dwellinghouse located adjacent to an area of open space. The proposal is to include an area of the open space into the garden ground of the property and enclose it with a 1.8m high timber fence.

Planning Policy

Policy 20: Blue and green infrastructure of National Planning Framework 4 states that development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The Planning Authority's Open Space Strategy should inform this.

Policy PMD2 of the Local Development Plan 2016 requires that developments provide meaningful open space that wherever possible links to existing open spaces.

Policy EP11 seeks to protect greenspace from development where this can be justified by reference to any of the following:

- a) The environmental, social or economic value of the greenspace;
- b) The role the greenspace plays in defining the landscape and townscape structure and identify of the settlement;
- c) The function the greenspace serves.

Development that would result in the loss of greenspace will only be permitted if it can be satisfactorily demonstrated that:

- d) There is a social, economic and community justification for the loss of the open space; or
- e) The need for the development is judged to outweigh the need to retain the open space; and
- f) Where appropriate, comparable open spaced or enhancement of existing open space may be provided by the developer to provide an adequate and acceptable replacement.

Policy HD3 ensures neighbouring residential amenity is protected, when considering development proposals.

Planning History

This site is allocated in the Local Development Plan 2016 for housing (RKE1B) and planning permission was approved in May 2008 for a scheme of 76 houses (06/02027/FUL). Plots 37 - 58 (22 units) remain to be constructed and there is presently a live application being considered to change this layout: 22/00550/FUL: re-orientation of 5no dwellinghouses (revision to planning permission 06/02027/FUL), erection of an additional 12 dwellinghouses and associated roads and infrastructure.

There is an adopted planning brief for the site and the location of this green space corresponds with this brief (Broomlands East, Kelso Supplementary Planning Guidance, March 2007).

Assessment

The determining issue is whether this form of development can be accommodated without impact to road/pedestrian safety, green space, or the character and appearance of the street scene.

Loss of Greenspace

The proposal is for enlargement of garden and enclosure of public open/ green space by forming the fence in a convex rather than a concave shape resulting in a 6m larger garden. The fence change would extend over 26m in length.

The approved landscape plan for this site (06/02027/FUL) identifies that this area of land is to become an adopted pavement characterised by six specimen trees surrounding a (presumably grass) public open space.

This area of open space is intended to deliver environmental and social benefits to the local community, especially those in the immediate environs. The grassland will deliver wildlife benefits and act as an informal recreation space for new residents.

Importantly, the semi-circular form is intended to define the appearance of the estate and form an entrance to the less formal native woodland/ open space beyond. Changes to the fenceline and loss of a portion of this open space would not enhance the appearance of the streetscene.

The site is one of the few designated informal recreation spaces in the entire development therefore the importance of maintaining the size and shape cannot be stressed enough.

The proposed development would result in the loss of this open space, which would prejudice the wider character of this residential estate. This loss is resisted by policy EP11. This is land designated for public amenity benefit both for visual amenity and as functional open space; it contributes to the setting of the housing development and visual amenities of the area. Any encroachment, even marginal, is liable to reduce the qualities and benefits of this open space for the public. There is no social, economic or community justification for this loss as the open space would become private garden ground. The need for the development does not outweigh the need to retain the open space as it can be argued that the plot already has an adequate area of private garden ground similar to other plots within the development.

In addition, the proposal would result in alterations to the route of the adopted pavement. There would be changes required to the tree planting scheme and there would be a consequential reduction in green space. None of this has been demonstrated, quantified or justified on the submitted plans.

There has been no consultation with user groups, as required by Policy EP11, to substantiate that the loss of greenspace is either acceptable in principle or outweighed by another factor. The agent has not demonstrated that this green space can be relocated to an alternative location within the estate.

It is considered that this proposal is unacceptable and contrary to National Planning Framework 4 and Local Development Plan policies as it will result in, and exacerbate, a deficit in green infrastructure provision. It must be concluded that the site is valuable open space and any encroachment or reduction should be resisted.

Impact on Amenity

The fence would be identical to other fences in the surroundings therefore would not in itself be an incongruous addition. However, the change would have a detrimental impact to the visual amenity of the public open space. The approved landscape plan demonstrates a public open space deliberately semi-circular in shape with pavement and trees to match this semi elliptical shape. This shape was deliberately designed to counter the linearity appearance of the road and cul-de-sac layout. The change to fenceline would not improve or enhance the appearance of the estate.

Road Safety and Design Standards

No objections are made from the Roads Planning Service to this layout therefore, from a road safety and design standards point of view, the proposals to adjust the pavement layout are acceptable.

Conclusion

This site will play an important role in defining the landscape and townscape structure and setting of this part of the residential estate and it is considered that this should be protected for its value as greenspace.

Any encroachment by neighbouring fences and gardens is liable to compromise the quality of the area and not assimilate successfully with the surroundings contrary to policies PMD2 and EP11 and Supplementary Planning Guidance on Placemaking and Design). Any acceptance to this proposal would set an indefensible and undesirable precedent for other similar applications in the immediate surroundings resulting in diminished quality of greenspace.

REASON FOR DECISION :

The proposal would be contrary to NPF4 Policy 20 in that the proposal would result in net loss of green infrastructure exacerbating a deficit in green infrastructure provision locally and affecting the overall integrity of the limited local network.

The proposal would be contrary to Policies PMD2 and EP11 of the Local Development Plan 2016, and Supplementary Planning Guidance Placemaking and Design 2010 in that it would result in development that is out of character with the existing and proposed development pattern to the detriment of the amenity and character of the surrounding area.

Development would cause a loss and detrimental impact to the landscape and open space plan as approved 06/02027/FUL to the detriment of the visual amenity of the estate and it not been demonstrated that the public benefits of the development outweigh the loss of this landscape value.

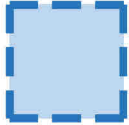

It has not been demonstrated that there is a social, economic or community benefit for the loss of open space or that the need for development outweighs the need to retain the space. No comparable or enhancement of existing open space has been provided to mitigate the potential loss.

Recommendation: Refused

- 1 The proposal would be contrary to Policy 20 of National Planning Framework 4 and Policies PMD2 and EP11 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that it would result in the loss of public open space that would be out of character with the existing and proposed development pattern to the detriment of the visual amenity and character of the surrounding area. In addition, it has not been demonstrated that there is a social, economic or community benefit for the loss of open space or that the need for development outweighs the need to retain the space. No comparable or enhancement of existing open space has been provided to mitigate the potential loss.

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

- notes:
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 2. This drawing is to be read in conjunction with all relevant drawings and specifications including those from other Consultants.
 3. Any existing dimensions should be checked on site and any discrepancies reported to the Architect.
 4. Do not scale off this drawing, use only figured dimensions. The Contractor is to bring to the attention of the Architect any discrepancies contained in this drawing prior to work commencing.

-  Denotes existing plot boundary
551sq.m
-  Denotes proposed new plot boundary
95sq.m (Total 646sq.m)

Revision	Description	By	Chk
project			

M & J Ballantyne Ltd
Proposed Alterations to
Plot 65
East Broomlands
Kelso

title
Site Plan
As Proposed

scale	size	date	drawn	checked
1:200	A3	Apr 2023	CMF	

drawing status
PLANNING

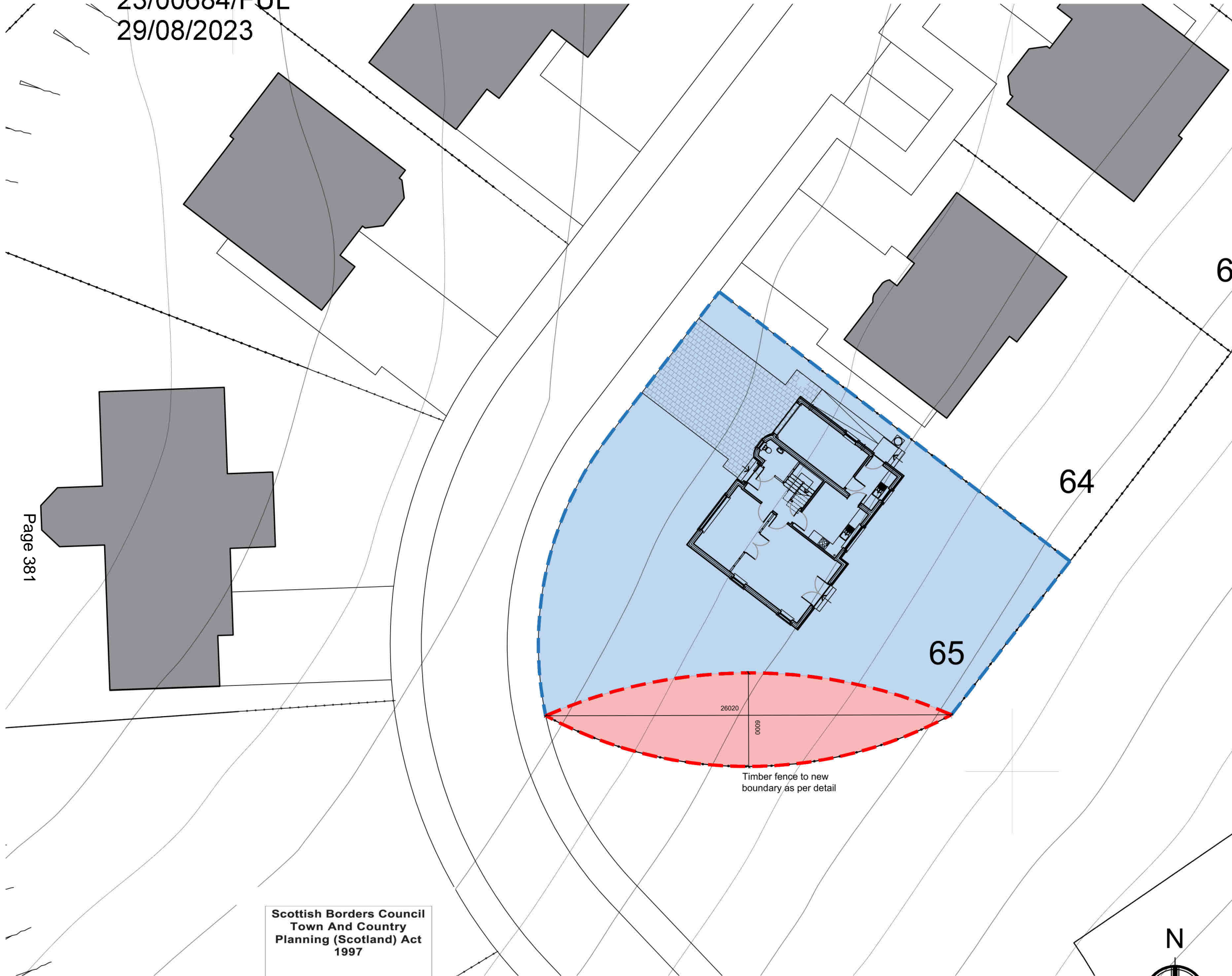
AITKEN TURNBULL ARCHITECTS
9 Bridge Place
Galashiels
TD1 1SN
01896 752760

enquiries@aitken-turnbull.co.uk
www.aitken-turnbull.co.uk

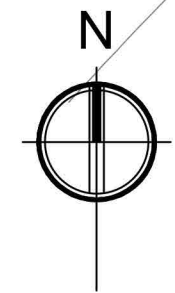
Also at Edinburgh & Dumfries



project no.	drawing no.	revision
AT3582	P65 L-101	



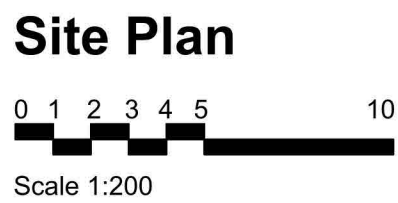
Timber fence to new boundary as per detail



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

REFUSED

subject to the requirements of the associated Decision Notice



Agenda Item 6b

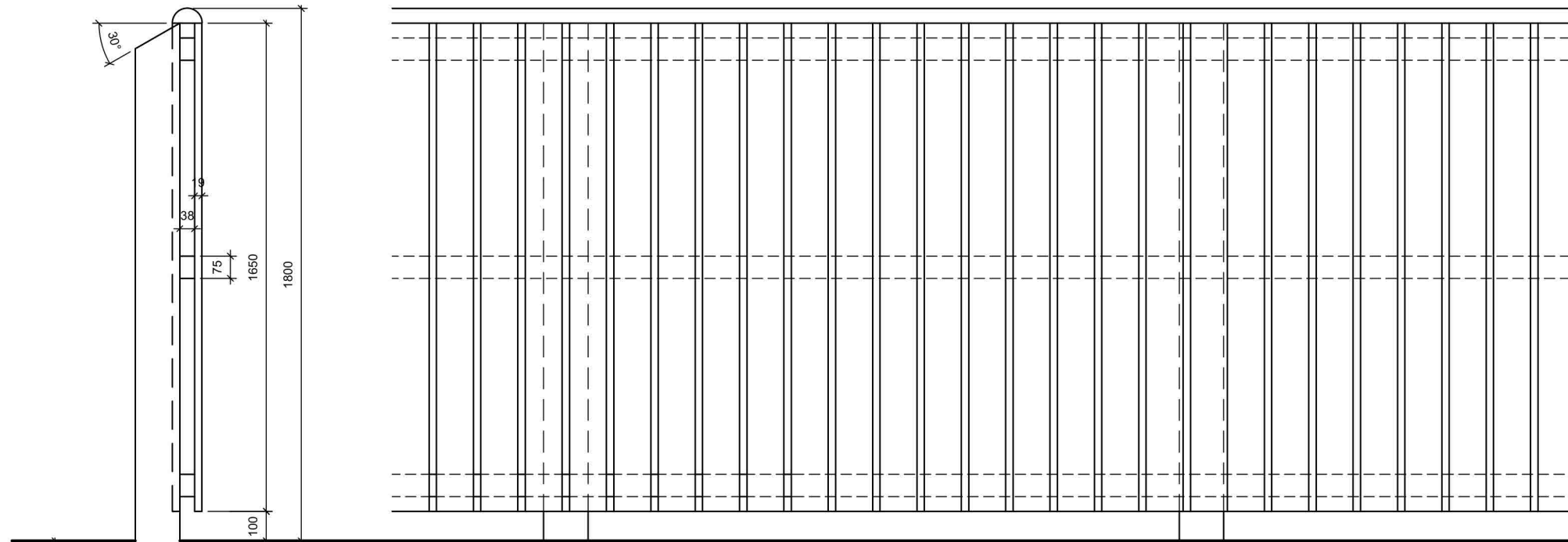
notes:

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Timber Palisade Fence

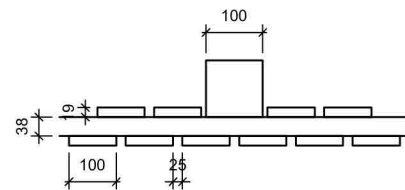
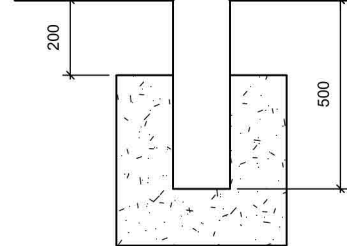
Section

Elevation



Elevation

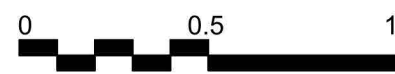
Plan view without cope



1800mm high palisade fence to be constructed from 100 x 100mm posts at 2000mm centres. Posts to be set in 450 x 450 x 450mm concrete foundations. Top of post to be cut at 30° angle to shed rain.
3no 75 x 50mm horizontal rails fixed to posts using 4no galvanised nails.
125 x 25mm thick vertical slats fixed to horizontal rails using 4no galvanised nails. 25mm gap to be provided between vertical slats.
100 x 50mm timber cope to be fixed to top horizontal rail at 300mm centres using galvanised nails.

Section

Site Plan



Scale 1:20

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

REFUSED

subject to the
requirements of the
associated Decision
Notice

Revision	Description	By	Chk
project			

M & J Ballantyne Ltd
Proposed Alterations to
Plot 65
East Broomlands
Kelso

title
Fence Details
As Proposed

scale	size	date	drawn	checked
1:20	A3	Apr 2023	CMF	

drawing status
PLANNING

AITKEN TURNBULL ARCHITECTS
9 Bridge Place
Galashiels
TD1 1SN
01896 752760

enquiries@aitken-turnbull.co.uk
www.aitken-turnbull.co.uk

Also at Edinburgh & Dumfries



project no.	drawing no.	revision
AT3582	P65 L-102	

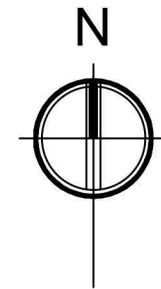
REFUSED

subject to the
requirements of the
associated Decision
Notice

23/00684/FUL
29/08/2023

notes:

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Revision	Description	By	Chk
A	May2023 Areas amended		

M & J Ballantyne Ltd
Proposed Alterations to Plot 65
East Broomlands
Kelso

title
Location Plan

scale	size	date	drawn	checked
1:1250	A3	Apr 2023	CMF	

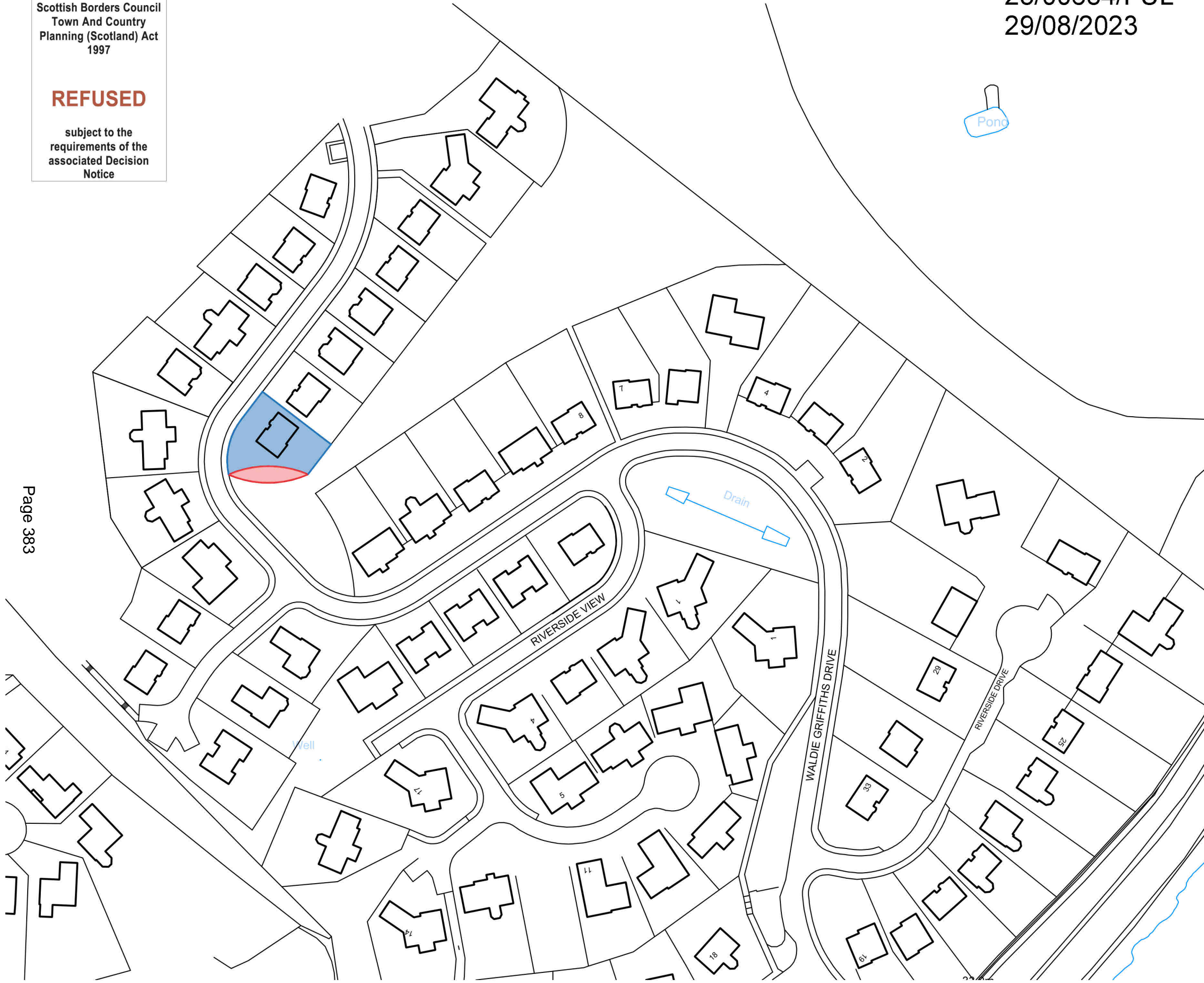
AITKEN TURNBULL ARCHITECTS
9 Bridge Place
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TD1 1SN
01896 752760

enquiries@aitken-turnbull.co.uk
www.aitken-turnbull.co.uk

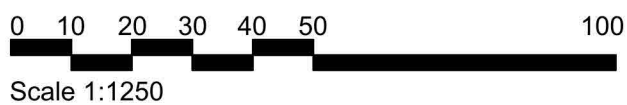
Also at Edinburgh & Dumfries



project no.	drawing no.	revision
AT3582	P65 LOC	A



Page 383



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

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

Application for Planning Permission

Reference : 06/02027/FUL

To : M & J Ballantyne Ltd per Aitken Turnbull Architects Ltd 9 Bridge Place Galashiels Scottish Borders TD1 1SN

With reference to your application validated on **12th October 2006** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of 76 dwellinghouses

at : Phase 2 Land At East Broomlands Kelso Scottish Borders TD5 7RH

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

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 13th May 2008
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

.....
Head of Planning & Building Standards

Application reference : 06/02027/FUL

SCHEDULE OF CONDITIONS

- 1 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 2 No development shall take place except in strict accordance with a scheme of soft landscaping works for the proposed public open spaces, general amenity spaces and woodland areas, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent long term maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 3 Details of all proposed means of enclosure around the site, along pedestrian links and around and between the plots shall be submitted to and approved in writing by the Planning Authority before work on the site is commenced. The development then to be implemented in accordance with the approved scheme
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
- 4 No development shall take place until a scheme for the provision of public open space and an equipped play area has been submitted to and approved in writing by the Local Planning Authority. The scheme so submitted shall include-

 - i. type and location of play equipment, seating, fences, walls and litter bins
 - ii. surface treatment of the play area
 - iii. proposals for the implementation/phasing of play area in relation to the construction of houses on the site and its long term future maintenance.

Reason: To ensure that proper provision is made for recreational facilities within the site.
- 5 All works required for the provision of open space and play area shall be completed in accordance with the scheme approved in writing by the Planning Authority.
Reason: To ensure that the development is carried out as approved.
- 6 The access road, turning areas, visitor parking spaces, footpaths and pedestrian links shown on the approved plans to be completed to the specification of the Planning Authority in accordance with a phasing programme to be submitted to and agreed by the Planning Authority before the development commences.
Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.

- 7 Two parking spaces, excluding garages, must be provided within each plot to the specification of the Planning Authority before the dwellinghouse is occupied and retained in perpetuity.
Reason: In the interests of road safety.
- 8 The pedestrian link adjacent to plot 27 to the existing housing and school to the west to be provided to the specification of the Planning Authority within a timescale to be agreed with the Planning Authority before the development commences.
Reason: In the interests of pedestrian safety.
- 9 None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of foul water
- 10 A SUDS scheme for the site to be submitted to and approved in writing by the Planning Authority before the development commences. The approved scheme then to be implemented as part of the development.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 11 No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.
- 12 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
 - (b) No fires shall be lit within the spread of the branches of the trees;
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
 - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
 - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.
- Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

Planning and Economic Development

- 1 In respect of condition 6, the roads and footways shall require Road Construction Consent. Driver forward visibility around bends and junction visibility splays should relate to a traffic speed of around 20 mph i.e. 33m forward visibility and 2.4m by 33m junction visibility.
- 2 In respect of condition 7, all driveways must be a minimum of 6m in length from the rear of the footway/service strip and all driveways must have a maximum gradient of 1 in 12 and be large enough to cater for two vehicles.
- 3 The consultation response from SEPA is attached for the information of the applicant.

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

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 reasonable 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.

SCOTTISH BORDERS COUNCIL

DEVELOPMENT AND BUILDING CONTROL COMMITTEE

APPLICATION FOR PLANNING PERMISSION – PART II REPORT

REF : 06/02027/FUL

APPLICANT : M & J Ballantyne Ltd

AGENT : Aitken Turnbull

DEVELOPMENT : Erection of 76 dwellinghouses

LOCATION : Phase 2 Land At East Broomlands
Kelso
Scottish Borders
TD5 7RH

TYPE : Full Application

Observations by Development Control Officer - Mrs Julie Hayward

The site is situated on the north eastern edge of Kelso. Hendersyde Park is to the east, there is a new residential development to the south and to the west is woodland and residential properties.

The proposal is for the erection of 76 detached dwellinghouses on the site. Nine house types are proposed either two storey, split level to take into account the sloping nature of the site or bungalows. Three, four and five bedroom houses are proposed. The houses would be constructed of blockwork with a dry dash render finish and the roofs would be slate.

The site would be accessed from the A698 via the housing development to the south. Pedestrian links are proposed from the site to the south, to the housing development to the west and to the future site to the north. All the proposed dwellinghouses would have garages and on-site parking and 26 visitor parking spaces are also proposed. The layout includes areas of open space, a play area and additional woodland planting to reinforce the existing woodlands around the site.

A Planning Statement and Transport Assessment have been submitted.

An outline planning application for residential development on this site (03/01074/OUT) is pending consideration.

The site is allocated in the Scottish Borders Finalised Local Plan for residential development. Supplementary Planning Guidance has been prepared for the site.

The Director of Technical Services advises that provided his requirements are met he has no objections in principle to the amended layout submitted.

Scottish Natural Heritage and Kelso Community Council have no objections to the proposal.

Scottish Water advises that there may be capacity issues at the waste water treatment works and water network.

Visit <http://eplanning.scotborders.gov.uk/publicaccess/> to view Planning information online

SEPA requires that the site be connected to the public sewer with surface water drainage to a SUDS scheme

Kelso Amenity Society expresses an number of concerns:

- There has been no attempt to create anything other than rows of houses of bland design that show no relationship to the land form and relate only to the road layout.
- This proposal is for a small village with a token amount of open space and no sense of community.
- Can the waste water treatment works and schools cope with this level of development?
- The access is onto a busy public road is at a point where vision is limited.

No other representations have been received.

The site has been allocated in the Scottish Borders Finalised Local Plan for residential development and so the principle of housing on this site is accepted by the Council.

The proposal has been amended and the number of houses reduced from 82 originally proposed to 76. The design and materials of the proposed houses are similar to those seen within the other phases of development at Broomlands and are considered to be acceptable. The layout takes into account the topography of the site. Additional areas of open space and woodland planting have been added to the layout. The proposal broadly accords with the Supplementary Planning Guidance for the site.

It is considered that the proposal would not be detrimental to the visual amenities of the area. The residential amenities of occupiers of existing properties would not be affected by the proposal.

The agent advises that connection to the public drainage system has been secured.

A legal agreement would secure the financial contribution towards education facilities and the Waverley Railway Project. Eleven affordable housing units would be provided by Eildon Housing Association adjacent to their existing development. The agreement would also cover the provision and long term maintenance of open spaces and landscaping.

Recommendation

It is recommended that the application be approved subject to the conclusion of a Legal Agreement and subject to the following conditions:-

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.

Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

2. No development shall take place except in strict accordance with a scheme of soft landscaping works for the proposed public open spaces, general amenity spaces and woodland areas, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent long term maintenance.

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

3. Details of all proposed means of enclosure around the site, along pedestrian links and around and between the plots shall be submitted to and approved in writing by the Planning Authority before work on the site is commenced. The development then to be implemented in accordance with the approved scheme
Reason: To enable the proper effective assimilation of the development into its wider surroundings.

4. No development shall take place until a scheme for the provision of public open space and an equipped play area has been submitted to and approved in writing by the Local Planning Authority. The scheme so submitted shall include:
 - i. type and location of play equipment, seating, fences, walls and litter bins
 - ii. surface treatment of the play area
 - iii. proposals for the implementation/phasing of play area in relation to the construction of houses on the site and its long term future maintenance.

Reason: To ensure that proper provision is made for recreational facilities within the site.

5. All works required for the provision of open space and play area shall be completed in accordance with the scheme approved in writing by the Planning Authority.

Reason: To ensure that the development is carried out as approved.

6. The access road, turning areas, visitor parking spaces, footpaths and pedestrian links shown on the approved plans to be completed to the specification of the Planning Authority in accordance with a phasing programme to be submitted to and agreed by the Planning Authority before the development commences.

Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.

7. Two parking spaces, excluding garages, must be provided within each plot to the specification of the Planning Authority before the dwellinghouse is occupied and retained in perpetuity.

Reason: In the interests of road safety.

8. The pedestrian link adjacent to plot 27 to the existing housing and school to the west to be provided to the specification of the Planning Authority within a timescale to be agreed with the Planning Authority before the development commences.

Reason: In the interests of pedestrian safety.

9. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that satisfactory arrangements are made for the disposal of foul water.

10. A SUDS scheme for the site to be submitted to and approved in writing by the Planning Authority before the development commences. The approved scheme then to be implemented as part of the development.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

Applicant Informative

In respect of condition 6, the roads and footways shall require Road Construction Consent. Driver forward visibility around bends and junction visibility splays should relate to a traffic speed of around 20 mph i.e. 33m forward visibility and 2.4m by 33m junction visibility.

In respect of condition 7, all driveways must be a minimum of 6m in length from the rear of the footway/service strip and all driveways must have a maximum gradient of 1 in 12 and be large enough to cater for two vehicles.

The consultation response from SEPA is attached for the information of the applicant.

Julie Hayward
Principal Planning Officer
Recommended on: 25th April 2008

Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@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 100548217-002

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.

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 12 New Houses and associated roads and infrastructure. and repositioning of 5 houses granted under consent ref 06/02027/FUL . This approval has commenced and has planning in perpetuity. Therefore the total number of additional houses being applied for is 12.

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:	Aitken Turnbull Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Aitken	Building Name:	
Last Name: *	Turnbull	Building Number:	9
Telephone Number: *	01896 752760	Address 1 (Street): *	Bridge Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1SN
Email Address: *	admin@aitken-turnbull.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Michael	Building Number:	24
Last Name: *	Ballantyne	Address 1 (Street): *	Shedden Park Road
Company/Organisation	M & J Ballantyne Ltd	Address 2:	
Telephone Number: *		Town/City: *	Kelso
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD5 7AL
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land Adjacent to Waldie Griffiths Drive, East Broomlands. Kelso

Northing

634927

Easting

373594

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1.01

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)

No recent use - it was formerly a field (Agricultural)

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

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

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

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

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

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

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

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

Bin storage areas provided within curtilage of dwellings

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

12

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Aitken Turnbull

On behalf of: M & J Ballantyne Ltd

Date: 29/03/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Aitken Turnbull Architects Aitken Turnbull

Declaration Date: 24/03/2022

Payment Details

Cheque: Pay by Bank transfer, 12345678

Created: 30/03/2022 12:03

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**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Ryan Johnston Roads Planning Technician		ryan.johnston@scotborders.gov.uk 01835 826999
Date of reply	18/03/2023	Consultee reference:	
Planning Application Reference	23/00684/FUL	Case Officer: Euan Calvert	
Applicant	M&J Ballantyne Ltd		
Agent	Aitken Turnbull Architects Ltd		
Proposed Development	Change of use from amenity land to garden ground		
Site Location	Land South Of 58 Waldie Griffiths Drive Kelso Scottish Borders		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description			
Key Issues (Bullet points)			
Assessment	I have no objections to this application		
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions
			<input type="checkbox"/> Further information required
Recommended Conditions			
Recommended Informatives			

Signed: **AJS**

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**Local Review Body – List of Policies
22nd January 2024**

Local Review Reference: 23/00050/RREF

Planning Application Reference: 23/00684/FUL

Development Proposal: Change of use from amenity land to garden ground

Location: 58 Waldie Griffiths Drive, Kelso

Applicant: M&J Ballantyne Ltd

National Planning Framework 4 (NPF4)

Policy 14: Design, Quality and Place

Policy 15: Local Living and 20 minute neighbourhoods

Policy 16: Quality Homes

Policy 20: Blue and Green Infrastructure

Policy 21: Play, recreation and sport

Scottish Borders Local Development Plan 2016 (LDP)

PMD1: Sustainability

PMD2: Quality Standards

EP11: Protection of Greenspace

HD3: Protection of Residential Amenity

Other Material Considerations

Supplementary Planning Guidance on:

- Householder Development (incorporating Privacy and Sunlight Guide) 2006
- Placemaking and Design 2010

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