### **Public Document Pack**



### LOCAL REVIEW BODY MONDAY, 26 FEBRUARY 2024

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS. NEWTOWN ST BOSWELLS on MONDAY, 26 FEBRUARY 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

16 February 2024

		BUSINESS	
1.	Аро	logies for Absence.	
2.	Ord	er of Business.	
3.	Declarations of Interest.  Continuation of review of refusal in respect of the erection of dwellinghouse on Garden Ground of Glenbield, Redpath - 23/00046/RREF		
4.			
	(a)	Notice of Review	(Pages 5 - 56)
		Inlcuding: Decision Notice Officers Report	
	(b)	Papers Referred to in the Officer's Report	(Pages 57 - 58)
	-		
	(c)	Additional Information	(Pages 59 - 74)
	(d)	Additional Information  Consultations Replies	(Pages 59 - 74) (Pages 75 - 82)

		th of 1 Old Edinburgh Road, Eddlest	
	(a)	Notice of Review	(Pages 85 - 98)
		Inlcuding:	
		Decision Notice Officer's report	
	(b)	Papers referred to in the Officer's (Pages 99 - 100)	Report
	(c)	Additional Information (Pages 101 - 102)	
	(d)	Consultation Replies (Pages 103 - 108)	
	(e)	Objections (Pages 109 - 110)	
	(f)	List of Policies (Pages 111 - 112)	
6.	Consider request for review of refusal in respect of the Erection of dwellinghouse o Land Adjacent to Carnlea, Main Street, Heiton - 23/00051/RREF		
	(a)	Notice of Review (Pages 113 - 220) Including:-	
		Decision Notice Officer's Report	
	(b)	Papers Referred to in the Officers (Pages 221 - 236)	Report
	(c)	Further Representations (Pages 237 - 250)	
	(d)	General Comments (Pages 251 - 254)	
	(e)	Additional Information (Pages 255 - 268)	
	(f)	Consultation Replies (Pages 269 - 278)	
	(g)	Objections	

	(h)	List of Policies (Pages 293 - 294)		
7.	Consider request for review of refusal in respect of the Erection of dwellinghouse on Land West of the Garden House, Brieryyards, Hornshole Bridge, Hawick - 23/00052/RREF			
	(a)	Notice of Review Including:-	(Pages 295 - 346)	
		Decision Officer's Report		
	(b)	Paper's referred to in the Officer's Report	(Pages 347 - 348)	
	(c)	Consultation Replies (Pages 349 - 354)		
	(d)	List of Policies (Pages 355 - 356)		
8.	Consider request for review review of refusal in respect of the Erection of dwellinghouse with access and associated works on Land South of Mos Eisley, Teviothead - 23/00053/RREF			
	(a)	Notice of Review (Pages 357 - 434) Including:		
		Decision Notice Officer's Report		
	(b)	Paper's referred to in the Officers Report (Pages 435 - 438)		
	(c)	Consultation Replies (Pages 439 - 448)		
	(d)	Objections (Pages 449 - 462)		
	(e)	List of Policies (Pages 463 - 464)		
9.		sider request for review of refusal in respect of se, Kingsmuir Hall, Bonnington Road, Peebles		
	(a)	Notice of Review (Pages 465 - 506) Including:-		
		Decision Notice Officer's Report		

	(b)	Papers Referred to in the Officers Report (Pages 507 - 558)
	(c)	Additional Information (Pages 559 - 564)
	(d)	Consultation Replies (Pages 565 - 568)
	(e)	List of Policies (Pages 569 - 570)
10.	Any	Other Items Previously Circulated
11.	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



#### 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 Keith Robertson			
Address Almakeni, Redpath, Earlston			
Postcode TD4 6AD			
Contact Telephone 1 Contact Telephone 2 E-mail*			
	Mark this box to confirm all contact should this representative:	be through	
* Do you agree to correspondence regarding your review	being sent by e-mail?	Yes No	
Planning authority Scottish Borders Council			
Planning authority's application reference number 23/01014	4?FUL		
Site address  Garden Ground of Glenbield, Redpath, Earlston.	. TD4 6AD		
Description of proposed development Erection of Dwelling House			
Date of application 6 July 2023 Date of application 6 July 2023	ate of decision (if any) 15 September 2023		

Page 1 of 4

11011	n the date of expiry of the period allowed for determining the application.	
Nat	ure of application	
1.	Application for planning permission (including householder application)	V
2.	Application for planning permission in principle	
3.	Further application (including development that has not yet commenced and where a time limit has beer imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)	
4.	Application for approval of matters specified in conditions	<u></u>
Rea	asons for seeking review (tick one box)	
1.	Refusal of application by appointed officer	V
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	
Rev	riew procedure	
durii the writt	Local Review Body will decide on the procedure to be used to determine your review and may at an ng the review process require that further information or representations be made to enable them to de review. Further information may be required by one or a combination of procedures, su ten submissions; the holding of one or more hearing sessions; and/or inspecting the land which ject of the review case.	termine ich as:
Plea revie	ase indicate what procedure (or combination of procedures) you think is most appropriate for the handling ew. You may tick more than one box if you wish the review to be conducted by a combination of procedure	of your es.
1.	Further written submissions	
2.	One or more hearing sessions	
3.	Site inspection	
4	Assessment of review documents only, with no further procedure	
belie	ou have marked box 1 or 2, please explain here which of the matters (as set out in your statement beloeve ought to be subject of that procedure, and why you consider further submissions or a hearing are necessity.	essary:
Full prov	consideration should be given to previous planning consents within the village of Redpath. No opportunity ided to discuss the application, with the Planning Officer, prior to the application being determined.	y was
Site	inspection	
In th	ne event that the Local Review Body decides to inspect the review site, in your opinion:	
1.	Can the site be viewed entirely from public land?	No.
2	Is it possible for the site to be accessed safely, and without barriers to entry?	
	ere are reasons why you think the Local Review Body would be unable to undertake an unaccompanection, please explain here:	ied site
	Page 2 of 4	

### 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. <u>Note:</u> there will be no opportunity to submit further documents to accompany this notice of review.

opportunity to submit further documents to accompany this notice of review.
Supporting Information Document Photographs of other Dwelling Houses and Dwellling House Extensions within Redpath Village Google Maps Plan to view Dwelling House Developments within Redpath
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 30 - 10 - 2023
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 Application : 23/01014/FUL - Refused Local Review Body Appeal : Supporting Information

#### Introduction

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Keith and Alison have been Redpath residents since 2003.

Nicola Robertson, the couple's daughter, is a single parent, with two daughters, aged 9 and 11 years and has owned Glenbield since May 2017.

#### **Design and Planning Application Considerations**

Policies, 4,7, 14 and 16 of National Planning Framework 4 (NPF4)
Policies EP4 and EP9 of National Planning Framework 4 (NPF4)
PMD2 and PMD5 of Scottish Borders Local Development Plan 2016 (SBLDP2016)
Council's Supplementary Planning Guidance Placemaking and Design 2010 (SPG 2010)

The above policies were considered, in detail, in conjunction with the reasons behind applying for Planning consent.

### **Reasons for Planning Application**

Keith and Alison plan to stay in Redpath and continue to enjoy the particular way of life that the small, conservation village provides. They, also, wish to stay close to Nicola and their granddaughters in order to maintain their strong family bond, together with providing child/youth minding assistance, for Nicola, in her position as a neonatal nurse practitioner at the Borders General Hospital.

Keith and Alison currently live in Almakeni, Redpath. The house and garden are likely to become too onerous in terms of upkeep as the couple are now 68 years and 66 years old respectively.

Building the new dwelling is future proofing themselves against having to move out of the village, while continuing to provide independence and privacy to both them and Nicola.

This was explained to the neighbours who would be directly affected by the new development and other village residents who expressed an interest when advised of the proposed development. There were no objections, to the proposed development, from any resident within the village.

#### **Planning Policy Considerations**

Keith, Alison and Nicola Robertson carefully considered the design of the new build and its positioning on the site, prior to lodging the application. The siting of the building and the ridge height, maintains the linear nature, of the two buildings, in relation to the access road. The new build extends to the rear/south of the site (Similar to the majority of extensions to houses along the south side of the village access road) and seeks to create a degree of symmetry once both properties have been developed as planned.

Please refer to Planning Application 23/00407/FUL - Approved

There are only two, small, frosted windows planned for the west elevation, overlooking the Glenbield property, with rooflights installed to create light within the new build.

Planning Application : 23/010 Local Review Body Appeal : Support

23/01014/FUL – Refused Supporting Information

### Planning Policy Considerations (Continued)

There are wide variations in house design, size and positioning within sites, throughout the village, however, thoughtful consideration was given to the existing house designs and house extensions, erected in recent years, within the village, namely; Harefield House, The Paddocks, Pear Tree Cottage, Ahlon House, Park Cottage, Glenview and Solstice, all on the same, south side of the village access road.

#### Design and Planning Application Considerations (Continued)

Careful consideration was, also, given to the proposed vehicle access and parking area on the proposed, new house, development site.

The objective was to keep the site access to a minimum width and retain as much as possible of the hedge boundary, between the village access road and the proposed development. The frontage, north gable end of the house will only be visible, from the village access road, approaching from the west end of the village. The sub-station and existing hedge blocks the proposed new build from directly in front of the new dwelling.

We believe that two vehicles can be parked within the area provided and manoeuvred in order for both to be turned around within it. To our knowledge, neither the Planning Department or Roads Planning Service representatives have visited the site to confirm whether this is the case or not.

The timber cladding, to the gable end, which would front the access road, was selected as a design affect and we are happy to change this to a cladding that is acceptable for Planning Policy in the area. The Planning Officer did not raise this as a specific issue prior to the Planning Refusal decision.

### House Design, Previous Extension Sizes in Relation to Existing Properties and Site Layout Issues

It is suggested that the following information be considered in conjunction with viewing Google Maps and the attached photographs provided for each property.

The colour coded text addresses the Recommended Refusal clauses as follows;

- 1. Blue (Policy 14 of NPF4) (PMD2 and PMD5 of SBLDP2016) (SPG2010)
- 2. Green (Policy 7&14 of NPF4) PMD2, PMD5 and EP9 of SBLDP2016) (SPG2010)
- 3. Yellow (Policy 7&14 of NPF4) PMD2, PMD5 and EP9 of SBLDP2016) (SPG2010)
- 4. Purple (PMD2 & IS7 of SBLDP 2016)

As you enter the village, the first property, on the south side of the access road, is Harefield House, a substantial, two story, detached property, with a large, 1.5 story, double garage extending to the north of the house. This has a gable end facing the village access road. The entirety of the west and north elevation is clearly visible from the access road. The orientation and layout of this building establishes a precedent for a new build being out of keeping with the established character and pattern of the street scene, resulting in adverse impacts on the character and appearance of the Conservation Area.

See attached photograph

Planning Application : 23/01014/FUL – Refused Local Review Body Appeal : Supporting Information

The second property, The Paddocks, is a single story, detached property, which has had two, substantial extensions erected to the rear of the original dwelling and extends approximately 10 metres beyond the south wall of the original house. These extensions have almost tripled the size of the original property.

The West extension to the building runs approximately 2 metres from and along the line of the boundary fence with the neighbouring property, Cabrachan.

See attached photograph

The third property, Cabrachan is a 1.5 story, detached house, built in a town-like design. See attached photograph

The fourth and fifth properties, Sundial Cottage and Pear Tree Cottage, respectively, are stone built, semi-detached cottages, on the roadside, which were built in the early life of the village. See attached photograph

Pear Tree Cottage has recently had two extensions, erected to the rear / south of the house. These extensions take up a large part of a narrow site and more than double the size of the original, semi-detached building.

The timber cladding, to the west elevation, of the west extension, is clearly visible from the village access road.

See attached photograph

The sixth property, Ahlon House, is a 1.5 story building, with a double garage to the East and North of the house and set at a c45 degree angle to the house. The gable end and garage is clearly visible from the village access road.

See attached photograph

The seventh property, Old Post Office, is situated at the east end of three, single story, stone built, terraced cottages and, as such, is semi-detached. These cottages are on the roadside and were built in the early life of the village.

See attached photograph

The eighth property, Park Cottage, is the terraced cottage as described above, and has had an extension erected, to the rear / south of the original building, which has approximately doubled the size of the original cottage. This is a very narrow site. The east and west facing windows, on the extension, look onto the neighbouring gardens.

See attached photograph

The ninth property, Glenview, is situated at the west end of the row of terraced, roadside cottages. It has had two extensions erected to the rear / south of the property. This a very narrow site. The east and west facing windows, on the extension, look onto the neighbouring gardens.

See attached photograph

The tenth property, Solstice, has a double garage, situated to the east of the house, with the gable end facing towards the village access road. There is approximately 2 -3 metres distance between the house and the garage. This gable end elevation is clearly visible from the village access road. There has been a substantial extension, erected to the rear/south of the original house. See attached photograph

Planning Application : 23/01014/FUL – Refused Local Review Body Appeal : Supporting Information

The eleventh property, Braeside, is the neighbouring house to the east of Glenbield and the proposed new house development. It is a two story house, with its west gable end being approximately 15 metres from the boundary shared with the proposed development. A well established, 2.5 metres tall hedge and a drystone dyke separate the properties. Only one, first floor window looks onto the proposed development in Glenbield. See attached photograph

The twelfth property, Glenbield, is a single story house, with planning consent (23/00407/FUL) to extend upwards and to the rear/south of the house.

The New Build Planning Application (23/01014/FUL) is situated to the east of the house. Detail of the "Design and Planning Application Considerations" is provided under this heading, within this document.

See attached photograph

The thirteenth property, Rowan Cottage, is a single story house and is one of a six house development, built in 2002/03. This house is the west neighbouring property to Glenbield and the properties have a shared, road access, from the village access road to the rear of the properties. See attached photograph

The fourteenth (Birch Cottage) and fifteenth (Chapter Cottage) properties, are two of a six house development. Birch Cottage has a front elevation similar to others in the village access road and Chapter Cottage has a gable end, front elevation to the access road. They are joined by single garages and have off-street parking for one vehicle.

See attached photograph

Planning Application : 23/01014/FUL – Refused Local Review Body Appeal : Supporting Information

#### Summary

The above information provides the rationale to support the appeal against Planning Application 23/01014/FUL - Refusal.

- 1. Sizeable house extensions, on similar, narrow and smaller sites, to that of the subject of this Planning Application, have been erected, in Redpath, in recent years.
- 2. The street scene or frontage to the south of the Village access road presents a very varied picture in relation to the design, size and linear nature of the properties on the south side of the village. The orientation, layout and density of the proposal is in keeping with that already present within other properties in the village.
  The gable end frontage and proximity to Glenbield is replicated in the layout of the Ahlon House property, although this is a substantial garage, not a house. Harefield House, The Paddocks and Chapter Cottage have gable end elevations facing the village access road.
- 3. The design of the proposed house is sympathetic and in keeping with other design characters present in the village. The timber cladded, gable end frontage, to the village access road, seeks to support the introduction of timber cladding to parts of dwelling houses on the south side of the village and the fact that this type of cladding is visible, on the west elevation of Pear Tree Cottage, from the access road. This type of cladding is not a necessity and a cladding, similar to that on Glenbield, is acceptable to the applicant.

  The gable end frontage and proximity to Glenbield is replicated in the layout of the Ahlon House property, although this is a substantial garage, not a house. Harefield House, The Paddocks and Chapter Cottage have gable end elevations facing the village access road.
- 4. The layout, of the proposed parking area, is designed to be sympathetic towards the current and future owners of Glenbield. The west end, car park area boundary has been restricted to keep it from overlapping a bedroom window in Glenbield. It is believed that there is sufficient room, for two, sizeable vehicles to park, manoeuvre and turn within the site. We are happy to demonstrate this to the Roads Planning Service Department.

It is our opinion that thorough consideration of previous planning precedent, within the village, has not been undertaken. We were not offered the opportunity of consultation with the Planning Officer or Roads Planning Service Department, prior to the Planning Application Refusal.

We present the above rationale to support this appeal against the Planning Officer's decision.



## Harefield House Redpath, Earlston TD4 6AD



# The Paddocks Redpath, Earlston TD4 6AD



# Cabrachan Redpath, Earlston TD4 6AD



## Sundial Cottage and Pear Tree Cottage Redpath, Earlston TD4 6AD



# Pear Tree Cottage Redpath, Earlston TD4 6AD



# Pear Tree Cottage Redpath, Earlston TD4 6AD



## Ahlon House Redpath, Earlston TD4 6AD



## Old Post Office, Park Cottage & Glenview Redpath, Earlston TD4 6AD



Solstice Redpath, Earlston TD4 6AD



# Village Access Road Detailing the Trees, Shrubs and Hedging to Front of Braeside and Glenbield Properties Redpath, Earlston TD4 6AD



# Park Cottage Redpath, Earlston TD4 6AD Extension to Rear of Property



# Braeside Redpath, Earlston TD4 6AD



### Braeside Redpath, Earlston TD4 6AD



# Glenbield Redpath, Earlston TD4 6AD Village Access Road and Hedge to Front of Property



# Glenbield Redpath, Earlston TD4 6AD Long established pathway on Glenbield property



## Glenbield & Glenbield Garden Site Redpath, Earlston TD4 6AD



Glenbield
Redpath, Earlston TD4 6AD
Hedge to Front of Glenbield



# Glenbield Redpath, Earlston TD4 6AD View of Glenbield Entrance and Village Access Road from West of Glenbield



## Rowan Cottage Redpath, Earlston TD4 6AD



## Birch Cottage and Chapter Cottage Redpath, Earlston TD4 6AD



### 30 October 2023

Clerk of the Local Review Body Democratic Services Scottish Borders Council Council Headquarters Newtown St.Boswells TD6 0SA Keith Robertson Almakeni Redpath Earlston TD4 6AD

Dear Sir / Madam

## <u>Local Review Body – Notice of Review Application</u> <u>Erection of Dwellinghouse – Garden Ground of Glenbield, Redpath, Earlston. TD4 6AD</u> <u>Planning Application - 23/01014/FUL - Refused</u>

Please find enclosed the following documentation in relation to the above;

- Notice of Review Application Form
- Supporting Information Document 5 Pages
- Photographs 20 in number

I look forward to receiving confirmation that you have the above documentation in your possession and when this review will be considered by the Local Review Body.

If there are any concerns regarding the application, please don't hesitate to contact me on my mobile number or email address provided above.







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 1

100634687-001

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 Application for Approval of Matters specified in conditions.	l of a planning condition etc)
Description of Proposal	
Please describe the proposal including any change of use: * (Max 500 characters)	
Proposed erection of dwelling house as per drawings.	
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

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Agent Details			
Please enter Agent detail	s		
Company/Organisation:	Stuart Davidson Architecture		
Ref. Number:		You must enter a Bu	uilding Name or Number, or both: *
First Name: *	Stuart	Building Name:	Design Studio
Last Name: *	Davidson	Building Number:	32
Telephone Number: *	01750 21792	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Selkirk
Fax Number:		Country: *	Scotland
		Postcode: *	TD7 4DD
Email Address: *	info@stuartdavidsonarchitecture.co.uk		
Is the applicant an individ	lual or an organisation/corporate entity? *		
☐ Individual ☐ Organisation/Corporate entity			
Applicant Det	ails		
Please enter Applicant de	etails		
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *
Other Title:		Building Name:	Glenbield
First Name: *	Keith	Building Number:	
Last Name: *	Robertson	Address 1 (Street): *	Redpath
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Earlston
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	TD4 6AD
Fax Number:			
Email Address: *	info@stuartdavidsonarchitecture.co.uk		

Site Address [	Details		
Planning Authority:	Scottish Borders Council		
Full postal address of the s	site (including postcode where available	e):	_
Address 1:	GLENBIELD		
Address 2:	REDPATH		
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:	EARLSTON		
Post Code:	TD4 6AD		
Please identify/describe the	e location of the site or sites		
Northing 6:	35687	Easting	358189
Dro Annlicatio	n Discussion		
Pre-Applicatio			
	proposal with the planning authority? *		☐ Yes ☒ No
Site Area			
Please state the site area: 757.26			
Please state the measurement type used: Hectares (ha) Square Metres (sq.m)			
Existing Use			
Please describe the curren	t or most recent use: * (Max 500 char	racters)	
Garden grounds to existing dwelling.			
Access and Parking			
Are you proposing a new a	ltered vehicle access to or from a publ	lic 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 acces	s?* Yes 🗵 No
If Yes please show on your drawings the position of any affected areas highlighting the changes you pro arrangements for continuing or alternative public access.	opose to make, including
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	0
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	2
Please show on your drawings the position of existing and proposed parking spaces and identify if these types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	e are for the use of particular
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 be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be submit a Flood Risk Assessment be determined.	
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? *	Ⅺ Yes ☐ No
If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to any are to be cut back or felled.	o the proposal site and indicate if
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)	
Internal recycling + external wheelie bin space.	
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 Fl	oorspace
Does your proposal alter or create non-residential floorspace? *	Yes X 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 *	No □ Don't Know
If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the developant authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for 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 notes before contacting your planning authority.	Help Text and Guidance
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 X No
Certificates and Notices	
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPME PROCEDURE) (SCOTLAND) REGULATION 2013	ENT MANAGEMENT
One Certificate must be completed and submitted along with the application form. This is most usually Certificate B, Certificate C or Certificate E.	ate A, Form 1,
Are you/the applicant the sole owner of ALL the land? *	X 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 Ov	vnership Certificate		
Certificate and Noti Regulations 2013	ce under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)		
Certificate A			
I hereby certify that	-		
lessee under a leas	er than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the se thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at experiod of 21 days ending with the date of the accompanying application.		
(2) - None of the lar	nd to which the application relates constitutes or forms part of an agricultural holding		
Signed:	Stuart Davidson		
On behalf of:	Mr Keith Robertson		
Date:	05/07/2023		
	Please tick here to certify this Certificate. *		
Checklist -	- Application for Planning Permission		
Town and Country	Planning (Scotland) Act 1997		
The Town and Cou	ntry Planning (Development Management Procedure) (Scotland) Regulations 2013		
in support of your a	noments to complete the following checklist in order to ensure that you have provided all the necessary information pplication. Failure to submit sufficient information with your application may result in your application being deemed g authority will not start processing your application until it is valid.		
that effect? *	application where there is a variation of conditions attached to a previous consent, have you provided a statement to  Not applicable to this application		
you provided a stat	cation for planning permission or planning permission in principal where there is a crown interest in the land, have ement to that effect? *  Not applicable to this application		
development belon you provided a Pre-	cation for planning permission, planning permission in principle or a further application and the application is for ging to the categories of national or major development (other than one under Section 42 of the planning Act), have -Application Consultation Report? *  Not applicable to this application		
Town and Country	Planning (Scotland) Act 1997		
The Town and Cou	ntry Planning (Development Management Procedure) (Scotland) Regulations 2013		
major development Management Proce	cation for planning permission and the application relates to development belonging to the categories of national or s and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development edure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *  Not applicable to this application		
to regulation 13. (2) Statement? *	cation for planning permission and relates to development belonging to the category of local developments (subject ) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design		
Yes No No Not applicable to this application			
ICNIRP Declaration	n relates to installation of an antenna to be employed in an electronic communication network, have you provided an ☑ Not applicable to this application		

g) If this is an application for conditions or an application f	planning permission, planning permission in principle, an application for appro for mineral development, have you provided any other plans or drawings as ne	oval of matters specified in ecessary:
Site Layout Plan or Block     Elevations.     Floor plans.     Cross sections.     Roof plan.     Master Plan/Framework     Landscape plan.     Photographs and/or photographs and/or photographs.     Other.	t Plan.	
If Other, please specify: * (N	fax 500 characters)	
Provide copies of the following	ng documents if applicable:	
Drainage/SUDS layout. * A Transport Assessment or Contaminated Land Assessment and Habitat Survey. * A Processing Agreement. * Other Statements (please sp	ent (including proposals for Sustainable Drainage Systems). *  Fravel Plan nent. *  ecify). (Max 500 characters)	☐ Yes ☒ N/A
Declare – For A	pplication to Planning Authority	
	that this is an application to the planning authority as described in this form. The information are provided as a part of this application.	ne accompanying
Declaration Name:	Mr Stuart Davidson	
Declaration Date:	05/07/2023	
Payment Detail	s	
Cheque: Stuart Davidson, (	000000	Created: 05/07/2023 14:34





Mr Keith Robertson per Stuart Davidson Architecture Design Studio 32 High Street Selkirk Scottish Borders TD7 4DD **Please ask** Julie Hayward 01835 825585

8

*Our Ref:* 23/01014/FUL

Your Ref:

**E-Mail:** jhayward2@scotborders.gov.uk

Date: 20th September 2023

Dear Sir/Madam

PLANNING APPLICATION AT Garden Ground Of Glenbield Redpath Earlston Scottish

**Borders** 

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Mr Keith Robertson

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 <a href="https://eplanning.scotborders.gov.uk/online-applications/">https://eplanning.scotborders.gov.uk/online-applications/</a>.

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: 23/01014/FUL

To: Mr Keith Robertson per Stuart Davidson Architecture Design Studio 32 High Street Selkirk Scottish Borders TD7 4DD

With reference to your application validated on **6th July 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development:-

Proposal: Erection of dwellinghouse

at: Garden Ground Of Glenbield Redpath Earlston Scottish Borders

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

Dated 19th September 2023
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

John Hayward Planning & Development Standards Manager



### APPLICATION REFERENCE: 23/01014/FUL

### **Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
P818-PL-LOC2	Location Plan	Refused
P818-PL-005 B	Proposed Plans	Refused

### **REASON FOR REFUSAL**

It is considered that, due to the size of the site and its narrow nature, the proposal would constitute overdevelopment that does not respect the character of the area or existing pattern of development in Redpath. In addition, the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene.

The proposed dwellinghouse is poorly designed and is not the high quality of design and materials required by policies 7 and 14 of National Planning Framework 4 and policies PMD2 and EP9 of the Local Development Plan 2016 and the Supplementary Planning Guidance Placemaking and Design 2010. The proposal would be detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area.

The development proposed would not comply with policies PMD2 and IS7 with regards access safety and parking as the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site.

### **SCHEDULE OF CONDITIONS**

- The proposed development would fail to comply with Policy 14 of National Planning Framework 4 and Policies PMD2 and PMD5 of Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that, due to the small size of the site and its narrow nature, the proposal would constitute overdevelopment that would not respect the character of the area or existing pattern of development in Redpath.
- The proposed development would fail to comply with Policies 7 and 14 of National Planning Framework 4 and Policies PMD2, PMD5 and EP9 of the Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene resulting in adverse impacts on the character and appearance of the Conservation Area.
- The proposed development would fail to comply with Policies 7 and 14 of National Planning Framework 4 and Policies PMD2, PMD5 and EP9 of Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that the proposed dwellinghouse is poorly designed, detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area.
- The proposed development would not comply with Policies PMD2 and IS7 of the Scottish Borders Local Development Plan 2016 in that the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site resulting in vehicular access and parking to the detriment of road safety.



### 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 complete a <u>request for local review</u> 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).

### **SCOTTISH BORDERS COUNCIL**

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

### PART III REPORT (INCORPORATING REPORT OF HANDLING)

**REF**: 23/01014/FUL

APPLICANT: Mr Keith Robertson

AGENT: Stuart Davidson Architecture

**DEVELOPMENT:** Erection of dwellinghouse

LOCATION: Garden Ground Of

Glenbield Redpath Earlston

Scottish Borders

**TYPE:** FUL Application

**REASON FOR DELAY:** 

\_\_\_\_\_\_

#### DRAWING NUMBERS:

Plan Ref Plan Type Plan Status

P818-PL-LOC2 Location Plan Refused P818-PL-005 B Proposed Plans Refused

# NUMBER OF REPRESENTATIONS: 0 SUMMARY OF REPRESENTATIONS:

No representations have been received.

**CONSULTATIONS:** 

Community Council: No response.

Education and Lifelong Learning: No response.

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

Roads Planning Service: Object. Whilst I have no objections to the principle of a dwelling in the garden ground of this property, I have concerns regarding the layout proposed. It is our policy to look for two parking spaces to be provided for new build dwellings such as this and whilst the layout indicates two, I am not satisfied these will operate satisfactorily due to the constrained nature of the layout and site. The bay immediately adjacent to the access has no room for vehicular manoeuvrability due to the adjacent hedging and PU apparatus. The bay in front of the house is in

such a location it is unlikely a car will get into it as shown, the result being it will not allow a second vehicle into the area in front of the access.

Until it can be demonstrated that parking for two vehicles can be accommodated, I will not be able to support the proposal. To provide these bays may require the dwelling to be moved back further into the plot, thus allowing more room at the front to accommodate the parking.

The development proposed does not comply with Policies PMD2 and IS7 with regards access safety and parking.

Heritage and Design Officer: Objects. The site is located in Redpath Conservation Area. Redpath Village Hall is set relatively close to the application site, and is the only Listed Building in the Conservation Area.

The density of development within Redpath Conservation Area varies, although overall it retains a spacious, rural character. High density sections tend to be comprised of row houses/attached properties rather than detached properties. The area is generally characterised by houses set parallel to the street; the few gables fronting the road are garages/ancillary buildings rather than dwellings.

The proposed property is detached and set very close to another detached property in the Conservation Area. It is set at right angles to the road and extends significantly into the plot. The density, layout, form and design of development that would be created would therefore not be characteristic of the Conservation Area.

The area to the front of the property is characterised by high levels of vegetation which give a sylvan and rural character to the Conservation Area. The space available for parking and access to the proposed property would significantly impact this.

A path runs to the side of the property. This path/track is shown on historic maps from at least the first OS map (1843-1882). The width of the track would be reduced by the proposal. The proposed fence and the depth of the property would be apparent in the public realm.

### PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 4: Natural Places

Policy 6: Forestry, Woodland and Trees Policy 7: Historic Assets and Places Policy 14: Design, Quality and Place

Policy 16: Quality Homes

Local Development Plan 2016

PMD1: Sustainability PMD2: Quality Standards PMD5: Infill Development

HD3: Protection of Residential Amenity

EP4: National Scenic Area EP7: Listed Buildings EP9: Conservation Areas

EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions

IS3: Developer Contributions Related to the Borders Railway

IS7: Parking Provisions and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Sustainable Urban Drainage Systems August 2020
Development Contributions 2023
Householder Development (incorporating Privacy and Sunlight Guide) 2006
Placemaking and Design 2010

Recommendation by - Julie Hayward (Lead Planning Officer) on 15th September 2023

Site and Proposal

The site is an area of garden ground associated with Glenbield, a bungalow with rendered walls and tiled roof, situated on the southern side of the main street through Redpath, within the Conservation Area and National Scenic Area. There is a substation in the north eastern corner of the site, a mature hedge along the road frontage and a close boarded fence and a footpath along the eastern boundary within the site.

The proposal is to erect a dwellinghouse on the site. This would be one-and-a-half storey with three bedrooms. The gable end would face the public road and the dwellinghouse would have render and vertical timber boarding for the walls with UPVC windows and doors and a slate roof.

A new access would be formed onto the public road and 2 on-site parking spaces are proposed within the site. One tree would be felled, the banking along the eastern boundary would be partially removed, the ground regraded and the boundary fence would be repositioned further to the east, allowing a 1.8m gap for the route of the public footpath.

Recent Planning History

16/01096/TCA: Works to trees. Approved 12th October 2016.

18/00460/FUL: Alterations to dwellinghouse, replace fencing and erection of garden shed. Approved 5th June 2018.

23/00407/FUL: Alterations and extension to dwellinghouse. Approved 2nd August 2023.

Assessment

Policy Principle

Policy 16 of National Planning Framework 4 encourages the delivery of high quality, affordable and sustainable homes in the right locations.

The application site lies within the Development Boundary of Redpath. In order to establish the principle of development, the proposal must be assessed against Policy PMD5 of the Local Development Plan 2016.

Policy PMD5 states that 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 application site is located within a residential area and so the proposal would be in keeping with the established use and character of the area.

Layout, Siting and Design and Impact on the Conservation Area

Policy 4 of National Planning Framework 4 states that development proposals, which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported. The objectives of designation and the overall integrity of National Scenic Areas will not be compromised.

Policy 7 states that proposals affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting are preserved or enhanced. Relevant considerations

are the architectural historic character of the area and existing density, built form, layout, context, siting, quality of design and suitable materials.

Policy 14 of NPF4 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. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported.

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.

Policy EP9 states that the Council will support development proposals within or adjacent to Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces.

The Council's Supplementary Planning Guidance Placemaking and Design 2010 emphasises that new development must integrate well with the existing pattern of development, build upon the established character of an area and contribute positively to a sense of place.

The Settlement Profile for Redpath within the Local Development Plan states that the character of Redpath is established by its linear layout and countryside setting. The quality of the surrounding countryside is recognised by its inclusion in the National Scenic Area. The Conservation Area incorporates most of the village and part of its surroundings. The village developed in a linear form between 2 farms at the east and west ends of the village and is characterised by rows of traditional cottages and more recent housing development on larger plots. The village hall is a category C Listed Building.

The density of development within Redpath varies, from traditional cottages to more modern housing. The houses are single, one-and-a-half and two storey of traditional materials of whin and sandstone, harl and slate with timber, sash and case windows in the traditional properties.

The village retains a spacious, rural character. High density sections tend to be comprised of row houses/attached properties rather than detached properties. The village is generally characterised by houses set parallel to the street; the few gables fronting the road are garages/ancillary buildings rather than dwellings.

The proposal is to erect a detached dwellinghouse to the east of the existing house. This would have the gable end to the public road with a similar building line to Glenbield and extending significantly back into the narrow plot.

The proposed house would be sited 2m from the side elevation of Glenbield and between 2.5m and 3m from the fence on the eastern/side boundary. The sub-station and footpath take up a significant portion of the front and side of the plot.

This is considered to be a small and narrow plot (757 square metres), when compared to house and plot ratios elsewhere in the village, out of keeping with the character of the Conservation Area. The size of the site means that the proposed dwellinghouse would be positioned close to the boundary with the existing house to the west. This would result in an uncomfortable relationship with the existing house.

It is considered that, due to the size of the site and its narrow nature, the proposal would constitute overdevelopment that does not respect the character of the area or existing density and pattern of development in Redpath. In addition, the orientation and layout of the proposal, with the gable fronting the road, would be out of keeping with the established character and pattern of the street scene.

In respect of the design of the proposed dwellinghouse, this is lacking in architectural merit and interest and is not the high quality of design required by policies 14, PMD2 and EP9 and the Supplementary Planning Guidance Placemaking and Design 2010. In particular, the timber clad gable that would front the road would be not respect the character of the Conservation Area, as the few gables fronting the road are garages/ancillary buildings rather than dwellinghouses. The proposal would not enhance the character or appearance of the Conservation Area. However, as the principle of residential development on this site cannot be accepted, discussions have not taken place with the agent to secure an improved design and orientation; the narrow nature of the plot may be a challenge in this respect.

Policy 7 of NPF 4 states that development proposals in Conservation Areas should ensure that existing natural and built features that contribute to the character of the Conservation Area and its setting, including boundary walls, trees and hedges are retained. The area to the front of the property is characterised by high levels of vegetation, which give a sylvan and rural character to the Conservation Area. The space required for parking and the vehicular access to the proposed property would significantly impact this.

A path runs to the side of the property. This path/track is shown on historic maps from at least the first OS map (1843-1882). The width of the track would be reduced by the proposal. The proposed fence and the depth of the property would be apparent in the public realm.

The proposal therefore fails to comply with policies 7 and 14 of National Planning Framework 4 and PMD2, PMD5 and EP9 and Supplementary Planning Guidance Placemaking and Design 2010.

Impact on Residential amenity

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

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

The proposed dwelling would be 2m from the side elevation of the existing house, which would result in an uncomfortable relationship between the two properties. The windows proposed for the side elevation would be to a shower room and utility room, so not habitable rooms; it is accepted that there would be no overlooking or loss of privacy to Glenbield.

There are no windows in the side elevation of Glenbield but bedroom windows in the rear elevation. In applying the 45 degree rule, the new dwellinghouse would encroach beyond the horizontal 45 degree line, suggesting a loss of daylight to the closest bedroom window. However, it is accepted that the owner of Glenbield is the applicant and so this would not constitute a reason for refusal.

There would be no loss of privacy or light to Braeside to the east.

### Trees

Policy 6 of NPF 4 supports proposals that enhance, expand and improve woodland and tree cover. Development will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high diversity value or identified for protection in the Forestry and Woodland Strategy.

EP13 seeks to protect trees from development.

The trees within the site are protected by the Conservation Area status. One tree would be felled to accommodate the development. No details of the tree, its species or health have been provided to assess its contribution to the character of the Conservation Area.

Access, Parking and Road Safety

Policy PMD2 aims to ensure that there is no adverse impact on road safety, including but not limited to the site access. In addition, Policy IS7 states that development proposals should provide car parking in accordance with the approved standards.

Vehicular access to the site would be taken from the public road to the north. Two on-site parking spaces are proposed.

The Roads Planning Service has concerns regarding the layout and car parking proposed as the parking would not operate satisfactorily due to the constrained nature of the layout and site. The bay immediately adjacent to the access has no room for vehicular manoeuvrability due to the adjacent hedging and substation; the bay in front of the dwellinghouse is in such a location it is unlikely a car will get into it as shown, the result being it will not allow a second vehicle into the area in front of the access.

The Roads Planning Service therefore cannot support the proposal. The parking layout as proposed emphasises the cramped nature and overdevelopment of the site.

The development proposed does not comply with policies PMD2 and IS7 with regards access safety and parking.

#### Services

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

The proposed dwellinghouse would be connected to the public water supply network and public drainage network. No details of the surface water drainage have been provided.

The proposed servicing for the development would be acceptable in principle and the precise details for drainage would be agreed at the Building Warrant stage. Conditions would be required to ensure that the proposed development is serviced as specified and to secure details of surface water drainage, which should be to a SUDS.

There would be space within the application site to store refuse bins.

#### **Developer Contributions**

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

Developer contributions are required towards the Borders railway (£2,587) education (Earlston Primary School: £3,349 and Earlston High School: £4,709) and would be secured by way of a legal agreement, should the application be approved.

### Conclusion

It is considered that, due to the size of the site and its narrow nature, the proposal would constitute overdevelopment that does not respect the character of the area or existing pattern of development in Redpath. In addition, the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene.

The proposed dwellinghouse is poorly designed and is not the high quality of design and materials required by policies 7 and 14 of National Planning Framework 4 and policies PMD2 and EP9 of the Local Development Plan 2016 and the Supplementary Planning Guidance Placemaking and Design 2010. The proposal would be detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area.

The development proposed would not comply with policies PMD2 and IS7 with regards access safety and parking as the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site.

There are no material planning considerations which suggest that housing development in this location would be acceptable and there are no known extenuating circumstances of other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016.

#### **REASON FOR DECISION:**

It is considered that, due to the size of the site and its narrow nature, the proposal would constitute overdevelopment that does not respect the character of the area or existing pattern of development in Redpath. In addition, the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene.

The proposed dwellinghouse is poorly designed and is not the high quality of design and materials required by policies 7 and 14 of National Planning Framework 4 and policies PMD2 and EP9 of the Local Development Plan 2016 and the Supplementary Planning Guidance Placemaking and Design 2010. The proposal would be detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area.

The development proposed would not comply with policies PMD2 and IS7 with regards access safety and parking as the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site.

### Recommendation: Refused

- The proposed development would fail to comply with Policy 14 of National Planning Framework 4 and Policies PMD2 and PMD5 of Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that, due to the small size of the site and its narrow nature, the proposal would constitute overdevelopment that would not respect the character of the area or existing pattern of development in Redpath.
- The proposed development would fail to comply with Policies 7 and 14 of National Planning Framework 4 and Policies PMD2, PMD5 and EP9 of the Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene resulting in adverse impacts on the character and appearance of the Conservation Area.
- The proposed development would fail to comply with Policies 7 and 14 of National Planning Framework 4 and Policies PMD2, PMD5 and EP9 of Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that the proposed dwellinghouse is poorly designed, detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area.

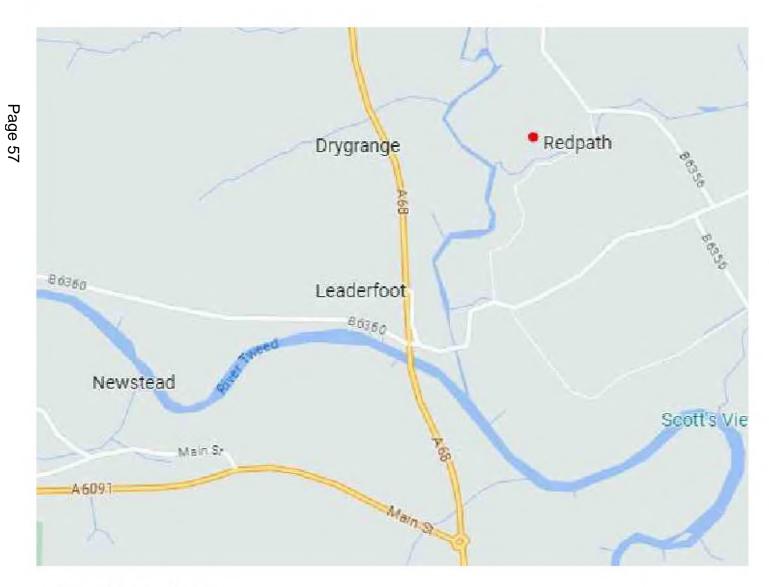
The proposed development would not comply with Policies PMD2 and IS7 of the Scottish Borders Local Development Plan 2016 in that the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site resulting in vehicular access and parking to the detriment of road safety.

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

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

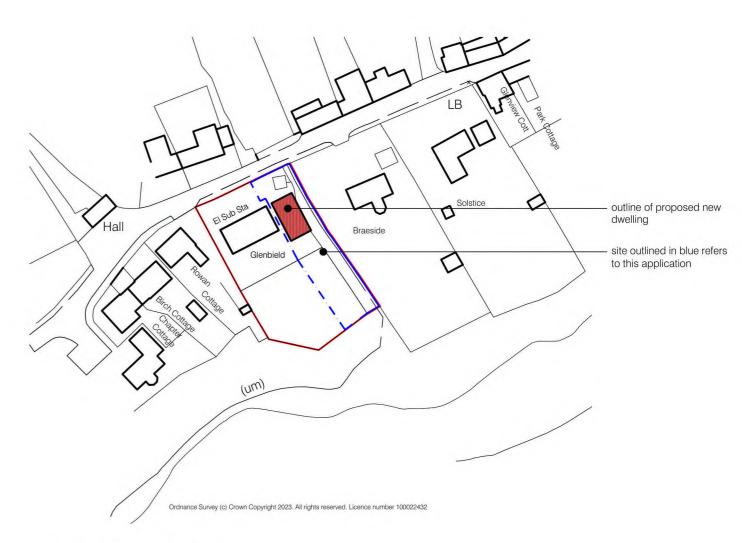
## **REFUSED**

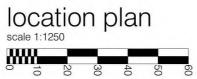
subject to the requirements of the associated Decision Notice



# location plan

red dot denotes location of site referred to in application in relation to closest A + B roads







Mr K Robertson

Proposed New Dwelling on garden ground at Glenbield, Redpath

Location Plan

status:		scale @ A	A3:
	planning		as shown
date:		drawn:	
	june 2023		fc

P818-PL-LOC2 -



### Agenda Item 4c



Mr Keith Robertson
per Stuart Davidson Architecture
Design Studio
32 High Street
Selkirk
Scottish Borders
TD7 4DD

Please ask for: Julie Hayward 01835 825585

*Our Ref:* 23/00407/FUL

Your Ref:

E-Mail: jhayward2@scotborders.gov.uk

Date: 3rd August 2023

Dear Sir/Madam

PLANNING APPLICATION AT Glenbield Redpath Earlston Scottish Borders TD4 6AD

PROPOSED DEVELOPMENT: Alterations and extension to dwellinghouse

APPLICANT: Mr Keith Robertson

Please find attached the decision notice for the above application.

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager



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

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

**Application for Planning Permission** 

Reference: 23/00407/FUL

To: Mr Keith Robertson per Stuart Davidson Architecture Design Studio 32 High Street Selkirk Scottish Borders TD7 4DD

With reference to your application validated on **16th March 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development:-

Proposal: Alterations and extension to dwellinghouse

at: Glenbield Redpath Earlston Scottish Borders TD4 6AD

Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), subject to the conditions attached to the following schedule for the reasons stated.

Dated 2nd August 2023
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

John Hayward Planning & Development Standards Manager



### **APPLICATION REFERENCE: 23/00407/FUL**

### **Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
P818-PL-LOC	Location Plan	Approved
P818-PL-003	Existing Plans	Approved
P818-PL-001 D	Proposed Plans	Approved

### **REASON FOR DECISION**

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Statutory Development Plan and there are no material considerations that would justify a departure from these provisions.

### **SCHEDULE OF CONDITIONS**

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  - Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority. Reason: To ensure that the development is carried out in accordance with the approved details.
- 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, windows, doors and roof of the extension and materials for the walls and roof for the existing dwellinghouse 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: To safeguard the character and appearance of the Conservation Area.

### FOR THE INFORMATION OF THE APPLICANT

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

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

Monday-Friday 0700-1900

Saturday 0800-1300

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



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

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

### **Notice of Initiation of Development**

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

### **Notice of Completion of Development**

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

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

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD Susiephone System – **0800 800 333** 

### There are a number of risks created by built over gas mains and services; these are:

- Pipework loading pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings pipework proximity increases risk of gas entry in buildings. Leaks
  arising from previous external pipework able to track directly into main building from
  unsealed entry.
- Occupier safety lack or no fire resistance of pipework, fittings, or meter installation.
   Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:



- Check your proposals against the information held at <a href="https://www.linesearchbeforeudig.co.uk/">https://www.linesearchbeforeudig.co.uk/</a> to assess any risk associated with your development and
- 2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights
the importance of working safely near gas pipelines, giving clear guidance on what to do and
who to contact before starting any work <a href="https://www.sgn.co.uk/damage-prevention">https://www.sgn.co.uk/damage-prevention</a>

Further information can also be found here https://www.sgn.co.uk/help-and-advice/digging-safely

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

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



### SCOTTISH BORDERS COUNCIL

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

### PART III REPORT (INCORPORATING REPORT OF HANDLING)

**REF**: 23/00407/FUL

APPLICANT: Mr Keith Robertson

**AGENT:** Stuart Davidson Architecture

**DEVELOPMENT:** Alterations and extension to dwellinghouse

LOCATION: Glenbield

Redpath Earlston

Scottish Borders

TD4 6AD

**TYPE:** FUL Application

**REASON FOR DELAY:** 

### **DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
P818-PL-LOC	Location Plan	Approved
P818-PL-003	Existing Plans	Approved
P818-PL-001 D	Proposed Plans	Approved

# NUMBER OF REPRESENTATIONS: 0 SUMMARY OF REPRESENTATIONS:

No representations have been received.

### CONSULTATIONS:

Berwickshire Civic Society: No view on the alterations described in this application to renovate a dwelling of little or no architectural or historic merit.

Community Council: No response.

Roads Planning Service: Whilst I have no problem with the alterations to the existing dwelling, I have some concerns regarding the annex element of the proposal. If the annex element is to be utilised for accommodation purposes not related to the family/owner of the main dwelling, I would require details of how the applicant proposes to accommodate parking for both properties. The street outside is restricted in width and there is limited opportunity for parking outwith property curtilages along the street. A condition is recommended that the annex must be tied to the existing dwelling and its use limited to that of ancillary to the main dwelling, not as a separate dwelling or holiday let.

### PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 4: Natural Places

Policy 7: Historic Assets and Places Policy 14: Design, Quality and Place

Local Development Plan 2016

PMD1: Sustainability PMD2: Quality Standards

HD3: Protection of Residential Amenity

EP4: National Scenic Areas EP9: Conservation Areas

Supplementary Planning Guidance:

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

### Recommendation by - Julie Hayward (Lead Planning Officer) on 1st August 2023

### Site and Proposal

The application relates to a modern, detached, single storey dwellinghouse situated within the Conservation Area and National Scenic Area. There is an electricity sub-station in the north eastern corner of the property and a footpath runs adjacent to the north eastern boundary.

The proposal is to remove the roof of the existing house and form a replacement roof with a higher ridgeline, roof lights and replacement chimney to provide first floor accommodation (3 bedrooms, en-suite and shower). The roof would be slate.

An extension would be erected on the rear elevation (4.2m by 4.2m) to provide a lounge. This would have vertical timber clad walls and a fibreglass flat roof.

A separate, one-and-a-half storey building would be erected to the east of the house to provide ancillary accommodation including a kitchen, lounge, two bedrooms, a utility room and shower at ground floor level and a bedroom and bathroom at first floor level. The ground would be re-graded to provide a level surface and one tree would be felled. The walls would be rendered and clad in vertical timber boarding.

### Assessment

There are no issues with the raising of the roof or proposed extension to the existing house. The property is a bungalow of little architectural merit. The extension would be sited to the rear and the scale, design and materials are considered to be acceptable. The proposals would not harm the character of the Conservation Area or special qualities of the National Scenic Area. There are no concerns regarding impacts on the light or privacy of neighbouring properties.

The proposed annex would have a large footprint (7.5m by 14m), which would be only slightly smaller than the existing house (7.5m by 15m). The accommodation would be on 2 floors and the ridge height would be 1m higher than the existing house and 250mm lower than the proposed ridge height. This would not read as ancillary accommodation, subservient in scale; the development would be of a scale that could be used as a separate dwellinghouse or holiday accommodation.

The agent was advised of these concerns and a revised drawing has been submitted that omits the annex accommodation. The application can now be supported.

The proposal would not result in a loss of on-site parking. No trees would be felled.

### **REASON FOR DECISION:**

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Statutory Development Plan and there are no material considerations that would justify a departure from these provisions.

### **Recommendation:** Approved subject to conditions

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as
  - amended.
- The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.

  Reason: To ensure that the development is carried out in accordance with the approved details.
- 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, windows, doors and roof of the extension and materials for the walls and roof for the existing dwellinghouse 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: To safeguard the character and appearance of the Conservation Area.

<sup>&</sup>quot;Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling".





### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission Reference: 18/00460/FUL

To: Nicola Robertson Glenbield Redpath Earlston Scottish Borders TD4 6AD

With reference to your application validated on **18th April 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development:-

Proposal: Alterations to dwellinghouse, replace fencing and erection of garden shed

at: Glenbield Redpath Earlston Scottish Borders TD4 6AD

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

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

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

Dated 5th June 2018
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Depute Chief Planning Officer

Signed



### APPLICATION REFERENCE: 18/00460/FUL

### Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
1	Site Plan	Approved
2	Site Plan	Approved
3	Site Plan	Approved
4	Floor Plans	Approved
5	Elevations	Approved
6	Photos	Approved
7	Photos	Approved

### REASON FOR DECISION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

### SCHEDULE OF CONDITIONS

- The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority. Reason: To ensure that the development is carried out in accordance with the approved details.
- The precise colour of the window frames and external doors to be submitted to and approved in writing by the Planning Authority before the replacement windows and doors are installed. The windows and doors then to be installed in accordance with the approved colour.

Reason: To protect the character of the Conservation Area.

### FOR THE INFORMATION OF THE APPLICANT

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

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

Monday-Friday 0700-1900 Saturday 0800-1300

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

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

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

### Notice of Initiation of Development



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

### Notice of Completion of Development

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

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

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose,

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD Susiephone System – **0800 800 333** 

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

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 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.



## lan Aikman Chief Planning Officer

12 October 2016

Mr W. Kerr	Please ask for:	Simon Wilkinson
Millmount	Our Ref:	PF3 1.1
Melrose	Your Ref:	
TD6 9BZ	E-Mail:	swilkinson@scotborders.gov.uk

Date:

Dear Mr Kerr,

### Trees in Conservation Area, Glenbield, Redpath

I can confirm I have no objections to the proposed tree works including removal of Cypress and Spruce. While an overdue operation improved light levels will suit the ground and allow proactive management.

All works to BS3998:2010, if you have any queries I can be contacted at Council HQ.

Yours sincerely,

Simon Wilkinson



Friday, 21 July 2023



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

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - <u>DevelopmentOperations@scottishwater.co.uk</u>
www.scottishwater.co.uk



Dear Customer,

Garden Ground Of Glenbield, Redpath, Earlston, TD4 6AD

Planning Ref: 23/01014/FUL Our Ref: DSCAS-0090961-GYG

**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.

#### **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 <u>our</u> <u>Customer Portal</u>.

# **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 <u>our Customer Portal</u> 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 <a href="https://www.scotlandontap.gov.uk">www.scotlandontap.gov.uk</a>

#### ▶ 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 launderettes. 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 <a href="https://example.co.uk.nih.gov/">hete</a>.
- 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 <a href="https://www.resourceefficientscotland.com">www.resourceefficientscotland.com</a>

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."

# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	SR Heritage & Design Officer			
	Tiertage & Design Officer			
	02/02/02			
Date of reply	03/08/23			
Planning Application Reference	23/01014/FUL	Case Officer: JH		
Proposed Development	Erection of dwellinghouse			
Site Location	Garden Ground of Glenbield, Redpath	1		
The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee and on the basis of the information provided. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.				
Background and Site description	The site is located in Redpath Conservation Area. Redpath Village Hall is set relatively close to the application site, and is the only listed building in the conservation area.			
Principal Issues	The principal legislative and policy considerations from a heritage perspective in			
(not exhaustive)	this case are;			
	<ul> <li>Section 64 of the Planning (Listed Buildings and Conservation Areas)         (Scotland) Act 1997 requires that local planning authorities ensure that,         "special attention shall be paid to the desirability of preserving or         enhancing the character or appearance" of any buildings or other land in         a conservation area in fulfilling its planning functions.</li> <li>Scotland's rich heritage, culture and outstanding environment are         national assets which support our economy, identity, health and         wellbeing (NPF4).</li> <li>Policy 7 of the NPF4 seeks to protect and enhance historic environment         assets and places, and to enable positive change as a catalyst for the         regeneration of places. It recognises the social, environmental and         economic value of the historic environment, to our economy and cultural         identity.</li> <li>Policy 7 (a) indicates that proposals should be informed by national policy         and guidance on managing change in the historic environment. The         Managing Change documents are available from Historic Environment         <u>Scotland's website</u>.</li> <li>Part (d) indicates that proposals in or affecting conservation areas will         only be supported where the character of appearance of the conservation         area and its setting is preserved or enhanced. Relevant considerations         include the: architectural and historic character of the area; existing         density, built form and layout; and context and siting, quality of design         and suitable materials.</li> <li>Historic Environment Policy for Scotland sets out a series of principles and         policies for the recognition, care and sustainable management of the         historic environment. Relevant policies include:         <ul> <li>HEP4: Changes to specific assets and their context should be               managed in a way that protects the historic environment.</li> </ul> </li> <li>Opportuniti</li></ul>			

appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place. The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes (Policy EP9). Design Statements will be required for all applications for alterations, extensions, or for demolition and replacement which should explain and illustrate the design principles and design concepts of the proposals (Policy EP9). Therefore, the principal consideration(s) from a heritage perspective from this case are; Whether the proposed works would preserve or enhance the historic character and appearance of the Conservation Area The density of development within Redpath conservation area varies, although **Assessment** overall it retains a spacious, rural character. High density sections tend to be comprised of row houses / attached properties rather than detached properties. The area is generally characterised by houses set parallel to the street; the few gables fronting the road are garages/ancillary buildings rather than dwellings. The proposed property is detached and set very close to another detached property in the conservation area. It is set at right angles to the road and extends significantly into the plot. The density, layout, form and design of development that would be created would therefore not be characteristic of the conservation area. The area to the front of the property is characterised by high levels of vegetation which give a sylvan and rural character to the conservation area. The space available for parking and necessary access to the proposed property would significantly impact this. A path runs to the side of the property. This path/track is shown on historic maps from at least the first OS map (1843-1882). The width of the track would be reduced by the proposal. The proposed fence and the depth of the property would be apparent in the public realm. Recommendation **⊠** Object ☐ Do not object ☐ Do not object, ☐ Further information subject to conditions required Recommended **Conditions** 

Recommended	
Informatives	



# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Alan Scott Senior Roads Planning Officer	ascott@scotborders.gov.uk 01835 826640	
Date of reply	24 <sup>th</sup> August 2023	Consultee reference:	
Planning Application Reference	23/01014/FUL	Case Officer: Julie Hayward	
Applicant	Mr K Robertson		
Agent	Stuart Davidson Architectucre		
Proposed Development	Erection of dwelling		
Site Location	Glenbield, Redpath		
The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.			
Background and Site description			
Key Issues (Bullet points)			
Assessment	Whilst I have no objections o the principle of a dwelling in the garden ground of this property, I have concerns regarding the layout proposed. It is our policy to look for two parking spaces to be provided for new build dwellings such as this and whilst the layout indicates two, I am not satisfied these will operate satisfactorily due to the constrained nature of the layout and site. The bay immediately adjacent to the access has no room for vehicular manoeuvrability due to the adjacent hedging and PU apparatus. The bay in front of the house is in such a location it is unlikely a car will get into it as shown, the result being it will not allow a second vehicle into the area in front of the access.  Until it can be demonstrated that parking for two vehicles can be accommodated, I will not be able to support the proposal. To provide these bays may require the dwelling to be moved back further into the plot, thus allowing more room at the front to accommodate the parking.		
Recommendation	Object Do not object su	Do not object, Specification Further information required	
Reason for refusal		comply with Policies PMD2 and IS7 with	

Signed: DJI



# Local Review Body – List of Policies 18th December 2023

Local Review Reference: 23/00046/RREF Planning Application Reference: 23/01014/FUL Development Proposal: Erection of dwellinghouse Location: Garden Ground of Glenbield, Redpath

**Applicant:** Mr Keith Robertson

#### **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 16: Quality Homes

## Scottish Borders Local Development Plan 2016 (LDP)

PMD1: Sustainability PMD2: Quality Standards PMD5: Infill Development

HD3: Protection of Residential Amenity

EP4: National Scenic Area EP7: Listed Buildings EP9: Conservation Areas

EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions

IS3: Developer Contributions Related to the Borders Railway

IS7: Parking Provisions and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

#### **Other Material Considerations**

Supplementary Planning Guidance on:

- Sustainable Urban Drainage Systems August 2020
- Development Contributions 2023
- Householder Development (incorporating Privacy and Sunlight Guide) 2006
- Placemaking and Design 2010
- Trees and Development 2008
- Waste Management 2015



#### **SCOTTISH BORDERS COUNCIL**

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

#### PART III REPORT (INCORPORATING REPORT OF HANDLING)

**REF:** 23/00844/FUL

APPLICANT: Mr Francis Gilhooley

AGENT: James Moir

**DEVELOPMENT:** Erection of dwellinghouse

**LOCATION:** Land South Of

1 Old Edinburgh Road

Eddleston Scottish Borders

TYPE: FUL Application

**REASON FOR DELAY:** 

#### **DRAWING NUMBERS:**

Plan Ref Plan Type Plan Status

01 Proposed Plans, Sections & Elevations Refused

**NUMBER OF REPRESENTATIONS: 1 SUMMARY OF REPRESENTATIONS:** 

One representation received. That was an objection and the material grounds can be summarised as follows: impact on infrastructure; parking; visual impact; privacy. Consultation responses received from: Roads - further information required; Scottish Water - no objection.

#### PLANNING CONSIDERATIONS AND POLICIES:

In determining the application, the following policies and guidance were taken into consideration:

Scottish Borders Local Development Plan 2016

PMD2 - Quality standards

PMD5 - Infill developments

HD3 - Protection of residential amenity

EP13 - Trees, woodlands and hedgerows

IS2 - Developer contributions

IS7 - Parking provision and standards

IS9 - Waste water treatment standards and sustainable urban drainage

NPF4

Policy 3 - Biodiversity

Policy 6 - Forestry, woodland and trees

Policy 9 - Brownfield, vacant and derelict land and empty buildings

Policy 14 - Design, quality and place

Policy 16 - Quality homes

Policy 18 - Infrastructure first

Policy 22 - Flood risk and water management

Supplementary Planning Guidance:

Development contributions; Placemaking and design; Privacy and sunlight guide; Sustainable urban drainage systems; Trees and development; Waste management.

#### Recommendation by - Ranald Dods (Planning Officer) on 8th August 2023

#### Site and proposal

The site site lies immediately to the east of Old Edinburgh Road in Eddleston and there is currently a stone dyke, approximately 900mm high between the site and the road surface, although vegetation and detritus has led to an apparent reduction in that height. It is approximately 8m wide at its narrowest, broadening out to a maximum of about 8.8m. From front to back the site measures 21.5m and in total, the area is a little over 180sqm. A mature tree, which is one of a number lining Old Edinburgh Road, appears to lie adjacent to the common boundary with the garden of the property to the south (numbers 15 and 19 Bellfield Road). To the north lies the garden of 1 Old Edinburgh Road, with that house being approximately 26.5m from the boundary.

The site slopes upwards approx 2.8m from front to rear, and has approx 5 very large mature conifers conifers directly behind the site on the East, rising to a height approx 11m higher than the entry point to the site.

In determining the application, the following factors were considered:

#### Planning history

There is no specific planning history associated with the site but it appears to have been part of 21 Bellfield Road. A permission was granted in January 2007 for alterations to that property (reference 06/01451/FUL). A pre-application enquiry (reference 20/00777/PREAPP) was made for the development of the site under consideration. Far from being "supportive" as stated in the current application form, the pre-application response concluded that "Whilst it may be physically possible to fit a house onto the site, I have concerns... about the quality of development that would result in terms of amenity, privacy, cramming and I also have severe reservations about being able to develop a house on this site without serious damage to or loss of the tree at the roadside".

To take a single comment from the pre-application in this manor gives a slanted view of the evaluation given in the pre-application as a whole.

Also, there are very clear criteria set out in the pre-application which our design and objective clearly and confidently ticks every box.

Here are the criteria...

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

Our proposal complies with every one of these policy items.

#### **Policy**

The key LDP policies against which this proposal is assessed are PMD2, quality standards and PMD5, infill developments. In terms of NPF4, key is policy 14, design, quality and place. As set out below, the proposal does not comply fully with the terms of these key policies.

This is misleading and very unfair. Ranald is completely mis-representing the specific reason for the policy. The general drive of NPF4 Policy 14 is clear, and is specifically to try and improve the locality, with a drive to achieve more sustainable, local user friendly, community based developments. By filling in this gap plot on the Old Edinburgh Road with our proposed sustainable, solar powered development we will:

- 1. Take full advantage of the annual 1650 hours of usable local solar in this area.
- 2. Charge our 2 electric vehicles using 100% solar power with the south facing apex covered in solar panels.
- 3. Provide substantial garden vegetable growing areas to maximise food sustainability.

- 4. Ensure our children can hop on the local school bus some 200 yards from our door.
- 5. Ensure with the new local fibre optic cable recently installed, Mrs Gilhooley can work from home, maximising sustainable use of the property.
- 6. Mr Gilhooley can teach clients from home, instead of having to rent space elsewhere to teach. This again maximises the sustainable use of the property compared to travel and other property rent.
- 7. In addition, using from a rural location, we will be able to regularly support the local restaurants The Horse Shoe and The Scots Pine and The Barony Castle, as well using the local membership Gym at The Barony Castle Hotel, all part of the drive for localising living in Policy 14.
- 8. The vast improvement the proposed development would provide in comparison to the current form of this somewhat abandoned land
- 9. As a family of cyclists, from this development we can also use the new cycle path from Eddleston to Peebles, frequenting The Cringletie Hotel & Restaurant, and all of the services in Peebles and beyond to Innerleithen by cycling. This is taking full advantage of the joined up community thinking and cycle path developments in the locality.
- 10. As a family who have lived in the area for over 20 years, we would be moving in from some distance in the nearby hills, completely changing our lives in a positive way, contributing to the local community, whilst also enhancing the local community, and living a vastly more sustainable lifestyle.

Here is the actual POLICY INTENT. You will see our proposal absolutely complies with policy 14 intent.

#### **Policy 14 Intent:**

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

#### **Policy Outcomes:**

- Places are planned to improve local living in a way that reflects local circumstances.
- A network of high-quality, accessible, mixed-use neighbourhoods which support health and wellbeing, reduce inequalities and are resilient to the effects of climate change.
- New and existing communities are planned together with homes and the key local infrastructure including schools, community centres, local shops, green-spaces, health and social care, digital and sustainable transport links.

#### **Local Development Plans:**

LDPs should support local living, including 20 minute neighbourhoods within settlements, through the spatial strategy, associated site briefs and masterplans. The approach should take into account the local context, consider the varying settlement patterns and reflect the particular characteristics and challenges faced by each place. Communities and businesses will have an important role to play in informing this, helping to strengthen local living through their engagement with the planning system.

In conclusion of this section, for your planner Ranald Dods to attempt to convey that this development is at odds with Policy 14 is gravely concerning. What is the reason for a planner for Borders council to actively warp the very purpose of a policy, and create a barrier when there is none?

The placemaking and design criteria set out in policy PMD2, amongst other things, require that a proposal: creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles, whilst not excluding appropriate contemporary and/or innovative design; is of a scale, massing and height appropriate to its surroundings; is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality; is compatible with and respects the character of the surrounding area and neighbouring built form.

There are 6 drastically different house designs within 50 metres of this plot.

Here they are... every one of them completely different designs, completely different windows, completely different roofs, completely cladding, completely different paving.



This is why we have chosen a design that should use the best aspects of all, but with a minimalistic approach.



Our application tries to fit in with the general feel of the area, and aims to neatly nestle in to the surrounding area offering privacy and sustainability, with no aggressive feature designs to invoke negative neighbour responses. The drawing were sent personally by Mr Gilhooley to the closest 8 properties before submitting the plans, asking that any objections would be welcomed personally, so Mr Gilhooley could have opportunity to re-design in early course, to attempt to satisfy all neighbours. No Neighbours responded negatively to this effort.

Policy PMD5 sets out the criteria against which development on non-allocated, infill or windfall sites will be assessed. Amongst those is a requirement that a development does not detract from the character and amenity of the surrounding area, respects the scale, form, design, materials and density in context of its surroundings; that adequate access and servicing can be achieved, particularly taking account of water and drainage; it does not result in a significant loss of privacy to adjoining properties and; can be satisfactorily accommodated within the site.

We believe we comply with each of the requirements of PMD5. This is PMD5 below...

#### **POLICY PMD5: INFILL DEVELOPMENT**

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

- 1. where relevant, it does not conflict with the established land use of the area.
- 2. it does not detract from the character and amenity of the surrounding area.
- 3. the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or town and village cramming.
- 4. it respects the scale, form, design, materials and density in context of its surroundings.
- 5. adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity.
- 6. it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.
- 7 All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide Design Statements as appropriate

Our development does not conflict with the localised land usage.

Our development has been designed to mimic aspects of the character of the local buildings, all of which are completely different.

The building can in no way be deemed as to be unsustainable by the local infrastructure, and with two more similar areas adjacent cannot be deemed as cramming. We are building on less than 45% of the plot size. This cannot be deemed cramming.

The design shape is similar to the house immediately to the South. The materials used are in sympathy to the other houses within sight to the north.

Adequate access, in particular consideration of water and drainage and schooling is fine.

There is no sunlight diminish caused by over shadowing.

There is no diminished privacy by Overlooking, as we do not overlook any properties.

The mature sized conifers on our East boundary offer considerable privacy to our development from the houses above, making our property more private than the adjacent low lying neighbours houses as per the photo below... See the large conifers offering privacy to our property.



NPF4 policy 14 requires, amongst other things, that development proposals be designed to improve the quality of an area, whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, as set out in NPF4, will not be supported.

This item has been addressed in Policy 14 earlier. We are compliant at every point and should be approved.

#### Assessment

Policy PMD2 aims to ensure all new development is of the highest quality and respects the environment in which it is contained. That policy aim does not restrict good quality modern or innovative design. What is at question here is whether the proposal is good quality or innovative design; whether it would be in keeping with the scale, extent, form and architectural character of the existing buildings and; whether or not the proposed dwelling would make a positive contribution to the character of the area.

The character of the area is single houses of varying styles, set within generous grounds, with mature trees creating an avenue along Old Edinburgh Road.

This is simply not true. The majority of the properties in the immediate surrounding area are made up of the council housing immediately East of our plot. There are in total 8 council properties within yards of our plot. None of these are single houses, they are all flats and semi detached, and the only mature trees are the conifers directly behind our plot. The properties of which Ranald refers to are much further along the street, the same distance away as more council blocks. None of these Council houses are surrounded by generous grounds, though they do have some low lying garden plots down the hill from these properties.

The nearest property to the south is known as Kilrubie. There is then a distinct break in development of some 80m before the next house at 1 Old Edinburgh Road, to the north of the application site. Other than a small telephone exchange building, the intervening land comprises the rear garden ground of 11-21 Bellfield Road and the southern part of the garden of number 1 Old Edinburgh Road. There is, as noted above, variety in styles of the buildings in the area but the closest properties, those noted above, are set back from the road and have generous gardens surrounding them.

Again, this is false and extremely important and in our opinion misleading.

The closest properties by far are the Council houses and flats which sit above the proposed development. These are 2 councils houses and 4 flats which are all attached in one large building approximately 40 metres long. To try and project this as an area of idilic large gardens is more than a little misleading. The gardens are all lawn and other than 5 mature conifers bordering the proposed development, there are no mature trees. This point needs to be made very clear, as there seems an attempt to mislead the nature of the proposed build compared to the exiting builds.

By contrast, the proposed house would be built hard up to the northern boundary. Being on the boundary, there would be no fenestration on the north elevation which would present an unattractive blank elevation on the approach to the village from the north.

This is an absolutely disgusting attempt to warp the look of the proposed property. I attach a few photos below which will precisely address the deliberate false skewing of the vision of this development by Ranald Dods.

Below there are two photos that clearly show how false and misleading Ranald assertion of the view of the development is. It's an utterly ridiculous indefensible comment and stance.





Closer view of the side of the building Ranald states would be an unattractive blank elevation on the approach to the village. It's almost completely sheltered and hidden behind the trees.

Viewed from the road, the house would have an area of underbuild, approximately 1m and the fenestration would give the property a symmetrical appearance. The entrance would be to the south and, as with the northern elevation, the elevational treatment would be unattractive, with only one window lighting a bathroom. The building, being located some height above the road level, would be unduly prominent when entering or leaving the village.

Please see my photos and comments above. This is simply an untrue deeply negative fabrication quite frankly.

Despite the variety of building styles in the village, this proposal would not relate well to its surroundings. There appears to be a lack of contextual understanding, leading to an ill-fitting development with the immediate area. This incongruity is exacerbated by the orientation and elevated position of the house and the lack of development on either side of the site.

I would have thought that Ranald would know that the orientation of the house has been chosen specifically to maximise the solar power production from the roof by means of the perfect southerly aspect the plot enjoys. Ranald must move into this century given the entire climate crisis, and start actively looking at the benefits of design with a view of the climate technology needed these days. Failure to take this into consideration is bad enough. But to actively condemn the orientation of the proposed build is nothing short of ignorance at the expense of the environment. In addition, we have used the relative height and frontage shape as the house to the South, whilst incorporating the general brick/render mix as the house to the North. If this is not planning with great consideration to the local area, then I do not know what is. Having asked Ranald for guidance at the very beginning so we could comply with the area, he was not forthcoming with any assistance. Considering the sheer variance of existing house designs in the area, we thought complimenting several aspects of immediate properties would ensure we are planning with consideration of the surrounding area, yet this seems to have been completely overlooked by Ranald.

In terms of PMD5, whilst the applicant has demonstrated that a house could physically be fitted onto the site, the fact is that the house would be over-development or cramming of the site. The submitted plan shows that the site area is in the order of 180sqm and the house would be approximately 79sqm. In other words, the house would occupy 56% of the entire site.

We specifically designed the build to ensure the house would only occupy 44% of the property. We want a large vegetable garden and greenery to surround our house where possible. The figures you have calculated are completely back to front. We have 44% house build, and 56% Garden, so your assertion above is completely false and completely misleading.

In addition to this, I addressed all of the points you are raising about potential over-development (and addressing a neighbour comment) etc in an email I sent you on 17 July 2023, which clearly and in great detail conveys our willingness to adjust the property, and even flip the property round if required. I shall attached that email which you chose not to reply to, at the end of this appeal statement.

The house would be built directly onto the northern boundary, be between 1m and 1.4m from the southern boundary and 4.9m from the eastern boundary with only 35sqm (excluding the retaining gabion baskets) available as garden ground. The appearance would be one of a house crammed onto the site, which would be very much at odds with the pattern of development in the area.

Our intention is to form terraced timber framed vegetable plots integrated into the garden space to maximise vegetable production from all areas of the garden. This leaves adequate garden area of over 60 sq m, over and above gabions and pathways. It also is a greater than the garden we had in the street above this plot when we lived there on Bellfield Road. It is also very similar to the split of land/garden percentage in the house to the south of the plot. This proposal has enough garden front and rear to have a patio and social area, and lots of planting beds for home grown veg & fruit trees. The world is changing Ranald, and scaled down sustainable living is a must for the environment, and I shouldn't have to argue with planners on this kind of matter.

The submitted plan shows the front of the house to be only 5.5m from the boundary and that area (about 48sqm) would be given over to car parking and surface water drainage. The proposed "surface water sump" would not appear to be complaint with building regulations. Having discussed the proposal with Building Standards, that would have to be 5m from the house and the boundaries. Clearly that would be a matter for that department to consider under the relevant legislation but it does indicate that drainage from the site would be an issue and therefore, compliance with PMD5, as well as IS9 and policy 22, would have to be called into question.

Our intention is to excavate and create a very large sump under much of the parking. All pathways should be of the type "Ceda Gravel" allowing natural ground drainage at all points where possible. We believe we can make a sump large enough at the front of the property to adequately cope with all of this sites surface water needs.

In relation to policy 14 of NPF4, the matters set out above lead me to believe that the proposed house would not improve the quality of the area. The development is poorly designed and would be detrimental to the visual amenity of the area. The development would be crammed onto the site and would not enhance the pleasant entrance to the village and therefore the built space.

This is simply not true. The flaws, mis-calculations and lack of understanding of the Policy is beyond negligent. These are fundamental flaws. This will be the most environmentally friendly, well designed house in the area, with a productive insect, bee and butterfly friendly garden with 100% of surface water being cycled straight into the water table.

On the basis of the above, I conclude that the proposed development cannot be said to demonstrates a clear understanding of the context and would not be appropriate in siting and design terms. As it would not be designed in sympathy with its surroundings, it would not be sympathetic to the character of the immediate area and the village as a whole nor would it improve the quality of the area. Taking all of the above factors into consideration, the proposal does not comply with the terms of LDP policies PMD2, PMD5, HD2 and NPF4 policy 14.

#### Amenity

Policy HD3 aims to protect the amenity. It states that development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted.

There is zero impact on the amenity of the residential area in this location. We propose to take an overgrown derelict plot and make it something attractive and absolutely worthwhile in line with the ethics of NPF4 Policy 14 and local development. There's is no impact on the traffic, the drainage, the water or electricity supply. The visual amenity will be dramatically improved. See below, a photo of the current site.



As set out above, the form of the development would not fit within the existing pattern of the area and the design would have a undue visual impact on the village and, in particular, the existing property to the north where the appearance of the north elevation would be particularly prominent and overbearing. I specifically addressed this in my email on 17 July to Ranald which was completely ignored. In addition to this, I have above shown clearly with photographic evidence that the visual impact on entry to the village is zero. This is a completely and alarmingly false claim. I have taken the time to provide photos to prove this is absolutely false.

Whilst the proposal would not result in overshadowing or loss of light, I have reservations about privacy issues. The submitted plans do not show the relationship with the properties to the east in any detail. An estimate has had to be made of the distance to the properties on Bellfield Road and that is approximately 17m. Had the land been flat, then it may have been possible to allow for some flexibility in terms of the window to window privacy distance, accounting for any mitigation that could have been provided. In this case, however, the properties on Bellfield Road are approximately 5m higher than Old Edinburgh Road. Assuming the rear of the proposed house to be half way between Old Edinburgh Road and Bellfield Road, that would mean a level difference in the order of 2m to the existing houses. As set out in the council's Privacy and Sunlight Guide, for every metre difference in height (or part thereof), the distance in the standard is increased by approximately 2 metres. In order to safeguard the privacy of the proposed house, the privacy distance would need to be increased from 18m to 22m. As a result of those factors, the proposal would be contrary to policy HD3.

The distance from property to property is 22.3m which is over your required minimum distance. In addition to this, if you look at the above photo of the site taken from the front entry, you will see 5 large mature conifers right on the rear/upper boundary that almost completely remove any concerns of privacy. But the fact the distance is 22.3m from building to building, this means the distance complies with HD3 regardless.

#### **Trees**

The site has a mature tree within it and that forms part of an avenue of trees lining Old Edinburgh Road. Although those are not protected, they are of high amenity value to the area and form an attractive entrance to the village when travelling south on the A703. The applicant was advised at pre-application stage that an arboricultural impact assessment and tree survey would be required. No such reports were submitted with this application. Since the tree is not shown with any degree of accuracy, I estimate that the house would be positioned no more than 4.5m from the centre of the trunk. Given the size of the tree, that is likely to be well within the root protection area. In addition, the proposal to use that area as car parking and for surface water drainage is likely to increase pressure on the root structure and, in combination, lead to the loss of the tree. However, the tree is worthy of protection and the application takes no account of it, despite the probability of the development proposal having a negative impact on it. As a result, the proposal has to be found contrary to policy EP13.

I have made it absolutely clear both in the pre-application and all throughout that I want to keep this beautiful old tree. I'm aware that 2 of the avenue of trees have fallen over in the wind in the last few years, and another removed for safety concerns, but I believe the tree is a great old character and we would like to do anything to make sure we can keep it. I conveyed this clearly to you in anther email you ignored on July 19th, and I quote... "We believe that the house at the next stage of planning would be would be on a concrete stilt in that corner, hand dug to avoid damaging any roots". This is pretty damning that you just straight forward refuse to discuss this. We have always made it clear we will retain this lovely tree.

#### Developer contributions

Were the proposal to be acceptable, developer contributions would be payable towards education provision. Those would require to be secured by a legal agreement.

# This is all as expected.

#### Roads issues

I have discussed the case with the Roads Planning Service in light of their consultation response. An assumption had been made in error that the site would be accessed from Bellfield Road. Accepting that the access would be from Old Edinburgh Road, Roads state that the their preference would be for 2 in-curtilage

parking spaces. The distance from the front wall of the house to the edge of the site would be 5.5m. This would mean that any car parked in the site would be likely to overhang the public road. In addition, no account has been taken of the slope of the site nor of the presence of the tree, both of which are likely to further cause issues for parking within the site. Whilst the staring position is for in-curtilage, Roads acknowledges that there would be on-street parking available.

We would like to park two vehicles on the drive for the purpose of electrical charging, however we were not particularly overly concerned about the parking as you have stated in your pre-application that "Two off street parking spaces would normally be required for a house. Given the road in front of the site is no longer a through road for motor vehicles and the site is towards the end of the stretch where vehicles could access, it may be possible for that requirement to be relaxed. That comment is made on the basis that I have not consulted my colleagues in Roads".

We believe that we can fit two car parking inside, whilst looking after the tree root system if we excavate sensitively. There is also an option to bring a second charger to the front of the property if we remove the abandoned overgrowth, and park a vehicle against the front of the property. Please see photo below.



#### Services

The application form states that a connection would be made to the public water supply and foul drainage networks. Those matters would be acceptable, subject to condition. Surface water would be by means of a soakaway located to the front of the house. As noted above, the proposed soakaway is unlikely to be acceptable in terms of building regulations, albeit that is a separate regulatory regime, since that would have to be a minimum of 5m from the house and boundary of the site.

As someone who has worked in drainage for most of his life, I am absolutely sure that after discussion with an engineer, we can create a functioning drainage sump to handle the roof surface water from this site.

Finally, although there would appear to be sufficient space within the site to site waste and recycling containers to the rear of the property, the plans show the difference in level between the front of the house and the main entrance (roughly 1m) to be taken up by steps. In practical terms therefore, it is likely that the bins would be located to the front of the property, further adding to the unacceptable impact on the amenity of the area.

We will create a suitable bin store and sloping paths to ensure no bins are in the front of the property. This omission was an oversight between myself and my architect believing this was a building control matter for future drawings. There is clearly no negative issue here which adds to any negative potential with regards to the site amenity. The stance of negativity Ranald has taken from start to finish regarding this application. Ranald ensures a problem in every solution. This is an unacceptably negative starting point to work with.

#### Other matters

As noted already, there would be issues in terms of building regulations relating to the provision of a soakaway.

I have addressed this above. I don't see a problem.

The internal layout of the house is also likely to raise issues for Building Standards and revisions to make the development acceptable for that regulatory regime may then have a bearing on the exterior of the property and its impact on amenity and privacy. Were the proposal to be otherwise acceptable, in order to prevent privacy issues arising as a result of internal alterations, a condition would be recommended in order to remove permitted development rights for the creation of windows or openings in the north and south elevations.

I assume this is regarding future alterations... I agree.

#### Conclusion

The design of the proposed house is unsympathetic to the surrounding context in terms of siting, design, height and massing and it would have an overbearing appearance and unacceptable adverse impact on the existing property to the north.

The property to the North is approx 26.5 m away. There would normally be a 6ft boundary fence between properties. So the verdict of the "overbearing appearance" is literally the couple of feet of extra height to the roof. This is unduly negative considering the house is 26.5 m away from the boundary. In my email of both the 17th & 19th July which Ranald ignored both, I expressly stated "We would also happily flip the house so our front door faces his side, so we don't require access to his property for anything. We would erect a fence between us along the boundary to offer privacy to the bottom of his garden. His house is however a considerable distance from the boundary".

When the girls in reception tell us there is no point in them putting us through to planners by phone because they wont take the calls, and the emails we send are completely ignored, I wonder what we are paying our fee for.

There would be insufficient distance between the proposed house and the existing properties to the east to provide sufficient privacy distance, due to the difference in levels present in the area.

This has been dealt with in my comments above. There is sufficient distance to comply, and plenty

of tree coverage over and above, so this comment should be removed.

The proposal has taken no account of the tree within the site.

We made clear in our pre-application that the tree will stay. I have stated this to you personally, and intimated it to you by email. I covered this point thoroughly above, and offered adequate coverage to ensure the tree's well being. We love this old tree.

The proposed means of surface water drainage is unlikely to be acceptable.

I reiterate, this is a complete false assumption. We will make the roof surface water drainage system and sump comply.

The proposal is therefore contrary to LDP policies PMD2, PMD5, HD3, EP13 and IS9 together with NPF4 policies 6, 14, 16 and 22. The principle of a house on the site is therefore not accepted. Having addressed all of these points above in several ways, I believe the conclusions herein are completely wrong and an unacceptable conclusion to come to with this proposal.

#### **REASON FOR DECISION:**

The development would be contrary to policies PMD2, PMD5 and HD3 of the Local Development Plan 2016 and NPF4 policies 14 and 16 together with Placemaking and Design and; Privacy and Sunlight guidance in that the scale and form of the development would not fit within the existing pattern of development in the area, the proposal would be over-development of the site and the design would have a undue visual impact on the area, the existing property to the north and on the approach to and exit from the village. In addition, the fenestration layout, siting of the house and its orientation in relation to the properties to the east would lead to an unacceptable adverse impact on the privacy of the proposed house through overlooking. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

This is an exact repetition of the items above which I have made clear the issues, flaws and errors with above several times. I also emailed several of these points twice, on 17th & 19th July and my emails were ignored.

The development would be contrary to policy EP13 of the Local Development Plan 2016 and NPF4 policy 6 together with Trees and Development guidance in that no account has been taken of the tree within the site. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

I emailed my proposal to keep the tree along with my solution on 19th July and my email was ignored. These are clearly important points for the council and for ourselves, and as such to have my emails completely ignored is puzzling and extremely frustrating. This point cannot be ignored as I have my emails clearly time-stamped and I shall include/attach below.

The development would be contrary to policies PMD2 and IS9 of the Local Development Plan 2016 and NPF4 policy 22 together with Sustainable Urban Drainage Systems and Waste Management guidance in that the proposed surface water drainage is unlikely to be able to be provided within the site I have made this point clear in my email of 19th July which was ignored. You have simply assumed non compliance with no back up or calculations to confirm your appraisal. I have made clear in my email our intention to design a large sump to take care of this.

...and there is not adequate provision for waste and recycling containers away from the elevation of the building which faces the public road. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations. I have explained the simplicity of a bin store construction to the rear of the property, and this simple oversight on my part. It is simply ridiculous, unfair and negatively biased against any construction to use this as a point to refuse this application. I have made clear the issues I have with Ranald's extremely negative views on several aspects of this application.

#### Recommendation: Refused

- The development would be contrary to policies PMD2, PMD5 and HD3 of the Local Development Plan 2016 and NPF4 policies 14 and 16 together with Placemaking and Design and; Privacy and Sunlight guidance in that the scale and form of the development would not fit within the existing pattern of development in the area, the proposal would be over-development of the site and the design would have a undue visual impact on the area, the existing property to the north and on the approach to and exit from the village. In addition, the fenestration layout, siting of the house and its orientation in relation to the properties to the east would lead to an unacceptable adverse impact on the privacy of the proposed house through overlooking. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.
  - I am confident Ranald is completely wrong with this assertion, in particular NPF4 policy 14 where it seems he has completely mis understood the motives behind the policy.
- The development would be contrary to policy EP13 of the Local Development Plan 2016 and NPF4 policy 6 together with Trees and Development guidance in that no account has been taken of the

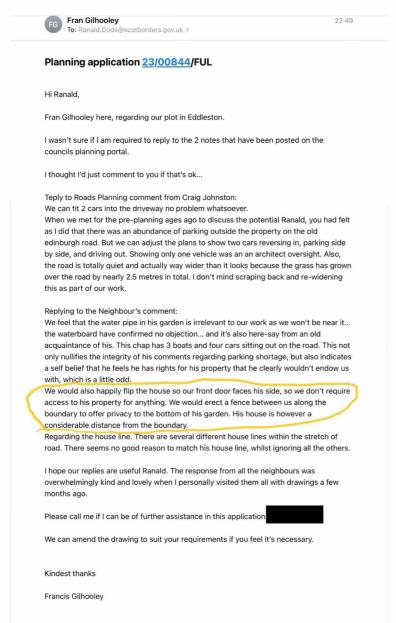
tree within the site. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations. If my emails had not been ignored by Ranald, these points would have been covered, but Ranald's lack of communication or response to my emails has made this application discussion impossible.

The development would be contrary to policies PMD2 and IS9 of the Local Development Plan 2016 and NPF4 policy 22 together with Sustainable Urban Drainage Systems and Waste Management guidance in that the proposed surface water drainage is unlikely to be able to be provided within the site and there is not adequate provision for waste and recycling containers away from the elevation of the building which faces the public road. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

As mentioned previously several times, Ranald has made this impossible by not replying to my emails.

I have also prepared a video of my objection to many of these points from the site.. <a href="https://youtu.be/mz9agdylKg0?feature=shared">https://youtu.be/mz9agdylKg0?feature=shared</a>

As the final part to this statement, I attach the emails I had sent in plenty of time to discuss the application with Ranald. One email on 17th July, and One on 19th July. Both of these emails were completely ignored. See below:



#### Planning for Eddleston plot, South of 1 Old Edinburgh Road.

Dear Ranald.

I'm writing to you to convey my surprise that you feel you may be leaning to rejecting our proposal for the house on the plot at Old Edinburgh Road, Eddleston.

There's a couple of reasons, and I'll explain below...

When you state that you felt concerned for the tree at the front of the property, both my wife and I feel strongly that the tree must stay. When we visited there some time before buying the plot, there were 5 or 6 Blue Tits jumping from branch to branch. This was brilliant for us to see! We believe the house at the next stage of planning would be on a concrete stilt in that corner, hand dug to avoid damaging any roots.

And when you mention low amenity, this house has a garden front and back, with enough room for a patio and social area, and lots of planting beds for home grown veg and fruit. This is fantastic amenity, and considering we lived previously in the council estate above the site, there's vastly more amenity on our design than the houses on that street... and we loved living there.

If you consider amenity internally too, the open living area upstairs is a fantastic space. We do only need 2 bedrooms, but felt that a third bedroom would allow family members to stay sometimes, but it's not essential, so the house can be smaller if required.

When it comes to the Traffic comment from the authority on the online portal... there is no need whatsoever for two cars to drive in and turn on the site before leaving. The huge house number 1 (next door) with all the boats and vans and cars everywhere doesn't have any such turning spot, and he's not at the dead end where it is quietest. The road, 'Old Edinburgh Road' is dramatically wider than it looks because the grass has grown into it from both sides, encroaching onto the road, reducing its width by almost 2.5m.

I have no problem skimming the entire street to make this road the width it's actually meant to be.

This creates masses more room for parking and turning... but I might point out this is already the quietest road in the entire village of Eddleston.

With regards to the comments from the neighbour, some of them are nonsensical, especially the parking comment, considering he he has 11 vehicles and boats there all year round they never move. You can see by their condition.

Scottish Water don't share his concerns about the comment from his "old friend" who commented on some old pipe somewhere "on his property".

I stated to you I am also open to flipping the house round to pacify his comment about looking at the side of our house, even though it's at the farthest point from his house.

Ranald, we are desperate to move back into the community, so much so when we went round all the houses giving them drawings just before planning, the only comments we had from each house was that they'd be delighted to see us back as neighbours... all bar the chap at Number 1.

I have shown you my commitment to:

- 1) Adjusting the drawings if required by flipping the house round.
- Scraping all the grass off the road to re-reveal hundreds of square metres of perfectly good but currently hidden road.
- 3) Keeping the tree and the wonderful wildlife living in it.
- 4) Maximising this property's potential amenity in every quarter.

In addition to this, I appreciate you said you have forgotten your comment to me from a couple of years ago, when you suggested that the road was so quiet there and the fact it was a dead end anyway, that there may be no actual need for a driveway.

I don't expect you to necessarily remember, but my reply to you was simply that I want a driveway so we can charge our cars, because we fully intend to take advantage of the perfect southerly aspect from the roof apex, and install solar power across that side of the roof, which will produce enough power from the local areas adequate 1650 annual usable sun hours. This will fuel both cars fully, giving the property possibly the smallest carbon footprint in the village.

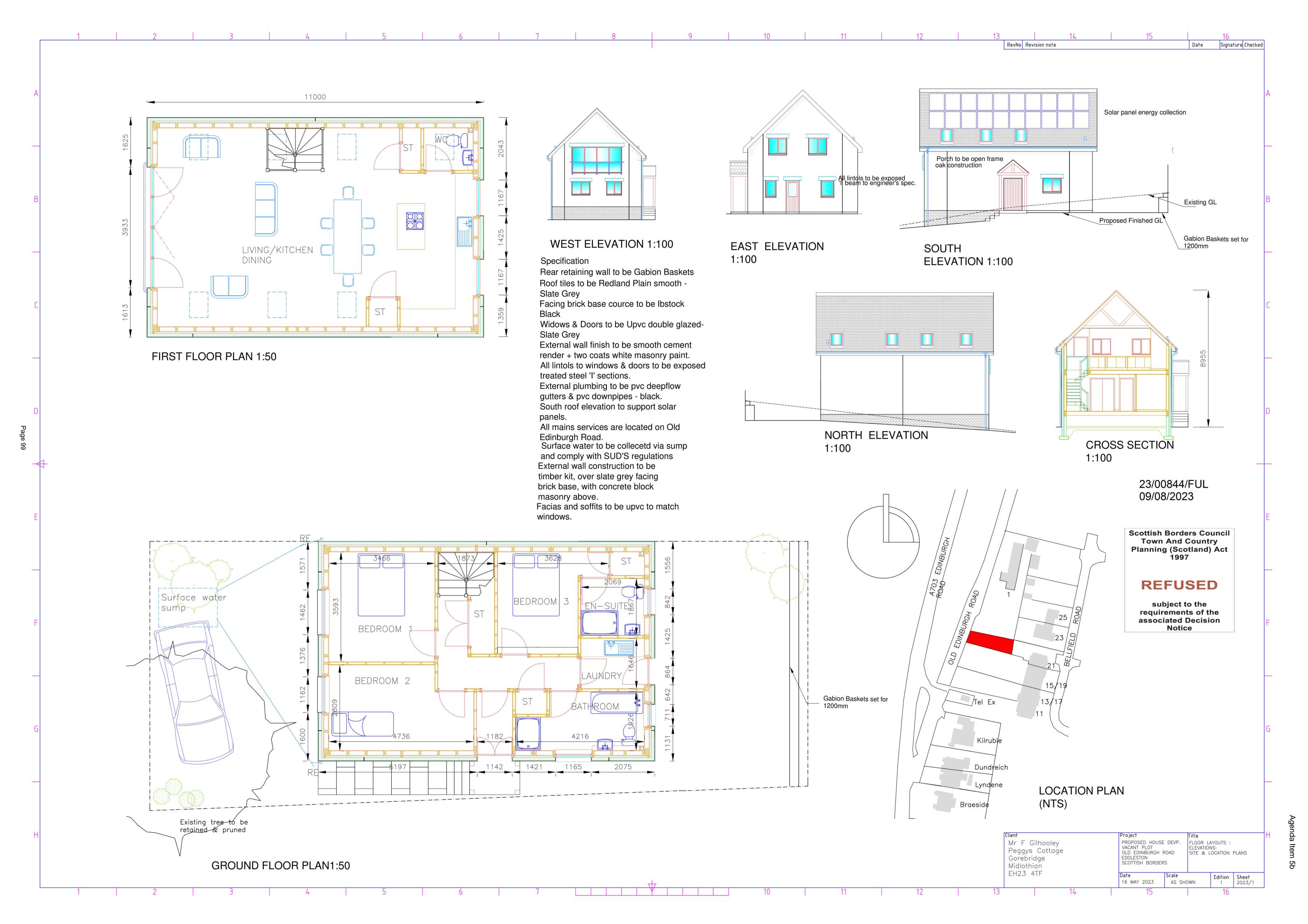
All I ask, is that you consider all of my points, and urge you to make some sensible conditions so I can be held to my word, if you do approve the proposal.

We will definitely appeal a refusal of permission if it is refused, but we genuinely feel this is a good, and environmentally friendly, small sustainable development, with far more amenity than both the council estate houses above the plot, and the modern houses squeezed into the 6 metre wide plots that were passed and then built in Peebles.

Finally, if you would like to meet me on site to discuss any points whatsoever on the plot, I'd be delighted to meet and answer any questions on the site.

Regards

Francis Gilhooley



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# Agenda Item 5c Planning and Economic Development

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

Application for Planning Permission

Reference: 06/01451/FUL

To: Peter Mackie per AD Architectural Design Hillview Greenside Peebles Scottish Borders EH45 8JA

With reference to your application validated on **21st July 2006** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development:-

Proposal: Alterations and erection of conservatory

at: 21 Bellfield Road Eddleston Scottish Borders EH45 8QR

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

that the development to which this permission relates must be begun within five years from the date of this consent.

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

Dated 12th January 2007
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed





# Planning and Economic Development

Application reference: 06/01451/FUL

#### SCHEDULE OF CONDITIONS

Screen panel to be erected along the south elevation of the conservatory. Details of the screening to be submitted to and approved by the planning authority prior to the commencement of development. Screen to be erected to the satisfaction of the planning authority prior to the occupation of the conservatory.

Reason: To safeguard the visual amenity of the area.

# 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 reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part V of the Town and Country Planning (Scotland) Act, 1997.

Tuesday, 06 June 2023



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

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Follow Us 🔰 f 🎯 in 🗅

Development Operations
Freephone Number - 0800 3890379
E-Mail - <u>DevelopmentOperations@scottishwater.co.uk</u>
www.scottishwater.co.uk

Dear Customer,

South Of 1 Old Edinburgh Road, Eddleston, EH45 8QB

Planning Ref: 23/00844/FUL Our Ref: DSCAS-0088077-6G5

**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:

This proposed development will be fed from Bonnycraig 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.

# **Waste Water Capacity Assessment**

This proposed development will be serviced by Eddleston 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.

# **Asset Impact Assessment**

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

▶ 150mm combined sewer within the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

# **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 <u>our</u> 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 <u>our Customer Portal</u> 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 <a href="https://www.scotlandontap.gov.uk">www.scotlandontap.gov.uk</a>

**▶** 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 launderettes. 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 <a href="https://www.resourceefficientscotland.com">www.resourceefficientscotland.com</a>

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."



# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Craig Johnston Roads Planning Officer	craig.johnston@scotborders.gov.uk 01835 826856	
Date of reply	23/06/2023	Consultee reference:	
Planning Application Reference	23/00844/FUL	Case Officer: Ranald Dods	
Applicant	Mr Francis Gilhooley		
Agent	James Moir	James Moir	
Proposed Development	Erection of dwellinghouse		
Site Location	Land South Of 1 Old Edinburgh Road Eddleston Scottish Borders		
The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.			
Background and Site description	The site is subject to pre-application and Planning Service were not consulted	20/00777/PREAPP, however the Roads on this.	
Key Issues (Bullet points)			
Assessment	In order for me to support the erection of a new dwelling, I would generally look to ensure that parking for two vehicles can be achieved within the curtilage of the site.  The submitted documents show a single car being parked within the plot, yet the application form states that two parking spaces will be provided. Furthermore, assuming the site access is to come from Bellfield Road, having a plot with parking but no turning would result in vehicles having to reverse a long distance in order to enter/exit the plot.  In order for me to fully assess this application, I shall require a drawing showing the detailed parking and access arrangement which is being proposed. The detail should show that parking, and ideally turning, is available for two vehicles within the curtilage of the site.		
Recommendation	Object Do not object su	Do not object, Spiriture Further information required	
Recommended Conditions			
Recommended Informatives			

Signed: *AJS* 

# **Comments for Planning Application 23/00844/FUL**

## **Application Summary**

Application Number: 23/00844/FUL

Address: Land South Of 1 Old Edinburgh Road Eddleston Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Ranald Dods

#### **Customer Details**

Name: Mr Colin MacDonald

Address: 1 Old Edinburgh Road, Eddleston, Peebles, Scottish Borders EH45 8QB

#### **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

**Comment Reasons:** 

- Density of site
- Inadequate Boundary/Fencing
- Inadequate screening
- No sufficient parking space

Comment: Application Number 23/00844/FUL

The North side of the proposed new house is shown to be hard to the boundary with the garden old No 1 Old Edinburgh Road. Should it not be a sufficient distance distance from the boundary to allow construction and maintenance from within the site? Additionally, there is a live water main runs up the edge of the boundary in the garden of No1. A local resident who previously worked for Scottish water has previously cautioned me about the fragility of said water pipe.

The plan shows Gabion baskets set to 12mm. If my interpretation is correct, the intention would be to lower the finished ground level to the rear of the site. If so, 1. how would this effect the main sewer pipe that runs across that area of the site? 2. There is no detail of how the soil would be held back on the North side of the site? Additionally, would this impact the frost protection of the live water main running near?

The application mentions the provision of 2 parking spaces within the site but as the drawing illustrates, it would be tight to park one car.

The drawings do not show any details of planting and or any other measures to be employed to minimise the visual impact and privacy loss to No 1 Old Edinburgh road

It was my understanding that in previous planning applications the council had made it a condition that the front of the house had to in line with the front of No1 Old Edinburgh road



# Local Review Body – List of Policies 18th December 2023

Local Review Reference: 23/00047/RREF
Planning Application Reference: 23/00844/FUL
Development Proposal: Erection of dwellinghouse

Location: Land South of 1 Old Edinburgh Road, Eddleston

**Applicant:** Mr Francis Gilhooley

#### **National Planning Framework 4 (NPF4)**

Policy 3: Biodiversity

Policy 6: Forestry, woodland and trees

Policy 9: Brownfield, vacant and derelict land and empty buildings

Policy 14: Design, quality and place

Policy 16 Quality homes Policy 18: Infrastructure first

Policy 22: Flood risk and water management

## **Scottish Borders Local Development Plan 2016**

PMD2: Quality standards PMD5: Infill developments

HD3: Protection of residential amenity EP13: Trees, woodlands and hedgerows

IS2: Developer contributions

IS7: Parking provision and standards

IS9: Waste water treatment standards and sustainable urban drainage

#### **Other Material Considerations**

Supplementary Planning Guidance on:

- Sustainable Urban Drainage Systems August 2020
- Development Contributions 2023
- Householder Development (incorporating Privacy and Sunlight Guide) 2006
- Placemaking and Design 2010
- Trees and Development 2008
- Waste Management 2015





 $Newtown\ St\ Boswells\ Melrose\ TD6\ OSA\ \ Tel:\ Payments/General\ Enquiries\ 01835\ 825586\ \ Email:\ regadmin@scotborders.gov.uk$ 

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

100652177-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.			
Applicant or Agent Details			
Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)			
Agent Details			
Please enter Agent details	S		
Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Lisa	Building Name:	
Last Name: *	Miller	Building Number:	38
Telephone Number: *	01313858744	Address 1 (Street): *	Thistle Street
Extension Number:		Address 2:	1st Floor
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH2 1EN
Email Address: *	lisa@fergusonplanning.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
☑ Individual ☐ Organisation/Corporate entity			

Page 113 Page 1 of 5

Applicant Details			
Please enter Applicant of	letails		
Title:	Mr	You must enter a Bu	illding Name or Number, or both: *
Other Title:		Building Name:	1st Floor
First Name: *	Mark	Building Number:	38
Last Name: *	Graham	Address 1 (Street): *	Thistle Street
Company/Organisation	c/o Ferguson Planning	Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Edinburgh
Mobile Number:		Postcode: *	EH2 1EN
Fax Number:			
Email Address: *	lisa@fergusonplanning.co.uk		
Site Address	Details		
Planning Authority:	Scottish Borders Council		
Full postal address of the site (including postcode where available):			
Address 1:			
Address 2:			
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:			
Post Code:			
Please identify/describe the location of the site or sites			
Northing	630750	Easting	371264

Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Erection of a new dwellinghouse, associated landscaping and infrastructure.
Type of Application
What type of application did you submit to the planning authority? *
Application for planning permission (including householder application but excluding application to work minerals).  Application for planning permission in principle.  Further application.  Application for approval of matters specified in conditions.
What does your review relate to? *
Refusal Notice.  Grant of permission with Conditions imposed.  No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.
Statement of reasons for seeking review
You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.
See attached Statement of Appeal
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the			
Appeal Statement • 23/01065/FUL: o Application Form o Transport Statement o Design & Access Statement o Planning Drawings o Roads Authority Consultation Response 07/08/2023 o Community Council Consultation Response 12/08/2023 o Further Representations (Neighbours) 27/08/2023 o Report of Handling o Decision Notice • Planning Committee Report 04/01984/OUT			
Application Details			
Please provide the application reference no. given to you by your planning authority for your previous application.	23/01065/FUL		
What date was the application submitted to the planning authority? *	23/05/2023		
What date was the decision issued by the planning authority? *	20/09/2023		
Review Procedure			
The Local Review Body will decide on the procedure to be used to determine your review an process require that further information or representations be made to enable them to determ required by one or a combination of procedures, such as: written submissions; the holding of inspecting the land which is the subject of the review case.	nine the review. Further information may be		
Can this review continue to a conclusion, in your opinion, based on a review of the relevant i parties only, without any further procedures? For example, written submission, hearing sess   X Yes  No			
In the event that the Local Review Body appointed to consider your application decides to in-	spect the site, in your opinion:		
Can the site be clearly seen from a road or public land? *	Yes □ No		
Is it possible for the site to be accessed safely and without barriers to entry? *	⊠ Yes □ No		
Checklist – Application for Notice of Review			
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	formation in support of your appeal. Failure		
Have you provided the name and address of the applicant?. *	🛛 Yes 🗌 No		
Have you provided the date and reference number of the application which is the subject of treview? $^{\star}$	his 🛛 Yes 🗌 No		
If you are the agent, acting on behalf of the applicant, have you provided details of your nam and address and indicated whether any notice or correspondence required in connection wit review should be sent to you or the applicant? *			
Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? $^{\star}$	⊠ Yes □ No		
Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.			
Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *	⊠ Yes □ No		
Note: Where the review relates to a further application e.g. renewal of planning permission of planning condition or where it relates to an application for approval of matters specified in coapplication reference number, approved plans and decision notice (if any) from the earlier coapplication reference number, approved plans and decision notice (if any) from the earlier coapplication reference number, approved plans and decision notice (if any) from the earlier coapplication reference number, approved plans and decision notice (if any) from the earlier coapplication reference number, approved plans and decision notice (if any) from the earlier coapplication reference number, approved plans and decision notice (if any) from the earlier coapplication reference number, approved plans and decision notice (if any) from the earlier coapplication reference number, approved plans and decision notice (if any) from the earlier coapplication reference number (if any) from the earlier (if any	nditions, it is advisable to provide the		

# **Declare - Notice of Review**

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

Declaration Name: Ms Lisa Miller

Declaration Date: 21/11/2023



# **Proposal Details**

Proposal Name 100652177

Proposal Description Erection of dwellinghouse

Address

Local Authority Scottish Borders Council

Application Online Reference 100652177-001

# **Application Status**

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

## **Attachment Details**

/ tttaoiiiioiit Botaiio		
Notice of Review	System	A4
Application Form 2301065FUL	Attached	A4
Transport Statement	Attached	A4
Design and Access Statement	Attached	A4
Site Plan as Existing and Demolition	Attached	A1
Proposed Site Layout Plan	Attached	A1
Block Plan	Attached	A1
Proposed Floor Layout and North	Attached	A1
Elevation Plan		
Proposed South East and West	Attached	A1
Elevations Plan		
Site Section	Attached	A1
CGI North West	Attached	Not Applicable
CGI South West	Attached	Not Applicable
Historical Map	Attached	Not Applicable
Roads Authority Consultation	Attached	A4
Response		
Heiton and Roxburgh Community	Attached	A4
Council Consultation Response		
Neighbour Representation	Attached	A4
Report of Handling	Attached	A4
Decision Notice	Attached	A4
Planning Committee Report	Attached	A4
0401984OUT		
Appeal Statement	Attached	A4

Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

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

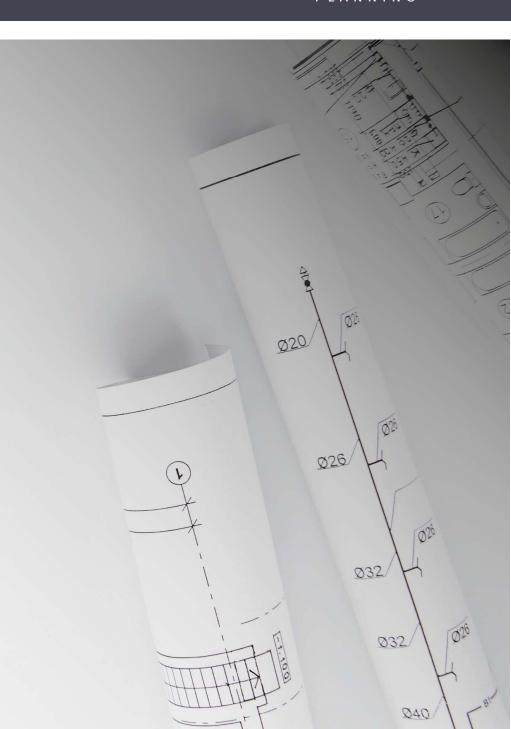
NEW DWELLING ON LAND ADJACENT TO CARNLEA, MAIN STREET, HEITON

MARK GRAHAM

NOVEMBER 2023

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NEW DWELLING ON LAND ADJACENT TO CARNLEA, MAIN STREET, HEITON

EXECUTIVE SUMMARY

# **EXECUTIVE SUMMARY**

This Statement is submitted on behalf of Mr Mark Graham (the Appellant/Applicant) against the decision by Scottish Borders Council to refuse planning permission for the erection of a dwellinghouse on land adjacent to Carnlea, Main Street, Heiton on 20th September 2023 (reference 23/01065/FUL).

Despite an established history of residential use at the application site, the planning application was refused due to concerns over road safety as detailed below .

The proposed development would not comply with National Planning Framework 4 Policy 14 in that vehicular access to the site poorly designed, detrimental to the amenity of the surrounding area and inconsistent with the six qualities of successful places. In Eddition, the proposal is contrary to Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard private access to the detriment of road safety, both vehicular and pedestrian, and the proposed upgrade of the junction with the A698 is not supported as it would appear incongruous with the linear streetscape and any scheme in isolation may have a detrimental effect on road safety."

The refusal on road safety grounds did not take into account that five residential dwellings have already used the access previously, without any reported issues, and that the Applicant is committed to provide traffic calming measures in the form of road markings and/or build out.

The Appellant would like to draw members of the Local Review Board attention to the following information that forms the grounds of this appeal:

- There has been a residential dwelling on this site previously for a number of years, resulting in a total of five dwellings using the private access road and junction, with no known recorded road safety issues.
- Main Street along the A968 at Heiton has a permanent 20mph speed limit and there is no record or evidence of any accidents at this location.
- The site is located in a sustainable location and meets all other key policy requirements.
- Refusal of planning permission ensures the land will remain vacant and continue to negatively impact the character and vitality of the neighbourhood.
- There are no other objections to the proposed development from other consultees or the Community Council.
- The proposed development would actually improve the current access arrangements on the private access road through a dedicated turning space and road markings at the junction.

Having considered the detail contained within this appeal statement and associated documentary evidence, members of the Local Review Body are respectfully requested to allow the Notice of Review and grant planning permission.

# FERGUSON PLANNING

NEW DWELLING ON LAND ADJACENT TO CARNLEA, MAIN STREET, HEITON

INTRODUCTION

## INTRODUCTION

- 1.1 This Statement supports a Notice of Review of the delegated decision of Scottish Borders Council to refuse to grant Planning Permission (23/01065/FUL) for the erection of a dwellinghouse, associated landscaping and infrastructure on land adjacent to Carnlea, Main Street, Heiton.
- 1.2 The site is located within the centre of the village of Heiton, which is located 2.5 miles to the south of Kelso (Fig.1). It is a linear settlement which has developed on either side of the A698 which runs south from Kelso to Hawick, where there is a mix of house types evident. According to the 2011 census, the population of teiton is 204, an increase from the 2001 census of 71 people.
- 1.3 The site has been previously developed and is considered to be Pyrownfield land and is presently covered in grass and occupied by a garage; several trees are located around the site boundary.
- 1.4 A private road links the site to Main Street on the A698 and the nearest bus stop is approximately 160m to the south on Main Street where services run to Kelso and Morebattle.
- 1.5 The surrounding area is characterised by a several late 20<sup>th</sup> century residential properties, the majority of which are bungalows or 1.5 storeys (**Fig.2**).

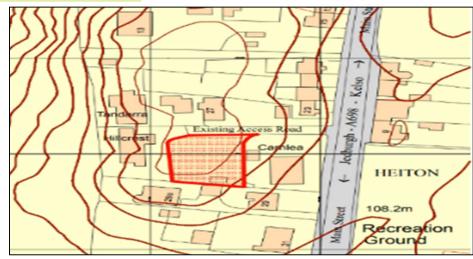


Figure 1: Location Plan



Figure 2: Aerial image of the proposed development site (outlined in red)

- 1.6 Historically, the site was occupied by a residential dwelling known as 'Khansbur' (Fig.3), visible alongside the property 'Craimar' on historic mapping of the locality in 1965. A further three neighbouring houses were built in the 1970's while the property at Khansbar was removed. At present, there are four properties that comprise the existing building group in which the site is located: Craimar, Tandarra, Hillcrest and Carnlea.
- 1.7 The site has a long planning history going back to 1994 (R127/94), when permission was granted for a replacement dwelling, but subsequently lapsed in 1999. A further grant of permission was made for a replacement dwelling in 2004 (04/01984/OUT) and 2005 (05/00012/REM); the applicant maintains that these permissions were implemented however this is disputed by the Planning Authority.
- 1.8 General further planning application for a replacement dwelling was made in 2020 (20/01327/FUL) and was refused on the basis of Vehicular traffic access; this decision was appealed, and the Local Review Body upheld the decision (21/00019/RREF). In 2022, the Planning Authority declined to determine a further application on the basis that there was no change from the previous application in 2020.

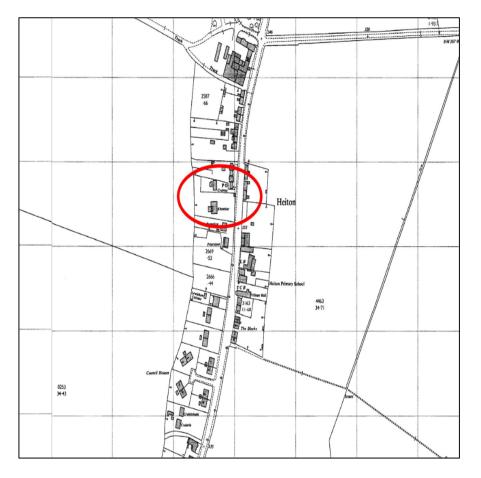


Figure 3: Historical Map (1965). Site is occupied by a property called 'Khansbur'

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- 1.9 The current proposed development seeks to create a three-bedroom bungalow with additional patio and garden space to the rear; the existing garage on the plot will be removed to achieve this. A new driveway to accommodate two cars, and turning space will be created to the north of the site (**Fig.4**).
- 1.10 The current proposals take cognisance of the comments made by the Planning Authority on previous applications, specifically with regards to:
  - the scale of the dwelling footprint has been reduced from 134m² to 128m² along with a reduction of the roof ridge height by 0.5m.
  - An additional turning area to the west of the proposed driveway, has been created and can be used by other residents in the private lane, which is now larger in size than the previous turning area proposed to allow for cars to manoeuvre in and out without encroaching on neighbour's land. This improves the existing situation on the lane for all residents by formalising the provision of a turning circle, allowing cars to enter and exit the lane in a forward gear.
  - The floor plan has been reconfigured so that no accommodation overlooks the west boundary to Hillcrest.
     Only a small bathroom window remains, which will be installed with privacy glass.
  - A new 1.8m high privacy hedge is now proposed to surround the property, ensuring the privacy of the proposed dwelling and neighbouring residences. Previously this hedge only encompassed the western boundary.
  - Traffic calming measures are proposed in the formal of a small build out or paint markings, north and south of the junction of the access lane with the A698. An indicative layout for this is provided in Appendix 1 of the Transport Supporting Statement. Since the previous application, the 20mph zone is now formally established on the A698.

- 1.11 The proposal utilises a design based upon the surrounding dwellings, with similarity in materials and architectural style. Materials have been specifically selected to be sensitive to the site context and are outlined in the supporting Design and Access Statement and shown in the CGI images (**Fig.5**).
- 1.12 Services such as electricity and mains water will be extended to accommodate the ad-additional dwelling. Surface water and foul water drainage will be achieved by connection to the public sewer. Much of the drainage has already been prepared for development in advance of the previously approved application in 2005.
- 1.13 Despite the site being used historically and granted planning permission for residential use, the current application was refused by the Planning Authority on the grounds of road safety issues related to the existing junction from the private track to Main Street on the A698 road. Therefore, the remainder of this statement will set out the case for why the Local Review Body should allow the appeal as it is considered to be in accordance with the Statutory Development Plan which comprises National Planning Framework 4 and the adopted Local Development Plan (2016) and also any other material considerations such as the proposed Local Development Plan (2023) which has been approved but not yet formally adopted.

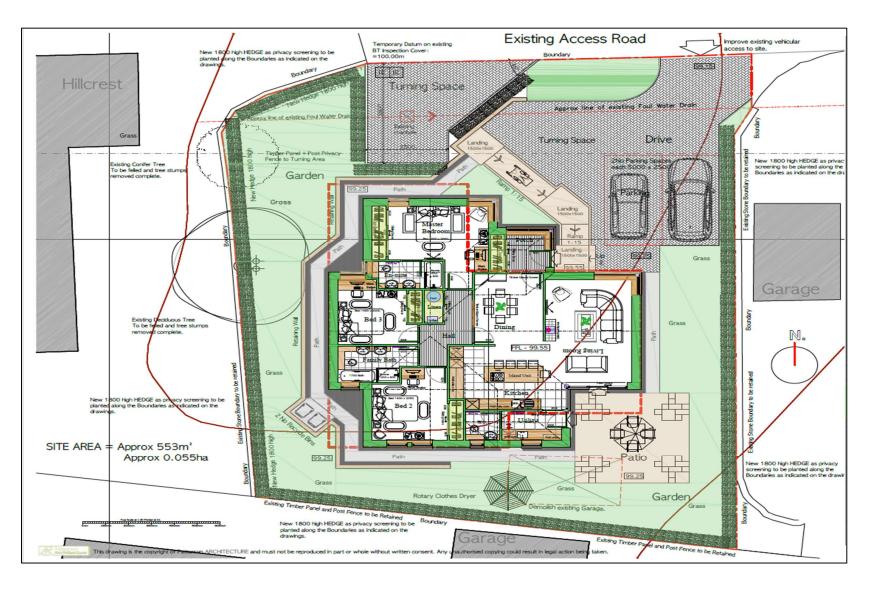


Figure 4: Proposed Site Layout



Figure 5: CGI of Proposed Development

# FERGUSON PLANNING

NEW DWELLING ON LAND ADJACENT TO CARNLEA, MAIN STREET, HEITON

REASONS FOR REFUSAL AND PLANNING POLICY CONTEXT

# REASONS FOR REFUSAL AND PLANNING POLICY CONTEXT

2.1 Planning Application 23/01065/FUL was refused on 20<sup>th</sup> September 2023. The Decision Notice cited one reason for refusal, as set out below:

"The proposed development would not comply with National Planning Framework 4 Policy 14 in that vehicular access to the site is poorly designed, detrimental to the amenity of the surrounding area and inconsistent with the six qualities of successful places. In addition, the proposal is contrary to Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a bubstandard private access to the detriment of road safety, both vehicular and pedestrian, and the proposed upgrade of the junction with the A698 is not supported as it would appear incongruous with the linear streetscape and any scheme in isolation may have a detrimental effect on road safety."

# SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN (ADOPTED 2016)

### Policy PMD2: Quality Standards

- 2.2 This policy sets out a range of sustainability, placemaking and design, accessibility and open space / biodiversity requirements, whereby the proposal must:
  - Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply.
  - Make provision for sustainable drainage.
  - Incorporate appropriate measures for separate storage of waste and recycling.

- Incorporate appropriate landscaping to help integration with the surroundings.
- Create a sense of place, based on a clear understanding of context.
- Be of a scale, massing and height appropriate to the surroundings.
- Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality.
- Be compatible with, and respect, the character of the surrounding area, neighbouring uses & neighbouring built form.
- Be able to be satisfactorily accommodated within the site.
- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings.
- Incorporate access for those with mobility difficulties.
- Not have an adverse impact on road safety in terms of the site access.
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes.

## Policy PMD5: Infill Development

- 2.3 This policy seeks to be generally supportive of infill development of all types, subject to proposals meeting the following criteria:
  - Where relevant, it does not conflict with the established land use of the area; and
  - It does not detract from the character and amenity of the surrounding area; and
  - The individual and cumulative effects of the development can be sustained by the social and economic infrastructure, and

- it does not lead to over-development or 'town and village cramming'; and
- It respects the scale, form, design, materials and density in context of its surroundings; and
- Adequate access and servicing can be achieved particularly taking account of water, drainage and schools capacity; and
- It does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing.

#### **NATIONAL PLANNING FRAMEWORK 4 (2023)**

- 2.4 NPF4 was adopted in February 2023 and is part of the statutory development plan in the Scottish Borders for the purpose of sections 25 and 37 of the Act. The document provides and overarching national planning policy framework and outlines the Scottish Government's approach to achieving a net zero, gustainable Scotland by 2045.
- 2.5 PF4 establishes "six overarching spatial principles", one of which Rural Revitalisation, the principle which is most pertinent to the proposed development. Rural Revitalisation is defined as encouragement of "sustainable development in rural areas, recognising the need to grow and support urban and rural communities". Furthermore, NPF4 confirms that the associated strategy and policies "support development that helps to retain and increase the population of rural areas of Scotland."

## Policy 14: Quality, design and place

2.6 This policy is relevant for all new development and seeks to "encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle"; good design should improve the quality of a place regardless of location or scale. Development

proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable.

#### **OTHER MATERIAL CONSIDERATIONS**

- 2.7 It is pertinent to note that the Report of Handling assessed the planning application on several other planning policies from the statutory development plan, and found that the proposed development to be in accordance with the following:
  - HD3: Protection of Residential Amenity
  - IS7: Parking Provision & Standards
  - IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
  - Policy 1: Tackling the Climate and Nature Crises
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 16: Quality Homes

This demonstrates that **there are no other constraints** to the proposed development over and above those contained in the single reason for refusal regarding road safety.

NEW DWELLING ON LAND ADJACENT TO CARNLEA, MAIN STREET, HEITON

GROUNDS OF APPEAL

# **GROUNDS OF APPEAL**

- 3.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the grounds of appeal set out below. It is the submission of the Appellant that the proposal accords with the relevant adopted policy of the statutory development plan that comprises National Planning Framework 4, the Local Development Plan and that there are no other material considerations which justify the refusal of the application.
- 3.2 The determining issue of this application is regarding access to the site, in particular the junction where the private access road meets the adopted road at Main Street on the A698; the report of handling states that "The Roads Planning Service objections memains the key consideration". The recommendation for refusal is centred around an objection on road safety grounds by the Roads Authority who state in their consultation response that "access of momentary of the private road is still unsuitable for this level of development" and referring to the road calming measures put forward by the applicant road (markings and/or build out) that they "would not support any scheme to narrow the carriageway along the A698 as this is incongruous with the road through Heiton and any scheme in isolation may have a detrimental effect on road safety".
- 3.3 Based on the assessment of the application by the Planning Authority in the report of handling along with the objection from the Roads Authority, the Applicant believes that there are six relevant grounds of appeal to consider as detailed below:
  - There has been a residential dwelling on this site previously for a number of years, resulting in a total of five dwellings using the private access road and junction, with no known recorded road safety issues.

- Main Street along the A968 at Heiton has a permanent 20mph speed limit and there is no record or evidence of any accidents at this location.
- The site is located in a sustainable location and meets all other key policy requirements.
- Refusal of planning permission ensures the land will remain vacant and continue to negatively impact the character and vitality of the neighbourhood.
- There are no other objections to the proposed development from other consultees or the Community Council
- The proposed development would actually improve the current access arrangements on the private access road through dedicated turning space and road markings at the junction.

Each ground for appeal will be discussed in further detail below to demonstrate that, on balance, the proposed development is acceptable and should therefore be approved on appeal by the Local Review Body.

## **Ground 1 - Established Site History of Residential Use**

3.4 As shown in the historical map (**Fig.3**), there has been a long-established history of a residential property at this location. Like many rural residential sites in the Borders, the private track and junction to the main road are typical in small rural settlements in the Borders and across Scotland, where the plot edges to the road are bound by the original stone boundary walls. This arrangement should not be used as a means to preclude development in sustainable locations where all other criteria can be met.

3.5 The private access road has been used by five residential dwellings in the past, with no known road safety accidents or complaints. This fact was openly acknowledged by the Director of Planning during the determination of the application (04/01984/OUT) at Planning Committee in 2004, who stated that "this application is not creating a worse situation to that which existed when the original chalet (house) was in use therefore I do not believe that there are sufficient grounds upon which to justify refusal of the application."

This clearly demonstrates that the private access road can and has supported this level of development, without any impact on road safety or residential amenity, and is not a form of overdevelopment and thus complies with Policy PMD5: Infill Development.

# Stround 2 - A698 Heiton 20mph Speed Restrictions & No Geord of Accidents at this location

- 3.6 Beiton is a small, rural settlement that has developed in a linear Pattern along the main road of the A968. This reflects historical patterns of settlement in rural communities along the main access routes to nearby towns and employers. These roads have often evolved into busy trunk roads, such as Main Street at Heiton that connects Kelso with Jedburgh, with a speed limit that has historically been 30mph.
- 3.7 In January 2023, the speed limit of part of the A698 through Heiton was permanently reduced to 20mph. The section of road now benefits from several new elements of traffic calming and road safety measures in the form of road markings, speed limit warning signs and a vehicle activated speed sign. Current data from the Department of Transport confirms the low risk at this location as over a period of 24 years, there were no records of any accidents at the junction between the private access road and Main Street on the A698.

- 3.8 The current situation with regards to road safety at this location, is clearly that of a permanent, low speed environment, with several existing traffic calming and road safety measures in place, as well as no history or evidence of accidents. These measures all contribute to a significant reduction in the risk of road safety issues and that of potential accidents in what was already a low-risk environment. Moreover, due to the nature and scale of the proposals (residential), trips generated would be low and not significant enough to fundamentally increase the risk of adverse impacts on road safety at this location.
- 3.9 The Applicant has committed to providing measures in the form of road markings and/or build out, both of which are accepted, common means of traffic calming and road safety measures. Examples of road marking measures can be seen in **Fig.6** at Scott Street in Galashiels and also in **Fig.7** at Cairneyhill, Fife and are similar to what could be achieved at the application site. Heiton & Roxburgh Community Council also noted in their consultation response that 'It is noted that visibility splay is a key concern. If it is necessary, despite it not being an issue for the current dwellings, the suggestion of painted markings is reasonable'.
- 3.10 These reasonable measures have been rejected outright by the Roads Authority in their consultation response as they "may have a detrimental effect on road safety"; no further explanation has been provided to substantiate this view. Despite the historical use of the private track and junction being used by five residential properties, the low-speed restrictions in place and data confirming no records of accidents, none of this important, factual context has factored into the response from the Roads Authority or indeed the report of handling. This has resulted in the application for the proposed development being refused on unreasonable disproportionate grounds; it should therefore be supported as we respectfully consider it to meet the criteria of policy PMD2 and PMD5 with regards to access.



Figure 6: Road markings at junction to assist with visibility - Galashiels



Figure 7: Road markings at junction to assist with visibility - Cairneyhill

#### **Ground 3 - Sustainable Location for Residential Development**

- 3.11 Based on the objection from the Roads Authority, the report of handling concludes that "the means of access to the public road network is not adequate" and that a "fifth dwelling served off this private road is best termed over-development" and therefore the proposed development does not meet all of the criteria of Policy PMD5: Infill Development, specifically regarding access and overdevelopment. No further assessment has been made that takes into account the context and established site history of residential development, which is essential in order to reach a balanced, reasonable conclusion.
- 3.12 The application site, including its access and junction, has already been used for a fifth residential dwelling without any issue, is within the established settlement boundary at Heiton and is a readily refinable infill site. Furthermore, the Planning Authority recognise the report of handling that "the scale, form, design, materials and density remain acceptable" and that the proposed development is suitable addition to the neighbouring built form". The proposed Local Development Plan, while not formally adopted but approved and as such is a material consideration in the determination of planning applications, further strengthens the argument against the definition of the proposals as overdevelopment as Policy IS6: Road Adoption Standards, now allows for a maximum of five developments to be accessed via a private access.
- 3.13 The refusal of the proposed development is therefore unsustainable and goes against the overarching principles of NPF4, and the South of Scotland Regional Economic Strategy which states that In order to sustain rural villages support should be given the development of low impact housing 'to better integrate generations, attract new people to the area and ensure those farthest from the labour market have a stable platform from which to progress and prosper and development.'

- 3.14 The Planning Authority should therefore be taking tangible steps to encourage sustainable development in rural areas; criteria that the proposed development can demonstrably fulfil.
- 3.15 Taken together, all these factors clearly demonstrate that the proposed development is sustainable in terms of its location, for its proposed use and therefore cannot reasonably be considered as overdevelopment. We consider that on this basis, the proposed development would meet the criteria of NPF4 Policy 14: Design, quality and place and PMD5: Infill Development in this instance.

#### **Ground 4 - Negative Impact of Vacant Land**

- 3.16 As can be seen by the planning history of the application site, it can be reasonably classed as a brownfield site on account of it being land that has previously been developed. The site has now lain vacant for a considerable amount of time and this latest refusal by the Planning Authority, merely facilitates the continuation of a vacant plot of brownfield land lying empty for the foreseeable future. The impact of this decision results in continued blight on the character and vitality of the surrounding neighbourhood, while the negative effects of living next to vacant land are well publicised through the recent excellent work of the Scottish Land Commission.
- 3.17 Furthermore, it is noted that Scottish Borders Council declared a climate emergency in 2020 and published a "Climate Change Route Map" in 2021 to work towards the goal of net-zero by 2045. The proposed Local Development Plan also contributes to the net -zero journey, with a stated aim of promoting the development of brownfield sites in order to address and be resilient to the effects of climate change. The proposed development meets this aim and should therefore be assessed with the climate emergency and stated aims of the Council in mind.

### **Ground 5 - No objections from other Consultees**

3.18 As part of the application process, a total of three consultees were consulted including the Roads Authority, Heiton & Roxburghe Community Council and Scottish Water. The only consultee to object were the Roads Authority, the grounds of which have already been discussed. Of note is the response submitted by the Community Council who state that "the suggestion of painted markings is reasonable" in order to address concerns regarding visibility at the junction from the private access road to the A698. As stated previously, this mitigation has already been put forward by the Applicant and is still being offered, should the Local Review Body be minded to allow the appeal, as it represents a reasonable and effective means of traffic calming in terms of road safety.

# Ground 6 - Improvements from provision of a dedicated gurning space

- 3.19 Based on feedback from the Planning and Roads Authority, the Applicant has included as part of the proposed development, a Specific turning area within their property curtilage (Fig.8 and Fig.9) that can be used by all to ensure there is no need for vehicles to ever reverse onto the A698. This has been accepted by both the Planning & Roads Authority.
- 3.20 Until fairly recently, the application site, in full ownership of the Applicant, has been used unofficially as a turning area for vehicles primarily by neighbours and delivery drivers. It is noted that the three closest neighbours all objected to the proposed development siting road safety issues.
- 3.21 In a subsequent letter to the Planning Authority on the 27/08/2023, that was not included in the report of handling despite containing material considerations, the neighbours advised that the Applicant had erected a barrier on his land, which he is legally entitled to do, so they or other visitors were no longer able to use the site as an unofficial turning area.

- 3.22 The neighbours advised that "As a result, vehicles are regularly having, if clear, to use our driveways to turn around but more importantly on several occasions large vehicles have had to reverse out onto the A698 which is clearly dangerous".
- 3.23 The neighbours therefore recognise that the proposed development, with its inclusion of a dedicated, official turning area would in fact significantly improve the current situation with regards to road safety. They request that the provision of the turning area be subject to planning condition to ensure its proper use. The Applicant is still committed to the provision of a communal turning space on his land, for all to use when necessary.

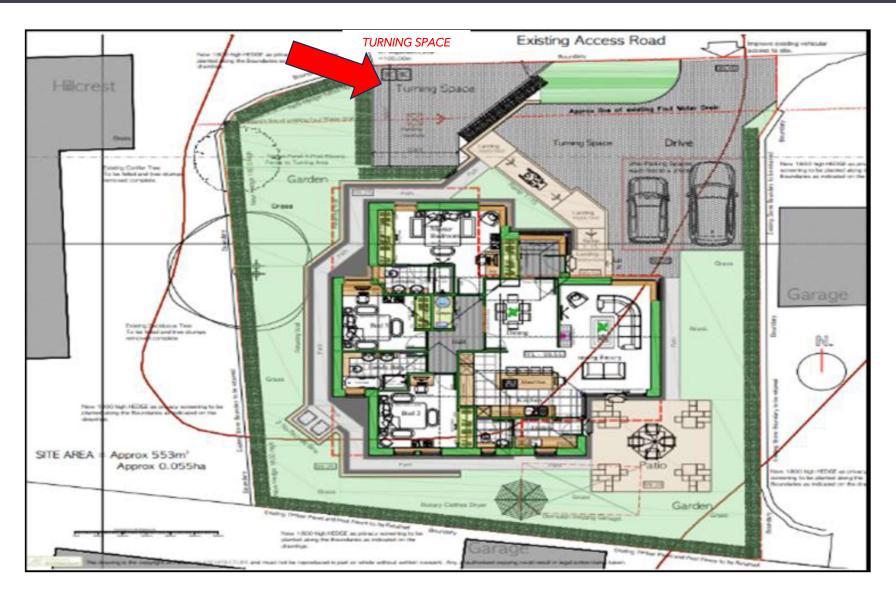


Figure 8: Proposed Site Layout - Turning Area

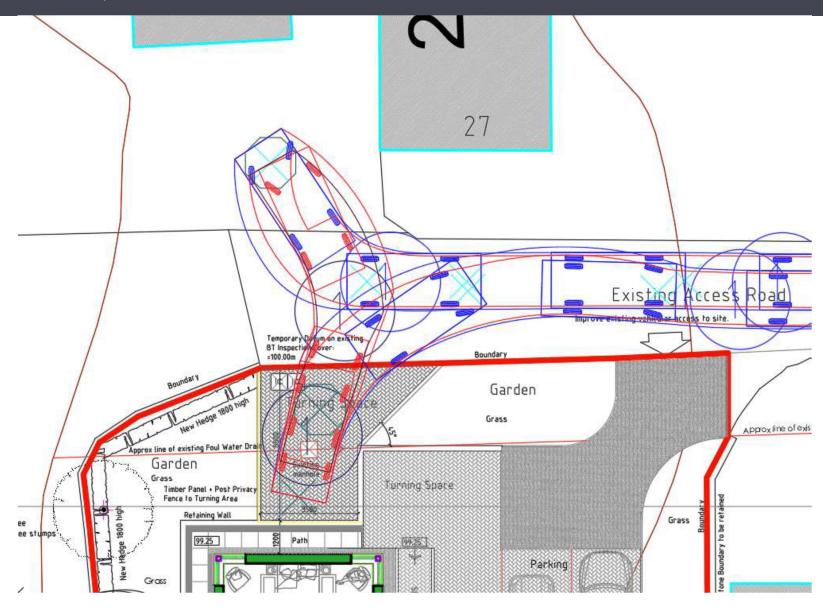


Figure 9: Swept Path Analysis - Turning Space

NEW DWELLING ON LAND ADJACENT TO CARNLEA, MAIN STREET, HEITON

CONCLUSION

# CONCLUSION

- 4.1 The Notice of Review, supported by this Statement, respectfully requests that the Council overturns the decision to refuse Planning Permission in for Application 23/01065/FUL and grant permission for the erection of a new dwelling at land adjacent to Carnlea, Main Street, Heiton.
- 4.2 The proposed development is for the erection of a replacement dwelling on a site that has lain vacant for a considerable amount of time and has previously been used for residential purposes. The proposed dwelling reflects the existing pattern of development, is well related to and within the existing housing group without any residential amenity issues, respects the local character of the area, represents a sustainable use of vacant, brownfield land and will contribute positively to the ongoing vitality and revitalisation of reiton.
- 4.3 The proposals include a dedicated turning area for all vehicles to use, which would significantly improve the current situation for vehicles using the private access road. New road markings at the junction of the private access track and Main Street would also be installed to address comments by the Roads Authority regarding potential road safety issues; these measures are an accepted, proportionate and reasonable form of traffic calming for road safety in a location that has a permanent low speed limit of 20mph and with no recorded traffic accidents.
- 4.4 Given the site history of having five residential properties using the private access road and the existing junction arrangements without any issues, the proposed development would therefore not result in a worse situation to that which existed when the original dwelling (Khansbar) was in use.

- 4.5 Based on the evidence and arguments outlined in this statement that addresses and counter the recommendation for refusal by the Planning Authority, we submit to the Local Review Body that the proposed development is therefore compliant with the relevant planning policy of the statutory development plan comprising: National Planning Framework 4, Policy 14; adopted Scottish Borders Local Development Plan, Policy PMD2 and PMD5 and the approved Scottish Borders Development Plan Policy IS6.
- 4.6 Members of the Local Review Body are therefore respectfully requested to allow the appeal and grant planning permission for the proposed development of a new dwellinghouse adjacent to Carnlea, Main Street, Heiton.

## APPENDIX - CORE DOCUMENTS

The following drawings, documents, and plans have been submitted to support the Notice of Review:

- Appeal Statement
- 23/01065/FUL:
  - o Application Form
  - o Transport Statement
  - o Design & Access Statement
  - Planning Drawings
  - o Roads Authority Consultation Response 07/08/2023
  - o Community Council Consultation Response 12/08/2023
  - o Further Representations (Neighbours) 27/08/2023
  - o Report of Handling
  - o Decision Notice
- Planning Committee Report 04/01984/OUT

# FERGUSON PLANNING

GALASHIELS

Shiel house 54 Island Steet Galashiels TD1 1NU

T: 01896 668 744 M: 07960 003 357 EDINBURGH

1<sup>st</sup> Floor, 38 Thistle Street Edinburgh EH2 1EN

T: 0131 385 8801 M: 07960 003 358 NORTHERN IRELAND

61 Moyle Road Ballycastle, Co. Antrim Northern Ireland BT54 6LG

M: 07960 003 358

E: tim@fergusonplanning.co.uk

WWW.FERGUSONPLANNING.CO.UK





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 10

100626378-001

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 Application for Approval of Matters specified in conditions.	l of a planning condition etc)
Description of Proposal	
Please describe the proposal including any change of use: * (Max 500 characters)	
Erection of a new dwellinghouse, associated landscaping and infrastructure.	
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 detail	ls		
Company/Organisation:	Ferguson Planning Ltd		
Ref. Number:		You must enter a Bi	uilding Name or Number, or both: *
First Name: *	Sam	Building Name:	
Last Name: *	Edwards	Building Number:	54
Telephone Number: *	07854009657	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Midlothian
		Postcode: *	TD1 1NU
Email Address: *	sam@fergusonplanning.co.uk		
☑ Individual ☐ Orga	dual or an organisation/corporate entity anisation/Corporate entity		
Applicant Det  Please enter Applicant de			
Title:	Mr	You must enter a Bi	uilding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	Mark	Building Number:	54
Last Name: *	Graham	Address 1 (Street): *	54 Island Street
Company/Organisation	c/o Ferguson Planning Ltd	Address 2:	
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	United Kingdom
Mobile Number:	07854009657	Postcode: *	TD1 1NU
Fax Number:			
Email Address: *	sam@fergusonplanning.co.uk		

Site Address D	Details				
Planning Authority:	Scottish Borders Cou	uncil			
Full postal address of the s	ite (including postcode	where available):			
Address 1:					
Address 2:					
Address 3:					
Address 4:					
Address 5:					
Town/City/Settlement:					
Post Code:					
Please identify/describe the	e location of the site or	sites			
Northing 6	30749		Easting	371263	
Northing			Easting		
Pre-Applicatio	n Discussior	า			
Have you discussed your p	proposal with the plannin	ng authority? *			☐ Yes ☒ No
Site Area					
Please state the site area:		0.05			
Please state the measuren	nent type used:	Hectares (ha	) Square Metre	es (sq.m)	
Existing Use					
Please describe the curren	t or most recent use: *	(Max 500 characte	ers)		
Previously developed lar	nd with garage to the so	uthwest, between	residential dwelling:	s	
Access and Pa	arking				
Are you proposing a new a If Yes please describe and you propose to make. You	show on your drawings	the position of an	y existing. Altered c	or new access points, any impact on these.	Yes No

Are you proposing any change to public paths, public rights of way or affecting any public right of access If Yes please show on your drawings the position of any affected areas highlighting the changes you prarrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	0
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	2
Please show on your drawings the position of existing and proposed parking spaces and identify if thes types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	e are for the use of particular
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)? *	
X 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 I determined. You may wish to contact your Planning Authority or SEPA for advice on what information n	
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? *	Ⅺ Yes ☐ No
If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close t any are to be cut back or felled.	o the proposal site and indicate if
Waste Storage and Collection	
Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *	Ⅺ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)	
Bin storage provided within proposed development.	
Residential Units Including Conversion	
Does your proposal include new or additional houses and/or flats? *	Ⅺ Yes ☐ No
How many units do you propose in total? *	
Please provide full details of the number and types of units on the plans. Additional information may be p statement.	provided in a supporting
All Types of Non Housing Development – Proposed New	v 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 cauthority will do this on your behalf but will charge you a fee. Please check the planning authority's webs 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 che notes before contacting your planning authority.	ck the Help Text and Guidance
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 elected member of the planning authority? *	an Yes 🗵 No
Certificates and Notices	
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVEL PROCEDURE) (SCOTLAND) REGULATION 2013	OPMENT MANAGEMENT
One Certificate must be completed and submitted along with the application form. This is most usually C Certificate B, Certificate C or Certificate E.	ertificate A, Form 1,
Are you/the applicant the sole owner of ALL the land? *	🛛 Yes 🗌 No
Is any of the land part of an agricultural holding? *	Yes X No
Certificate Required	
The following Land Ownership Certificate is required to complete this section of the proposal:	
Certificate A	

Land Ov	vnership Certificate						
Certificate and Notic Regulations 2013	ce under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)						
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 essee 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 lar	2) - None of the land to which the application relates constitutes or forms part of an agricultural holding						
Signed:	Sam Edwards						
On behalf of:	Mr Mark Graham						
Date:	13/07/2023						
	☑ Please tick here to certify this Certificate. *						
Checklist -	- Application for Planning Permission						
	Planning (Scotland) Act 1997						
-	ntry Planning (Development Management Procedure) (Scotland) Regulations 2013						
in support of your a	noments to complete the following checklist in order to ensure that you have provided all the necessary information pplication. Failure to submit sufficient information with your application may result in your application being deemed g authority will not start processing your application until it is valid.						
that effect? *	application where there is a variation of conditions attached to a previous consent, have you provided a statement to  Not applicable to this application						
you provided a state	cation for planning permission or planning permission in principal where there is a crown interest in the land, have ement to that effect? *  Not applicable to this application						
c) If this is an applic development belong you provided a Pre-	cation for planning permission, planning permission in principle or a further application and the application is for ging to the categories of national or major development (other than one under Section 42 of the planning Act), have Application Consultation Report? *  Not applicable to this application						
Town and Country	Planning (Scotland) Act 1997						
The Town and Cou	ntry Planning (Development Management Procedure) (Scotland) Regulations 2013						
major development	cation for planning permission and the application relates to development belonging to the categories of national or s and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development edure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *  Not applicable to this application						
to regulation 13. (2) Statement? *	cation for planning permission and relates to development belonging to the category of local developments (subject and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design  Not applicable to this application						
f) If your application ICNIRP Declaration	relates to installation of an antenna to be employed in an electronic communication network, have you provided an						

	planning permission, planning permission in principle, an application for appr for mineral development, have you provided any other plans or drawings as n	
⊠ Site Layout Plan or Block     Elevations.     ☐ Cross sections.     ☐ Roof plan.     ☐ Master Plan/Framework     ☐ Landscape plan.     ☐ Photographs and/or photographs.	x Plan.	
If Other, please specify: * (N	flax 500 characters)	
Provide copies of the following	ng documents if applicable:	
Drainage/SUDS layout. * A Transport Assessment or T Contaminated Land Assessment Survey. * A Processing Agreement. * Other Statements (please sp Planning Statement	ent (including proposals for Sustainable Drainage Systems). *  Travel Plan nent. *  Decify). (Max 500 characters)	☐ Yes ☒ N/A ☐ Yes ☐ N/A ☐ Yes ☒ N/A
Declare – For A	application to Planning Authority	
	that this is an application to the planning authority as described in this form. T al information are provided as a part of this application.	he accompanying
Declaration Name:	Mr Ferguson Planning	
Declaration Date:	23/05/2023	





## Design and Access Statement

In Support of a

Planning Application

Proposed Bungalow

Land Adjacent 27, Main Street, HEITON, Kelso TD5 7UG

APPLICANT
Mr Mark Graham

## Patterson architecture

16, Riverside View, KELSO, Scottish Borders, TD5 7UG. T: 01573 226553.

M: 07850 327677.

E: john@patterson-architecture.co.uk.

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11.0	Bio Diversity
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13.0	Conclusion



#### 1. INTRODUCTION

This statement is written to accompany an application for planning application under the Town and Country Planning (Scotland) ACT 1997. Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

#### 2. SITE LOCATION

The application site, is situated in the village of Heiton, to the West of the Main Street (A698 Jedburgh Kelso road), behind the dwelling named Carnlee.

- 2.1 To the North of the site is an existing shared vehicular access road, giving vehicular access to the site. This access road joins the main A698.
- 2.2 The western side of the site adjoins the dwelling known as Hillcrest.
- 2.3 The Southern side of the site adjoins, dwelling houses and a private garage

#### 3. ROADS

Access to the site is gained off an existing shared access road, leading from Main Street (A698), the A698 supports two-way traffic, also subject to a 20 mile per hour speed limit

#### 4. PLANNING POLICIES

The development is currently not within a conservation area.



#### 5. SCALE

- 5.1 The proposed development carefully considers the requirements of national and local planning policies to provide high quality design principles, to provide good quality residential unit and to utilise the land available.
- 5.2 The proposed development carefully considers the relationship, between the existing dwellings, with regard to amenity, privacy and overlooking. All as recommended by Scottish Borders Council.

#### 6. DESIGN PRINCIPALS

- 6.1 The submitted plans are to construct a dwelling house, to replace a house known as Khansbur, clearly indicated on the 1965 edition of the Ordnance Survey map.
- 6.2 The design of the new bungalow is such, the proposed bungalow has been designed, with a minimum ridge height as practically possible, given the slate roof covering material.
- 6.3 By utilising the topography of the site which slopes gently from West to East, To help keep the roof line, as low as possible, the site over the area of the build, will be set down, taking the lowest point from the East.
- 6.4 With regard windows, no window openings will be sited in the West elevation, taking into account privacy and overlooking, A 1800mm high hedge to be planted along the West, East and South boundaries, species to be agreed with the LPA.
- 6.5 The external materials, chosen in the design reflects the dwellings in the area, Facing brick basecoarse, Rendered walls and a Slate finished roof
- 6.6 The bungalow has also been designed in such a way as to reflect the character of the area, whilst providing and incorporating modern house design, with good arrangements.



6.8 It is considered that the design and layout of the bungalow, Is suitable for the needs of young people, established families, also senior living.

#### 7 ACCESS

- 7.1 Vehicular and pedestrian traffic access is gained, off the existing access Road leading from Main Street, to the North of the site.

  Utilising the existing vehicular access, which at present allows vehicular access to the existing garage position near the South boundary of the site. Within the existing site boundaries.
- 7.2 The established residential muse of the site, retains the established access, via a shared access road, off Main Street. The retained vehicular access from the Main Street, this includes to the site and the existing on site Garage.
- 7.3 On-site parking is to be provided, also a turning space, enabling forward moving access/ egress to the site. All to comply with Scottish Borders Council guidelines.
- 7.4 The existing access/egress to the site remains extant and established. This is apparent on the site, access to the site and garage, in the title deeds for the property. Furthermore, the site retains the legal right of vehicular access, via the land registry title deeds, this also requires the landowners to contribute towards the upkeep of this access/ egress route. Mr and Mrs Graham did not apply for planning permission to form a new access, this remains well-established for the existing site.
- 7.5 A proposed turning space is proposed for the benefit, of the adjoining properties. To enable cars and service vans, to access the properties, also enter onto Main Street (A698) in a forward movement.
  - Mr and Mrs Graham are loosing garden and amenity space to provide this facility.



- 7.6 The use of ramps and steps, leading to the front entrance door, allows easy access for both disabled persons and those with young families.
- 7.7 Driveway, parking, turning space, ramp and footpath to be of permeable construction, for details see drawings.

#### 8 RELEVANT PLANS + DOCUMENTS

#### 8.1 PLANS

- PDK-23-169-000 Location Plan
- PDK-23-169-001 Ground Floor Plan + North Elevation.
- PDK-23-169-002 East, West + South Elevations.
- PDK-23-169-003 Site Layout Plan
- PDK-23-169-004 Block Plan
- PDK-18-118-005 Section Through Site
- PDK-18-118-006 Existing Site + Demolition Plan
- CGI's

#### 8.2 DOCUMENTS

- Design + Access Statement.
- Planning Statement: Prepared by Ferguson Planning, Galashiels.
- Transport Supporting Statement: Prepared by Sweco UK Limited.

#### 9 BUILDING REGULATIONS

All current Building Regulations and Standards to be complied with.

•	Flood Risk Area	No
•	Listed Building	No
•	Conservation Area	No
•	Tree Preservation	No



#### 10 SUSTAINABILITY

- 10.1 The application site is sustainably located within Heiton, a wellestablished settlement. Also at a site with extant Planning Permission for a single dwelling.
- 10.2 The proposal considers the connectivity of the site for people including the movement of motor vehicles, by prioritising sustainable mand active travel choices, such as walking, cycling and public transport.
- 10.3 The proposed new building will fully comply with the newly updated and increased requirements of the Building Standards Scotland, as such, will as a minimum far exceed the sustainability credentials.
- 10.4 The proposal will maximise the efficient use of resources. This can be achieved by re-using or sharing existing remorse's and by minimising there future depletion. This includes consideration of technological and natural means, such as drainage systems, solar gain, renewable energy, in the form of solar panels and Air Source Heat Pumps.
- 10.5 The KEY RESOURSE, efficiency is for the redevelopment of the site, utilising an extant Planning permission and a Brownfield site that is both vacant and derelict. The site is located within Heiton directly accessible to services, facilities and modes of sustainable transport.
- 10.6 As the Government aim to prioritise the reuse and redevelopment of Brownfield land, this proposal achieves and accords with this aim and delivers the development of an extant site and Brownfield site.



10.7 As our population gets older, government policy seems to be leaning more to care at home for Senior Citizens. This dwelling is design to comply with access to the property, also the spacial requirements required to meet such demands. All to comply with the Building Standards Scotland.

#### 11 BIO DIVERSITY

The proposed design has in our opinion no adverse effects on biodiversity. With landscaping and hedge planting to be undertaken.

#### 12 HERITAGE STATEMENT

#### 13 CONCLUSION

The Local Planning Authority is therefore urged to back this proposal for what it is, to all intents and purposes, a well-designed development which respects its surroundings, making the most efficient use of the site in a sustainable location. Furthermore, the development will be built to the highest standards in place, with regard to the sustainable construction. Thus, securing another significant planning benefit.

John Patterson **Patterson** architecture

May 2023.







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DO NOT SCALE from this drawing. Contractors must verify all dimensions on site before setting out, commencing work, ordering materials or making any shop

drawings. This drawing and design is for use solely in connection with the project described below.

COPYRIGHT :-This drawing is the copyright of Patterson ARCHITECTURE, and must not be copied, re-issued or loaned without prior written consent of Patterson ARCHITECTURE.

Any discrepancies and or conflicting information or specified is to be notified to Patterson ARCHITECTURE, prior to construction on site. Construction should only proceed from drawings issued for construction purposes unless prior written consent is obtained. Should any site personnel, or those employed to carry out the works on

their behalf choose alternative materials, or components to those specified on Patterson ARCHITECTURE drawings, without prior written agreement then they do so at their own risk. The information contained in this drawing is representational and has been compiled, from a dimensional survey only and does not warrant

nor certify the structure of the buildings or neighbouring structures at

the time of contraction. The contractor is to visit the site to make himself acquainted with the building's and surroundings and undertake any investigation work or make all allowances to ensure that a full and final quotation for the works will be submitted, taking into account all eventualities. Failure to do so will be at the contractors own risk and no additional payments shall be countenanced for any amendments to the work. The contractor is to carry out all works in full compliance with the Health and Safety Commission's Approved Code of Practice "Managing Construction for Health and Safety" and Construction ( Design and

Management) Regulations 1994. All work and working practices on the site shall be carried out in accordance with the above and to ensure that there is no risk to the site operatives, visitors or public.

The contractor is to include all preliminary allowances to cover the prevention of accidents and injury.

All works are to be carried out to comply with manufacturers, suppliers and industry guidelines, local authority regulations, good standards, fire safety recommendations, specialist subcontract recommendations and services supply and installation regulations. All manufacturers literature is to be kept on site. Provide all relevant guarantees in duplicate for presentation to the client.

Allow all necessary attendance and liaison with CA's ( and CA personnel ) specialist subcontractor trades. Ensure all notifications are submitted to the Local Authority.

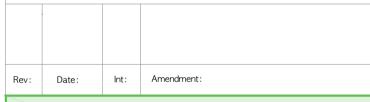
Building Control and submit materials as required to the local Authority Planning Department. Carefully examine the drawings and notify any discrepancies to the CA for instruction prior to proceeding.

Check all dimensions on site prior to ordering materials and notify any

discrepancies to the CA for instruction prior to proceeding.

No Responsibility For Any Error Or Omission In This Specification Will Be Recognised Unless Brought To The Attention Of The Client Or His Agent Prior To Signing The Contracts.

### This drawing is for PLANNING PERMISSION PURPOSES only and is not a Construction drawing.



16, Riverside View, KELSO, Scottish Borders, TD5 7UG. T: 01573 226553. M: 07850 327677.

: info@patterson-architecture.co.uk



www.patterson-architecture.co.uk

Project Address:

Proposed Bungalow at:

27, Main Street, HEITON,

Kelso, Scottish Borders, TD5 8JR.

Client Name:

for Mr + Mrs Graham

Drawing Title:

Planning:

Site Pan as Existing + Demolition Plan

Date:  14th May 2023  Drawn By:  Scale:  1:100 @ A1	Project Ref Number:				
John H Pattersor	٦.	PD	DK-23-169		
Date:	Scale:	Dra	awing Number:		
14th May 2023	1:100 @ A1	00	06		
All dimensions are	in millimeters		Suffix:		
All dimensions to b	e checked on site				





# BLOCK PLAN

Scale: 1:200 @ A1

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12000mm

HARD LANDSCAPING

# DRIVEWAY, PARKING, TURNING SPACE, RAMP and FOOTPATHS

SS.Excavations:

Excavate for Drive, Parking, Turning Space and footpaths as shown on drawings.

Supply and install precast concrete edgings to BS EN 1340 size 150 x 50 x 915mm to Drive, Parking and Turning Space, as indicated on the drawings.

Bedded on mortar laid on hardened concrete base. Bedding mortar allowed to set and units secured with a continuous haunching of concrete.

Bedded on fresh concrete races to BS 7533-6, secured with backing concrete cast

monolithically with concrete race.

Concrete for foundations and haunching. Standard to BS 8500-2.

Bedding and backing of units, either of the following:

PERMEABLE CONSTRUCTION

Designated mix: Not less than GEN10 or standard ST1 or better, low workability. Motar bedding 1:3 cement sand as section Z21.

Bed thickness 12 - 40mm. GRAVEL DRIVE, PARKING + TURNING SPACE:-

From gravel drive with concrete edges as indicated on the plans.

Excavate to vehicular access road and footpaths as shown on drawings, to depths required for sub-base thickness

Sub-base to Drive, Parking and Turning areas be minimum 150mm thick granular sub-base.

Sub-base to footpaths to be minimum 100mm thick granular sub-base. Granular material:

Crushed rock ( other than argillaceous rock ) or quarry waste with not more binding material than is required to help hold the stone together. Natural gravel.

Natural sand.

No frost susceptible material.

Compaction of sub-base:

Execution:-Preparation/ compacting of subgrades:

Soft or damaged areas: Excavate and replace with sub-base material, compacted in layers 300mm thick (

Compaction: Thoroughly, by roller or other suitable means, adequate to resist subsidence or deformation of the subgrade during construction and of the completed pavings when in use. Take particular care to compact fully at intrusions, perimeters and where local excavation and backfilling has taken place.

Preparation: Remove loose soil, rubbish and standing water.

Laying: Spread and level in layers. As soon as possible thereafter thoroughly compact each layer. After compaction and immediately before overlaying, the sub-base must be uniformly well closed and free from loose material, cracks, ruts or hollows.

Finish: Vibrate to provide a close, smooth surface.

Sub-bases: As soon as practicable, cover with subsequent layers, specified elsewhere.

Prevent degradation by construction traffic, construction operations and inclement weather. Geotextile sheet:

Lay geotextile sheet overlay, over blinding coarse, fit neatly at edge restraints and other features. e.g. drainage fittings, channels, manholes and kerbs. Width: 1000mm (minimum).

FINISHES:-

Bonded chippings: Standard: to BS EN 13043.

General: Loose laid and racked to a uniform 50mm thickness PARKING, TURNING AREAS and RAMP:-

Parking + Turning Areas + Ramp

To be finished with Permeable finish, MARSHALLS Driveline Priora (colour Charcol) size 200 x 100 x 60mm thick sets laid in a regular pattern, or similar approved. Laid on a 50mm thick laying coarse 6-2mm open graded crushed

Compaction should be undertaken with a plate vibrator. Prior to final compaction of the surface, joints should be filled with the same grading of materials as that used for the laying course.

PERMEABLE Areas to perimeters of HOUSE and PATHS: Minimum 200mm wide, positioned as indicated on site layout

Formed with minimum 300mm thick recycled crushed stone to dust, on imported graded 40mm to dust and finished with 50mm thick gravel, to drive as indicated, colour to be agreed.

PAVING:

Including FOOTPATHS and PATIO AREAS

Form concrete flag paving with concrete edges as indicated on the plans. Standards: Concrete flags 600x600x38mm to BS EN 1338.

Laying course sand or sand bedded concrete flags to BS 7533-4 maintained at even moisture content that will give maximum compaction.

Sub-base: 100mm thick all as specified above,

Blinding: all as above. Geotextile sheet: all as above.

Laying pavings general: Appearance, smooth and even with regular joints and accurate to line, level and profile. Falls: To prevent ponding

Bedding of paving units: Firm so that no rocking or subsidence does not occur or develop. Bedding/ Laying course: Consistently and accurately graded, spread and compacted to produce uniform thickness

and support for paving units. Slopes: Lay paving units upwards from bottom of slopes.

Paving units: Free of mortar and sand stains. Cutting: Cut units cleanly and accurately, without spalling, to give neat junctions with edgings and adjoining finishes.

Cleanliness: Keep paving clean and free from mortar droppings, oil and other materials likely to cause damage.

Materials storage: Do not overload pavings with stacks of materials.

Handling: Do not damage paving unit corners, arrises or previously laid paving. Access: Restrict access to paved areas to prevent damage from site traffic and plant.

SOFT LANDSCAPING

**GRASSED AREAS:** The Ground Areas around the new dwelling house that is not detailed under hard landscaping above.

Reuse existing top soil removed from excavations to house and drive. Should top soil have to be imported, this shall be to BS 3882 with classification of slightly stony, or less. No stone greater than 50mm in any dimension shall be acceptable. Cover areas as required round house and to edges of new drive and finish with turf. Topsoil shall be spread and lightly rolled to a finished compacted thickness of 150mm for seeding and 100mm for turfing, all grassed areas to be initially set to a level 40mm above adjacent kerbs/edgings to allow for compaction. Areas to be turfed, turves shall comply with BS 3969. They shall be laid to bond and tamped into topsoil bed. The contractor shall ensure that the grass is properly and regularly watered and cut, and cleared of grass cuttings to ensure proper growth.

1800mm high new HEDGE privacy screen, to be planted along the East and North boundaries, as indicated on the

BIN STORAGE AREA:-Form Bin Storage Area as follows:-

PRIVACY SCREENING:

Form hard standing with paving, all as specified above under PAVING. Erect new treated timber post and timber panel fence 1800mm high, to 3 sides of the Bin Storage area, as

indicated on the plans. FLOOR AREA:

All floor areas are measured net internal in Square Meters. FLOOR AREA - 127 m<sup>2</sup>

FLOOR LEVELS:

Provisional Floor Levels as follows, subject to on site check. DATUM existing inspection cover as indicated on Site Layout Plan.

DATUM - 100.000m FLOOR LEVEL - 99.550m

GROUND LEVEL at House perimeter- 99.250m

SITE AREA: Approximately - 553 m<sup>2</sup>

- 0.055 ha

- 0.136 Acre





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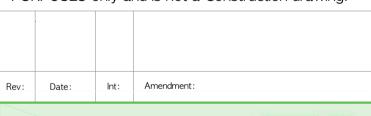
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: info@patterson-architecture.co.uk



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Project Address: Proposed Bungalow at:

27, Main Street, HEITON,

Kelso, Scottish Borders, TD5 8JR.

Client Name:

Drawing Title:

for Mr + Mrs Graham

All dimensions to be checked on site

PLANNING

**BLOCK Plan** 

Project Ref Number: John H Patterson. PDK-23-169 14th May 1:50 @ A1 2023 All dimensions are in millimeters





13700

3200

Utility

Porch

2500

13700

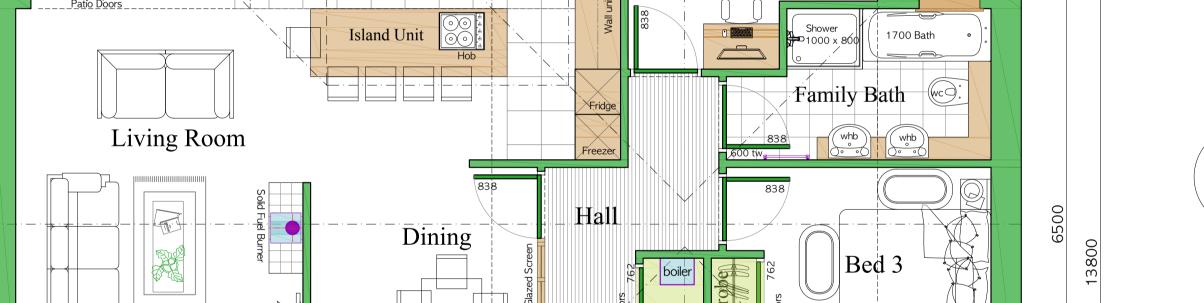
Level Landing

Maria Maria

Kitchen

# MATERIALS PALLET:

	DECODIDATION
REF: No:	DESCRIPTION:
1.	Natural Stone basecoarse as indicated on Elevations.
2.	External walls to be covered with Derbyshire Spar Render.
3.	Reinforced Pre-cast concrete cill: Colour - Portland.
4.	200mm wide Plain Cement bands and 100mm wide ingoes + feature panels: Colour - Portland.
5.	Roof Finish: CEDRAL Trutone Textured Fibre cement slates: Colour - Blue-Black.
6.	Fascias, Soffits + Barge Boards: MARLEY Eternet plain fibre cement cladding: colour - Grey Slate.
7.	LINDAB Metal Rianwater Goods:
	125mm half round gutters + 75mm ø downpipes: Colour Dark Grey
8.	Lead Flashings, Valley Gutters etc minimum Code 5: Colour - Natural.
9.	Double Glazed Powder coated aluminium Windows: Colour - Dark Grey RAL 7015
10.	Double Glazed Hardwood External doors + Glazed Screens.
11.	VELUX Double Glazed Top Hung Roof Window, size 780w x 1398h each
12.	FLUE from Log Burner: Twin Wall Stainless Steel metal flue: Natural.
13.	13-14 VELUX Double Glazed Combination Windows, Coprising 1 No VELUX Double Glazed centre pivo
14.	Roof Window, size 942w x 1178h + 1 No VELUX Double Glazed top hung Vertical window element, siz 942w x 942h,



Master

Bedroom

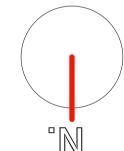
5900

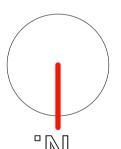
5900

Bed 2

Bed 1400 x 2000

En-suite





1500

1500

True Scale at 1:50 Printed at A1.



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3800

Parking

2No Parking Spaces each 5000 x 2500

Level Landing

Ramp Up

Level Landing



described below.

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Project Address:

Proposed Bungalow at: 27, Main Street,

HEITON,

Kelso, Scottish Borders, TD5 8JR.

Client Name:

for Mr + Mrs Graham

Drawing Title:

PLANNING: FLOOR Plan NORTH Elevation

Drawn By:		Pro	ject Re	ef N	umbe	er:		
John H Patterson		PDI	K-23-	16	9			
Date: 14th May 2023	Scale: 1:50 @ A1	Drawing Number:						
All dimensions are i	n millimeters		Suffix	:				
All dimensions to be checked on site								

MATERIALS PALLET:

1. Natural Stone basecoarse as indicated on Elevations.

LINDAB Metal Rianwater Goods:

2. External walls to be covered with Derbyshire Spar Render. 3. Reinforced Pre-cast concrete cill: Colour - Portland.

10. Double Glazed Hardwood External doors + Glazed Screens.

4. 200mm wide Plain Cement bands and 100mm wide ingoes + feature panels: Colour - Portland.

6. Fascias, Soffits + Barge Boards: MARLEY Eternet plain fibre cement cladding: colour - Grey Slate.

13. 13-14 VELUX Double Glazed Combination Windows, Coprising 1 No VELUX Double Glazed centre pivot
14. Roof Window, size 942w x 1178h + 1 No VELUX Double Glazed top hung Vertical window element, size

Roof Finish: CEDRAL Trutone Textured Fibre cement slates: Colour - Blue-Black.

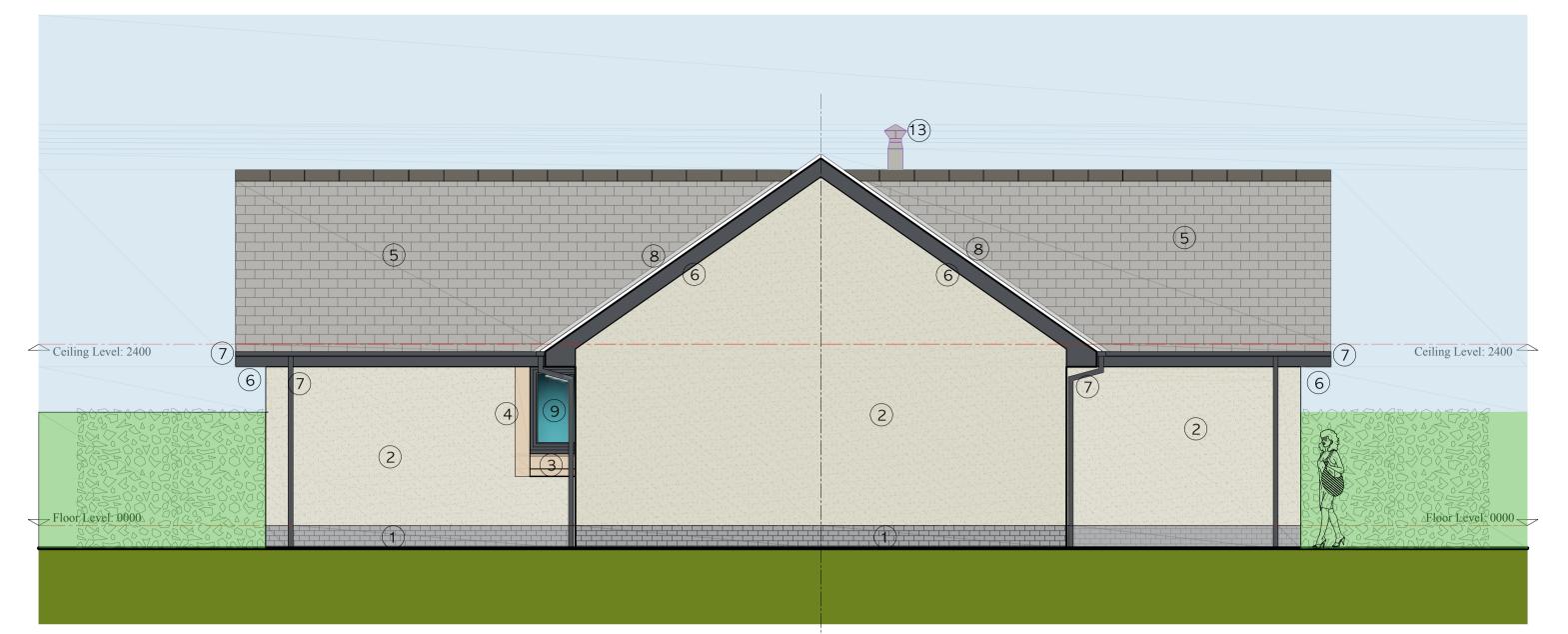
9. Double Glazed Powder coated aluminium Windows: Colour - Dark Grey RAL 7015

125mm half round gutters + 75mm ø downpipes: Colour Dark Grey 8. Lead Flashings, Valley Gutters etc minimum Code 5: Colour - Natural.

11. VELUX Double Glazed Top Hung Roof Window, size 780w x 1398h each 12. FLUE from Log Burner: Twin Wall Stainless Steel metal flue: Natural.

REF: DESCRIPTION:

15. Obscure Gazing



WEST Elevation SIDE Scale: 1:50.

# Ceiling Level: 2400 Ceiling Level: 2400 Floor Level 0000 Floor Level 0000

EAST Elevation SIDE Scale: 1:50.



SOUTH Elevation REAR



True Scale at 1:50 Printed at A1.



described below.

the time of contraction.

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Kelso, Scottish Borders, TD5 8JR.

Client Name: for Mr + Mrs Graham

Drawing Title:

PLANNING:

SOUTH, EAST + WEST Elevations

<u>Drawn By:</u>		Project Ref Number:						
John H Patterson.		PDK-23-169						
Date:	Scale:	Drawing Number:						
14th May 2023	1:50 @ A1	002						
All dimensions are in millimeters			Suffix:					
All dimensions to be checked on site								



SECTION 01 - 01

Scale: 1:100.

True Scale at 1:100 Printed at A1. 



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Client Name:

for Mr + Mrs Graham

Drawing Title:

PLANNING: SECTION Through SITE

All dimensions to be checked on site

Project Ref Number: PDK-23-169 John H Patterson. 14th May 1:100 @ A1 2023 All dimensions are in millimeters



CGI Image Looking North West REAR



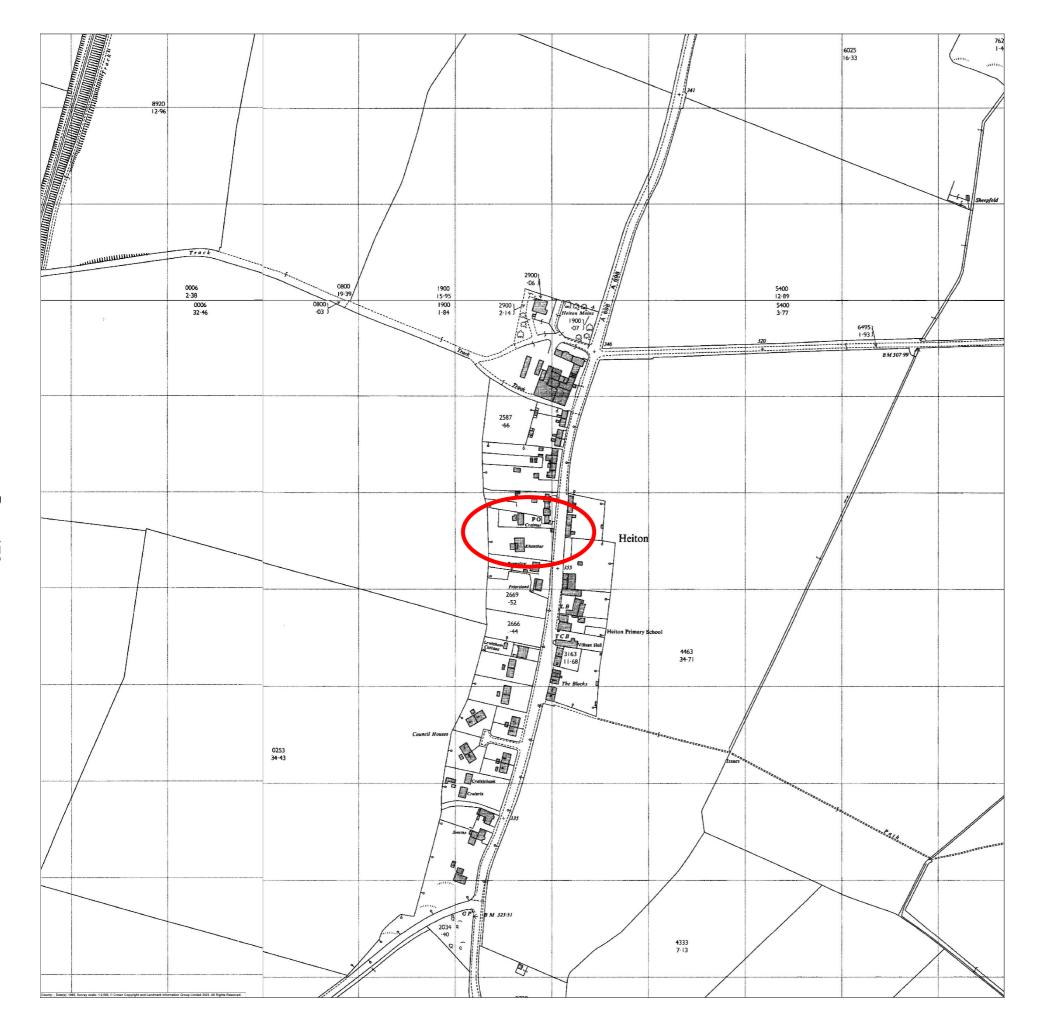
16, Riverside View, KELSO, Scottish Borders, TD5 7UG. T: 01573 226553 M: 07850 327677 E: info@patterson-architecture.co.uk www.patterson-architecture.co.uk Dwg No: PDK-23-169- CG1.



CGI Image Looking South West FRONT



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# Landmark INFORMATION GROUP

## Landmark Historical Map

County:
Published Date(s): 1965
Originally plotted at: 1:2,500



## 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	7 <sup>th</sup> August 2023	Consultee reference:		
Planning Application Reference	23/01065/FUL	Case Officer:		
Applicant	Mr Mark Graham			
Agent	Ferguson Planning			
Proposed Development	Erection of dwellinghouse			
Site Location	Land Adjacent Carnlea Main Street H	eiton Scottish Borders		
The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.				
Background and Site description	There is a history of recent applications at this site which Roads Planning have objected to on road safety concerns.			
Key Issues (Bullet points)	<ul><li>Access</li><li>Visibility</li></ul>			
Assessment	There are two changes since the previous application which relate to Roads Planning:			
	<ol> <li>The proposed Local Development Plan allowing a maximum of 5 dwelling units to be served from a private access road.</li> <li>A proposed build out from the private access on to the A698 to create better visibility.</li> </ol>			
	Regarding point 1 above, it is my view that although the private access road would not have to conform to an adoptable standard, the access from the private road is still unsuitable for this level of development.  Regarding point 2, I would not support any scheme to narrow the carriageway along the A698 as this is incongruous with the road through Heiton and any scheme in isolation may have a detrimental effect on road safety.			
	some problems at the site, there remarkable road. It is exceptionally constrained in wide enough for one vehicle. Visibility vehicle having to encroach significant	nt has proposed a turning head to alleviate ains the issue of the junction with the public a terms of geometry and visibility and is only in both directions is effectively zero, with a ly into the running carriageway before any see the land surrounding the access is outwith ope for suitable improvements.		
	As such, I must object to this proposa	I.		

Recommendation	⊠ Object	Do not object	Do not object,	Further
			subject to conditions	information required
Reason of Objection	The proposal does not comply with policy PMD2 of the Local Development Plan			
	2016 in that it would be result in extra vehicular traffic on a sub-standard access to			
	the detriment	of road safety.		

Signed: DJI

## Heiton and Roxburgh Community Council

Your Ref: 23/01065/FUL

12 Aug 2023

Scottish Borders Council, Council Headquarters Newtown St Boswells Melrose Scottish Borders TD6 0SA

**Dear Sirs** 

Re: 23/01065/FUL|Erection of dwelling house|Land Adjacent Carnlea, Main Street, Heiton

One of the South of Scotland Regional Economic Strategy six themes is 'thriving and distinct communities' and a key priority in this theme is housing. In order to sustain rural villages support should be given the development of low impact housing 'to better integrate generations, attract new people to the area and ensure those farthest from the labour market have a stable platform from which to progress and prosper'

SBC's Local Development Plan outlines that the Housing Needs and Demand Assessment identified a continued need for some 100 houses per annum over the next 5 years and that the plan will 'seek to encourage the delivery of affordable housing opportunities to meet local need'

It is understood that this site had previously been granted planning permission, but this lapsed before construction could start. The subsequent application and appeal were unsuccessful, and this new application has taken on board design considerations that lead to the refusal – repositioning of windows to avoid overlooking, reduction in the height of the dwelling and the inclusion of a turning circle. The applicant appears to have taken all reasonable steps within their control to make changes to the plan.

We understand from the application that there are currently four properties on this private road and there has been for at least a decade. Each dwelling has at least one vehicle and according to the SWECO transport report the existing access has no history of road safety issues.

It is noted that visibility splay is a key concern. If it is necessary, despite it not being an issue for the current dwellings, the suggestion of painted markings is reasonable. However, the creation of a small build out to increase visibility splay has the potential to cause disruption to the flow of traffic and parking issues for neighbouring properties and therefore poses some concern.

This application appears to align with the local development plan regeneration policy (ED5) which aims to encourage redevelopment of land, supporting bringing land back into

productive use, and the infill development policy (PMD5). Both policies state that development on sites will be approved in all cases where the following criteria is satisfied:

- a) Does not conflict with established land use of area.
- b) Does not detract from the character and amenity of the surrounding area.
- c) The individual and cumulative effects of the development can be sustained by the social and economic infrastructure.
- d) It respects the scale, form, design and materials and density in context of its surroundings.
- e) Adequate access and servicing can be achieved.
- f) It does not result in any significant to loss of daylight, sunlight or privacy as a result of overshadowing or overlooking.

There is no known reason this criterion is not satisfied.

This application also appears to support the LDP Policy HD2: Housing in the countryside, which states 'the council wishes to promote appropriate rural housing development in village locations'.

Yours sincerely

Chloe Brown (Mrs)

On behalf of Heiton and Roxburgh Community Council



## **PLANNING STATEMENT**

# ERECTION OF A NEW DWELLINGHOUSE, ASSOCIATED LANDSCAPING AND INFRASTRUCTURE

## LAND ADJACENT CARNLEA, MAIN STREET, HEITON



**JULY 2023** 

GALASHIELS

Shiel House, 54 Island Street Galashiels TD1 1NU T: 01896 668 744 EDINBURGH 37 One George Street Edinburgh EH2 2HN

Page 185

NORTHERN IRELAND

61 Moyle Road, Ballycastle, Co. Antrim, Northern Ireland BT54 6LG







#### 1. INTRODUCTION

- 1.1 This Planning Statement, prepared by Ferguson Planning, is submitted to the Scottish Borders Council (or "the Council") on behalf of Mr. Mark Graham (referred to hereafter as "the applicant"). This statement supports an application for planning permission for the "erection of a new dwellinghouse, associated landscaping and infrastructure" on land adjacent to Carnlea, Main Street, Heiton.
- 1.2 The application has been submitted electronically via E-Planning (100626378) along with the following supporting information.

Submission Documents	Consultant
E-Planning Forms and Certificates	Ferguson Planning Ltd
Planning Statement	Ferguson Planning Ltd
Architectural Drawings	Patterson Architecture
Design and Access Statement	Patterson Architecture
CGIs x 2	Patterson Architecture
Transport Statement	SWECO

- 1.3 This report is set out in the following order:
  - Section 2 describes the site, site context and relevant planning history
  - Section 3 details the application proposals
  - Section 4 provides a summary of the relevant planning policy context
  - Section 5 sets out our assessment of the proposal against relevant material considerations; and
  - Section 6 provides a summary and conclusions.
- 1.4 The information included within this planning statement should be read in the context of all supporting drawings and documents submitted with this application listed above.

GALASHIELS Shiel House, 54 Island Street Galashiels TD1 1NU T: 01896 668 744 37 One George Street Edinburgh EH2 2HN Page 3486





#### 2. SITE CONTEXT AND PLANNING HISTORY

- 2.1 The site is located within the centre of the village of Heiton, which is located 2.5miles to the south of Kelso. It is a linear settlement which has developed on either side of the A698 which runs south from Kelso to Hawick, where there is a mix of house types evident. According to the 2011 census, the population of Heiton is 204, an increase from the 2001 census of 71 people.
- 2.2 The site is accessed from a private road linked to the A698. The site currently consists of brownfield land between existing residential dwellings (Carnlea to the east and Hillcrest to the west), as shown in Figure 1. The nearest bus stop to the site is approximately 160m to the south, on the A698, with buses running to and from Kelso and Morebattle.
- 2.3 The site is currently covered in grass and occupied by a garage. There are several trees around the perimeter of the site, as shown in Figure 2 and the photographs in Figures 3 to 5.
- 2.4 The surrounding area is characterised by a series of modern 1.5 storey houses and single storey bungalows of a variety of styles.

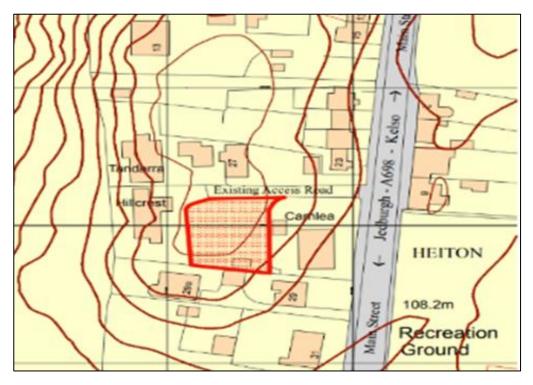


Figure 1: Location Plan (Source: Patterson Architecture)

GALASHIELS Shiel House, 54 Island Street Galashiels TD1 1NU T: 01896 668 744 37 One George Street Edinburgh EH2 2HN Pages 187







Figure 2: Aerial image of the proposed development site (outlined in red)



Figure 3: Photograph of site looking east towards Hillcrest. Existing garage is visible to the rear of the site.

GALASHIELS

Shiel House, 54 Island Street Galashiels TD1 1NU T: 01896 668 744 EDINBURGH

Page 188

37 One George Street Edinburgh EH2 2HN NORTHERN IRELAND

61 Moyle Road, Ballycastle, Co. Antrim, Northern Ireland BT54 6LG

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Figure 4: Photograph from within the site looking north.



Figure 5: Access to the site from A698

GALASHIELS

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EDINBURGH

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T: 07960 003 358





## Site and Planning History

2.5 The site was previously developed and occupied by a property referred to as 'Khansbur', which can be clearly seen on the historic map in Figure 6 below, located opposite the dwelling known as 'Craimar', which still exists today. The site has been subsequently cleared, but the garage which formed part of the original dwelling, remains, as shown in Figure 3 above.

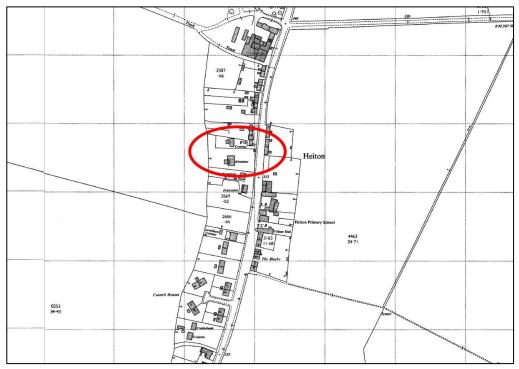


Figure 6: Historical Map (1965). Site is occupied by a property called 'Khansbur.

- 2.6 Subsequently, initial outline permission was sought in October of 2004 for the erection of a dwellinghouse and garage, which was approved in March 2005 (04/01984/OUT).
- 2.7 The site was subsequently prepared for development after permissions (05/00012/REM) were approved. The shed that was previously on the site was removed, vegetation and topsoil stripped, and excavations were carried out to assess the drainage potential during this preparation. The applicant considers this amounted to implementation of the previous consent, but this is currently disputed by the Council and therefore a new application is required.
- 2.8 In the officer's report of handling, they supported the original application for the following reasons:











- The site was of sufficient size to accommodate a house, having previously accommodated a dwellinghouse and that the land is within a residential area.
- The officer overruled the objection from SBC Roads, noting that road widening, and improved visibility were all dependent on third party land who would incur loss of garden area and the need to move a boundary retaining wall.
- The mitigating circumstances were stipulated as "traffic calming measures for the village are in prospect" and that there "was history of the site in residential use".
- 2.9 In November of 2020 a further application was made for the erection of a dwellinghouse on the same site (20/01327/FUL), which was refused by the Council in May of 2021 and subsequently refused on appeal (21/00019/RREF) by the Local Review Body in December 2021.
- 2.10 In August 2022, the council declined to determine a further application for a dwelling-house (22/01105) on the basis that there had not been any significant change in either the development plan or any other material consideration since the most recent of the refusals in 2021. Table 1 summarises the planning history of the site to date.

Reference	Description	Date and Outcome
04/01984/OUT	Outline permission for the erection of a dwellinghouse and garage.	Application Approved Subject to Conditions 05/10/2004
05/00012/REM	Application for the approval of Reserve Matters, relating to the Erection of a dwellinghouse.	Application Approved 7/01/2005
20/01327/FUL	Application for full planning permission, regarding the erection of a dwellinghouse.	Application Refused 28/5/2021, on the basis of vehicular traffic access.
21/00019/RREF	Appeal against decision 20/01327/FUL.	Appeal Refused by Local Review Body 13/12/2021
22/01105/FUL	Application for full planning permission, regarding the erection of a dwellinghouse.	Planning Authority declined to determine, on basis of similarity to previous application. 26/08/2022

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2.11 The reasons for refusal of application 20/01327/FUL and the appeal 21/00019/RREF, are outlined below, and we have highlighted how we have addressed those issues through this revised application:

## Officer Comment New Application - Response The proposed development would not comply with Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard access to the detriment of road safety, and Policy PMD5. both vehicular and pedestrian, and it has not been demonstrated that the im-

provements required to upgrade the access, as specified, can be carried out.

## Please refer to Section 5 of this report and the submitted Transport Supporting Statement which fully addresses the previous concerns of SBC Roads and should allow for the proposals to therefore be considered compliant with Policy PMD2

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#### 3. PROPOSED DEVELOPMENT

- 3.1 Following resolution of key planning issues, this statement seeks support for a revised application for permission for the *"erection of a dwellinghouse, associated landscaping and infrastructure"*, within the vacant plot located on the land adjacent to Carnlea, Main Street, Heiton.
- 3.2 The proposed development seeks to create a three-bedroom bungalow with additional patio and garden space to the rear. The existing garage on the plot will be removed to achieve this. A new driveway to accommodate two cars, and turning space will be created to the north of the site, as shown in Figure 7.



Figure 7: Proposed site layout

- 3.3 The proposal utilises a design based upon the surrounding dwellings, with similarity in materials and architectural style. Materials have been specifically selected to be sensitive to the site context and are outlined in the supporting **Design and Access Statement** and shown in the CGI images in Figure 8.
- 3.4 Services such as electricity and mains water will be extended to accommodate the additional dwelling. Surface water and foul water drainage will be achieved by connection





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- to the public sewer. Much of the drainage has already been prepared for development in advance of the previously approved application in 2005.
- 3.5 Two conifer trees will be removed from the footprint of the bungalow and additional grass will be planted to create a garden area.



Figure 8: CGI of proposed development

- 3.6 Following on from the feedback provided by the council in the refusal of application 20/01327/FUL and the more recent proposal, which was not determined, several key revisions have been made to the design:
  - The floor area of the property has been reduced from 134sqm to 128sqm. Submitted Drawing 003 'Site Layout Plan' indicates the external wall perimeter of the dwelling previously applied for (red dashed line).
  - An additional turning area to the west of the proposed driveway, has been created and can be used by other residents in the private lane, which is now larger in size than the previous turning area proposed to allow for cars to manoeuvre in and out without encroaching on neighbour's land. This











improves the existing situation on the lane for all residents by formalising the provision of a turning circle, allowing cars to enter and exit the lane in a forward gear.

- The main ridge height of the property has been lowered by 500mm and the velux window has been removed from the roof.
- The floor plan has been reconfigured so that no accommodation overlooks the west boundary to Hillcrest. Only a small bathroom window remains, which will be installed with privacy glass.
- A new 1.8m high privacy hedge is now proposed to surround the property, ensuring the privacy of the proposed dwelling and neighbouring residences. Previously this hedge only encompassed the western boundary.
- Traffic calming measures are proposed in the formal of a small build out or paint markings, north and south of the junction of the access lane with the A698. An indicative layout for this is provided in Appendix 1 of the Transport Supporting Statement. Since the previous application, the 20mph zone has also now been formally established on the A698.
- 3.7 We consider that the proposed revisions represent a significant enough change to the proposals to warrant validation of the application.

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#### 4. POLICY CONTEXT

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states: 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.'
- 4.2 Within this context, the Development Plan covering the properties comprises the:
  - Scottish Borders Local Development Plan (2016)
  - National Planning Framework 4 (February 2023)

## Site Specific Allocations and Designations

- 4.3 The proposed site is within the defined settlement boundary of Heiton. This is illustrated in Figure 9 below. The site is 'white land' and has no formal allocation or designation.
- 4.4 The site is not within a Conservation Area, and there are no Listed Buildings nearby. The SEPA flood maps do not indicate any risk of surface water or river flooding.



Figure 9: Extract of SBC Local Development Plan Proposals Map (site outlined in red)

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## Relevant Development Plan Policy - Scottish Borders Local Development Plan (2016)

- 4.4 Local planning policy relevant to the proposal is contained within the Scottish Borders Local Development Plan (2016). Key policies relevant to the proposal against which previous planning applications for the site have been assessed, are summarised below:
  - Policy PMD2: Quality Standards
  - Policy PMD5: Infill Development
  - Policy HD3: Protection of Residential Amenity
  - Policy IS7: Parking Provision and Standards
  - Policy EP13: Trees, Woodlands, and Hedgerows
- 4.5 **Policy PMD2 (Quality Standards)** requires that all new development is of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings.
- 4.6 **Policy PMD5 (Infill Development)** supports development on non-allocated, infill, or windfall sites, where the following criteria are satisfied:
  - a) where relevant, it does not conflict with the established land use of the area; and
  - b) it does not detract from the character and amenity of the surrounding area; and
  - c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure, and it does not lead to over-development or 'town and village cramming'; and
  - d) it respects the scale, form, design, materials, and density in context of its surroundings; and
  - e) adequate access and servicing can be achieved, particularly taking account of water drainage, and schools' capacity; and
  - f) it does not result in any significant loss of daylight, sunlight, or privacy to adjoining properties because of overshadowing or overlooking.
- 4.7 All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.

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- 4.8 Policy HD3 (Protection of Residential Amenity) states that development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted.
- 4.9 Policy IS7 (Parking Provision and Standards) requires that development proposals should provide for car and cycle parking in accordance with approved standards.
- 4.10 Policy EP13 (Trees, Woodlands, and Hedgerows) states that the Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value.

## Relevant Development Plan Policy - National Planning Framework 4

- 4.11 NPF4 was published in February 2023. The most relevant policies are outlined below and described in the following section.
  - Policy 3: Biodiversity
  - Policy 9: Brownfield, vacant and derelict land, and empty buildings
  - Policy 14: Design, quality, and place
  - Policy 16: Quality Homes
  - Policy 17: Rural Homes
  - Policy 18: Infrastructure First
- 4.12 Policy 3 (Biodiversity) supports proposals that contribute to the enhancement of biodiversity, including where relevant restoring degraded habitats and building and strengthening nature networks and the connections between them.
- 4.13 Policy 9 (Brownfield, Vacant and Derelict Land) supports the use of brownfield, vacant and derelict land for the purpose of development, to reduce the need for greenfield development. Any brownfield land must be assessed for its biodiversity value if that land has since naturalised, and any contamination of said land should be considered by proposed development.
- 4.14 Policy 14 (Design, quality, and place) sets out six key design qualities which development should adhere to. The six principles are replicated below.
  - Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.
  - Pleasant: Supporting attractive natural and built spaces.









- Connected: Supporting well connected networks that make moving around easy and reduce car dependency
- Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
- Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
- Adaptable: Supporting commitment to investing in the long-term value of buildings, streets, and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.
- 4.15 **Policy 16 (Quality Homes)** supports proposals which deliver a diverse range of housing options to a high standard. Section c) of the policy says, "c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include (i) self-provided homes...and... (v) a range of size of homes such as those for larger families".
- 4.16 Policy 17 (Rural Homes) outlines the circumstances under which residential development will be supported in a rural location. Part a) says that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited, and designed to be in keeping with the character of the area and the development, and (ii) reuses brownfield land where a return to a natural state has not or will not happen without intervention, and (viii) reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.
- 4.17 Part b) requires development proposals for new homes in rural areas to consider how the development will contribute towards local living and consider identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.
- 4.18 **Policy 18 (Infrastructure First)** relates to considerations which development proposals should have for the surrounding infrastructure. Relevant to this application, part (b) says that development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure.

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#### 5. PLANNING ASSESSMENT

#### Principle of development

- 5.1 The application site is situated within the settlement boundary of Heiton and utilises a formerly developed brownfield, infill plot between existing residential development.
- 5.2 The proposed development is a single storey bungalow, and the overall ridge height has been reduced since previous applications. The existing dwellings which share the access lane are between 1-1.5 storeys in height. The proposed development, therefore, sits no higher than the adjacent properties, as can be seen in **Drawing 005**Section Through Site.
- 5.3 The external materials of facing brick basecourse, rendered walls and slate roof have been chosen to tie in with neighbouring properties as can be seen in the photographs in Figures 3-5 above.
- 5.4 Based on approximate measurements of surrounding plot densities of neighbouring properties, the range of densities is between 29.75% and 23.5%. The proposed development is approximately 26.75% and therefore well within the established range.
- 5.5 We therefore consider that the attractive design is within the established scale, form, design, materials, and density in context of its surroundings. This is in accord with Policy PMD2 and PMD5 of the Local Development Plan and with Policy 9 and Policy 14 of NPF4.
- 5.6 Furthermore, the principle of residential development for the site is established by the historic granting of consent for residential development in June 1994 (R127/94) and October 2004 and January 2005 (04/01984/OUT and 05/00012/REM).
- 5.7 Whilst the application was subsequently refused on transport grounds, which we address below, the officer does note in support of application 20/01327/FUL the following which is demonstrates the Council's acceptance of the principle of development:
  - The proposal does not conflict with the established land use. The land is vacant, and it has previously been confirmed by the Council that the change to private residential use will not conflict with neighbouring use.
  - This is a tight site but the choice of design and rear location from the Main Street would avoid any adverse impacts to the character and amenity of Heiton. The site has previously been an acceptable infill development opportunity.

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- In terms of design, the building presented would be a suitable addition to the neighbouring built form, both appearing modern but retaining similar form as the neighbouring bungalows. I am satisfied that development would appear contiguous in size and plot ratio as the neighbours, specifically noting that Craimar opposite features 1.5 storey form.
- A further residential dwelling would contribute to sustaining the social and economic infrastructure of Heiton.
- 5.8 Policy 17 of the NPF4 further supports the erection of a dwellinghouse in this location, as it utilises brownfield land and reinstates a former dwelling house.
- 5.9 The development further accords with Policy 16 of NPF4 in that it provides an accessible and adaptable home suitable for wheelchair users and elderly people, is a 'self-provided homes' and is of a size which could accommodate a larger family. It is considered that there is no prospect of the proposed dwelling being delivered by a housebuilder or other corporate developer. Development of the style of new dwelling that the appellant is seeking to provide for their family, could only be delivered on self-build basis.
- 5.10 The proposed development seeks to connect to the mains water and public sewer, both of which have the capacity to accommodate the development. There is no identifiable flood risk or other constraints which would prevent development on this site.

### **Neighbouring Amenity**

- 5.11 The proposed development incorporates measures to preserve the amenity of local residences and the privacy of the surrounding residences is a key priority.
- 5.12 The overall size of the development has been reduced from 134sqm to 128sqm and constitutes a single storey premises set back to accommodate a new turning area, and sufficient parking area. Thus, ensuring that there will be no impact upon neighbouring properties from additional traffic created on the access lane or requirement to use third party land to accommodate turning manoeuvres.
- 5.13 In contrast with previous proposals, no principal windows now face the neighbouring property at Hillcrest, located to the west of the site. Only a single obscured bathroom window will now face the property. Privacy issues at the neighbouring property at Carnlea are already significantly mitigated by the existing garage of that property, to the east of the development.

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- 5.14 Furthermore, a new 1.8m high beech hedge will be established along all boundaries of the site. This will further mitigate against any potential overlooking or privacy issues regarding surrounding properties.
- 5.15 This accords with design principles in Policy 14 of the NPF4, as well as Policy PMD2 and HD3 of the Local Development Plan.

### Transport and Access

- 5.16 The principal reason for previous refusals of planning permission on the subject site has been related to transport and access issues.
- 5.17 In the determination of the previous application (20/01327/FUL), the Roads Planning Officer raised four concerns which they required to be addressed, to allow them to support development of this dwellinghouse:
  - 1. Improved access onto the public road which was considered to be substandard for a 5<sup>th</sup> dwelling and must be widened to 5.5m wide with 6m radii.
  - 2. Visibility splays of 2.4m by 43m must be provided in either direction on the shared access.
  - 3. The existing access should be surfaced with a bound surface.
  - 4. Provision of visitor turning and parking within the cul-de-sac.
- 5.18 After consultation with SWECO, the points raised by the roads officer have been addressed in the submitted **Transport Supporting Statement** and incorporated into the design of the proposed development. We summarise their findings briefly below:
- 5.19 (1) Access onto the Public Road: The land either side of the existing access road is out with the applicant's control and therefore there is no scope to widen this or alter existing radii. This was previously accepted by planning officers at SBC, when approving the application for a new dwelling on the site in 2004.
- 5.20 It is not believed a widened access is required. The existing access has no history of road safety issues and previously served the site when it had a dwelling on it. It has not been changed since the prior lapsed planning application for a single dwelling was approved.
- 5.21 Space has now been allocated in the northwest corner of the site to provide a turning head for all residents of the lane and visitors to ensure there is no need for vehicles to ever reverse onto the A698. The swept path analysis for a 4x4 using the proposed turning area, in combination with an existing turning area at the top of the access lane

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to the north, is shown below. The proposed development also allows for turning space within its own driveway.

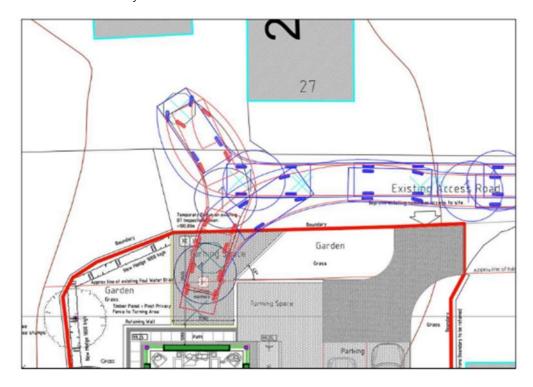


Figure 10: Swept path analysis that shows that turning space can be accommodated.

- 5.22 In January 2023 the 20mph speed limit through Scottish Borders towns became permanent, further improving the safety of the access, as it now connects to a low-speed environment within Heiton.
- 5.23 (2) Visibility Splays: Since the previous application, the speed limit of the road has reduced to 20mph reducing the visibility requirements at the access, this has been confirmed with the Council that 2x25m is acceptable. There is potential to deliver either painted markings or a small build out to the south and north for the access road, which would act as both traffic calming and allow for a suitable visibility splay to be achieved.
- 5.24 (3) Access Surface: The access is not within the full control of the applicant. However, the existing surface as shown in Figure 4 of the Transport Supporting Statement operates well and is considered fit for purpose for the proposed level of traffic.
- 5.25 **(4) Provision of Visitor Turning and Parking**: The proposals provide parking for two vehicles in line with SBC standards, and two turning areas within the site for residents, visitors, and deliveries.









- 5.26 Notwithstanding the above, proposed changes to the Local Development Plan (LDP) in relation to 'Private Accesses' (Volume 1 Appendix A) would allow for an increase in the number of dwellings access via a private access from four dwellings as per the current adopted plan, to five. The Report of Examination was published on 7 July 2023 by the DPEA and does not recommend any modifications to this aspect of the Plan. The proposals, which would increase the number of dwellings to five, would therefore no longer require upgrading the access and junction to an adoptable standard under this revised allowance.
- 5.27 Based on the above, the proposed development is in accordance with design principles outlined in PMD5 and IS7 of the LDP, and Policy 18 of NPF4 by providing more than adequate access and servicing as part of an infill plot development.

### Trees and Biodiversity

- 5.28 The site has been cleared and currently comprise low level vegetation, grass, and a few perimeter trees. Two trees on the western boundary, an existing conifer tree and another deciduous tree are proposed to be felled to accommodate development on the site. This will be undertaken at the appropriate time of year to avoid nesting season.
- 5.29 However, a new 1.8m hedge is proposed around the entire perimeter of the site which is considered to mitigate for the loss of the trees that will be removed. The garden areas will also be re-seeded with grass and maintained.
- 5.30 The proposals are therefore considered to be compliant with Policy EP13 of the Local Development Plan and enhance biodiversity on the site over the current situation, in compliance with NPF4 Policy 3.

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#### 6. CONCLUSIONS

- 6.1 Ferguson Planning has been appointed by Mr. Mark Graham to apply for planning permission for the "erection of a new dwellinghouse, associated landscaping and infrastructure" on land adjacent to Carnlea, Main Street, Heiton.
- 6.2 The revised proposals seek to address and overcome the officer's concerns from the previous application. The key reasons why this application should be supported are:
  - There was a dwelling on the site historically, with access off the same road. The access remains and the applicant still makes trips to utilise the existing garage on-site for storage. The proposed development will result in the beneficial reuse of a residential infill plot within the existing settlement boundary, amongst established residential development on previously developed brownfield land.
  - The proposed development is a high-quality design that reflects the local built form in terms of scale, massing, height, and materials.
  - Previous applications conclude that the amenity of the surrounding residences will not be significantly impacted by the proposed development and have established the principle for development. The additions of the 1.8m high boundary hedge and removal of principle windows on the west side of the property further reinforce the preservation of said amenity.
  - The development addresses all previous concerns regarding transport and access or provides suitable mitigation. With the provision of an additional turning circle for use by all residents on the lane, it also improves the existing situation, by formalising this provision.
- 6.3 It is considered that the proposal is in accordance with relevant adopted policy of the Local Development Plan and National Planning Framework 4. It is respectfully requested that planning permission is granted.

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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**: 23/01065/FUL

APPLICANT: Mr Mark Graham

**AGENT:** Ferguson Planning

**DEVELOPMENT:** Erection of dwellinghouse

LOCATION: Land Adjacent Carnlea

Main Street Heiton

Scottish Borders

TYPE: FUL Application

**REASON FOR DELAY:** 

#### **DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Statu
Transport statement	Report	Refused
000	Location Plan	Refused
001	Proposed Plans & Elevations	Refused
002	Proposed Elevations	Refused
003	Proposed Site Plan	Refused
004	Proposed Block Plan	Refused
005	Proposed Site Plan	Refused
006	Proposed Plans	Refused

#### NUMBER OF REPRESENTATIONS: 5 SUMMARY OF REPRESENTATIONS:

Nine neighbours were notified. There were three objections and one comment of support received.

The objections cite concerns for:

- o Road safety due to the access, the applicant does not own land either side of the access onto Main Street (A698) and speed of traffic through the village;
- o How effective either painting the road or any form of 'build out' would be.
- o Parking on Main Street, as the build out would narrow the carriageway;
- o Proposed changes to the Local Development Plan (LDP) in relation to 'Private Accesses' would allow an increase in the number of dwellings access via a private access from four dwellings as per the current adopted plan, to five but this has not been adopted.
- o The site plan is inaccurate as it includes land in different ownership;

The proposed hedge will take a number of years to grow.

The support comment highlights that the site is an eyesore and neglected and the proposal would be better.

#### Consultations:

Community Council: This new application has taken on board design considerations that lead to the refusal - repositioning of windows to avoid overlooking, reduction in the height of the dwelling and the inclusion of a turning circle. The applicant appears to have taken all reasonable steps within their control to make changes to the plan. No objections.

Roads Planning: Two changes since the previous decision: LDP2 allows a maximum of 5 dwelling units to be served from a private access road and a build out is now proposed from the private access on to the A698 to create better visibility. Observation: the access from the private road is still unsuitable for this level of development. Do not support any scheme to narrow the carriageway along the A698 as this is incongruous with the road through Heiton and any scheme in isolation may have a detrimental effect on road safety. The proposals would result in extra vehicular traffic on a substandard access to the detriment of road safety.

Scottish Water: Water capacity is available. Unable to confirm waste water capacity.

Applicant's Supporting Information:

Design and Access Statement Planning Statement Transport Statement

#### PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises Policy 2: Climate Mitigation and Adaptation

Policy 14 Design Quality and Place

Policy 15 Quality Homes

SBC Local Development Plan 2016

PMD2 Quality Standards PMD5 Infill Development

HD3: Protection of Residential Amenity

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Developer Contributions, April 2023 Guidance on Householder Developments, July 2006 Placemaking and Design, 2010 Landscape and Development, 2008

Recommendation by - Euan Calvert (Assistant Planning Officer) on 15th September 2023

This is a full planning application for the erection of a dwellinghouse on a vacant site in Heiton, Kelso.

Site and Proposal

This is a vacant area of ground with a brick-built garage located towards the back of the site (south). There are four neighbouring houses all served off the one access road from the A698. This site was once occupied by a chalet (Khansbur) however the site was cleared and has remained undeveloped since.

The proposal is demolish the garage and to erect a detached, single storey dwellinghouse. This would have rendered walls and cement tiles for the roof. Two on- site parking spaces and a turning area would be provided within the site. The site would be enclosed on 3 sides by hedging.

Planning History

#### R127/94

In June 1994, full planning consent for a house on the site was granted and subsequently lapsed in 1999. The Planning Committee approved this application contrary to the advice of the Director of Roads and Transportation. The Committee stated "the bungalow is (would be) located on an in-fill site which has already demonstrated its ability to accommodate a house when used for the chalet."

#### 04/01984/OUT and 05/00012/REM

These applications were also for the erection of one house on the site. The Director of Roads and Transportation maintained their objection. Access to the main street was deemed an unsuitable standard to accommodate a fifth house and visibility onto the main A class road was inadequate (the access entrance/exit was required to be widened to allow two cars to pass at the junction and the visibility splays of 2.5 x 100 metres were required in both directions).

The Planning Officer's report noted the site was of sufficient size to accommodate a house, having previously accommodated a dwellinghouse and that the land is within a residential area. The Officer recommended approval to the Cheviot Area Committee, overruling The Director of Roads and Transportation, noting that road widening and improved visibility were all dependent on third party land who would incur loss of garden area and the need to move a boundary retaining wall. The mitigating circumstances were stipulated as "traffic calming measures for the village are in prospect" and that there was "history of the site in residential use". The applications were approved.

20/01327/FUL: Application for full planning permission for the erection of a dwellinghouse. Refused 28th May 2021.

21/00019/RREF: Appeal dismissed. The Local Review Body agreed with the Roads Officer that the access road was narrow with very limited junction visibility, inadequate junction radii and poor surface condition. They noted that several properties already used the access road/junction and that the addition of a further property would result in the need for road improvements which could not be achieved within the applicant's ownership. Although Members did acknowledge the benefits of the creation of a turning head for the access road and the possibility that the current trial 20mph speed limit on the A698 may be made permanent, they did not consider these benefits outweighed the inadequacies of the current access and junction. For reasons of road safety, they agreed with the Roads Officer and concluded that the proposal was not in compliance with Local Development Plan Policies PMD2 and PMD5.

22/01105/FUL: Application for full planning permission for the erection of a dwellinghouse. The Planning Authority declined to determine as the application was identical to the previous application.

### Planning Policy

National Planning Framework 4 is now a material consideration. Policy 14 Design, Quality and Place states that development will be designed to improve the quality of an area. Six qualities are defined in Appendix D. Policy 16 identifies support for "Quality Homes". Criterion f) item iii identifies support for small scale opportunities within an existing settlement boundary.

Policy PMD2: Quality Standards

Requires all development to be of high quality and be compatible with the character and neighbouring built form. Boundary treatments are considered essential to ensure proper effective assimilation with the wider surroundings. Developments should ensure there is no adverse impact on road safety, including but not limited to the site access.

The Placemaking and Design 2010 SPG seeks for new development to contribute to the locally distinctive built character.

Policy PMD5: Infill Development

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

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

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

Policy IS7

Requires development proposals to provide for car and cycle parking in accordance with approved standards.

Policy HD3

Siting, scale and location of development is considered with regard to protecting neighbouring residential amenity.

#### **ASSESSMENT**

#### Road Safety

National Planning Framework 4 Policy 14 concerning Design, Quality and Place criterion c states development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. Policy PMD2 of the Local Development Plan 2016 requires that developments should ensure there is no adverse impact on road safety, including but not limited to the site access.

The Roads Planning Service advises that the access from the private road is still unsuitable for this level of development. Although the applicant has proposed a turning head to alleviate some problems at the site, there remains the issue of the junction with the public road. This is exceptionally constrained in terms of geometry and visibility and is only wide enough for one vehicle. Visibility in both directions is effectively zero, with a vehicle having to encroach significantly into the running carriageway before any visibility is afforded. Furthermore, since the land surrounding the access is outwith the applicant's control, there is no scope for suitable improvements. The Roads Planning Service objects to the proposal.

The Roads Planning Service objection remains the key consideration. There are safely concerns as the throat width of the private access road is not presently able to accommodate passing of two vehicles. The Roads Planning Service has considered the independent Transport Statement submitted with the application, which proposes a build out from the private access onto the A698. This scheme, to narrow the A698, is not supported as it will appear incongruous with the linear streetscape and any scheme in isolation may have a detrimental effect on road safety.

On this basis the proposals must be considered contrary to policy 14 of National Planning Framework 4 and policy PMD2 of the Local Development Plan 2016.

#### Infill Development

The site and layout of this dwellinghouse is similar to the most recent proposal, which was refused. The design is different, with a lower ridge height and significant changes to elevations, specifically introduction of a blank gable to the western elevation.

The Local Development Plan 2016 identifies this site falling within the Development Boundary, but not allocated and it is therefore appropriate to consider Policy PMD5: Infill Development.

These proposals satisfy four of the six criteria governing infill proposals:

- a) The proposal does not conflict with the established residential land use.
- b) This proposal remains acceptable in terms of being a suitable addition to the neighbouring built form, appearing contiguous in size and plot ratio as the neighbours.
- c) This development would contribute to sustaining the social and economic infrastructure of Heiton. Developer Contributions towards Kelso High School are a requirement of policy IS2.
- d) The scale, form, design, materials and density and remain acceptable.
- e) Adequate access is required. As discussed above, the means of access to the public road network is not adequate. The submitted Transport Statement is not supported by the Roads Planning Service therefore a fifth dwelling served off this private road is best termed over-development, which is not supported by criterion c) of PMD5. Connection to the public mains water is proposed and waste water to the mains sewer. Both would be acceptable in this village location
- f) No significant loss of daylight, sunlight or privacy to neighbouring properties (as a result of overshadowing or overlooking) is identified.

The proposed external finishes would be quite appropriate to the location within the estate and in accordance with Placemaking and Design Supplementary Planning Guidance 2010.

#### Landscaping

A condition would be required in the event of approval to ensure the boundary treatments (the proposed hedge) are implemented in accordance with a full specification.

#### Other Issues

Amended plans have been submitted in response to the ownership error highlighted by an objector.

#### Conclusion

Although the proposal, in principle, would constitute an appropriate form of infill development, the road safety issues have not been overcome, which dictates refusal in this instance.

#### **REASON FOR DECISION:**

The proposed development would not comply with National Planning Framework 4 Policy 14 in that vehicular access to the site is poorly designed, detrimental to the amenity of the surrounding area and inconsistent with the six qualities of successful places. In addition, the proposal is contrary to Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard private access to the detriment of road safety, both vehicular and pedestrian, and the proposed upgrade of the junction with the A698 is not supported as it would appear incongruous with the linear streetscape and any scheme in isolation may have a detrimental effect on road safety.

### **Recommendation:** Refused

The proposed development would not comply with National Planning Framework 4 Policy 14 and Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard access to the detriment of road safety, both vehicular and pedestrian, and the proposed upgrade of the junction with the A698 would appear incongruous with the linear streetscape and any scheme in isolation may have a detrimental effect on road safety.

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



Mr Mark Graham per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU Please ask for:

Euan Calvert 01835 826513

B

Our Ref:

23/01065/FUL

Your Ref:

**E-Mail:** ecalvert@scotborders.gov.uk

Date: 20th September 2023

Dear Sir/Madam

PLANNING APPLICATION AT Land Adjacent Carnlea Main Street Heiton Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Mr Mark Graham

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 <a href="https://eplanning.scotborders.gov.uk/online-applications/">https://eplanning.scotborders.gov.uk/online-applications/</a>.

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

Yours faithfully

John Hayward

Planning & Development Standards Manager



## Regulatory Services

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

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

Application for Planning Permission Reference : 23/01065/FUL

To: Mr Mark Graham per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU

With reference to your application validated on **14th July 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 Adjacent Carnlea Main Street Heiton Scottish Borders

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

Dated 18th September 2023
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

John Hayward Planning & Development Standards Manager



## Regulatory Services

#### APPLICATION REFERENCE: 23/01065/FUL

#### Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
Transport statement 000 001 002 003 004 005	Report Location Plan Proposed Plans & Elevations Proposed Elevations Proposed Site Plan Proposed Block Plan Proposed Site Plan	Refused Refused Refused Refused Refused Refused
006	Proposed Plans	Refused

#### **REASON FOR REFUSAL**

The proposed development would not comply with National Planning Framework 4 Policy 14 in that vehicular access to the site is poorly designed, detrimental to the amenity of the surrounding area and inconsistent with the six qualities of successful places. In addition, the proposal is contrary to Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard private access to the detriment of road safety, both vehicular and pedestrian, and the proposed upgrade of the junction with the A698 is not supported as it would appear incongruous with the linear streetscape and any scheme in isolation may have a detrimental effect on road safety.

#### **SCHEDULE OF CONDITIONS**

The proposed development would not comply with National Planning Framework 4 Policy 14 and Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard access to the detriment of road safety, both vehicular and pedestrian, and the proposed upgrade of the junction with the A698 would appear incongruous with the linear streetscape and any scheme in isolation may have a detrimental effect on road safety.

#### 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 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



## Regulatory Services

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).

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

**Sent:** 15 Sep 2023 11:11:22

To: idoxdmslive@scotborders.gov.uk

Cc:

**Subject:** FW: 20/01327/FUL

**Attachments:** 

#### **Euan Calvert**

Assistant Planning Officer (Development Management)

Planning, Housing & Related Services

Scottish Borders Council, Council Headquarters, Newtown St Boswells, MELROSE, TD6 0SA

Tel: 01835 826513 | ecalvert@scotborders.gov.uk

From: Calvert, Euan

Sent: Friday, September 15, 2023 11:08 AM

To: IDOX DMS Test <idoxdmstest@scotborders.gov.uk>

Subject: FW: 20/01327/FUL

#### **Euan Calvert**

Assistant Planning Officer (Development Management)

Planning, Housing & Related Services

Scottish Borders Council, Council Headquarters, Newtown St Boswells, MELROSE, TD6 0SA

Tel: 01835 826513 | ecalvert@scotborders.gov.uk

SCOTTISH BORDERS COUNCIL

**CHEVIOT AREA COMMITTEE** 

**15 DECEMBER 2004** 

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 04/01984/OUT

OFFICER: Frank Bennett
LOCAL MEMBER: Councillor A Nicol

PROPOSAL: Erection of house and garage

SITE: Land adjacent to Carnlea, Main Street, Heiton

APPLICANT: Mark Graham

AGENT: None

#### SITE AND APPLICATION DESCRIPTION:

The site, 0.03 acres in area, situated on the west side of the Heiton, is level ground contained by the gardens of adjacent residential properties. Some years ago, there was a timber chalet on the ground. There is now a garage /shed within the site which would be removed. The site can be accessed from a cul-de-sac road already serving the four neighbouring houses which has an entrance/exit on to Main Street. The application is in outline, although the applicant has indicated he would erect a single storey house.

#### PLANNING HISTORY:

Planning approval for neighbouring houses was obtained in the mid 1970's and four houses subsequently built, with the application site being land containing a chalet which was removed, although the cleared site has remained undeveloped.

In June 1994, full planning consent for a house on the site (Refage 2/94) was given which subsequently lapsed in 1999. The committee approved this application contrary to the advice of the Director of Roads and Transportation whose comments were similar to those put forward in relation to the current application. These were that the access on to the Main Street was not of a

suitable standard to accommodate a fifth house and visibility on to the main A class road was inadequate. In response to these comments, the Director of Planning's advice to the Committee in 1994 was that "the bungalow is (would be) located on an in-fill site which has already demonstrated its ability to accommodate a house when used for the chalet. The determining issue with this application is that of the access road. While I share some of the concern of the Director of Roads and Transportation, I believe that this application is not creating a worse situation to that which existed when the original chalet was in use. I therefore do not believe that there are sufficient grounds upon which to justify refusal of the application".

#### **DEVELOPMENT PLAN POLICIES:**

Approved Structure Plan 2001-2011

None

Roxburgh Local Plan 1995

Policy 18

In established residential areas there will be a presumption in favour of retaining existing uses. To protect the amenity and character of these areas any development should meet the following criteria:-

- 1. Appropriate form of development for a residential area;
- 2. Appropriate scale of development for a residential area;
- 3. No unacceptable increase in traffic or noise;
- 4. Not visually intrusive.

#### OTHER PLANNING CONSIDERATIONS:

None.

#### **CONSULTATION RESPONSES:**

**Scottish Borders Council Consultees** 

Director of Technical Services - The access on to Main Street (an A class road) has practically zero visibility due to boundary hedges. Unless the access entrance/exit can be widened to allow two cars to pass at the junction the visibility splays of 2.5 x 100 metres in both directions could be achieved, support for the application could not be given.

Other Consultees

Scottish Water - It is understood from the applicant that Scottish Water have confirmed that as the property has an existing sewer connection and is to be rebuilt, they will permit the use of the existing connection, but for domestic purposes only.

Community Council - reply awaited.

**OTHER RESPONSES:** 

None.

#### **PLANNING ISSUES:**

Whether further development should be resisted until the road access junction on to the A698 has been widened and visibility improved.

#### ASSESSMENT OF APPLICATION:

The site is of sufficient size to accommodate a house, having previously accommodated a dwelling house. The land is within a residential area recognised in the Local Plan. There have been no representations from neighbours although in a recent similar application (withdrawn) a neighbour expressed the view that the house should be single storey to have lesser impact on neighbours amenity. The determining issue concerns the adequacy of the access junction on to the A698 and the visibility requirements at the access entrance. The applicant has been that the obtain agreement of householders to widen the road and

improve or improve visibility which would result in a loss of garden area of the properties concerned and a need to rebuild boundary walls.

The previous Planning Authority approved use of the access in question for four houses, and in 1994, its further use for an additional house. In the latter instance, this was against the advice of the Director of Roads and Transportation. Although this permission has now lapsed, it is maintained that the traffic situation may not be greatly different then as it is some years later, although undoubtedly there has been some increase in traffic on Main Street. As part of the Sunlaws development for 82 houses to the south of the village, traffic calming measures for the village are in prospect with the objective of reducing the speed of vehicles passing through the village. While this will not overcome the situation at the access entrance/exit, it should mean that vehicles are moving more slowly along the Main Street as vehicles from the access are emerging, and similarly, as vehicles are stationary getting ready to turn right off the main Road into the access.

In view of the history of the site in residential use, and the previously granting of consent it is considered that the application can be supported.

#### RECOMMENDATION BY HEAD OF DEVELOPMENT CONTROL:

The application is recommended for approval subject to the following conditions:

1. The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.

Reason: Approval is in outline only.

2. The means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority.

Reason: To ensure that the site is adequately serviced.

3. The details of all boundary walls and/or fences to be submitted to and approved by the Planning Authority before the development is commenced.

Reason: To safeguard the visual amenity of the area.

4. The house and garage to be single storey

Reason: In the interests of maintaining the amenity and outlook of occupiers of neighbouring residential properties.

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

Euan Calvert

Assistant Planning Officer (Development Management)

Planning, Housing & Related Services

Scottish Borders Council, Council Headquarters, Newtown St Boswells, MELROSE, TD6 0SA

Tel: 01835 826513 | ecalvert@scotborders.gov.uk





30/03/2023

Approved by Graeme Kelly

Author Bonnie Edgar-Nevill

# Proposed Residential Development, Heiton, Scottish Borders

Project Number 65209209
Project Name Heiton Residential
Client Mark Graham
Project Manager Bonnie Edgar-Nevill
Controlled by
Graeme Kelly

**Transport Supporting Statement** 

#### 1. Scope

Sweco was commissioned by Mr Mark Graham to prepare a transport statement in support of a new planning application for a single dwelling on a brownfield site in Heiton. This statement responds to concerns raised in response to a previous planning application, planning reference - 20/01327/FUL. It is worth noting, that although the previous planning application was refused, the prior application to that was approved, but lapsed before implementation.

Comments from the roads planning offer were based on Policy IS7 – Parking provision and standard and Policy PMD2 – Quality Standards.

The following four concerns were highlighted by Scottish Borders Council, which are addressed within this statement:

- 1. Access onto the public road is currently substandard for a 5th dwelling and it must be widened to 5.5m wide with 6m radii.
- 2. Visibility splays of 2.4m by 43m must be provided in either direction
- 3. This access to be surfaced with bound surface
- 4. Provision of visitor turning and parking within the cul-de-sac

The site location within context of the surrounding area is shown in Figure 1.

23/01065/FUL 18.09.2023

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



subject to the requirements of the associated Decision Notice



Figure 1. Site location

### 2. Access onto the public road

In relation to access to the site via a public road, it is not considered that the access proposals present a road safety issue as previously indicated by the Council.

The access is long standing, and a review of crash map data for all years available (23 years) shows there have been no incidents at the junction, suggesting there is no existing or historical road safety concern. Additionally, space has been allocated in the northwest corner of the site to provide a turning head for all residents and visitors to ensure there is no need for vehicles to ever reverse onto the A698. The turning area proposed is shown in **Figure 2**, with swept path analysis for a 4x4 using the proposed turning area, in combination with an existing turning area to the north, is show in **Figure 3**.

Additionally, in January 2023 the 20mph speed limit through Scottish Borders towns became permanent, this reduction in speed limit along the A698 will further improve the safety of the access, as it now connects to a low-speed environment within Heiton.

It should also be noted that the land either side of the existing access road is out with the applicants control and therefore there is no scope to widen this or alter existing radii.



Figure 2. Turning area being delivered by the proposals.

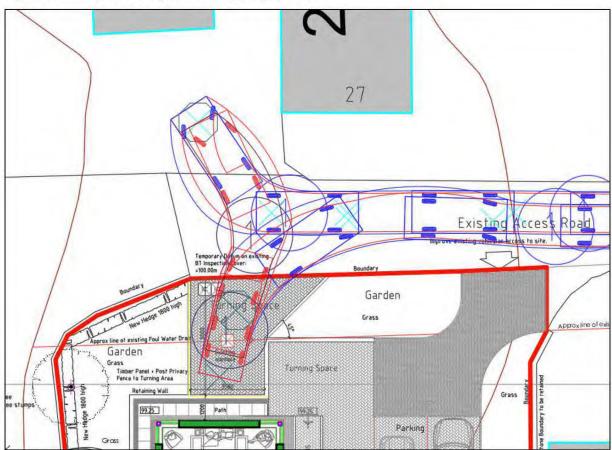


Figure 3. Swept path analysis of turning area.

While the site is mainly cleared, it does provide a small storage space for the owner, with trips being generated to and from the existing garage. Therefore, while there is not currently a house on the site, car trips are at times made to the site. Historically, the site was occupied by a private dwelling, at which time there were five



dwellings gaining access via the access road. The proposals would restore the land to its previous residential use, which is understood to have operated with no safety issues. The predicted number of generated trips is limited and therefore it is unlikely that there would be conflict between vehicles entering and exiting on the access road.

Proposed changes to the Local Development Plan (LDP) in relation to 'Private Accesses' would allow an increase in the number of dwellings access via a private access from four dwelling as per the current adopted plan, to five. Should the draft LDP be adopted without amendment to this is policy, the proposals would not require upgrading the access to an adoptable standard.

In reference to SCOTs National Roads Development Guide (Page 20, Paragraph 2.4.1), the guidance is as follows:

"Generally 5 or fewer dwellings (more if a 'brownfield site', eg redeveloped farm steadings) will be served by a 'private access' which, as there is no right of public access, will not require Construction Consent and will not be available for adoption. Such layouts should provide adequate turning facilities and a satisfactory junction with a public road. The provision of a 'private access' must be indicated clearly at the planning application stage, otherwise it will be considered that a 'road' is being provided."

The proposed development therefore complies with national guidance, which indicates a private access is appropriate to serve five dwellings.

#### 3. Visibility Splays

Since the previous application, the speed limit along the A698 has been reduced to 20mph, therefore reducing the required visibility splay. The permanent change to speed limits came into force in January 2023.

Upon discussions with Scottish Borders Council, it has been confirmed that a 2x25m visibility splay would be acceptable due to the roads reduced speed limit. As previously set out, the land adjacent to the junction onto the A698 is out with the applicant's control. While, based on the points outlined within Section 2, it is not considered that there is a road safety issue with the access serving 5 dwellings, a possible option to improve the visibility at the junction would be to introduce traffic calming in the form of a small build out or paint markings south and north of the junction. An indicative layout of this potential build out is provided in **Appendix 1**.

#### 4. Access surface

The Council requested that the access road be bound within their consultation response to application 20/01327/FUL. The access road is jointly owned between all dwellings gaining access thereon, therefore the access is neither in control nor fully the responsibility of the applicant. The route is currently in good condition and the semi-bound surface is fit for the level traffic. The surface quality is shown in **Figure 4**, as per May 2023.



Figure 4. Access Road as of May 2023

#### 5. Parking and turning

Scottish Borders Council refer to their 'Placemaking and Design' guidance to define appropriate levels of parking. For parking within driveways or allocated space the number of spaces advised is two, with 0.25 for visitors. The development provides two spaces which is deemed appropriate and within the recommended range.

Additionally, an accessible turning area is proposed to the northwest of the dwelling to allow surrounding residents, visitors, and deliveries to turn within the cul-de-sac and enter and exit in a forward gear. The proposals therefore are compliant with guidance set out within IS7 regarding the provision of parking.

The layout of the parking is highlighted in Figure 2.

#### 6. Summary

This statement was prepared in support of a planning application for a residential dwelling in Heiton. The note addresses concerns with the site raised by Scottish Borders Council on a previous application on the site. These are summarised below:

Access Road: It is not believed a widened access is required. The existing access has no history of road safety issues and previously served the site when it had a dwelling on it. It has not been changed since the prior lapsed planning application for a single dwelling was approved. Furthermore, it is out with the applicants control to make alterations to the access, however a communal turning area will be created.

**Visibility Splay:** Since the previous application, the speed limit of the road has reduced to 20mph reducing the visibility requirements at the access, this has been confirmed with the Council that 2x25m is acceptable. There is potential to deliver either painted markings or a small build out to the south and north for the access road, which would act as both traffic calming and allow for a suitable visibility splay to be achieved.



**Access surface:** The existing access operates well without safety concern. It is not believed that a full resurfacing is required, additionally, It is out with the applicants control or responsibility to fully bind this surface.

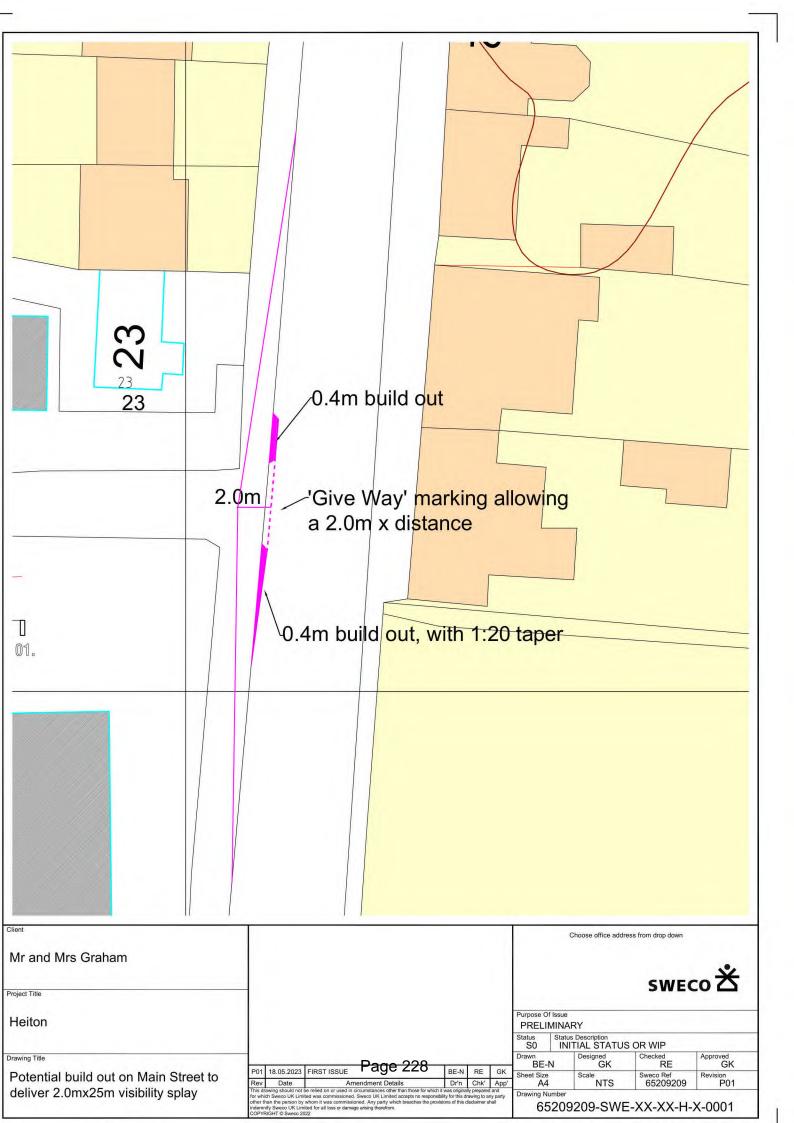
**Parking and turning:** Adequate parking and turning has been provided on site, including parking and a turning circle for the dwelling and a separate turning circle available for all residents.

If the Proposed Local Development Plan is approved, the number of dwellings which can be access from a private access will increase to 5. Should this become policy, the required upgrades to the access road and junction will no longer be applicable.



### Appendix 1

Potential build-out



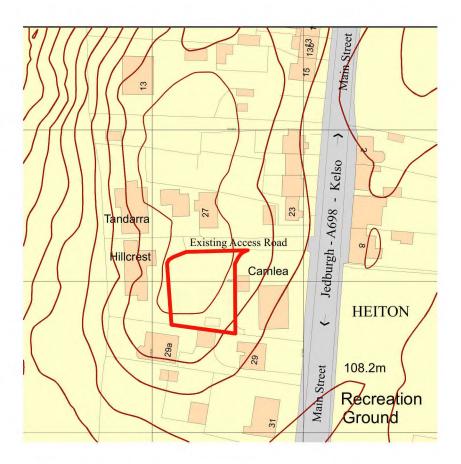
# Page 229

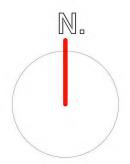
#### 23/01065/FUL 18.09.2023

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

#### REFUSED

subject to the requirements of the associated Decision Notice





# Location Plan.

Scale: 1:1250 @ A3.

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16, Riverside View, KELSO, Scottish Borders, TD5 7UG. T: 01573 226553 M: 07850 327677 E: info@patterson-architecture.co.uk www.patterson-architecture.co.uk

Dwg No: PDK-23-169-000.

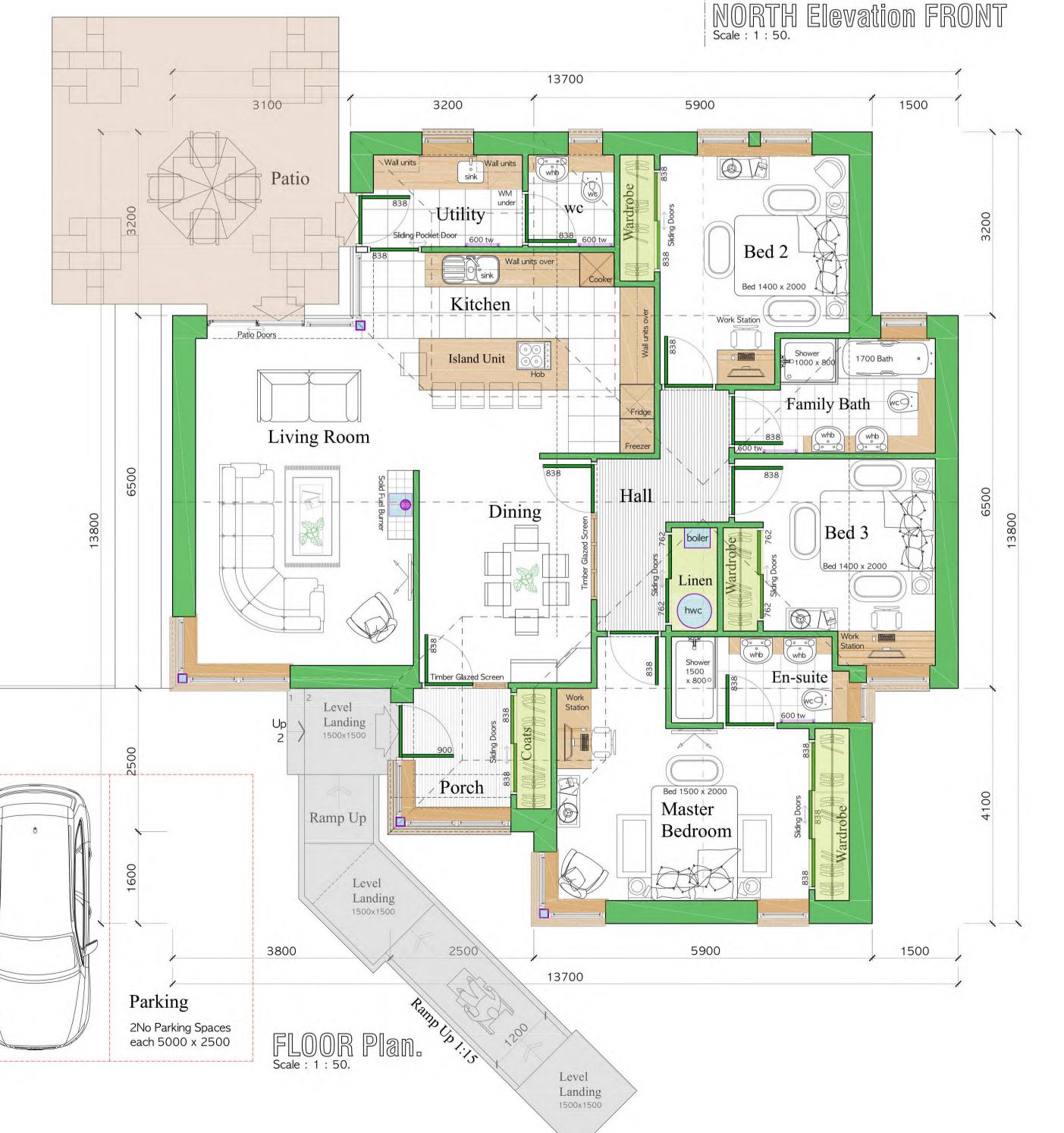
# REFUSED

subject to the requirements of the associated Decision **Notice** 

### MATERIALS PALLET:

REF: No:	DESCRIPTION:
1.	Natural Stone basecoarse as indicated on Elevations.
2.	External walls to be covered with Derbyshire Spar Render.
3.	Reinforced Pre-cast concrete cill: Colour - Portland.
4.	200mm wide Plain Cement bands and 100mm wide ingoes + feature panels: Colour - Portland.
5.	Roof Finish: CEDRAL Trutone Textured Fibre cement slates: Colour - Blue-Black.
6.	Fascias, Soffits + Barge Boards: MARLEY Eternet plain fibre cement cladding: colour - Grey Slate.
7.	LINDAB Metal Rianwater Goods: 125mm half round gutters + 75mm ø downpipes: Colour Dark Grey
8.	Lead Flashings, Valley Gutters etc minimum Code 5: Colour - Natural.
9.	Double Glazed Powder coated aluminium Windows: Colour - Dark Grey RAL 7015
10.	Double Glazed Hardwood External doors + Glazed Screens.
11.	VELUX Double Glazed Top Hung Roof Window, size 780w x 1398h each
12.	FLUE from Log Burner: Twin Wall Stainless Steel metal flue: Natural.
13.	13-14 VELUX Double Glazed Combination Windows, Coprising 1 No VELUX Double Glazed centre pivot
14.	Roof Window, size 942w x 1178h + 1 No VELUX Double Glazed top hung Vertical window element, size 942w x 942h,









described below.



DO NOT SCALE from this drawing. Contractors must verify all dimensions on site before setting

out, commencing work, ordering materials or making any shop This drawing and design is for use solely in connection with the project

COPYRIGHT: This drawing is the copyright of Patterson ARCHITECTURE, and must not be copied, re-issued or loaned without prior written consent of

Patterson ARCHITECTURE. Any discrepancies and or conflicting information or specified is to be notified to Patterson ARCHITECTURE, prior to construction on site. Construction should only proceed from drawings issued for construction purposes unless prior written consent is obtained.

Should any site personnel, or those employed to carry out the works on their behalf choose alternative materials, or components to those specified on Patterson ARCHITECTURE drawings, without prior written agreement then they do so at their own risk.

The information contained in this drawing is representational and has been compiled, from a dimensional survey only and does not warrant nor certify the structure of the buildings or neighbouring structures at the time of contraction.

The contractor is to visit the site to make himself acquainted with the building's and surroundings and undertake any investigation work or make all allowances to ensure that a full and final quotation for the works will be submitted, taking into account all eventualities. Failure to do so will be at the contractors own risk and no additional payments shall be countenanced for any amendments to the work. The contractor is to carry out all works in full compliance with the Health and Safety Commission's Approved Code of Practice "Managing Construction for Health and Safety" and Construction (Design and Management) Regulations 1994.

All work and working practices on the site shall be carried out in accordance with the above and to ensure that there is no risk to the site operatives, visitors or public.

The contractor is to include all preliminary allowances to cover the prevention of accidents and injury.

All works are to be carried out to comply with manufacturers, suppliers and industry guidelines, local authority regulations, good standards, fire safety recommendations, specialist subcontract recommendations and services supply and installation regulations. All manufacturers literature is to be kept on site. Provide all relevant guarantees in duplicate for presentation to the client.

Allow all necessary attendance and liaison with CA's (and CA personnel ) specialist subcontractor trades. Ensure all notifications are submitted to the Local Authority.

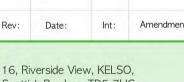
Building Control and submit materials as required to the local Authority Planning Department. Carefully examine the drawings and notify any discrepancies to the CA

for instruction prior to proceeding. Check all dimensions on site prior to ordering materials and notify any discrepancies to the CA for instruction prior to proceeding.

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Project Address:

Proposed Bungalow at: 27, Main Street,

HEITON, Kelso, Scottish Borders,

TD5 8JR.

Drawing Title:

Client Name: for Mr + Mrs Graham

PLANNING:

FLOOR Plan NORTH Elevation

Project Ref Number: PDK-23-169 John H Patterson. Drawing Number 14th May 1:50 @ A1 2023 All dimensions are in millimeters All dimensions to be checked on site

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True Scale at 1:50 Printed at A1.

REF: DESCRIPTION:

3. Reinforced Pre-cast concrete cill: Colour - Portland. 4. 200mm wide Plain Cement bands and 100mm wide ingoes + feature panels: Colour - Portland.

5. Roof Finish: CEDRAL Trutone Textured Fibre cement slates: Colour - Blue-Black. 6. Fascias, Soffits + Barge Boards: MARLEY Eternet plain fibre cement cladding: colour - Grey Slate. 7. LINDAB Metal Rianwater Goods:

125mm half round gutters + 75mm ø downpipes: Colour Dark Grey 8. Lead Flashings, Valley Gutters etc minimum Code 5: Colour - Natural.

9. Double Glazed Powder coated aluminium Windows: Colour - Dark Grey RAL 7015

10. Double Glazed Hardwood External doors + Glazed Screens.

11. VELUX Double Glazed Top Hung Roof Window, size 780w x 1398h each 12. FLUE from Log Burner: Twin Wall Stainless Steel metal flue: Natural.

13. 13-14 VELUX Double Glazed Combination Windows, Coprising 1 No VELUX Double Glazed centre pivot 14. Roof Window, size 942w x 1178h + 1 No VELUX Double Glazed top hung Vertical window element, size

15. Obscure Gazing



WEST Elevation SIDE Scale: 1:50.



EAST Elevation SIDE Scale: 1:50.



SOUTH Elevation REAR



True Scale at 1:50 Printed at A1.



described below.

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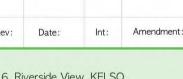
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www.patterson-architecture.co.uk

Project Address:

Proposed Bungalow at:

27, Main Street, HEITON,

Kelso, Scottish Borders, TD5 8JR.

Client Name:

for Mr + Mrs Graham

Drawing Title:

PLANNING:

SOUTH, EAST + WEST Elevations

Project Ref Number: PDK-23-169 John H Patterson. Drawing Number 14th May 1:50 @ A1 2023 All dimensions are in millimeters

All dimensions to be checked on site





BLOCK PLAN

Scale: 1:200 @ A1

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23/01065/FUL 18.09.2023

HARD LANDSCAPING

DRIVEWAY, PARKING, TURNING SPACE, RAMP and FOOTPATHS PERMEABLE CONSTRUCTION

SS. Excavations:

Excavate for Drive, Parking, Turning Space and footpaths as shown on drawings. Supply and install precast concrete edgings to BS EN 1340 size 150 x 50 x 915mm to Drive, Parking and Turning Space, as indicated on the drawings.

Bedding and backing of units, either of the following: Bedded on mortar laid on hardened concrete base. Bedding mortar allowed to set and units secured with a

continuous haunching of concrete. Bedded on fresh concrete races to BS 7533-6, secured with backing concrete cast

monolithically with concrete race. Concrete for foundations and haunching.

Designated mix: Not less than GEN10 or standard ST1 or better, low workability.

Standard to BS 8500-2.

Motar bedding 1:3 cement sand as section Z21. Bed thickness 12 - 40mm.

GRAVEL DRIVE, PARKING + TURNING SPACE:-From gravel drive with concrete edges as indicated on the plans. Excavate to vehicular access road and footpaths as shown on drawings, to depths required for sub-base thickness

Sub-base to Drive, Parking and Turning areas be minimum 150mm thick granular sub-base.

Sub-base to footpaths to be minimum 100mm thick granular sub-base.

Crushed rock ( other than argillaceous rock ) or quarry waste with not more binding material than is required to help hold the stone together.

Natural gravel.

Natural sand. No frost susceptible material.

Granular material:

Preparation/ compacting of subgrades:

Soft or damaged areas: Excavate and replace with sub-base material, compacted in layers 300mm thick (

Compaction: Thoroughly, by roller or other suitable means, adequate to resist subsidence or deformation of the subgrade during construction and of the completed pavings when in use. Take particular care to compact fully at intrusions, perimeters and where local excavation and backfilling has taken place. Compaction of sub-base:

Preparation: Remove loose soil, rubbish and standing water.

Laying: Spread and level in layers. As soon as possible thereafter thoroughly compact each layer. After compaction and immediately before overlaying, the sub-base must be uniformly well closed and free from loose material, cracks, ruts or hollows.

Finish: Vibrate to provide a close, smooth surface.

Sub-bases: As soon as practicable, cover with subsequent layers, specified elsewhere. Prevent degradation by construction traffic, construction operations and inclement weather. Geotextile sheet:

Lay geotextile sheet overlay, over blinding coarse, fit neatly at edge restraints and other features. e.g. drainage fittings, channels, manholes and kerbs. Width: 1000mm ( minimum ).

FINISHES:-

Bonded chippings: Standard: to BS EN 13043.

General: Loose laid and racked to a uniform 50mm thickness PARKING, TURNING AREAS and RAMP:-

Parking + Turning Areas + Ramp

To be finished with Permeable finish, MARSHALLS Driveline Priora (colour Charcol) size 200 x 100 x 60mm thick sets laid in a regular pattern, or similar approved. Laid on a 50mm thick laying coarse 6-2mm open graded crushed

Compaction should be undertaken with a plate vibrator. Prior to final compaction of the surface, joints should be filled with the same grading of materials as that used for the laying course.

PERMEABLE Areas to perimeters of HOUSE and PATHS: Minimum 200mm wide, positioned as indicated on site layout

Formed with minimum 300mm thick recycled crushed stone to dust, on imported graded 40mm to dust and finished with 50mm thick gravel, to drive as indicated, colour to be agreed.

PAVING:

Including FOOTPATHS and PATIO AREAS Form concrete flag paving with concrete edges as indicated on the plans.

Standards: Concrete flags 600x600x38mm to BS EN 1338.

Laying course sand or sand bedded concrete flags to BS 7533-4 maintained at even moisture content that will give maximum compaction.

Sub-base: 100mm thick all as specified above,

Blinding: all as above. Geotextile sheet: all as above

Laying pavings general: Appearance, smooth and even with regular joints and accurate to line, level and profile. Falls: To prevent ponding

Bedding of paving units: Firm so that no rocking or subsidence does not occur or develop. Bedding/ Laying course: Consistently and accurately graded, spread and compacted to produce uniform thickness

and support for paving units. Slopes: Lay paving units upwards from bottom of slopes.

Paving units: Free of mortar and sand stains. Cutting: Cut units cleanly and accurately, without spalling, to give neat junctions with edgings and adjoining finishes.

Cleanliness: Keep paving clean and free from mortar droppings, oil and other materials likely to cause damage.

Materials storage: Do not overload pavings with stacks of materials. Handling: Do not damage paving unit corners, arrises or previously laid paving.

Access: Restrict access to paved areas to prevent damage from site traffic and plant.

SOFT LANDSCAPING GRASSED AREAS:

The Ground Areas around the new dwelling house that is not detailed under hard landscaping above. Reuse existing top soil removed from excavations to house and drive. Should top soil have to be imported, this shall be to BS 3882 with classification of slightly stony, or less. No stone greater than 50mm in any dimension shall be acceptable. Cover areas as required round house and to edges of new drive and finish with turf. Topsoil shall be spread and lightly rolled to a finished compacted thickness of 150mm for seeding and 100mm for turfing, all grassed areas to be initially set to a level 40mm above adjacent kerbs/edgings to allow for compaction. Areas to be turfed, turves shall comply with BS 3969. They shall be laid to bond and tamped into topsoil bed. The contractor shall ensure that the grass is properly and regularly watered and cut, and cleared of grass cuttings to ensure proper growth.

1800mm high new HEDGE privacy screen, to be planted along the East and North boundaries, as indicated on the

BIN STORAGE AREA:-

Form Bin Storage Area as follows:-

Form hard standing with paving, all as specified above under PAVING. Erect new treated timber post and timber panel fence 1800mm high, to 3 sides of the Bin Storage area, as indicated on the plans.

FLOOR AREA:

PRIVACY SCREENING:

All floor areas are measured net internal in Square Meters. FLOOR AREA - 127 m<sup>2</sup>

FLOOR LEVELS: Provisional Floor Levels as follows, subject to on site check.

DATUM existing inspection cover as indicated on Site Layout Plan. DATUM - 100.000m

FLOOR LEVEL - 99.550m GROUND LEVEL at House perimeter- 99.250m

SITE AREA:

Approximately - 553 m<sup>2</sup>

- 0.055 ha - 0.136 Acre

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

### REFUSED

subject to the requirements of the associated Decision **Notice** 



described below.

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Client Name:

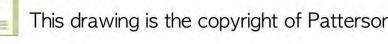
for Mr + Mrs Graham

Drawing Title:

PLANNING **BLOCK Plan** 

Project Ref Number: John H Patterson. PDK-23-169 Drawing Number 14th May 1:50 @ A1 2023

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Project Address:

Proposed Bungalow at: 27, Main Street,

HEITON, Kelso, Scottish Borders, TD5 8JR.

Client Name:

for Mr + Mrs Graham

Drawing Title:

PLANNING: SECTION Through SITE

Project Ref Number: Drawn By: John H Patterson. PDK-23-169 Drawing Number: 1:100 @ A1 14th May 2023 All dimensions are in millimeters All dimensions to be checked on site

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

## REFUSED

subject to the requirements of the associated Decision **Notice** 



# **REFUSED**

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27, Main Street,

HEITON, Kelso, Scottish Borders, TD5 8JR.

Client Name:

for Mr + Mrs Graham

Drawing Title:

Planning Site Pan as Existing + Demolition Plan

Project Ref Number: PDK-23-169 John H Patterson. Drawing Number: 14th May 1:100 @ A1 2023

All dimensions are in millimeters All dimensions to be checked on site



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From: Lisa Miller <lisa@fergusonplanning.co.uk>

Sent: 16 January 2024 12:31

To: localreview

Subject: RE: [OFFICIAL] Land Adjacent Carnlea Main Street Heiton Scottish

Borders -

23/01065/FUL and 23/00051/RREF

CAUTION: External Email

Dear Fiona,

Thank you for sight of the further representations made by the applicant's neighbours.

We would like to make the following points to members of the local review body clear:

1) The applicant has confirmed that there is currently no legal right for any of the neighbours to

access or use his land as a turning area and is therefore under no legal obligation to continue to

do so. While private access itself is not a planning matter, members need to be aware that the

proposed development would include a designated, official turning area thus significantly

improving the current situation for all properties so vehicles can exit the site in a forward gear;

2) We note that the individuals resident at Carnlea have previously approached the applicant to

buy the land in order to increase their own property curtilage, the offer was refused by the

applicant as their intention is to live in Heiton on a permanent basis;

3) The pictures provided in the representations show a typical rural street with on-street

parking; given this and the fact that a 20mph speed limit is in place, it is unlikely that there

would be a significant amount of vehicles travelling at high speed in this type of setting

therefore reinforcing the available traffic data that this area is not high risk in terms of road

safety. Road markings are an accepted, effective, industry standard means of road safety

measure therefore there is no reason why they can not work at this location.

Best wishes

Lisa

Lisa Miller Senior Planner

0131 385 8743 (Direct)

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

Sent: Thursday, December 21, 2023 12:24 PM
To: Lisa Miller <lisa@fergusonplanning.co.uk>

Subject: [OFFICIAL] Land Adjacent Carnlea Main Street Heiton Scottish Borders -

23/01065/FUL and 23/00051/RREF Importance: High

Dear Sir/Madam

Further to my letter of 4 December 2023, with regard to the review of the above application, please find attached further representations from interested parties.

Should you have comments to submit regarding these representations please do so before 5 p.m. on Monday, 15 January 2024.

Regards Fiona

Fiona Henderson

Democratic Services Officer

Democratic Services

Corporate Governance

Council Headquarters

NEWTOWN ST BOSWELLS TD6 0SA

? DDI : 01835 826502

? fhenderson@scotborders.gov.uk

From: Henderson, Fiona

Sent: Monday, December 4, 2023 5:39 PM

To: lisa@fergusonplanning.co.uk

Subject: Land Adjacent Carnlea Main Street Heiton Scottish Borders -

23/01065/FUL and 23/00051/RREF

Importance: High

Dear Sir /Madam

I acknowledge and thank you for your notice of review in respect of the above. All your documents referred to in your notice of review have been received and I attach a formal acknowledgement of your Notice of Review.

Regards

Fiona Henderson
Democratic Services Officer
Democratic Services
Corporate Governance
Council Headquarters
NEWTOWN ST BOSWELLS TD6 0SA

? DDI : 01835 826502

? fhenderson@scotborders.gov.uk

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\*



Land Adjacent Carnlea Main Street Heiton Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Mr Mark Graham

#### 23/01065/FUL and 23/00051/RREF

We wish to submit further representations in respect of the review of the above appeal application.

Firstly, we reiterate our previous submission with regards to this application and now subsequent appeal.

We have read through the Appeal Statement written and submitted by Ferguson Planning on behalf of the applicant Mr Graham

For clarity and accuracy sake it should be noted that a number of times the main road running through Heiton is wrongly identified as the A968. It is actually, the A698.

The statement, as indeed this whole situation seeks to repeat what has already been addressed throughout the last application and appeal processes. Then another application which was declared 'Declined to Determine' and then now another application and its subsequent appeal. Throughout all of these applications the concern regarding the road safety aspect to the application has remained constant.

There are however a couple of things which we wish to address with regards to points made within this document.

1. Photographs contained within the Appeal Statement Fig 6 page 17 (Scott Street, Galashiels) and Fig 7 page 18 (Cairneyhill) both show junctions of a two-lane carriageway with another two-lane carriageway. These photographs bear no resemblance whatsoever to the junction of the A698 at the driveway access to the applicants plot of land and neighbouring properties. And as such, would appear irrelevant as comparisons to this application.

Please see photographs of the actual driveway junction with A698 Main street.

These photographs, taken at mid-day on a weekday, also clearly demonstrate how narrow the road is with parked vehicles. The width of the running carriageway will be effected by the addition of any 'build -out' no matter how small or painted markings. The former **would** and the

latter **could** have a detrimental effect to the width of the running carriageway.



Fig 1. Access driveway Junction with A698 Main Street. Travelling towards Kelso



Fig 2. Access driveway Junction with A698 Main Street. Travelling away from Kelso

And, as we have already stated in our previous submission – we believe that 'painting the road' will simply be ignored and that any form of 'build out' will have a potentially detrimental effect for residents who live opposite the access point, i.e. in particular, number 8 Main Street. The residents living at the row of cottages nos. 2 to 8 Main Street park their vehicles on the road, as can be seen in these photographs, **any type of build out** will result in a further narrowing of the carriageway. The A698 is a busy throughfare used regularly by agricultural vehicles, HGV's, buses and many other large vehicles as well as standard cars.

Some years ago Scottish Borders Council placed a number of traffic calming measures throughout the length of Main Street through Heiton village and a traffic island was located near to Heiton Village Hall. We don't know exactly when it appeared, but having been there some years it was decided to remove all of these traffic calming measures, again as narrowing the road had proved dangerous, as combines, wide loads etc were forced to mount the pavement, so the idea of now narrowing the road may not be viewed as desirable by SBC.

In August 2022 the Road Planning report stated:

'The junction with the public road is exceptionally constrained both in terms of geometry and visibility. The junction area is only wide enough for one vehicle with no radii and visibility in both directions is effectively zero with a vehicle having to encroach significantly into the running carriageway before any form of visibility splays are afforded. Given the above I must object to this proposal.'

And on 7<sup>th</sup> August 2023 the Road Planning Report stated:

'Although I appreciate that the applicant has proposed a turning head to alleviate some problems at the site, there remains the issue of the junction with the public road. It is exceptionally constrained in terms of geometry and visibility and is only wide enough for one vehicle. Visibility in both directions is effectively zero, with a vehicle having to encroach significantly into the running carriageway before any visibility is afforded. Furthermore, since the land surrounding the access is outwith the applicant's control, there is no scope for suitable improvements. As such, I must object to this proposal'

#### 2. Point 3.20, page 20 states:

'Until fairly recently, the application site, in full ownership of the Applicant, has been used unofficially as a turning area for vehicles primarily by neighbours and delivery drivers. It is noted that the three closest neighbours all objected to the proposed development siting road safety issues.'

This statement is at best erroneous The turning circle has always been at this location. It is NOT something which the applicant is adding to the benefit of all. When we bought our property in 2010 and likewise when other neighbours bought their property we were all informed that there was a turning circle. This is something all neighbours have been aware of some considerable amount of time and dates back to prior to the ownership of the land by the applicant. So we categorically do not agree this is an 'unofficial' turning space.

3. The Executive Summary on page 4 states:

Refusal of planning permission ensures the land will remain vacant and continue to negatively impact the character and vitality of the neighbourhood.

We know of a number of occasions where the applicant has been approached about selling the land, so it would not necessarily sit unused and vacant.

#### Finally to summarise:

We do not feel that anything has changed since the decision made at the last appeal hearing, namely:

13 Dec 2021 Local Review Body LRB Decision Notice to the applicant / agent states in its conclusion:

The Review Body agreed with the Roads Officer that the access road was narrow with very limited junction visibility, inadequate junction radii and poor surface condition. They noted that several properties already used the access road/junction and that the addition of a further property would result in the need for road improvements which could not be achieved within the applicant's ownership. Although Members did acknowledge the benefits of the creation of a turning head for the access road and the possibility that the current trial 20mph speed limit on the A698 may be made permanent, they did not consider these benefits outweighed the inadequacies of the current access and junction. For reasons of road safety, they agreed with the Roads Officer and

concluded that the proposal was not in compliance with Local Development Plan Policies PMD2 and PMD5.

As such we respectfully request that the Local Review Body refuses the appeal to grant planning permission for the proposed development of a new dwellinghouse adjacent to Carnlea, Main Street, Heiton.

We have to acknowledge that the Review Body may indeed overturn the decision and allow the appeal and grant planning permission. In this event we would ask that a condition be placed upon the use of the turning circle. We feel that it should be specified that this must be kept clear at all times and not used as additional parking / driveway at the proposed new property. Indeed, this would ensure the comment, as stated in point 3.23 page 20 of the statement:

'The Applicant is still committed to the provision of a communal turning space on his land, for all to use when necessary.'

Gill and Mark Harrop Hillcrest Heiton. TD5 8JR

December 2023.



Mr & Mrs Debattista Carnela Main Street Heiton, TD5 8 JR

#### 18 December 2023

Dear Sir / Madam,

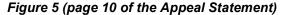
### Re: 23/01065/FUL and 23/00051/RREF - Erection of dwellinghouse. Land Adjacent Carnlea Main Street Heiton Scottish Borders

Further to the above-noted appeal application, we wish to submit our additional comments as per below.

Firstly, we reiterate our previous submissions in respect to this application.

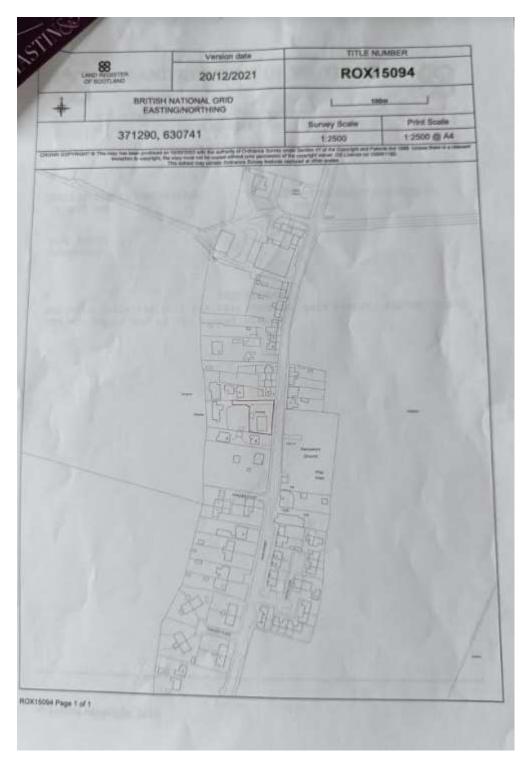
After having read through the Appeal Statement made on behalf of Mr Graham, we noted that the road running through the village of Heiton has been wrongly identified on three occasions as A968 instead of A698.

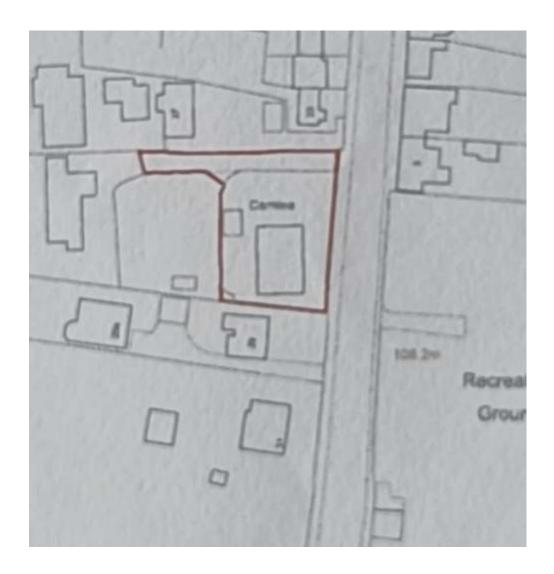
We also noted that Figure 5 on page 10 (snippet below for ease of reference), shows the front corner of the land as part of Mr Graham's property. As noted in our previous correspondence this is part of our property. We are re-including an extract of the land registry document dated 21/12/2021, hereunder





#### Extract of the land registry document dated 21/12/2021





We believe that the Appeal Statement is indeed a repetition of what has already been addressed in the last application and the ones before that. In all the refusals, the road safety issue was a constant, and we understand that the comments made by the Road Planning report in this regard did not change.

We note that in the Appeal Statement reference is made to Scott Street in Galashiels and Cairneyhill in Fife. Looking at the pictures included in the Appeal Statement there is a notable difference between the mentioned street and the access road on Main Street, Heiton. The visibility from the access road onto the Main Street is effectively zero, one needs to go out almost in the middle of the road to be able to see whether traffic is coming from either direction. Although no accidents have been reported in the last two years we have been living here, it is a dangerous situation, especially when agricultural vehicles, HGVs and other large vehicles are passing through.

We believe that markings on the road will not help the situation. It is a fact that although the speed limit is 20 miles per hour, most often than not this is not respected.

Regarding the comment stating that if planning permission is refused the land will remain vacant and will continue to negatively impact character and vitality of the neighbourhood, we understand that Mr

Graham has been approached to consider selling the land, and therefore this will not necessarily be the case.

Regarding the turning circle at the top of the access road, we feel that this needs to be part of the planning condition in the event that the decision is overturned, as emergency and delivery vehicles have had to reverse into our property in the past due to the land in question being fenced off.

Ultimately, we feel that, since the last planning refusal, matters have not changed.

Yours faithfully

Daniela & Jean Pierre Debattista

#### Agenda Item 6d

From: John Littlewood <

**Sent:** 23 July 2023 14:06

To: Planning & Regulatory Services

Subject: 23/01065/FUL

#### **CAUTION:** External Email

Application No 23/01065/FUL Land adjacent to Carnlea, Main St, Heiton TD5 8JR 23.07.23

Dear Mr Calvert

Thank you for including me in the planning Proposal.

I have studied the plans carefully; I see no reason why the application should not be approved.

The existing empty plot is a neglected eyesore overgrown with weeds & perhaps rats! The rosebay willowherb is so rampant that when they seed, the airborne seeds are like snow in summer, causing endless weeds across my garden and drive!

The sooner this house it is built the better,

Thank you,

John Littlewood

29a Main Street, Heiton,

From:

Sent: 27 August 2023 10:48

To: \_\_Calvert, Euan: Planning & Regulatory Services

Cc:

Subject: 23/01065/FUL | Erection of dwellinghouse | Land Adjacent Carnlea Main Street

Heiton Scottish Borders

Attachments: Barrier erected on plot of land blocking turning head..jpg

#### **CAUTION: External Email**

#### Dear Mr Calvert,

As an addendum to our previous collective submissions with regard to the above planning application. This email is written on behalf of ourselves and the two neighbouring households who are named at the base of this email.

With regards to our previous submissions, we would ask that a condition be placed upon the use of the turning head. We feel that it should be specified that this must be kept clear at all times and not used as additional parking/ driveway at the proposed new build property.

This request is suggested as result of the fact that the applicant, Mr Graham, has, since early June erected a barrier along the length of the plot. This has effectively blocked off any access to the longstanding established turning space. As a result, vehicles are regularly having, **if clear**, to use our driveways to turn around but more importantly on several occasions large vehicles have had to reverse out onto the A698 which is clearly dangerous. Should the turning head be used as parking, this has the potential to lead to the same situation and/or confrontation between neighbouring houses, neither scenario is a desired outcome.

The barrier fence had actually blown down some weeks ago after strong winds, however on the afternoon of Friday 25<sup>th</sup> August the barrier was restored to its standing position, please see attached photograph.

#### Yours sincerely

Gill and Mark Harrop
Daniela and Jean Pierre Debattista
Jim and Linda Wilson



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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: 21/00019/RREF

Planning Application Reference: 20/01327/FUL

**Development Proposal:** Erection of dwellinghouse

Location: Land Adjacent Carnlea, Main Street, Heiton

**Applicant:** Mr Mark Graham

## **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 development would not comply with Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard access to the detriment of road safety, both vehicular and pedestrian, and it has not been demonstrated that the improvements required to upgrade the access, as specified, can be carried out.

## **DEVELOPMENT PROPOSAL**

The application relates to the erection of a dwellinghouse on land adjacent Carnlea, Main Street, Heiton. The application drawings and documentation consisted of the following:

# Plan Type Plan Reference No.

Location Plan	PDK-20-137-001
Elevations	006-01
Elevations	007-01
Roof Plan	008-01
Site Plan and Section	009-02
Privacy and Overlooking Plan	010-02

### **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 18<sup>th</sup> October 2021.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report); b) Objections; c) Further Objection Comments and Applicant's Response; d) General Comment; e) Other Information; and f) List of Policies, 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 in the form of Land Register of Scotland – Land certificate version 12/09/2006; Letters from Scottish Water dated 20 April 2004 and 24 February 2005; Excerpts from The Robert Burns Annual and Chronicle 1948 and Excerpts from the Federation Year Book 1951.

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 Planning Officer and Roads Officer to comment on the new information.

The Review was, therefore, continued to the Local Review Body meeting on 13<sup>th</sup> December 2021 where the Review Body considered all matters, including responses to the further information from the Planning Officer and Roads Officer, and the applicant's reply to those responses. The Review Body also noted that the applicant had requested further procedure in the form of written submissions, a hearing and a site visit but did not consider it 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: PMD2, PMD5, HD3, HD4, EP13, IS2, IS7 and IS9

### Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Landscape and Development 2008

The Review Body noted that the proposal was for planning permission to erect a dwellinghouse on land adjacent to Carnlea, Main Street, Heiton. Members noted that the site lay within the settlement boundary for Heiton as defined in the Local Development Plan and that, in many respects, the development was an appropriate infill opportunity in keeping with the surroundings and in compliance with the relevant Policies PMD2 and PMD5. The Review

Body had no general objections to the siting or design of the dwellinghouse and agreed with the Appointed Officer in these respects.

The Review Body also understood that the site had accommodated a residential property in the past according to information in the background papers, that previous planning permissions had been granted and that land registration documents appeared to confirm a right of access from the site to the A698. However, Members were also aware that such rights should not override all other material considerations and, in this respect, were of the opinion that the development would generate increased traffic utilising an inadequate and unsafe access onto the A698. They considered that traffic generation and volumes would be greater for the new development and on the A698 compared to those that would have existed when the site accommodated the previous property. As a consequence, there were greater road safety concerns over the proposal.

The Review Body agreed with the Roads Officer that the access road was narrow with very limited junction visibility, inadequate junction radii and poor surface condition. They noted that several properties already used the access road/junction and that the addition of a further property would result in the need for road improvements which could not be achieved within the applicant's ownership. Although Members did acknowledge the benefits of the creation of a turning head for the access road and the possibility that the current trial 20mph speed limit on the A698 may be made permanent, they did not consider these benefits outweighed the inadequacies of the current access and junction. For reasons of road safety, they agreed with the Roads Officer and concluded that the proposal was not in compliance with Local Development Plan Policies PMD2 and PMD5.

The Review Body finally considered other material issues relating to the proposal including residential amenity impacts, water, drainage and developer contributions but were of the opinion that the issues did not influence the overall decision on the Review and could have been controlled by appropriate conditions and a legal agreement had the proposal 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

### **SCOTTISH BORDERS COUNCIL**

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

### PART III REPORT (INCORPORATING REPORT OF HANDLING)

**REF:** 20/01327/FUL

APPLICANT: Mr Mark Graham

AGENT: PD Architecture

**DEVELOPMENT:** Erection of dwellinghouse

**LOCATION:** Land Adjacent Carnlea

Main Street Heiton

Scottish Borders

TYPE: FUL Application

**REASON FOR DELAY:** 

### **DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
A LOCATION PLAN	Location Plan	Refused
009	Proposed Site Plan	Refused
010	Proposed Plans & Elev	vations Refused
006	Proposed Plans	Refused
007	Proposed Elevations	Refused
008	Proposed Roof Plan	Refused

# **NUMBER OF REPRESENTATIONS:** 6 **SUMMARY OF REPRESENTATIONS:**

12 neighbours were notified.

Two comments were received noting no objection but requiring confirmation of ownership of a mutual boundary and recommending a turning circle be provided. Trees were requested to be retained and privacy issues highlighted.

Three Objections were received raising the following planning issues:

- Sunlight and daylight would be considerably diminished as a result of the roof pitch height.
- Potential first floor accommodation in future.
- o Density of the site, the design is too large for the plot, over-development.
- o Height of the development.
- o Inadequate access and increased traffic.
- o Overlooking.

#### Overshadowing.

Consultations:

Scottish Water: No objection.

Community Council: Object. Too close to neighbouring houses and insufficient vehicular access. The development would require adoption of the road.

Roads Planning:

First response: Unable to support the proposal. The existing private access is very constrained with no formal turning area.

Second response: A turning area has been demonstrated. This requires the use of a driveway for Hillcrest, which is unacceptable. A solution avoiding this would be to move the turning area east to the midpoint of the site. This solution would remove concerns with regards to the ability of vehicles to enter and exit the private access in a forward gear.

However the objection is sustained until:

- 1. The sub-standard access onto the public road is widened to 5.5m wide with 6m radii and
- 2. Visibility splays of 2.4m by 43m in either direction are provided.
- 3. Access surfaced with a bound surface.

The proposal does not comply with policy PMD2 of the Local Development Plan 2016 in that it would be result in extra vehicular traffic on a sub-standard access to the detriment of road safety.

### PLANNING CONSIDERATIONS AND POLICIES:

SBC Local Development Plan 2016

PMD2 Quality Standards PMD5 Infill Development

HD3: Protection of Residential Amenity EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Developer Contributions, April 2015 Guidance on Householder Developments, July 2006 Placemaking and Design, 2010 Landscape and Development, 2008

### Recommendation by - Euan Calvert (Assistant Planning Officer) on 24th May 2021

This is a full planning application for the erection of a dwellinghouse on a vacant site in Heiton, Kelso.

Site

This is a vacant site within a cu-de-sac of four neighbouring houses dating from approval in the mid1970s. This site was said to be occupied by a chalet at this time however the site was cleared and has remained undeveloped since.

Planning History

#### R127/94

In June 1994, full planning consent for a house on the site was granted and subsequently lapsed in 1999. The Planning Committee approved this application contrary to the advice of the Director of Roads and Transportation. The Committee stated ""the bungalow is (would be) located on an in-fill site which has already demonstrated its ability to accommodate a house when used for the chalet."

### 04/01984/OUT and 05/00012/REM

These applications were also for the erection of one house on the site. The Director of Roads and Transportation maintained their objection. Access to the main street was deemed an unsuitable standard to accommodate a fifth house and visibility on to the main A class road was inadequate (the access entrance/exit was required to be widened to allow two cars to pass at the junction and the visibility splays of 2.5 x 100 metres were required in both directions).

The Planning Officer's report noted the site was of sufficient size to accommodate a house, having previously accommodated a dwellinghouse and that the land is within a residential area. The Officer recommended approval to the Cheviot Area Committee, overruling The Director of Roads and Transportation, noting that road widening and improved visibility were all dependent on third party land who would incur loss of garden area and the need to move a boundary retaining wall. The mitigating circumstances were stipulated as "traffic calming measures for the village are in prospect" and that there was "history of the site in residential use".

### **Proposals**

The site and layout has been designed to be similar to the previously approved building. It is a T-planned footprint featuring a projection on the principal elevation of similar scale to the approved bungalow. The main roof of this proposal would have a higher ridge than that previously approved, which would accommodate a vaulted ceiling over the public lounge and kitchen areas.

Amendments have been provided throughout the course of application:

- o Window removed from Bedroom 3, replaced with a Velux combination window, the vertical element to be gazed with obscure glass.
- Window facing Hillcrest in the Master Bedroom to be glazed with obscure glass.
- o A new beech hedge 1800mm high, to be planted along the East and North boundaries, as privacy and overlooking screening.
- o The Conifer tree is to be felled.

Amended elevations have been provided to demonstrate the relationship of this building to the neighbour, Hillcrest. The residential amenity impacts have been considered in respect of overlooking, privacy, daylighting, sunlight and overshadowing impacts.

## Planning Policy

Policy PMD2: Quality Standards

Requires all development to be of high quality and be compatible with the character and neighbouring built form. Boundary treatments are considered essential to ensure proper effective assimilation with the wider surroundings.

The Placemaking and Design 2010 SPG seeks for new development to contribute to the locally distinctive built character.

Policy PMD5: Infill Development

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

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

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

Policy IS7

The Roads Planning Officer makes comment with regard to road safety standards, access and parking accommodation.

Policy HD3

Siting, scale and location of development is considered with regard to protecting neighbouring residential amenity.

Policy EP13

Seeks to protect trees and hedgerows from development.

**ASSESSMENT** 

Principle

The Local Development Plan 2016 identifies this site falling within the Development Boundary, but not allocated and it is therefore appropriate to consider Policy PMD5: Infill Development.

I find the site to satisfy several but not all of the infill policy criteria:

- 1. The proposal does not conflict with the established land use. The land is vacant and it has previously been confirmed by the Council that the change to private residential use will not conflict with neighbouring use:
- 2. This is a tight site but the choice of design and rear location from the Main Street would avoid any adverse impacts to the character and amenity of Heiton. The site has previously been an acceptable infill development opportunity. In terms of design, the building presented would be a suitable addition to the neighbouring built form, both appearing modern but retaining similar form as the neighbouring bungalows. I am satisfied that development would appear contiguous in size and plot ratio as the neighbours, specifically noting that Craimar opposite features 1.5 storey form; and
- 3. A further residential dwelling would contribute to sustaining the social and economic infrastructure of Heiton. Developer Contributions Policy would require contribution to Kelso High School in accordance with policy IS2. However, contributions have not been agreed or reconciled because of overarching issues arising from the Road Planning Officer's sustained objection to a house on this site. The site is considered to be over-development. The site does not satisfy visitor parking, visibility and junction requirements currently; and
- 4. I am satisfied that the building to plot ratio are within the margins of acceptability in terms of scale, form, design, materials and density and are not dissimilar to the previous approval; and
- 5. There are material concerns over vehicular safety in accessing this site and these have been irreconcilable throughout prolonged discussions. The agent has insisted that the previous permission was implemented, 04/01984/OUT/ 05/00012/REM, however the Planning Authority cannot accept this as no

evidence has been presented of operational development or that the site was previously occupied as a dwellinghouse (described as a chalet in 1994) or of commencement in terms of the Building Warrant. Through the passage of time the land use has reverted to vacant land, not a site of a dwellinghouse. The agent contends that drainage, demolition and clearance of site constituted development however these operations may have been undertaken outwith the requirements of planning permission.

In accordance with Policy IS7, the Roads Planning Officer requires three items to be secured to achieve future support to development of this dwellinghouse:

- 1. Access onto the public road is currently substandard for a 5th dwelling and it must be widened to 5.5m wide with 6m radii and:
- 2. Visibility splays of 2.4m by 43m must be provided in either direction;
- 3. This access to be surfaced with bound surface;
- 4. Provision of visitor turning and parking within the cul-de-sac.

Without these items being provided, the development is contrary to both Policy PMD2 and parking standards within Policy IS7, in that the extra vehicular traffic on a sub-standard access would be to the detriment of public road safety, both vehicular and pedestrian.

Public mains water is proposed and waste water to the mains sewer. Both would be acceptable in this village location; and

6 I do not identify any significant loss of daylight, sunlight or privacy to neighbouring properties as a result of overshadowing or overlooking (owing to the appropriate choice of floor level, cut in to the slope). Locations of windows, overshadowing and privacy matters have been considered. I have assessed the distance to the nearest neighbour and the choice of window locations. It has been demonstrated that the amendments would ensure neighbouring residential amenity in accordance with overlooking and loss of privacy guidance. Obscure glass would protect privacy of the habitable bedroom in the front projection. A 1.8m privacy hedge would be added behind the existing west boundary to introduce further privacy between plots. This hedge would compensate for the loss of (relatively juvenile) trees shown to be removed.

The principle of the development of one dwelling on this site has not been adequately demonstrated. Policy PMD5 of the Local Development Plan 2016 requires means of access to the public road network to be satisfactory achievable to standards identified above. The road improvements cannot be secured by a suspensive as the land is outwith the control of the applicant.

External Appearance: Materials, Fabrics and Colours

The proposed external finishes would be quite appropriate to the location within the estate and in accordance with Placemaking and Design SPG, 2010.

#### Landscaping

A condition would be required in the event of approval to ensure the boundary treatments (the proposed hedge) were implemented in accordance with a full specification.

Three objections have been received. I have addressed the points concerning loss of neighbouring residential amenity above. I do not identify any significant adverse impacts on the nearest neighbours. The density/ plot ratio would be high but not harmful to daylight or privacy standards of neighbours. The density would be similar to and therefore reflective of the neighbouring built form in this residential estate. The proposal is therefore not considered to be an incongruous addition.

The Community Council and the objectors' concerns over suitable safe vehicular access and egress (and visitor parking) are noted and are reasons for refusal.

#### **REASON FOR DECISION:**

The proposed development would not comply with Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional

vehicular traffic on a substandard access to the detriment of road safety, both vehicular and pedestrian, and it has not been demonstrated that the improvements required to upgrade the access, as specified, can be carried out.

## **Recommendation:** Refused

The proposed development would not comply with Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard access to the detriment of road safety, both vehicular and pedestrian, and it has not been demonstrated that the improvements required to upgrade the access, as specified, can be carried out.

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



# SCOTTISH BORDERS COUNCIL 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: 21/00019/RREF

Planning Application Reference: 20/01327/FUL

**Development Proposal:** Erection of dwellinghouse

Location: Land Adjacent Carnlea, Main Street, Heiton

**Applicant:** Mr Mark Graham

### **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 development would not comply with Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard access to the detriment of road safety, both vehicular and pedestrian, and it has not been demonstrated that the improvements required to upgrade the access, as specified, can be carried out.

## **DEVELOPMENT PROPOSAL**

The application relates to the erection of a dwellinghouse on land adjacent Carnlea, Main Street, Heiton. The application drawings and documentation consisted of the following:

### Plan Type Plan Reference No.

Location Plan	PDK-20-137-00
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### **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 18<sup>th</sup> October 2021.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report); b) Objections; c) Further Objection Comments and Applicant's Response; d) General Comment; e) Other Information; and f) List of Policies, 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 in the form of Land Register of Scotland – Land certificate version 12/09/2006; Letters from Scottish Water dated 20 April 2004 and 24 February 2005; Excerpts from The Robert Burns Annual and Chronicle 1948 and Excerpts from the Federation Year Book 1951.

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 Planning Officer and Roads Officer to comment on the new information.

The Review was, therefore, continued to the Local Review Body meeting on 13<sup>th</sup> December 2021 where the Review Body considered all matters, including responses to the further information from the Planning Officer and Roads Officer, and the applicant's reply to those responses. The Review Body also noted that the applicant had requested further procedure in the form of written submissions, a hearing and a site visit but did not consider it 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: PMD2, PMD5, HD3, HD4, EP13, IS2, IS7 and IS9

### Other Material Considerations

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Body had no general objections to the siting or design of the dwellinghouse and agreed with the Appointed Officer in these respects.

The Review Body also understood that the site had accommodated a residential property in the past according to information in the background papers, that previous planning permissions had been granted and that land registration documents appeared to confirm a right of access from the site to the A698. However, Members were also aware that such rights should not override all other material considerations and, in this respect, were of the opinion that the development would generate increased traffic utilising an inadequate and unsafe access onto the A698. They considered that traffic generation and volumes would be greater for the new development and on the A698 compared to those that would have existed when the site accommodated the previous property. As a consequence, there were greater road safety concerns over the proposal.

The Review Body agreed with the Roads Officer that the access road was narrow with very limited junction visibility, inadequate junction radii and poor surface condition. They noted that several properties already used the access road/junction and that the addition of a further property would result in the need for road improvements which could not be achieved within the applicant's ownership. Although Members did acknowledge the benefits of the creation of a turning head for the access road and the possibility that the current trial 20mph speed limit on the A698 may be made permanent, they did not consider these benefits outweighed the inadequacies of the current access and junction. For reasons of road safety, they agreed with the Roads Officer and concluded that the proposal was not in compliance with Local Development Plan Policies PMD2 and PMD5.

The Review Body finally considered other material issues relating to the proposal including residential amenity impacts, water, drainage and developer contributions but were of the opinion that the issues did not influence the overall decision on the Review and could have been controlled by appropriate conditions and a legal agreement had the proposal 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

# Heiton and Roxburgh Community Council

Your Ref: 23/01065/FUL

12 Aug 2023

Scottish Borders Council, Council Headquarters Newtown St Boswells Melrose Scottish Borders TD6 0SA

Dear Sirs

Re: 23/01065/FUL|Erection of dwelling house|Land Adjacent Carnlea, Main

Street, Heiton

One of the South of Scotland Regional Economic Strategy six themes is 'thriving and distinct communities' and a key priority in this theme is housing. In order to sustain rural villages support should be given the development of low impact housing 'to better integrate generations, attract new people to the area and ensure those farthest from the labour market have a stable platform from which to progress and prosper'

SBC's Local Development Plan outlines that the Housing Needs and Demand Assessment identified a continued need for some 100 houses per annum over the next 5 years and that the plan will 'seek to encourage the delivery of affordable housing opportunities to meet local need'

It is understood that this site had previously been granted planning permission, but this lapsed before construction could start. The subsequent application and appeal were unsuccessful, and this new application has taken on board design considerations that lead to the refusal – repositioning of windows to avoid overlooking, reduction in the height of the dwelling and the inclusion of a turning circle. The applicant appears to have taken all reasonable steps within their control to make changes to the plan.

We understand from the application that there are currently four properties on this private road and there has been for at least a decade. Each dwelling has at least one vehicle and according to the SWECO transport report the existing access has no history of road safety issues.

It is noted that visibility splay is a key concern. If it is necessary, despite it not being an issue for the current dwellings, the suggestion of painted markings is reasonable. However, the creation of a small build out to increase visibility splay has the potential to cause disruption to the flow of traffic and parking issues for neighbouring properties and therefore poses some concern.

This application appears to align with the local development plan regeneration policy (ED5) which aims to encourage redevelopment of land, supporting bringing land back into

productive use, and the infill development policy (PMD5). Both policies state that development on sites will be approved in all cases where the following criteria is satisfied:

- a) Does not conflict with established land use of area.
- b) Does not detract from the character and amenity of the surrounding area.
- c) The individual and cumulative effects of the development can be sustained by the social and economic infrastructure.
- d) It respects the scale, form, design and materials and density in context of its surroundings.
- e) Adequate access and servicing can be achieved.
- f) It does not result in any significant to loss of daylight, sunlight or privacy as a result of overshadowing or overlooking.

There is no known reason this criterion is not satisfied.

This application also appears to support the LDP Policy HD2: Housing in the countryside, which states 'the council wishes to promote appropriate rural housing development in village locations'.

Yours sincerely

Chloe Brown (Mrs)

On behalf of Heiton and Roxburgh Community Council



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

Development Operations The Bridge Buchanan Gate Business Park Cumbernauld Road Stepps Glasgow G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - <u>DevelopmentOperations@scottishwater.co.uk</u>
www.scottishwater.co.uk



Dear Customer,

Land Adjacent Carnlea Main Street, Heiton, Scottish Borders, TD5 8JR

Planning Ref: 23/01065/FUL Our Ref: DSCAS-0091078-6ZS

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 Roberton 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 Heiton 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.

# **Asset Impact Assessment**

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

100mm Combined Sewer within your site boundary.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

# **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 <u>our</u> 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 <u>our Customer Portal</u> 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 <a href="https://www.scotlandontap.gov.uk">www.scotlandontap.gov.uk</a>

## ▶ 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 launderettes. 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 <a href="https://www.resourceefficientscotland.com">www.resourceefficientscotland.com</a>

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,

#### Ruth Kerr.

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, out any such site investigation."	damage or costs cause	d by relying upon it or from ca	arrying



# 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	7 <sup>th</sup> August 2023	Consultee reference:	
Planning Application Reference	23/01065/FUL	Case Officer:	
Applicant	Mr Mark Graham		
Agent	Ferguson Planning		
Proposed Development	Erection of dwellinghouse		
Site Location	Land Adjacent Carnlea Main Street H	leiton Scottish Borders	
The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.			
Background and Site description	There is a history of recent applications at this site which Roads Planning have objected to on road safety concerns.		
Key Issues (Bullet points)	<ul><li>Access</li><li>Visibility</li></ul>		
Assessment	There are two changes since the previous application which relate to Roads Planning:  1) The proposed Local Development Plan allowing a maximum of 5 dwelling units to be served from a private access road. 2) A proposed build out from the private access on to the A698 to create better visibility.  Regarding point 1 above, it is my view that although the private access road would not have to conform to an adoptable standard, the access from the private road is still unsuitable for this level of development.  Regarding point 2, I would not support any scheme to narrow the carriageway along the A698 as this is incongruous with the road through Heiton and any scheme in isolation may have a detrimental effect on road safety.  Although I appreciate that the applicant has proposed a turning head to alleviate some problems at the site, there remains the issue of the junction with the public road. It is exceptionally constrained in terms of geometry and visibility and is only wide enough for one vehicle. Visibility in both directions is effectively zero, with a vehicle having to encroach significantly into the running carriageway before any visibility is afforded. Furthermore, since the land surrounding the access is outwith the applicant's control, there is no scope for suitable improvements.  As such, I must object to this proposal.		

Recommendation	⊠ Object	Do not object	Do not object,	Further
			subject to conditions	information required
Reason of Objection	The proposal does not comply with policy PMD2 of the Local Development Plan			
-	2016 in that it would be result in extra vehicular traffic on a sub-standard access to			
	the detriment	of road safety.		
		•		

Signed: DJI



Mr & Mrs Debattista Carnela Main Street Heiton, TD5 8 JR

### 2 August 2023

### To whom it may concern

Re: 23/01065/FUL | Erection of dwellinghouse | Land Adjacent Carnlea Main Street, Heiton Scottish Borders

Please find below our concerns and objections regarding this new development.

### 1. Application history

Application 20/01327/FUL was refused and subsequently the appeal to the refusal (21/00019/REF) was upheld by the Local Review Body in Nov/Dec 2021. In 2022 a further application was made (22/01105/FUL | Erection of dwellinghouse | Land Adjacent Carnlea Main Street Heiton Scottish Borders) with the same plans and the case was ultimately stopped as ' Declined to Determine'.

We note the new plans submitted and appreciate the new design considerations, particularly the positioning of the windows and doors on the East side overlooking our property, Carnlea. We note that this will be mitigated by planting a hedge of 1800mm in height. We understand that a new hedge will take a number of years to reach the suggested height of 1800mm.

We also note the revised height of the new proposed property, which reflects the height of a bungalow.

#### 2. Ownership of land

We note that the concern raised in our objection letter dated 2 August 2022 was not taken into account.

The corner at the front of the property (refer to Picture 1 – part highlighted in yellow) forms part of our property and this can be verified in the land registry document dated 21/12/2021, an extract of which is being copied hereunder (refer to Picture 2 and Picture 2a).

In view of this we request that the plans submitted are revised accordingly.

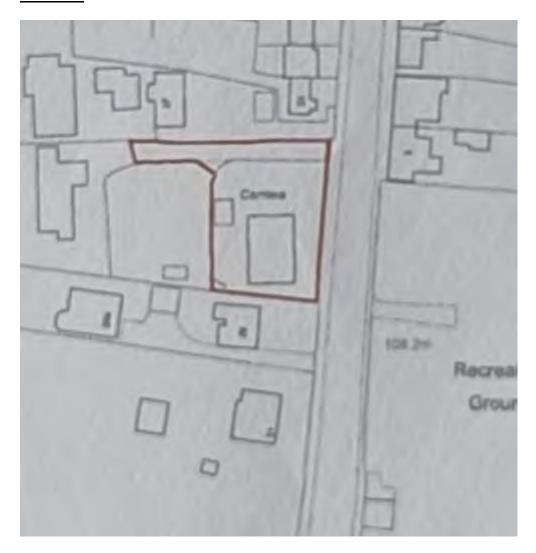
## Picture 1



# Picture 2



# Picture 2a



### 3. Access - Road safety

Our concern and comments as per our letter dated 2 August 2022 remain (comments copied below for ease of reference). We understand that this still applies and that the law has not been updated to date.

We understand that there is a proposed change to the Local Development Plan regarding "Private Accesses" which will increase the number of dwellings via a private access from four dwellings to five. However, we understand that this is still to be adopted and approved by Ministers.

"We understand the Local Review Board rejected the previous proposed applications since it was not compliant with "policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard access to the detriment of road safety, both vehicular and pedestrian, and it has not been demonstrated that the improvements required to upgrade the access, as specified, can be carried out"

We also note that the Road planning Officer has pointed out in the past that "The access onto the A689 from our shared access road would have to be widened to 5.5m wide with 6m radii and visibility splays of 2.4m by 43m in either direction as well as being surfaced to my specification before I would be able to support this proposal. The land required to implement these improvements would appear to be out with the control of the applicant and as such I must continue to object." In order for this to be satisfied a substantial amount of our garden needs to be taken up. This is obviously unacceptable. Furthermore, the house on the opposite side of the access road would need to be partially demolished for the access road to be widened to the measurements specified by the Road planning Officer.

The proposed dwelling house has 3 bedrooms, and therefore possibly 6 people would be residing in the said property with each having their own car. This will definitely generate a lot of traffic in the access road and unsafe access onto A698.

As noted by the Review Board, the access road is narrow with very limited junction visibility and has inadequate junction radii. The addition of a further property would result in the need of road improvement as noted by the Road Planning Officer which cannot be achieved. In fact we note that in the planning application under Section 12 Accesses and Rights of Way the applicant has ticked point A:

There will be **no new access** to a highway (either vehicle or pedestrian), **no alteration** to an existing access to a public road and **no alteration** to any public right of way or other public path."

We further note in the report prepared by Ferguson Planning that as a "...Traffic calming measures are proposed in the formal of a small build out or paint markings, north and south of the junction of the access lane with the A698. An indicative layout for this is provided in Appendix 1 of the Transport Supporting Statement. Since the previous application, the 20mph zone has also now been formally established on the A698."

Our views regarding the above statement are the following:

- A small build out will be dangerous to road safety, especially since large agricultural vehicles, HGVs, buses and many other large vehicles as well as standard cars make regular use of A698. This will also affect the resident residing opposite the access road.
- A painting will merely be ignored and will have no effect on the safety of cars coming out of the access road.

In addition to the above, we would also like to point out that the garage situated on the said plot of land is not, and has not been, accessible, at least in the last couple of years. This can be seen from the pictures below (Picture 3 and 4).

In addition, you will also note that a barrier has been also erected, and therefore leaving no turning point for our neighbours.

# Picture 3



# Picture 4



## Conclusion.

Taking into account the above matters, we feel that there is still a concern about the access road and the safety of all the vehicles passing through A698. The proposed amendments would not make the use of A698 any safer.

In addition the proposed changes to the Local Development Plan regarding "Private Accesses" are still not adopted.

Yours sincerely

Jean Pierre and Daniela Debattista

23/01065/FUL | Erection of dwellinghouse | Land Adjacent Carnlea Main Street Heiton Scottish Borders

We object to this application on the following grounds:

Contrary to Local Plan

Detrimental to Residential Amenity

Inadequate access

Increased traffic

Road safety

Firstly, we appreciate the design considerations that have been applied for with these newly submitted plans, particularly the positioning of windows to avoid overlooking towards the west – Hillcrest thereby affording privacy. Also the height being one of a true bungalow and the inclusion of a 'turning circle'.

However, that said, on Monday 7<sup>th</sup> June 2023, Mr Graham had erected a makeshift barrier, so preventing the availability of vehicles to turn safely without utilising one or another of the neighbours driveways. Part of this has since blown over in high winds.



Photograph taken at 1234hrs 07.06.2023. shortly

after this barrier was erected.

We do however still have concerns with regard to the access situation, the very reason the previous applications have been turned down, both initially (20/01327/FUL | Erection of dwellinghouse | Land Adjacent Carnlea Main Street Heiton Scottish Borders

and on appeal, (21/00019/RREF | Erection of dwellinghouse | Land Adjacent Carnlea Main Street Heiton Scottish Borders)

And subsequently when six months later a further application was made( 22/01105/FUL | Erection of dwellinghouse | Land Adjacent Carnlea Main Street Heiton Scottish Borders)

These plans were exactly the same and the case was ultimately stopped as 'Declined to Determine'

We still have the same issues with the access, something which the applicant admits he has no control over as he doesn't own the land either side of the access point onto Main Street, (A698)

The applicant/ agent has submitted a Transport report written by SWECO which on page 2 states:

Additionally, in January 2023 the 20mph speed limit through Scottish Borders towns became permanent, this reduction in speed limit along the A698 will further improve the safety of the access, as it now connects to a low-speed environment within Heiton.

Whilst it has to be said the mean speed in the village has reduced from over 30 mph it has certainly not dropped to a mean speed of under 20mph. Or indeed in some case anywhere near approaching 20 mph. So whilst in an ideal situation of 20mph or less, the suggested decrease in visibility splay from 43 m to 25m would seem somewhat appropriate, it has to be acknowledged that a high percentage of drivers still do not conform to the required 20 mph speed restriction.

Suggestions of traffic calming measures (page 5) - There is potential to deliver either painted markings or a small build out to the south and north for the access road, which would act as both traffic calming and allow for a suitable visibility splay to be achieved.

We feel that painting the road will simply be ignored and that any form of 'build out' will have a detrimental effect on road safety and also have a potentially detrimental effect for residents who live opposite the access point, i.e. in particular, number 8 Main Street. The residents living at the row of cottages nos. 2 to 8 Main Street park their vehicles on the road and any type of build out will result in a further narrowing of the carriageway. The A698 is a busy throughfare used regularly by agricultural vehicles, HGV's, buses and many other large vehicles as well as standard cars.

Some years ago Scottish Borders Council placed a number of traffic calming measures throughout the length of Main Street through Heiton village and I know that a traffic island was located near to Heiton Village Hall.

We don't know exactly when it appeared, but having been there some years it was decided to remove all of these traffic calming measures, again as narrowing the road had proved dangerous, as combines, wide loads etc were forced to mount the pavement, so the idea of now narrowing the road may not be viewed as desirable by SBC.

13 Dec 2021 Local Review Body LRB Decision Notice to the applicant / agent states in its conclusion:

The Review Body agreed with the Roads Officer that the access road was narrow with very limited junction visibility, inadequate junction radii and poor surface condition.

They noted that several properties already used the access road/junction and that the addition of a further property would result in the need for road improvements which could not be achieved within the applicant's ownership. Although Members did acknowledge the benefits of the creation of a turning head for the access road and the possibility that the current trial 20mph speed limit on the A698 may be made permanent, they did not consider these benefits outweighed the inadequacies of the current access and junction. For reasons of road safety, they agreed with the Roads Officer and concluded that the proposal was not in compliance with Local Development Plan Policies PMD2 and PMD5.

Thus showing that the Review Board have already considered the possible effect of a 20 mph speed limit through Heiton and the provision of a 'turning head'

Furthermore, page 4 of the report by SWECO states:

Proposed changes to the Local Development Plan (LDP) in relation to 'Private Accesses' would allow an increase in the number of dwellings access via a private access from four dwelling as per the current adopted plan, to five. Should the draft LDP be adopted without amendment to this is policy, the proposals would not require upgrading the access to an adoptable standard.

After a call to SBC Planning Policy and GIS department on Friday 28<sup>th</sup> July 2023 we were informed that these changes may well take place but given the report hasn't been approved by SBC Councillors and is not due to go before them until 28th September, at which point it then needs to be sent for ratification by Ministers, the adoption of these amendments will at best not be until the end of 2023 and very probably 2024. To say that this application is 'jumping the gun' seems quite appropriate.

## In summary:

- 1. We fail to see just how effective either paint or more importantly a single 'build out' would be to effect any kind of behavioural change which would make using the private access drive onto the A698 any safer.
- 2. As it stands the proposed changes to the Local Development Plan (LDP) in relation to 'Private Accesses' have not yet been adopted and are consequently not yet applicable. Therefore this application has been submitted too early to benefit from these '*proposed*' changes.
- 3. To effect a change to the road layout, as proposed now, to accommodate the building of one house, would have a detrimental effect to the residents of the existing houses adjacent and opposite the access, living on Main Street

When we purchased our property in 2010 we were well aware of the access issues, however that was our choice. The same applies to other neighbours.

Gill and Mark Harrop
Hillcrest Heiton TD5 8JR

## **Comments for Planning Application 23/01065/FUL**

## **Application Summary**

Application Number: 23/01065/FUL

Address: Land Adjacent Carnlea Main Street Heiton Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Euan Calvert

#### **Customer Details**

Name: Mr JAMES WILSON

Address: Tandarra, Main Street, Heiton, Scottish Borders TD5 8JR

### **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:
- Inadequate access

- Road safety

Comment:Mr & Mrs Wilson

Tandarra

Main St

Heiton

Td5 8JR

3rd August 2023

To Chief Planning Officer

Re: 23/01065/FUL

(1) Application History

Please Find Our Views And Concerns On The Submitted Plans

The new submitted plans provide a turning circle which is good.

On the 7th June Mr Graham erected a barrier as you can see on Mr & Mrs Harrops' photo with no access for vehicles turning and on numerous occasions goods vehicles were having to reverse down to Carnlea's drive (if no cars in their drive) to safely vacate the drive and also some vehicles have reversed back down the drive onto main A698 which is very dangerous.

We have been in our house Tandarra for a long time, after the old house on the existing plot was Page 290

demolished and the plot sold, the ground has not been cleared for building it has been strimmed a few times, there is been no use of the garage since the plot was sold as you can see on Mr & Mrs Debattistas' photo.

### (2) Road safety Access

On the new application there is no change to the access onto the A689 The Road Planning Officer has pointed out in the past applications that "The access onto the A689 from a shared access road would have to be widened to 5.5m wide".

The proposed plans suggest Painting Markings on the road that wont help they will just be ignored, the speed limit has been dropped to 20 mph but the majority of drivers don't comply to this. The other suggestion is to make a build out which will effect all the people that have to park on the road especially No8 opposite the drive as they have no other parking place.

As there is a lot of heavy vehicles on this busy road, combines, wide loads often have to mount the pavement.

A build out will result in further narrowing.

Jim & Linda Wilson





## Local Review Body – List of Policies 26<sup>th</sup> February 2024

Local Review Reference: 23/00051/RREF Planning Application Reference: 23/01065/FUL Development Proposal: Erection of dwellinghouse Location: Land Adjacent Carnlea, Main Street, Heiton

Applicant: Mr Mark Graham

### **National Planning Framework 4 (NPF4)**

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 9: Brownfield, vacant and derelict land, and empty buildings

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

### Scottish Borders Local Development Plan 2016 (LDP)

PMD2: Quality Standards PMD5: Infill development

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

**ED5**: Regeneration

EP13: Trees, Woodland and Hedgerows

IS2: Developer Contributions IS6: Road Adoption Standards

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
- Landscape and Development 2010
- Development Contributions updated April 2023





 $Newtown\ St\ Boswells\ Melrose\ TD6\ OSA\ \ Tel:\ Payments/General\ Enquiries\ 01835\ 825586\ \ Email:\ regadmin@scotborders.gov.uk$ 

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

100652597-001

	e unique reference for your online form only ease quote this reference if you need to cont		rity will allocate an Application Number when ority about this application.	
Applicant or A	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)				
Agent Details				
Please enter Agent details	3			
Company/Organisation:	Ferguson Planning			
Ref. Number:		You must enter a Building Name or Number, or both: *		
First Name: *	Ferguson	Building Name:	Shiel House	
Last Name: *	Planning	Building Number:	54	
Telephone Number: *	01896 668744	Address 1 (Street): *	Island Street	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Galashiels	
Fax Number:		Country: *	Scotland	
		Postcode: *	TD1 1NU	
Email Address: *	Ruaraidh@fergusonplanning.co.uk			
Is the applicant an individual or an organisation/corporate entity? *				
☑ Individual ☐ Organisation/Corporate entity				

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Applicant De	etails			
Please enter Applicant	details			
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *	
Other Title:		Building Name:	Shiel House	
First Name: *	Michael	Building Number:	54	
Last Name: *	Johnson	Address 1 (Street): *	Island Street	
Company/Organisation	per Agent	Address 2:		
Telephone Number: *		Town/City: *	Galashiels	
Extension Number:		Country: *	Scotland	
Mobile Number:		Postcode: *	TD1 1NU	
Fax Number:				
Email Address: *	Ruaraidh@fergusonplanning.co.uk			
Site Address	Details			
Planning Authority:	Scottish Borders Council			
Full postal address of th	ne 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 west of Garden	House, Briery Yards, Hawick			
Northing	617079	Easting	353631	

Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Erection of dwellinghouse
Type of Application
What type of application did you submit to the planning authority? *
<ul> <li>Application for planning permission (including householder application but excluding application to work minerals).</li> <li>Application for planning permission in principle.</li> <li>Further application.</li> <li>Application for approval of matters specified in conditions.</li> </ul>
What does your review relate to? *
Refusal Notice.  Grant of permission with Conditions imposed.  No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.
Statement of reasons for seeking review
You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.
Please see Local Review Statement
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the			lintend
Please see Appendix 1 of Local Review Statement			
Application Details			
Please provide the application reference no. given to you by your planning authority for your previous application.	22/00532/PPP		
What date was the application submitted to the planning authority? *	29/03/2023		
What date was the decision issued by the planning authority? *	07/09/2023		
Review Procedure			
The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.			
Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *  Yes \sum No			
In the event that the Local Review Body appointed to consider your application decides to ins			
Can the site be clearly seen from a road or public land? *		Yes 🛛 No	
Is it possible for the site to be accessed safely and without barriers to entry? *	<u> </u>	Yes 🗌 No	)
If there are reasons why you think the local Review Body would be unable to undertake an u explain here. (Max 500 characters)	naccompanied site insp	ection, pleas	e
None			

Checklist – App	lication for Notice of Review		
	g checklist to make sure you have provided all the necessary informatio may result in your appeal being deemed invalid.	n in support of your appeal. Failure	
Have you provided the name	and address of the applicant?. *	X Yes ☐ No	
Have you provided the date a review? *	and reference number of the application which is the subject of this	⊠ Yes □ No	
, , , , ,	n behalf of the applicant, have you provided details of your name nether any notice or correspondence required in connection with the or the applicant? *	X Yes ☐ No ☐ N/A	
, ,	nt setting out your reasons for requiring a review and by what procedures) you wish the review to be conducted? *	X Yes ☐ No	
Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.			
	cuments, material and evidence which you intend to rely on ich are now the subject of this review *	⊠ Yes □ No	
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.			
Declare - Notice	e of Review		
I/We the applicant/agent certi-	fy that this is an application for review on the grounds stated.		
Declaration Name:	- Ferguson Planning		
Declaration Date:	22/11/2023		



## **Proposal Details**

Proposal Name 100652597

Proposal Description Notice of Review for Planning Application at

**Briery Yards** 

Address

Local Authority Scottish Borders Council

Application Online Reference 100652597-001

## **Application Status**

Form complete
Main Details complete
Checklist complete
Declaration complete
Supporting Documentation complete
Email Notification complete

### **Attachment Details**

Notice of Review	System	A4
Application Form	Attached	A4
Decision Notice 22-00532-PPP	Attached	A4
Report of Handling 22-00532-PPP	Attached	A4
Local Review Statement	Attached	A4
16_544_PPP_1001 Location Plan	Attached	A2
23_01_L_1_001 Landownership Plan	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0



# FERGUSON PLANNING

LAND WEST OF GARDEN HOUSE, BRIERY YARDS

MICHAEL JOHNSON

NOVEMBER 2023

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**EXECUTIVE SUMMARY** 

## **EXECUTIVE SUMMARY**

This Local Review Statement is submitted on behalf of Michael Johnson "the Appellant" against the decision of Scottish Borders Council to refuse Planning Permission in Principle 22/00532/PPP proposing erection of a new dwelling on land west of Garden House, Briery Yards, Hawick. All Core Documents (CD) are referenced in Appendix 1.

The proposed development is considered to accord with adopted policy and represent sustainable development. The case for the Appellant is summarised below:

- The proprietors (Mr Patterson and Miss Deans) have owned and managed an agricultural unit which focuses on horses at Briery Yards for around six years. Unfortunately, they were required to sell Garden House (adjacent to the site) which had been owned by Miss Deans' mother to settle the estate and move into Hawick in 2022.
  - The appeal site lies within the sense of place and setting of the existing Building Group at Briery Yards. The existing Building Group comprises three existing dwellings (Briery Lodge, Briery Yards, and Garden House) orientated around the private way that runs east from the D14/3 minor public road and separated from the surrounding countryside by established woodland.
  - The proposed dwelling stands opposite Garden House across the private way and is enclosed on three sides by woodland so would have little impact on either residential amenity or

- landscape setting. No new dwellings have been approved at Briery Yards in the period of the current LDP.
- The agricultural holding owned and operated by the proprietors has need of a residential presence on-site for animal welfare purposes. The proprietors are currently visiting the site twice per day (once in the morning, once in the evening). Care requirements for the horses are heavy during the day through the winter and heavy at night in the summer.
- The proposed dwelling would allow the proprietors to obtain a family home at the agricultural unit, which would significantly reduce the number of vehicle trips to and from the site. Animal welfare would also improve as a presence on-site could be guaranteed throughout the night, in a way that would not be possible without the house.
- The consultation response of the Roads Planning team has not taken cognisance of the existing use of the private way and junction with the public road.
- The proprietors make a minimum of 28 no. vehicle trips to and from the site each week at present. If a new dwelling was obtained on-site then daily trips to and from the site to attend to the horses would stop. Typical vehicle movements associated with a single dwelling is 20 no. individual trips (10 no. return trips). This represents a reduction of 8 no trips per week or 29%.
- A review of Crashmap records confirms no road incidents (slight, serious, or fatal) were recorded at the access or surrounding road in the Years 2013-22. The absence of road incidents is demonstrative of the safe operation of the junction.

- The proposed dwelling is required for the proprietors to become resident on the agricultural unit again and directly attend to the care of the animals and management of the unit. This will not be possible without the proposed dwelling to obtain a family home on-site. It is considered that the proposed dwelling accords with Policy HD2.
- As the principal dwelling of an agricultural unit, erection of the proposed dwelling is supported by NPF4 under both Policy 17 (branch a), criterion v.) and Policy 29 (branch a), criterion i.).

INTRODUCTION

## INTRODUCTION

- 1.1. This Statement supports a Notice of Review of the delegated decision of Scottish Borders Council to refuse to grant Planning Permission in Principle for the erection of a dwelling on land west of Garden House, Briery Yards, Hawick.
- 1.2. The site lies east of the D14/3 minor public road along a private way which provides access to three existing dwellings. The appeal site and its surroundings stand on the north bank of the River Teviot, opposite the Riverside Carvan Park on the south bank. A traditional stone bridge spans the river to the east of both the appeal site and Riverside Carvan Park. The bridge is a Category C Listed Building (HES ref: LB8373) which was built between 1822 and 1840.
- 1.3 The private way which provides access to the site serves three other existing dwellings Briery Yards, the Garden House, and Briery Lodge. Together the three existing dwellings are considered to represent an existing Building Group. The appeal site lies at the end of the private way, significantly removed from the public road and sharing a strong relationship with the nearby existing dwellings.
- 1.4. The appeal site and its surroundings at Briery Yards are operated as a small agricultural unit which focusses on equestrian use has now been established for around six years. The presence of the agricultural unit has informed the desire for the proprietors to

- become resident on-site. The appeal site is currently used to accommodate the stables within the agricultural unit.
- 1.5. The new dwelling is proposed to enable the proprietors to establish a new family home adjacent to their stables and horses. Animal welfare requirements necessitate an overnight residential presence on the agricultural unit to enable safe operation and subsequent expansion. The new dwelling is proposed to secure a house within the agricultural unit and meet the expected animal welfare requirements.
- 1.6. The site comprises a small field upon which the existing stable stands. Enclosed grazing extends from the south, east, and west elevations of the stable, fenced off from the rest of the field. The agricultural unit makes active use of the stable, enclosed grazing, and the larger field adjacent. New stabling would be consolidated within the site while the large field would be remain in equestrian grazing.
- 1.7. Besides equestrian rearing and grazing, the agricultural unit also incorporates sheep grazing. Sheep grazing is rotated around several fields although rarely occupies more than two at any one time.
- 1.8. It is proposed that the new house would be served by private foul and surface water drainage arrangements and mains water supply. The Appellant is content to secure servicing details via condition.



**Fig 1**: Extract from 16-544-PPP-1001 Location Plan (Source: Stuart Patterson Building & Timber Frame Design).

DETERMINATION OF APPLICATION BY SCOTTISH
BORDERS COUNCIL AND PLANNING POLICY CONTEXT

## REFUSAL OF APPLICATION BY COUNCIL AND PLANNING POLICY

- 2.1 Planning Application 22/00532/PPP was refused on 7th September 2023. The Decision Notice (CD5) cited two reasons for refusal, set out below:
  - "1. The proposed development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016, New Housing in the Borders Countryside Supplementary Planning Guidance and Policy 17 of National Planning Framework 4 in that the site does not form part of an existing building group of at least three houses or buildings currently in residential use, or capable of conversion to residential use and it has not been adequately demonstrated that the proposed house is a direct operational requirement to support an established rural business or other enterprise at this location. This would lead to an unsustainable form of development which would have a detrimental impact on the character and amenity of the rural area. This conflict with the development plan is not overridden by any other material considerations.
    - 2. The development is also contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that the proposed dwellinghouse would result in additional vehicular traffic on a substandard access to the public road to the detriment of road safety. This conflict with the development plan is not overridden by any other material considerations."

## Local Development Plan

- 2.2 Policy HD2 contains six sections, each of which details circumstances in which new houses will be considered acceptable. Section (F) which addresses development supported by an Economic Requirement is considered to represent the pertinent material consideration in the determination of the appeal proposal.
- 2.3 Section (A) of Policy is replicated below:

"(A) Building Groups

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

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

addition to the group during the Plan period. No further development above this threshold will be permitted.

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

## 2.4 Section (F) of Policy provides that:

"(F) Economic Requirement

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

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

- area, including the retention or provision of employment or the provision of affordable or local needs housing, and
- d) no appropriate site exists within a building group, and
- e) there is no suitable house or other building capable of conversion for the required residential use."

## **Policy PMD2: Quality Standards**

- 2.5 The Policy sets out a range of sustainability, placemaking and design, accessibility and open space / biodiversity requirements, whereby the proposal must:
  - Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply;
  - Make provision for sustainable drainage;
  - Incorporate appropriate measures for separate storage of waste and recycling;
  - Incorporate appropriate landscaping to help integration with the surroundings;
  - Create a sense of place, based on a clear understanding of context;
  - Be of a scale, massing and height appropriate to the surroundings;
  - Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
  - Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;
  - Be able to be satisfactorily accommodated within the site;

- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings;
- Incorporate access for those with mobility difficulties;
- Not have an adverse impact on road safety in terms of the site access;
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes; and
- Retain physical or natural features which are important to the amenity or biodiversity of the area.
- 2.6 Policy ED10 states that "development, except proposals for Prenewable energy development, which results in the permanent Preserves, particularly peat, will not be permitted unless:
  - a) the site is otherwise allocated within this local plan
  - b) the development meets an established need and no other site is available
  - c) the development is small and directly related to a rural business.

## National Planning Framework 4

2.7 The National Planning Framework 4 was adopted in February 2023. The document addresses national planning policy and the Government's approach to achieving a net zero sustainable Scotland by 2045.

- 2.8 **Policy 16** Quality Homes is relevant to the proposal. Criterion c) states that "development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
  - i. self-provided homes;
  - ii. accessible, adaptable and wheelchair accessible homes;
  - iii. build to rent;
  - iv. affordable homes;
  - v. a range of size of homes such as those for larger families;
  - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
  - vii. homes for people undertaking further and higher education; and
  - viii. homes for other specialist groups such as service personnel."
  - 2.9 **Policy 17** Rural Homes states that "development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location:
    - i. is on a site allocated for housing within the LDP;
    - ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
    - iii. reuses a redundant or used building;
    - iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;

- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house."
- 2.16 Policy 29 Rural Development is relevant to the proposed development. Branch a) states that "development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:
  - i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
  - ii. diversification of existing businesses;
  - iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
  - iv. essential community services;
  - v. essential infrastructure;
  - vi. reuse of a redundant or unused building;

- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. improvement or restoration of the natural environment."

### Supplementary Guidance

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

- 2.12 The section of the Guidance, which covers the expansion of existing Building Groups, states that all applications for new houses at existing Building Groups will be tested against an analysis of:
  - a) the presence or, otherwise of a group; and
  - b) the suitability of that group to absorb new development.
- 2.13 The Guidance sets out that the existence of a Building Group "will be identifiable by a sense of place which will be contributed to by:
  - natural boundaries such as water courses, trees or enclosing landform, or
  - man-made boundaries such as existing buildings, roads, plantations or means of enclosure."
- plantations or means of enclosure."

  2.12 When expanding an existing building group, the Guidance includes the following points:
  - The scale and siting of new development should reflect and respect the character and amenity of the existing group;
  - New development should be limited to the area contained by that sense of place;
  - A new house should be located within a reasonable distance of the existing properties within the building group with spacing guided by that between the existing properties;
  - Ribbon development along public roads will not normally be permitted.

GROUNDS OF APPEAL AND CASE FOR APPELLANT

## GROUNDS OF APPEAL AND CASE FOR APPELLANT

3.1 It is submitted that the Planning Application should be approved on the basis of the Grounds of Appeal set out below. It is the submission of the Appellant that the proposal accords with the relevant adopted policy of the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the Application.

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

GROUND 2: The proposed development represents the erection  $\omega$  of a dwelling which is appropriate to the countryside location and is justified by an economic requirement.

**GROUND 3:** It is proposed to use an existing access to the public road network. The existing access already accommodates traffic for three existing dwellings and the agricultural unit and operates safely. The proposed development would reduce use of the access by domiciling the proprietors on the agricultural unit.

- 3.2 During the course of the Application's determination, the following consultee responses were received from Council Officers and partners:
  - Roads Planning Objection.
  - Scottish Water No objection.

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

- 3.3 It is the Appellant's position that the appeal site lies within the setting and forms part of an existing Building Group at Briery Yards orientated around the private way and that the proposed dwelling would enhance the sense of place.
- 3.4 It is common ground between the Appellant and the Planning Authority that the appeal site sits within the sense of place and setting of a *cluster* of existing dwellings. However, Report of Handling 22/00532/PPP states "there are 2 dwellings (Brieryyards and The Garden House) located within a reasonable distaicne of the application site and within an identified sense of place (as required by the SPG on Housing in the Countryside)". However, the appointed Planning Officer considers that Briery Lodge (the third existing dwelling) lies too far from the appeal site "and separated by substantial woodland" to form part of the cluster.
- 3.5 Therefore, disagreement could be summarised as the Planning Authority consider the site lies within the sense of place and setting of an existing cluster of 2 no. existing dwellings one too few to constitute an existing Building Group by contrast the Appellant considers that the site lies within the sense of place and setting of an existing Building Group comprising 3 no. existing dwellings.

- 3.6 The Appellant's position is that the appeal site lies on land used for equestrian stabling, in a parcel of land enclosed from surrounding fields by established woodland. The parcel contains 3 no. existing dwellings and therefore represents an existing Building Group, beyond the extent of the public road network accessed by a private way.
- 3.7 The feature around which the existing Building Group is orientated is the existing private way, which extends eastward from the D14/3 minor public road. Like the appeal site, all existing dwellings at Briery Yards can be accessed only across the hard surface of the private way. While Briery Lodge is dependent on a significantly shorter stretch of track, all three existing dwellings sit adjacent to the private way, as does the appeal site.

  3.8 The whole Building Group sits distinct from the D14/3 (adopted
- 3.8 The whole Building Group sits distinct from the D14/3 (adopted road) to the west and has a sheltered setting, separated from the nearby large open grazing fields by established woodland. These landscape features are considered to satisfy the guidance provided in 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.
- 3.9 Given the location of the site within the land parcel which contains three existing dwellings, orientated around an existing private way, and enclosed from the surrounding countryside by established woodland, the site is considered to be contained within the sense of place and setting of the existing Building Group at Briery Yards and well related to the other existing dwellings; especially Briery Yards and Garden House. Therefore,

- the proposed development is considered to accord with criterion a) of section (A) of Policy HD2.
- 3.10 The appeal proposal is for the erection of a single detached dwelling in a relatively large plot 0.13ha (0.32 acres). The density of proposed development is considered to be broadly representative of the existing pattern of development at Briery Yards and particularly with the Garden House (with which the proposed dwelling would have a partially symmetrical relationship).
- 3.11 The application site benefits from landscape enclosure in the form of established woodland extending round three sides of the appeal site. The north-east boundary of the site benefits from significantly less enclosure than the other three boundaries however this relationship is common to both the appeal site and the Garden House. As the Garden House is clearly acceptable in landscape terms it is considered that the proposed dwelling is also acceptable in landscape terms. Given the limited landscape and amenity impacts associated with the proposed development, it is considered that an "unacceptable adverse impact" would not be created and the proposed development accords with criterion b) of section (A).
- 3.12 As the existing Building Group at Briery Yards comprises three existing dwelling, extension by two additional dwellings is allowed for by the Policy. The proposed development is considered to accord with criterion c) of section (A) as one new dwelling is proposed and no dwellings have been approved or built in the Building Group since adoption of the current LDP.

3.13 The Planning Authority and Appellant agree that the appeal site sits within the sense of place and setting of a cluster of existing dwellings. While the Planning Authority consider that the cluster comprises two existing dwellings only, the Appellant disagrees. The Appellant considers that the appeal site sits within the sense of place and setting of three existing dwellings comprising an existing Building Group orientated around the private way and enclosed from the surrounding countryside by established woodland. There have been no new dwellings consented within the current LDP period and it is considered that there are no significant cumulative impacts associated with the proposed development. Therefore, the appeal proposal is considered to accord with section (A) of Policy HD2.

GROUND 2: THE PROPOSED DEVELOPMENT REPRESENTS THE ENECTION OF A DWELLING WHICH IS APPROPRIATE TO THE COUNTRYSIDE LOCATION AND IS JUSTIFIED BY AN ECONOMIC REQUIREMENT.

- 3.14 It is the Appellant's position that the proposed development represents the erection of a new dwelling to serve as the principal dwelling of the agricultural unit. The necessity for the new dwelling grows out of animal welfare requirements.
- 3.15 It is common ground between the Appellant and the Planning Authority that an agricultural unit is established on-site and in surrounding fields which creates animal welfare requirement

for a house within the unit. The appointed Planning Officer takes the view that a residential presence for welfare of the horses does not necessitate the Appellant being resident or a permanent house being required. The Report of Handling explains this as "it is accepted that not living on site does not suit the Applicant's lifestyle, but this is not in itself sufficient justification for new dwelling at this location".

- 3.16 Disagreement centres on the whether the proprietors require a home on-site to attend to pre-existing animal welfare issues. The Appellant does not agree with the appointed Planning Officer that it would be appropriate to seek alternative arrangements to obtain a residential presence. The proprietors of the agricultural unit and have always led the business since first launch, both commercially and operationally (rearing and caring for the horses). They require a new dwelling within the agricultural unit to retain leadership of the farm and rationalise costs associated with operating.
- 3.17 The Appellant's position is that the proposed development is supported by an economic requirement and lies on an appeal site that is not used for grazing and accommodates the farm's stabling, which faces the existing dwelling Garden House across the private way opposite. It is considered that the proposed development is supported by section (F) of Policy HD2.
- 3.18 The maintenance of horse welfare places a burden upon the stockperson that is significantly more onerous than almost any other livestock. While summer and winter present their own challenges,

- neither is significantly lesser than the other. Again, this is almost distinct to the horse.
- 3.19 In winter, horses require to be housed (stabled). This creates a requirement to be fed every day, bedding replaced two to three times per week, and physically inspected a minimum of twice per day. Additionally, each horse needs to be exercised a minimum of two times and preferably three or four times per week.
- 3.20 In summer, horses can be grazed more freely. However, it is absolutely essential that brood mares are inspected regularly throughout the day and into the night to identify and attend to problems during birthing. The requirement for physical inspection reduces to as little as once per day during summer, with a particular focus on lameness. Exercising remains a necessity during summer, despite horses being put to pasture. It is preferable for exercise regimen to be maintained at least twice per week, including in longer exercise periods when conditions are favourable.
- 3.21 Sheep grazing within the agricultural unit creates animal welfare requirements of its own, which reinforces the overall need. However, the requirements placed upon the proprietors by sheep grazing are largely supplementary to those of the horses.
- 3.22 The animal welfare requirement for a dwelling on-site is considered to have been clearly demonstrated. Equestrian development is considered to represent a countryside use which is appropriate to the character of the rural area by its nature. On

- this basis, the proposed development is considered to satisfy criterion a) of section (F).
- 3.23 Criterion b) of section (F) relates to people who were <u>previously</u> employed in uses that by their nature are appropriate to the countryside (e.g. agriculture, equestrian, forestry). As the proposed development satisfies criterion a) of section (F), criterion b) is not applicable.
- 3.24 The agricultural unit, which the proprietors own and manage, offers social benefits in its contribution towards horse riding recreation, for which the Borders is one of the principal areas in Scotland. Additionally, the appeal site lies further north than most horse-riding yards around Hawick and therefore removes the necessity for anyone coming from the north (Selkirk, Galashiels, Melrose, and further afield) or east (Jedburgh) to drive through Hawick town centre. On this basis, the proposed development is considered to satisfy criterion c).
- 3.25 The appeal site sits opposite Garden House across the private way. The appeal site sits down the private way in the sense of place and setting of the existing Building Group at Briery Yards and removed from the public road to the west. For these reasons, it is considered that the proposal satisfies criterion d) of section (F).
- 3.26 Other than the stabling, no existing buildings stand within the agricultural unit. Stabling is currently in use and to be retained in active use by the proposed development. Moreover, stabling is provided in timber buildings which are not capable of reuse. Therefore, there are no existing buildings within the agricultural unit

- capable of conversion and criterion e) of section (F) is considered to be satisfied.
- 3.27 The principle of development of the erection of a new dwelling is considered to be acceptable in accordance with section (F) of Policy HD2. The proposal represents the erection of a new dwelling to provide a family home adjacent to the stables for the management of the agricultural unit. A clear animal welfare requirement for a house on-site has been demonstrated and is considered to be a significant issue in the determination of this Notice of Review.
- 3.28 The policy provisions of NPF4 are considered to strengthen the acceptability of the principle of development. Criterion v. under branch a) of Policy 17 supports development that is "demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work".
- 3.29 As addressed above, the new dwelling is proposed as the principal dwelling of the agricultural unit. The proposed dwelling stands in the agricultural unit and is for the purpose of the proprietors becoming resident on-site and retaining leadership of the farm. This is necessary for animal welfare reasons and operational efficiency. Therefore, the proposed development is considered to accord with NPF4 Policy 17, under branch a).

- 3.30 Similarly, criterion i. under branch a) of Policy 29 supports "farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected".
- 3.31 The proposed dwelling is a direct requirement of the agricultural unit. The appeal site is not used for grazing as existing and the proposed development would not remove any land from grazing. Therefore, the proposed development would not remove any land from production or affect business viability and is considered to accord with NPF4 Policy 29, under branch a).

GROUND 3: IT IS PROPOSED TO USE AN EXISTING ACCESS TO THE PUBLIC ROAD NETWORK. THE EXISTING ACCESS ALREADY ACCOMMODATES TRAFFIC FOR THREE EXISTING DWELLINGS AND THE AGRICULTURAL UNIT AND OPERATES SAFELY. THE PROPOSED DEVELOPMENT WOULD REDUCE USE OF THE ACCESS BY DOMICILING THE PROPRIETORS ON THE AGRICULTURAL UNIT.

3.32 It is noted that the consultation response of the Roads Planning team objects to the Planning Application on the basis that:

"I am unable to support this application due to the significant shortfall in visibility at the junction of the private track with the public road. Given the neighbouring boundary and the alignment of the road, it is unlikely that any improvement works will resolve this issue."

- 3.33 Unfortunately, the consultation response of the Roads Planning team has not made a full informed assessment of the proposed development.
- 3.34 As existing, the proprietors are visiting the site twice per day, sometimes in separate cars, to attend to the horses. This creates a minimum of 2 no. return trips (4 no. total trips) per day, when a single car is used. When two separate cars are used 4 no. return trips (8 no. total trips) are recorded per day. It must be noted that this level of movement represents the minimum recorded, on days in which there are no deliveries and no visitors to the agricultural unit.
- The establishment of a family home for the proprietors on-site would deliver a significant reduction in the number of vehicle trips on the private way. The proprietors are currently responsible for a minimum of 14 no. return trips (28 no. total trips) per week. Typical vehicle movement associated with a dwelling is 10 no. return trips (20 no. total trips) per week. 20 no. trips is equivalent to only 71% of 28 no. trips which represents a 29% reduction in use of the private way by the proprietors.
- 3.36 Reduction of vehicle trips by 29% is considered to represent a significant decrease in use of the private way.
- 3.37 The road access and surrounding sections of the public road are currently operating safely. The Crashmap website (www.crashmap.co.uk) is populated with data from the public record. The local extract for the Hornshole Bridge and

- surrounding area confirms there have been no incidents of any kind (slight, serious, or fatal) in the last ten years (2013 to present).
- 3.38 By comparison, there have been 98 no. road incidents in the Hawick local area in the same period. At this level of incidents, if the stretch of road was in any way unsafe at least one incident would have occurred in the vicinity. The absence of any incidents proves that the stretch of road in question, while far from perfect, is safe and has not been the cause of any incidents, still less injuries.
- 3.39 The consultation response of the Roads Planning team has omitted these facts from the context considered. This omission has resulted in a judgemental error in the assessment.
- 3.40 The road safety impact of the proposed development is considered to be acceptable. The proposed development represents an opportunity to significantly reduce use of the private way by eliminating daily return trips from the proprietors. The consultation response of the Roads Planning team has failed to provide a sound assessment of road safety impacts competent in the discipline of transport planning and deprived the appointed Planning Officer of the professional advice he required to determine the Application.

CONCLUSION

### CONCLUSION

- 4.1 The Notice of Review, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission in Principle for Application 22/00532/PPP and grant consent for erection of a new dwelling on land west of Garden House, Briery Yards.
- 4.2 The proposed development represents the erection of a single dwelling to serve as the principal house within the agricultural unit `at Briery Yards. The Appellant is prepared to accept the new dwelling being tied within the equestrian unit, which is supported by a full and robust justication of the need for a new house onsite. Therefore, the erection of the proposed dwelling upon the site is considered to be acceptable in accordance with Policy applications.
- 4.3 The proposed development represents the expansion of the existing Building Group at Briery Yards by a single dwelling. The site sits within the sense of place and setting of the existing Building Group, orientated around the private way. The proposed dwelling both reflects the existing pattern of development and respects the local character of Briery Yards. The proposed dwelling would have minimal impact on the amenity of surrounding properties and local landscape. Finally as the Building Group has capacity to expand by two dwellings over the LDP period and no new dwellings have been approved to date the Building Group has capacity to expand under the terms of adopted policy. Therefore, the proposal is considered to accord with section (A) of Policy HD2.
- 4.4 Vehicle access to the public road is proposed across the existing private way that provides access to agricultural unit and all three existing dwellings at Briery Yards. The consultation response received from the Roads Planning team neglects to consider the intensive existing use of the private way and its junction with the public road. It focuses on the simple fact that a new house is proposed and omits to consider the elimination of at minimum two return trips (four trips total) per day on the part of the proprietors. As a result the reduction of the proprietors' vehicle trips by 29% has been overlooked and the inaccurate conclusion that the proposed development would increase use of the private way has been reached. In full cognisance of this context, the proposed development is considered to be acceptable in access and road safety terms.
- 4.5 Should Planning Permission in Principle be granted, approval of the deferred details will be required at the next stage of the planning process. Therefore the scale, layout, appearance of elevations, and landscaping can be controlled by the Planning Authority.
- 4.6 The Local Review Body is respectfully requested to allow the appeal and grant planning permission for erection of a new dwelling on land west of Garden House, Briery Yards.

NEW DWELLING AT BRIERY YARDS

CORE DOCUMENTS

## **CORE DOCUMENTS**

The following drawings, documents, and plans have been submitted to support the Notice of Review:

- Notice of Review Form;
- CD1 Local Review Statement;
- Application Form;
- CD2 16-544-PPP-1001 Location Plan, prepared by Stuart Patterson Building & Timber Frame Design;
- CD3 23-01-L(-1)001 Landownership Plan, prepared by Rob Brydon & Sons;
- CD4 Report of Handling 22/00532/PPP; and
- CD5 Decision Notice 22/00532/PPP.

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# F E R G U S O N PLANNING

GALASHIELS

Shiel House 54 Island Steet Galashiels TD1 1NU

T: 01896 668 744 M: 07960 003 357 EDINBURGH

1st Floor, 38 Thistle Street Edinburgh EH2 1EN

T: 0131 385 8801 M: 07960 003 358 NORTHERN IRELAND

61 Moyle Road Ballycastle, Co. Antrim Northern Ireland BT54 6LG

M: 07960 003 358

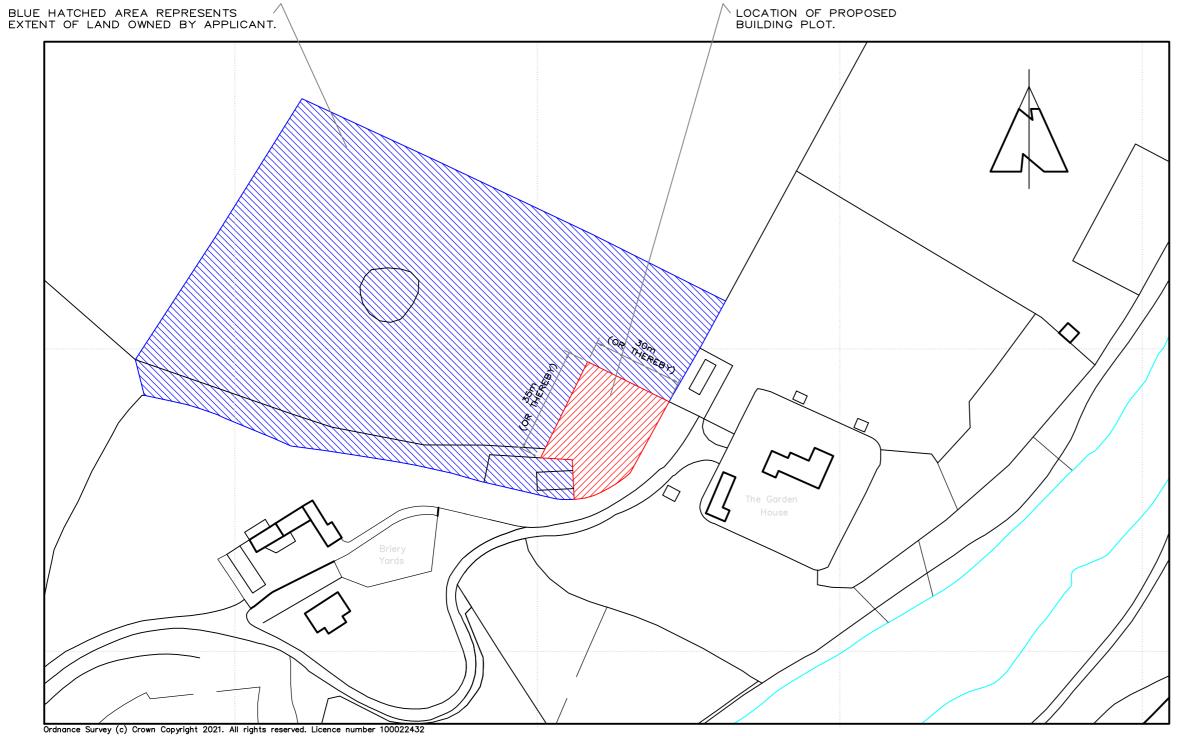
E: tim@fergusonplanning.co.uk

WWW.FERGUSONPLANNING.CO.UK

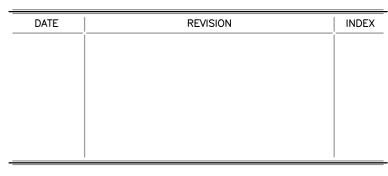




# Block Location NOT TO SCALE







# Stuart Patterson

Building & Timber Frame Design

5 Burnflat Lane, Hawick, Roxburghshire, TD9 0DZ phone - 01450 375772 email - stuartpattersondesign@gmail.com

## Mr R. Patterson & Miss S. Deans

PROPOSED BUILDING PLOT AT BRIERY YARDS, HORNSHOLE, HAWICK.

DRAWING TITLE

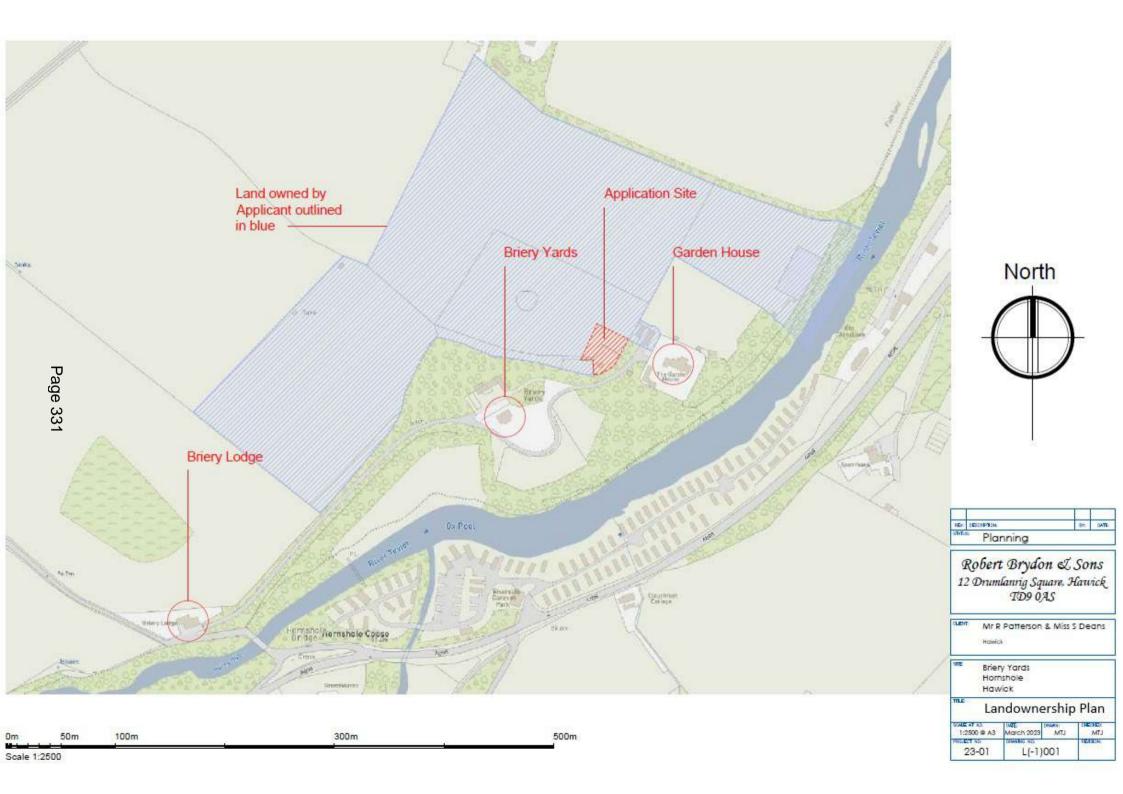
LOCATION PLAN

scales 1:1250.. DATE 26/10/21 REVISION

DRAWING No.

16-544-PPP-1001

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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**: 22/00532/PPP

APPLICANT: Mr Michael Johnson

AGENT:

**DEVELOPMENT:** Erection of dwellinghouse

**LOCATION:** Land West Of

The Garden House

Brieryyards Hornshole Bridge

Hawick

Scottish Borders

TYPE: PPP Application

**REASON FOR DELAY:** 

#### DRAWING NUMBERS:

Plan Ref Plan Type Plan Status

16-544-PPP-1001 Location Plan Refused

NUMBER OF REPRESENTATIONS: 0 SUMMARY OF REPRESENTATIONS:

### CONSULTEES

RPS: Unable to support his application due to the significant shortfall in visibility at the junction of the private track with the public road. Given the neighbouring boundary and the alignment of the road, it is unlikely that any improvement works will resolve this issue.

The proposal does not comply with Policy PMD2 of the Local Development Plan 2016 in that it would be result in extra vehicular traffic on a sub-standard access to the detriment of road safety.

Scottish Water: There is currently sufficient capacity in the Roberton Water Treatment Works to service the development. However, further investigations may be required to be carried out once a formal application has been submitted. The nearest public water main is approx. 300m from the proposed site. There is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development. SW advise the applicant to investigate private treatment options.

CC: No response

ELL: No response

REPRESENTATIONS

None

### PLANNING CONSIDERATIONS AND POLICIES:

SBC LDP

PMD1

PMD2

HD2

EP1

EP2

EP3

EP5

EP13

IS8

IS9

NPF4

Policies 1, 2, 3, 4, 14, 17, 22

Supplementary Planning Guidance

Biodiversity

New Housing in the Borders Countryside

Recommendation by - Barry Fotheringham (Lead Planning Officer) on 1st September 2023

Proposal and Site Description

This application seeks planning permission in principle for the erection of a dwellinghouse on land to the west of the property known as The Garden House, Brieryyards near Hawick. The site is an existing paddock/field and is accessed via a private drive from the minor public road over the Hornshole Bridge, north of the A698.

To the southeast of the site and beyond a narrow belt of mature trees is the property known as Brieryyards. There are outbuildings to the north of this neighbouring property. At the junction of the private drive with the public road, some 450m west of the application site is Briery Lodge.

The Garden House is located within a former walled garden to the northeast of existing woodland. There are mature trees surrounding Brieryyards and also along the length of the private drive. To the north of the application site is open farmland, currently used for grazing.

### History

There is no planning history associated with this site however the following applications are relevant: R030/93 Demolition of existing dwellinghouse and erection of dwellinghouse in walled garden - Approved April 1993

### Principle

The application site is located outwith any defined settlement boundary and must therefore assessed principally against Policy HD2 of the LDP 2016. The application was submitted before NPF4 was adopted but the application should also be considered against Policy 17 - Rural Homes. Policy HD2 promotes appropriate rural housing provided a number of criteria can be met. Under Part (A) housing of up to 2 additional dwellings or a 30% increase of the building group may be approved provided the site is well related to an existing group of at least houses or buildings currently in residential use.

It is considered that a building group of 3 of more houses (or buildings capable of conversion to residential use) does not exist at this location. There are 2 dwellings (Brieryyards and The Garden House) located within a reasonable distance of the application site and within an identified sense of place (as required by

our SPG on Housing in the Countryside) but it is felt that Briery Lodge is too far divorced (and separated by substantial woodland) to be considered part of an existing building group.

As the site does not fall within or adjacent to an existing building group, it must therefore be considered against Part (F) Economic Requirement of Policy HD2. Housing with a location essential for business needs may be acceptable provided certain criteria are met. The house must be a direct operational requirement of an established rural business at this location or is for use by a person(s) employed in such a rural business. There should be clear social or environmental benefit to the area, no appropriate sites should exist within a building group and there should be no suitable existing house available for the required residential use.

In this case, the applicant was asked to provide additional supporting information to demonstrate the existence of an established building group and to justify the proposed dwelling as a suitable addition to that group. If this could not be demonstrated the applicant was asked to justify the need for the dwelling to support an established business at this location. The agent submitted a statement in support of the application but in my opinion, it does not confirm the presence of a building group. The statement confirms that there are 3 dwellings associated with Brieryyards, however they are not contained within an identifiable sense of place as per our SPG. The existing houses are separated by mature planting and the property known as Briery Lodge is not contained within the identifiable sense of place. Briery Lodge is located approximately 450m west of the application site along a long private driveway and is separated from the existing houses (and the application site) by mature woodland. In this case, the applicant has not submitted a compelling argument that a building group of three houses exists at this location. The proposals are therefore contrary to Policy HD2 (A) of the LDP.

The applicant owns 25 acres of land (approximately 10ha) and a registered smallholding number. Of the 25 acres, 22 acres are used for grazing with an additional 3 acres of land including stables buildings and horse exercise area. Based on the information made available by the applicant, there does not appear to be an established agricultural, horticultural, forestry or other business at this location and the need for a worker to be on site for the efficient operation of that business has not been justified. It appears that the applicant, who previously occupied The Garden House before it was sold, retains horses at this location, but does not operate an agricultural or other rural business at this location. Whilst it might be convenient for the applicant to live close to their horses, the need for a house as a direct operational requirement to support an established agricultural business has not been justified. The application therefore fails to comply with Part (F) of Policy HD3.

There has been a change in circumstances, but this does not result in the need for e new dwelling at this location. The applicant previously occupied The Garden House but this was sold following the passing of her mother. The property was sold to settle the estate and the applicant relocated to Hawick. It is accepted that not living on site does not suit the applicant's lifestyle, but this is not in itself sufficient justification for new dwelling at this location.

Whilst the application was submitted before NPF4 was adopted, this is now the adopted policy position of the SG and forms part of the development plan. Under Policy 17 - Rural Homes, development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area. The development must also comply with a number of additional criteria. The proposed house does not comply with criterion i - iv or vi - viii. Only Criterion v is relevant to this case, however, it the proposed dwelling must demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work. As described above, there is no viable rural business or croft at this location, therefore the proposed dwelling fails to comply with Policy 17.

### Roads/Access

RPS confirm that there is a significant shortfall in visibility at the junction of the private track with the public road and it is unlikely, given the alignment of the road and neighbouring ownership issues, that the any improvement works will resolve this matter. RPS object to the application on the grounds that the house would result in extra vehicular traffic on a sub-standard access to the detriment of road safety. The proposals would be contrary to Policy PMD2.

The applicant acknowledges that the junction is substandard and have confirmed that they do not own adjoining land that would allow them to alter the current arrangement. They advise that they are familiar with the road, and the junction and that they are prepared to make reasonable contributions to any traffic management calming measures that the planning authority deem suitable.

#### Flooding

The site is close to the River Teviot but does not fall within the 1 in 200 year flood envelope as defined by the SEPA flood maps. The proposed development complies with Policy IS8 of the LDP and Policy 22 of NPF4.

### Landscape Designations

The sit sis located within the Teviot Valleys Special Landscape Area but it is considered that a dwelling on this site will not have an adverse effect on this designation.

### Biodiversity

The site is also close to the River Tweed SSSI and SAC but would not have an impact on these designated sites if permission was granted.

The proposals would comply with Policies EP1, EP2 and EP5 of the LDP and Policies 3 and 4 of NPF4

#### **REASON FOR DECISION:**

The proposed development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016, New Housing in the Borders Countryside Supplementary Planning Guidance and Policy 17 of National Planning Framework 4 in that the site does not form part of an existing building group of at least three houses or buildings currently in residential use, or capable of conversion to residential use and it has not been adequately demonstrated that the proposed house is a direct operational requirement to support an established rural business or other enterprise at this location. This would lead to an unsustainable form of development which would have a detrimental impact on the character and amenity of the rural area. This conflict with the development plan is not overridden by any other material considerations.

The development is also contrary to policy PMD2 of the Scottish Borders Local Development Plan 2016 in that the proposed dwellinghouse would result in additional vehicular traffic on a sub-standard access to the public road to the detriment of road safety.

This conflict with the development plan is not overridden by any other material considerations.

### Recommendation: Refused

- The proposed development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016, New Housing in the Borders Countryside Supplementary Planning Guidance and Policy 17 of National Planning Framework 4 in that the site does not form part of an existing building group of at least three houses or buildings currently in residential use, or capable of conversion to residential use and it has not been adequately demonstrated that the proposed house is a direct operational requirement to support an established rural business or other enterprise at this location. This would lead to an unsustainable form of development which would have a detrimental impact on the character and amenity of the rural area. This conflict with the development plan is not overridden by any other material considerations.
- The development is also contrary to policy PMD2 of the Scottish Borders Local Development Plan 2016 in that the proposed dwellinghouse would result in additional vehicular traffic on a substandard access to the public road to the detriment of road safety. This conflict with the development plan is not overridden by any other material considerations.

Photographs taken in connection with the determination of the application and any othe ssociated documentation form part of the Report of Handling".	∍r





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

100548565-001

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.

your form is validated. Please quote this reference if you need to contact the planning Authority abo	ut 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 remova	al of a planning condition etc)
Application for Approval of Matters specified in conditions.	
Description of Proposal	
Please describe the proposal including any change of use: * (Max 500 characters)	
Planning Permission in Principle for one dwelling house	
Is this a temporary permission? *	☐ Yes ☒ No
If a change of use is to be included in the proposal has it already taken place?	☐ Yes ☒ No
(Answer 'No' if there is no change of use.) *	
Has the work already been started and/or completed? *	
No □ Yes – Started □ Yes - Completed	
Applicant or Agent Details	
Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)	■ Applicant    □ Agent
on bottom of the applicant in conficultin with the application)	— Applicant — Agent

Applicant De	etails		
Please enter Applicant	details		
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	Michael	Building Number:	22
Last Name: *	Johnson	Address 1 (Street): *	Marmion Road
Company/Organisa		Address 2:	
Telephone Numbe		Town/City: *	HAWICK
Extension Number		Country: *	Scotland
Mobile Number:		Postcode: *	TD9 9PD
Fax Number:			
Email Address: *			
Site Address	s Details		
Planning Authority:	Scottish Borders Council		
Full postal address of th	ne site (including postcode where available	e):	
Address 1:			
Address 2:			
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:			
Post Code:			
Please identify/describe	e the location of the site or sites		
Land North West of	The Garden House Briery Yards Hornshol	e Bridge Hawick Scottish	Borders TD9 8RT
Northing	617065	Easting	353617

Pre-Application Discussion	1	
Have you discussed your proposal with the planning authority? * ☐ Yes ☒ No		
Site Area		
Please state the site area:	120.00	
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)	
Paddock		
Access and Parking		
	or from a public road? * the position of any existing. Altered or new access poining footpaths and note if there will be any impact on the	
	olic rights of way or affecting any public right of access? of any affected areas highlighting the changes you propocess.	1 54 90 BB000-0-300 N945-5005
Water Supply and Drainage	e Arrangements	
Will your proposal require new or altered water sup	oply or drainage arrangements? *	⊠ Yes □ No
Are you proposing to connect to the public drainag	e network (eg. to an existing sewer)? *	
Yes – connecting to public drainage network		
No – proposing to make private drainage arra  Not Applicable – only arrangements for water	3700	
	ake private drainage arrangements, please provide furt	her details.
What private arrangements are you proposing? *		
New/Altered septic tank.  Treatment/Additional treatment (relates to pace	kage sewage treatment plants, or passive sewage treat	ment such as a read had)
Other private drainage arrangement (such as		anon odon do a reed bed).
What private arrangements are you proposing for t	the New/Altered septic tank? *	
Discharge to land via soakaway.		
☐ Discharge to watercourse(s) (including partial ☐ Discharge to coastal waters.	soakaway).	

Please explain your private drainage arrangements briefly here and show more details on your plans and	d supporting information: *
Septic tank discharging to closed land soakaway system	
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *	Ⅺ 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 (o	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 be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be submit a Flood Risk Assessment be determined.	
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 any are to be cut back or felled.	the proposal site and indicate if
All Types of Non Housing Development – Proposed New	v 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 cauthority will do this on your behalf but will charge you a fee. Please check the planning authority's webs 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 che notes before contacting your planning authority.	ck the Help Text and Guidance

Planning	Service Employee/Elected Member Interest		
Is the applicant, o	or the applicant's spouse/partner, either a member of staff within the planning service or an of the planning authority? *	Yes 🛛 No	
Certificat	es and Notices		
	ND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPME SCOTLAND) REGULATION 2013	ENT MANAGEMENT	
	nust be completed and submitted along with the application form. This is most usually Certificatificate C or Certificate E.	ate A, Form 1,	
Are you/the appli	cant the sole owner of ALL the land? *	☐ Yes ☒ No	
is any of the land	part of an agricultural holding? *	☐ Yes ☒ No	
Are you able to ic	dentify and give appropriate notice to ALL the other owners? *	X Yes □ No	
Certificat	e Required		
The following Lar	nd Ownership Certificate is required to complete this section of the proposal:		
Certificate B			
Land Ow	nership Certificate		
Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013			
hereby certify th	at		
(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;			
or –			
1 ' '	applicant has served notice on every person other than myself/the applicant who, at the beging the date of the accompanying application was owner [Note 4] of any part of the land to which		
Name:	Miss S Deans		
Address:	17F, Trinity Street, Hawick, Scotland, TD9 9NR		
Date of Service of	f Notice: * 29/03/2022		

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;
or –
(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:
Name:
Address:
Date of Service of Notice: *
Signed: Mr Michael Johnson
On behalf of:
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 X Not applicable to this application
b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *  Yes No 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
רבן דפא בין אטר 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 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.*  A Design Statement or Design and Access Statement.*  A Flood Risk Assessment.*  A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems).*  Drainage/SUDS layout.*  A Transport Assessment or Travel Plan  Contaminated Land Assessment.*  Habitat Survey.*  A Processing Agreement.*  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 Michael Johnson

Declaration Date: 29/03/2022

### **Payment Details**

Online payment: XM0100005913 Payment date: 29/03/2022 20:25:00

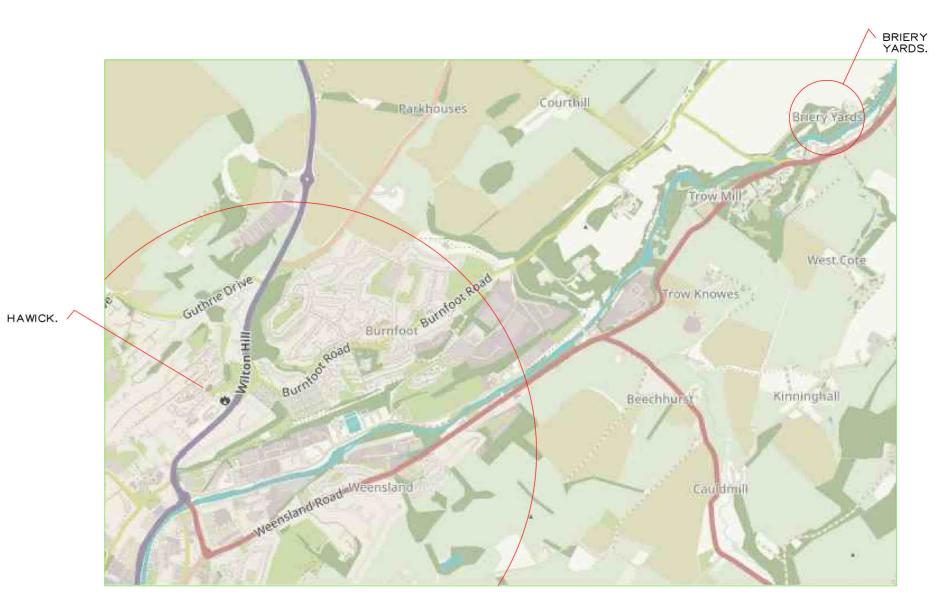
Created: 29/03/2022 20:25

22/00532/PPP 07.09.2023

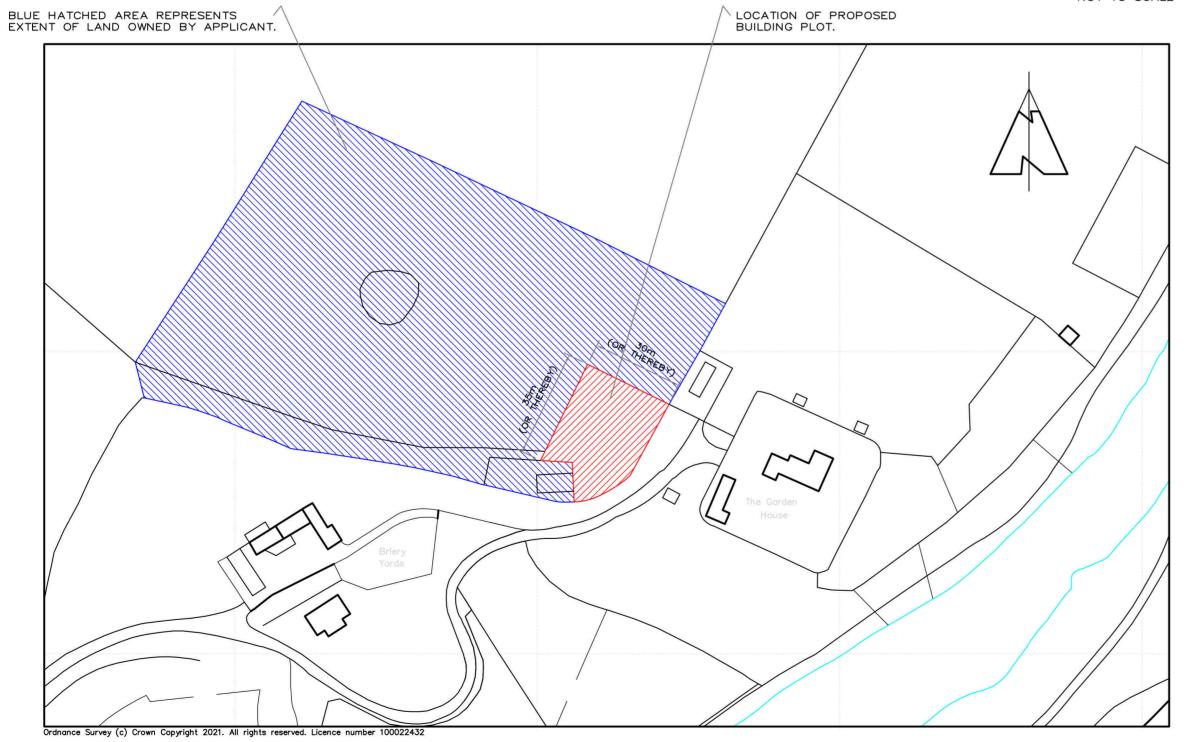
**Scottish Borders Council Town And Country** Planning (Scotland) Act 1997

# **REFUSED**

subject to the requirements of the associated Decision **Notice** 



# Block Location







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Wednesday, 06 April 2022



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

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - <u>DevelopmentOperations@scottishwater.co.uk</u>
www.scottishwater.co.uk



Dear Customer,

Land West Of The Garden House, Brieryyards Hornshole Bridge, Hawick

Planning Ref: 22/00532/PPP Our Ref: DSCAS-0062045-W69

**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 Roberton 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.
- The nearest public water main is approx. 300m from the proposed site.

### **Waste Water Capacity Assessment**

Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

### **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 <u>our Customer Portal</u>.

### **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 <u>our Customer Portal</u> 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 <a href="https://www.scotlandontap.gov.uk">www.scotlandontap.gov.uk</a>

### ▶ 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 launderettes. 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 <a href="https://example.co.uk.nih.gov/">hete</a>.

- 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 50kg 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."



# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	Roads Planni	ng Service	Contact e-mail/nu	umber:
Officer Name and	Paul Grigor		pgrigor@scotborders.gov.uk	
Post:	Roads Planni	ng Officer	01835 826663	-
Date of reply	29 <sup>th</sup> April 202		Consultee refere	nce:
Planning Application	22/00532/PP	P	Case Officer: Bre	tt Taylor
Reference				
Applicant	Mr Michael Jo	ohnson		
Agent	N/A			
Proposed	Erection of dv	vellinghouse		
Development				
Site Location	Land West C	of The Garden Hous Borders	e Brieryyards Hornsho	le Bridge Hawick Scottish
as they relate to the ar	vations represent the comments of the consultee on the submitted application area of expertise of that consultee. A decision on the application can only be ration of all relevant information, consultations and material considerations.			
Background and Site description				
Key Issues (Bullet points)	<ul><li>Access</li><li>Visibility</li></ul>			
Assessment	I am unable to support his application due to the significant shortfall in visibility at the junction of the private track with the public road. Given the neighbouring boundary and the alignment of the road, it is unlikely that any improvement works will resolve this issue.			
Recommendation	⊠ Object	☐ Do not object	☐ Do not object, subject to conditions	Further information required
Recommended Conditions/Reason For Refusal	The proposal does not comply with Policy PMD2 of the Local Development Plan 2016 in that it would be result in extra vehicular traffic on a sub-standard access to the detriment of road safety.			
Recommended Informatives				

**AJS** 





# Local Review Body – List of Policies 26<sup>th</sup> February 2024

Local Review Reference: 23/00052/RREF Planning Application Reference: 22/00532/PPP Development Proposal: Erection of dwellinghouse

Location: Land West of The Garden House, Brieryyards, Hornshole Bridge, Hawick

**Applicant**: Mr Michael Johnson

### **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 14: Design, Quality and Place

Policy 16: Quality Homes Policy 17: Rural Homes

Policy 22: Flood Risk and Water Management

Policy 29: Rural Development

### Scottish Borders Local Development Plan 2016 (LDP)

PMD1: Sustainability PMD2: Quality Standards

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 EP5: Regeneration

EP13: Trees, Woodlands and Hedgerows

IS8: Flooding

IS9: Waste Water Treatment and SUDS

IS13: Contaminated Land

### Other Material Considerations:

SBC Supplementary Planning Guidance on;

- Biodiversity Supplementary Planning Guidance 2005
- New Housing in the Borders Countryside Supplementary Planning Guidance 2008





 $Newtown\ St\ Boswells\ Melrose\ TD6\ OSA\ \ Tel:\ Payments/General\ Enquiries\ 01835\ 825586\ \ Email:\ regadmin@scotborders.gov.uk$ 

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

100633590-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.				
Applicant or Agent Details				
	n agent? * (An agent is an architect, consulta in connection with this application)	ant or someone else a	cting  Applicant  Applicant	
Agent Details				
Please enter Agent details	3			
Company/Organisation:	Ferguson Planning			
Ref. Number:		You must enter a Bu	uilding Name or Number, or both: *	
First Name: *	Ferguson	Building Name:	Shiel House	
Last Name: *	Planning	Building Number:	54	
Telephone Number: *	01896 668744	Address 1 (Street): *	Island Street	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Galashiels	
Fax Number:		Country: *	Scotland	
		Postcode: *	TD1 1NU	
Email Address: *	Ruaraidh@fergusonplanning.co.uk			
Is the applicant an individual or an organisation/corporate entity? *				
☐ Individual ☒ Organ	nisation/Corporate entity			

Page 357 Page 1 of 5

Applicant De	tails		
Please enter Applicant of	details	_	
Title:		You must enter a Bu	ilding Name or Number, or both: *
Other Title:		Building Name:	per Agent
First Name: *		Building Number:	54
Last Name: *		Address 1 (Street): *	Shiel House
Company/Organisation	Buccleuch Estates Ltd	Address 2:	Island Street
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD1 1NU
Fax Number:			
Email Address: *	Ruaraidh@fergusonplanning.co.uk		
Site Address	Details		
Planning Authority:	Scottish Borders Council		
Full postal address of th	e site (including postcode where available)	:	
Address 1:			
Address 2:			
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:			
Post Code:			
Please identify/describe	the location of the site or sites		
Land north of Mos Eis	sley, Teviothead, TD9 0LG		
Northing	605458	Easting	340554

Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Erection of dwellinghouse with access and associated works
Type of Application
What type of application did you submit to the planning authority? *
<ul> <li>□ Application for planning permission (including householder application but excluding application to work minerals).</li> <li>☑ Application for planning permission in principle.</li> <li>□ Further application.</li> <li>□ Application for approval of matters specified in conditions.</li> </ul>
What does your review relate to? *
Refusal Notice.  Grant of permission with Conditions imposed.  No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.
Statement of reasons for seeking review
You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.
Please see Local Review Statement
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)		
Please see Local Review Statement		
Application Details		
Please provide the application reference no. given to you by your planning authority for your previous application.	23/01007/PPP	
What date was the application submitted to the planning authority? *	04/07/2023	
What date was the decision issued by the planning authority? *	06/09/2023	
Review Procedure		
The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.		
Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *  Yes No		
In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:		
Can the site be clearly seen from a road or public land? *	X Yes No	
Is it possible for the site to be accessed safely and without barriers to entry? *	Ⅺ Yes ☐ No	
Checklist – Application for Notice of Review		
Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.		
Have you provided the name and address of the applicant?. *	🛛 Yes 🗌 1	No
Have you provided the date and reference number of the application which is the subject of treview? $^{\star}$	his 🛛 Yes 🗌 N	No
If you are the agent, acting on behalf of the applicant, have you provided details of your nam and address and indicated whether any notice or correspondence required in connection with review should be sent to you or the applicant? *		No 🗌 N/A
Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? $^{\star}$	⊠ Yes □ 1	No
Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.		
Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *	⊠ Yes □ N	No
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.		

#### **Declare - Notice of Review**

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

Declaration Name: - Ferguson Planning

Declaration Date: 27/11/2023



## **Proposal Details**

Proposal Name 100633590

Proposal Description Erection of new dwelling at Teviothead

Address

Local Authority Scottish Borders Council

Application Online Reference 100633590-002

#### **Application Status**

Form complete
Main Details complete
Checklist complete
Declaration complete
Supporting Documentation complete
Email Notification complete

#### **Attachment Details**

System	A4
Attached	A4
Attached	A4
Attached	A3
Attached	A3
Attached	А3
Attached	A4
Attached	A0
Attached	A0
Attached	Α0
	Attached



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

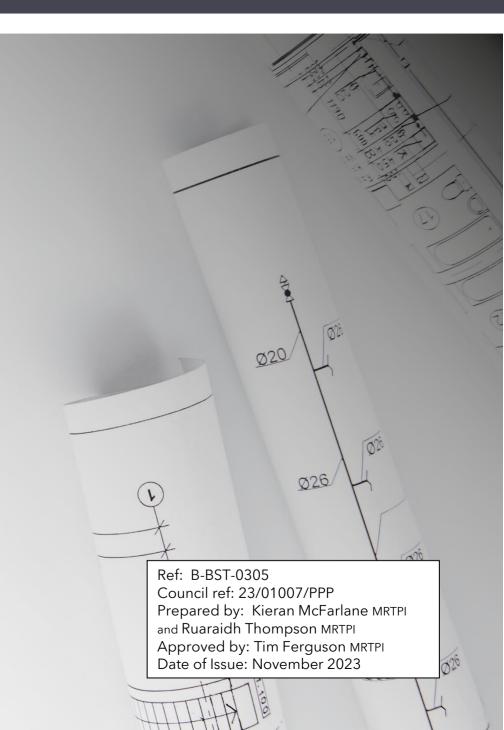
NEW DWELLING NORTH OF MOS EISLEY, TEVIOTHEAD

BUCCLEUCH ESTATES

NOVEMBER 2023

## CONTENTS

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REFUSAL OF APPLICATION BY SCOTTISI BORDERS COUNCIL AND PLANNING POLICY CONTEXT	
GROUNDS OF APPEAL AND CASE FOR APPELLANT	
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**EXECUTIVE SUMMARY** 

#### **EXECUTIVE SUMMARY**

This Statement is submitted on behalf of Buccleuch Estates (the Appellant) against the decision by Scottish Borders Council to refuse Planning Permission in Principle for the erection of a dwellinghouse at Land north of Mos Eisley, Teviothead on 6th September 2023 (reference 23/01007/PPP). All Core Documents (CD) are referenced in Appendix 1.

The proposed development is considered to accord with adopted policy and represent sustainable development. The case for the Appellant is summarised below:

- The application site lies within the **Southern Housing Market Area**.

  The application site sits within the sense of place and setting of the Dispersed Building Group at Teviothead. The Dispersed
  - The application site sits within the sense of place and setting of the Dispersed Building Group at Teviothead. The Dispersed Building Group comprises five existing dwellings (Mos Eisley, Old School House, Beadles Cottage, Bowanhill Farm House, and the Old Manse) in addition to Teviothead Village Hall and Teviothead Church, enclosed between the A7 to the east and River Teviot to the west.
  - The proposed dwelling stands adjacent to Mos Eisley in the core of the Dispersed Building Group. Bowanhill Farm House and other agricultural buildings stand further to the north-east of the application site. Therefore, the proposed dwelling stands within the parcel of the Dispersed Building Group.

- By comparison, the Old Manse and Teviothead Church stand south of the core of the Dispersed Building Group but still form part of the cluster
- The proposed development accords with section (B) of Policy HD2 which addresses Dispersed Building Groups. Despite this the Report of Handling considers section (A) only, which it uses to justify a refusal.
- The consultation response of the Community Council outlines no objection to the proposed development and expresses more general support for more new housing in the Teviothead area. The reasons for supporting new housing centre on supporting the rural population and delivering improvements for the local community.
- Consultation responses have been received from Roads Planning,
   Environmental Health, Scottish Water. No objection is contained within the response of any.
- The proposed dwelling would be delivered on a self-build basis by a successor in title offering an opportunity to establish a new family home in the local area. Therefore, the proposed development is in accordance with Policy 16 of NPF4.
- The Southern Housing Market Area is considered to be the only part
  of the Borders that represents a "remote rural area". As the application
  site forms part of a Dispersed Building Group and the Community
  Council has outlined support for new housing in the local area, the
  proposed development accords with Policy 17 of NPF4.
- The proposed development is squarely supported by the Rural Revitalisation principle established as one of the "six spatial principles" in NPF4.

INTRODUCTION

#### INTRODUCTION

- 1.1 This Statement supports a Notice of Review of the delegated decision of Scottish Borders Council to refuse to grant Planning Permission in Principle for the erection of a dwellinghouse on land north of Mos Eisley.
- 1.2 The application site extends to 1765m<sup>2</sup> and comprises rough grazing land bounded by a low stone wall on its south-west boundary. The site sits in a row of existing dwellings that extends from south-west towards the site, clearly visible in **Fig.1**.
- 1.3 The application site sits adjacent to the north-east of the existing dwelling 'Mos Eisley'. Mos Eisley sits adjacent to another existing dwelling 'The Old School House', which in turn stands adjacent to 'Beadles Cottage'. All three existing dwellings are detached houses which are bound together by a direct, linear relationship without setoff or separation. All three existing dwelling are orientated to the east.
- 1.4 Mos Eisley and Old School House are accessed from the D170 minor public road while Beadles Cottage is accessed from the D28/3. Teviothead Village Hall stands opposite Beadles Cottage, across the D28/3. Direct access to the site is already provided by the D170 fully contiguous with access to the nearby existing dwellings. Both minor public roads extend from a junction with the A7 circa 75 metres south of the site.
- 1.5 The application site also shares a relationship with Bowanhill Farm (to the north-east) and the Old Manse of Teviothead Church

- (to the south-west). Bowanhill Farm shares the fundamental location of the site enclosed between the River Teviot to the west and the shallow embankment of the A7 to the east. Teviothead Church and its Manse share an intrinsic link with the local community as their purpose is to serve the ecclesiastical and pastoral needs of local people. As they would not exist without the presence of the local population, the link to the local built environment is essential and inflexible.
- 1.6 It is proposed to erect a new detached dwelling centrally within the site. The new dwelling is proposed in roughly 'L-plan' form and will be placed in a garden extending from three elevation of the proposed dwelling (incorporated as **Fig.2**). It is conceptually proposed to organise new residential accommodation over two levels.
- 1.7 The application site and its surroundings are considered to comprise a Dispersed Building Group of 5 no. existing dwellings, Teviothead Village Hall, and Teviothead Church. The Dispersed Building Group comprises a core of three existing dwellings Mos Eisley, Old School House, and Beadles Cottage (illustrated in **Fig.3**) and the further associated buildings Bowanhill Farm, Teviothead Church, and the Old Manse.
- 1.8 The remainder of this Statement considers the site context and relevant planning policy, before evaluating the accordance of the proposed development with the National Planning Framework 4, the Local Development Plan and other material considerations.



Fig 1: Extract from 10000-CSY-XX-XX-D-A-1201(B) Site Location Plan (Source: CSY Architects).



**Fig 2**: Extract from 10000-CSY-XX-XX-D-A-1202(D) Proposed Site Plan (Source: CSY Architects).

REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL AND PLANNING POLICY CONTEXT

#### REFUSAL OF APPLICATION BY COUNCIL AND PLANNING POLICY CONTEXT

- 2.1 Planning Application 23/01007/PPP was refused on 6th September 2023. The Decision Notice (CD8) cited one reason for refusal, as set out below:
  - "1. The development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan (2016), Policies 9 and 17 of NPF4 (2023) and the New Housing in the Borders Countryside Guidance (2008) because it would constitute housing in the countryside that would lead to an unjustified sporadic expansion of development into a previously undeveloped field likely leading to extension of the group that would adversely affect its character. These policy conflicts are not sufficiently overridden by other material considerations."

#### National Planning Framework 4

- 2.2 National Planning Framework 4 was adopted in February 2023. The document addresses national planning policy and the Government's approach to achieving a net zero sustainable Scotland by 2045.
- 2.3 One of the six overarching spatial principles of NPF4 is to support rural revitalisation. This takes the form of encouraging sustainable development in rural areas, recognising the need to grow and support urban and rural communities together. The adopted text confirms that the strategy and policies "support development that helps to retain and increase the population of rural areas of Scotland".

- 2.4 **Policy 16: Quality Homes** sets out that development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which addresses identified gaps in provision, will be supported. This includes self-provided homes. In addition, it states that proposals for new homes on land not allocated for housing in the LDP will be supported where it is consistent with policy on rural homes.
- 2.5 The intent of **Policy 17: Rural Homes** is to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.
- 2.6 Branch a) of the Policy sets out that "development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development."
- 2.7 Branch c) of the Policy makes provision that "new homes in remote rural areas will be supported where the proposal:
  - i. supports and sustains existing fragile communities;
  - ii. supports identified local housing outcomes; and
  - iii. is suitable in terms of location, access, and environmental impact."

#### Local Development Plan

2.8 Policy HD2 of the Scottish Borders Local Development Plan (LDP) details the circumstances in which new houses will be considered acceptable. This sets out details on support for development relating

to dispersed housing groups and is considered to represent the pertinent material consideration in the determination of the appeal proposal.

- 2.9 Section B of Policy HD2 addresses development proposals for housing related to dispersed building groups. The adopted text of section B has been copied below:
  - "(B) Dispersed Building Groups

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

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

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

c) the design of housing will be subject to the same considerations as other types of housing in the countryside proposals."

#### Supplementary Guidance

- 2.10 The Supplementary Guidance 'New Housing in the Borders Countryside' includes the following criteria and guidance for new dwellings within countryside:
  - Recognises locations where a more dispersed building pattern in the norm, these are referred to as "anchor points" and found within the Southern Housing Market Area. A lower threshold may be accepted in instances where the development would bring tangible environmental benefits.
  - No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
  - Satisfactory access and other road requirements;
  - Satisfactory public or private water supply and drainage facilities;
  - No adverse effect on countryside amenity, landscape or nature conservation;
  - No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes;
  - Appropriate siting, design and materials in accordance with relevant Local Plan Policies;
  - The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.



Fig 3: Annotated aerial image of existing Building Group at Teviothead.

GROUNDS OF APPEAL AND CASE FOR APPELLANT

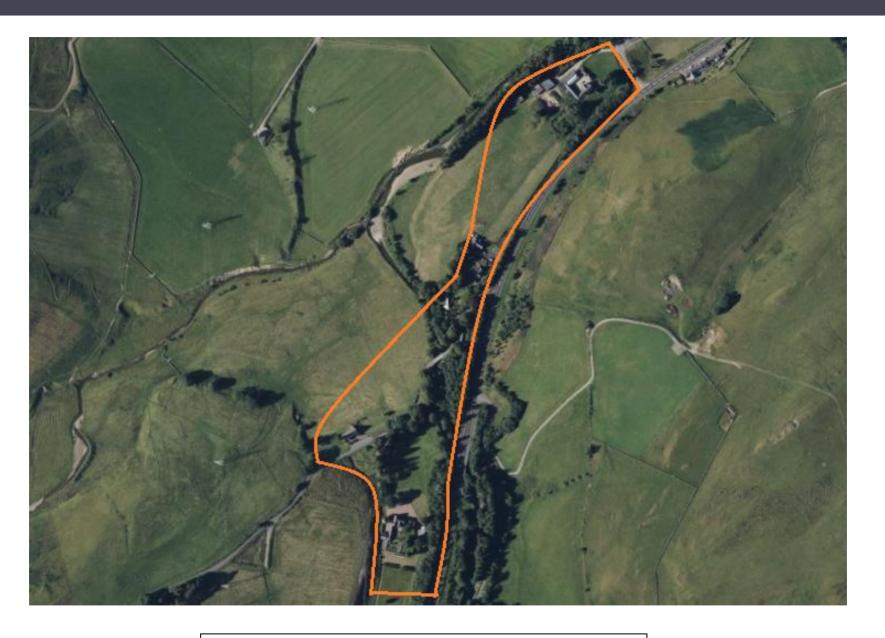
## GROUNDS OF APPEAL AND CASE FOR APPELLANT

3.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the Grounds of Appeal set out below. It is the submission of the Appellants that the proposed development accords with the relevant adopted policy of National Planning Framework 4, the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the application.

GROUND 1: THE PROPOSED DEVELOPMENT REPRESENTS
THE ERECTION OF A DWELLING ON A SITE WHICH IS WELL
RELATED TO THE DISPERSED BUILDING GROUP AT
TEVIOTHEAD AND WOULD CONTRIBUTE POSITIVELY BY
DELIVERING NEW HOUSING AND SUPPORTING THE
SUSTAINABILITY OF THE LOCAL COMMUNITY.

- 3.2 During the course of application determination, the following consultee responses were received from Council Officers and external consultees:
  - Roads Planning No objection.
  - Environmental Health No objection.
  - Community Council No objection.
  - Scottish Water No objection.
- 3.3 The Report of Handling (CD7) explains that the Planning Officer considers the proposed development to be contrary to criteria a)& b) of section (A) of Policy HD2. However, no consideration is given to the accordance of the proposed development with

- section (B) of the Policy which is necessary as the site lies within the Southern Housing Market Area.
- 3.4 In addition, while it is acknowledged within the Report of Handling that there is an existing Building Group at this location, this assessment failed to define what the Planning Authority considered to be the defined Building Group, its boundaries, and which buildings this comprises.
- 3.5 It is the Appellant's position that the application site lies within the setting and forms part of the Dispersed Building Group at Teviothead (shown in **Fig.4**). Teviothead is situated within the Southern Housing Market Area where a more dispersed residential pattern is the norm. This is confirmed within the Scottish Borders LDP Policy Maps (visible in **Fig.5**).
- 3.6 The application site sits in the core of the Dispersed Building Group, facing onto a minor public road that extends west from the A7. Teviothead Village Hall stands opposite Beadles Cottage in the core of the group. All existing dwellings and other buildings within the Dispersed Building Group lie between the adopted surface of the A7 to the east and the channel of the River Teviot to the west including Bowanhill Farm, Teviothead Church, and the Old Manse which are associated with the Group but with less spatial proximity.



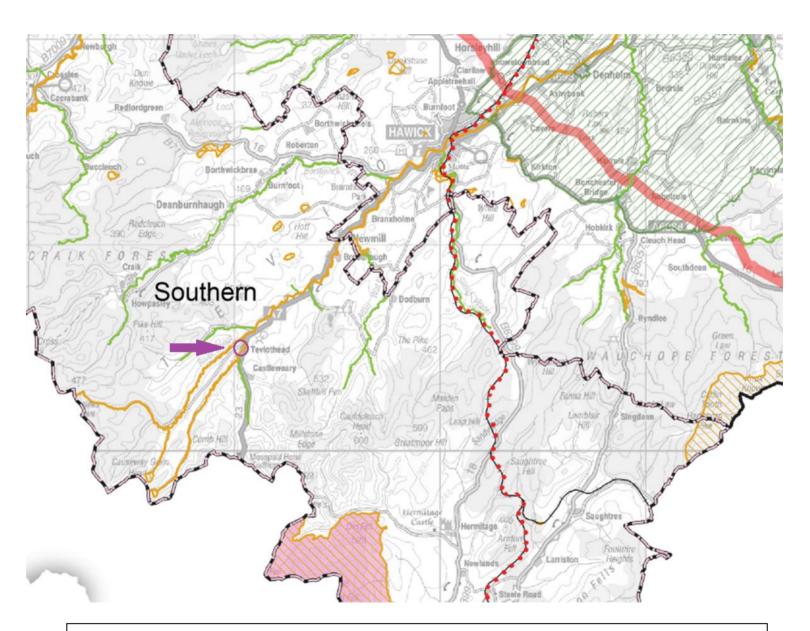
**Fig 4**: Aerial image of Dispersed Building Group at Teviothead with approximate boundaries (in orange) between the A7 and River Teviot.

- 3.7 It should be noted that the Frostlie Burn flows under the A7 and lies between Teviothead Church and the Old Manse to the west and the rest of the Dispersed Building Group to the east. However, Frostlie Burn is a tributary stream of the River Teviot and neither the banks nor channel of the river itself. The Frostlie Burn does not delineate the group as Teviothead Church and the Village Hall share a tandem and dual-pole relationship at the heart of the local community.
- 3.8 The new dwelling is proposed in a row of existing dwellings at the core of the Dispersed Building Group at Teviothead. The application site sits directly adjacent to the existing dwelling Mos Eisley. Bowanhill Farm and its principal farmhouse lie further to the north-east and further from the core of the Group than the proposed dwelling. It is considered that the site stands in the core of the Dispersed Building Group at Teviothead in the South Borders Housing Market Area and satisfies criterion a) of section (B).
- 3.9 No consents for new dwellings have been granted at Teviothead in the period of the current Local Development Plan. This was accepted in the Report of Handling. Therefore, the proposed development is considered to satisfy criterion b) of section (B).
- 3.10 As the proposed development is an Application for Planning Permission in Principle, the detailed design is deferred to the next stage of the planning process. However, a conceptually Proposed Site Plan (copied in **Fig.2**) has been submitted that gives the proposed dwelling 'L-plan' form and a footprint which leaves a modest setback distance from the existing dwelling Mos Eisley adjacent. This is considered to represent replication of the

- existing development pattern in the core of the Dispersed Building Group (a row of houses) to satisfy criterion c) of section (B).
- 3.11 The proposed development comprises the erection of a new dwelling upon a site in the core of the Dispersed Building Group at Teviothead. The site sits in a row of existing dwellings and directly adjacent to Mos Eisley. No new dwellings have been approved at Teviothead within the current LDP period. The proposed layout is considered to replicate the local pattern of development at Teviothead. Therefore, the principle of development is considered to be acceptable as the proposed development accords with section (B) of Policy HD2.

#### **Other Material Considerations**

- 3.12 It is considered that the proposed development clearly accords with section (B) of Policy HD2 therefore there is no requirement to accord with any other section of the Policy.
- 3.13 However, it is considered that the proposed development does accord with section (A). The Report of Handling asserts that development would extend the Building Group into an undeveloped field. However, the adjacent field is not undeveloped as the residential curtilages for Mos Eisley and the Old School House have previously been bitten out of it.
- 3.14 The appointed Planning Officer commits a further error by asserting that approving development would make it "extremely difficult" to refuse further planning applications. This consideration is factually inaccurate as each planning application is determined upon its own merits, existence of precedent is not a material consideration.



**Fig 5**: Extract from Policy Map of Scottish Borders Local Development Plan showing Teviothead (circled in purple) at the heart of the Southern Housing Market Area (Source: Scottish Borders Local Development Plan 2016).

- 3.15 It is considered that there is no prospect of the proposed dwelling being delivered by a housebuilder or other corporate developer. Development of the proposed dwelling would be delivered on a self-build basis either by the Appellant or a successor in title. Therefore, the proposed dwelling is considered to satisfy criterion i. under branch c) of Policy 16 as it represents a self-provided home. On this basis, the proposed development accords with Policy 16 of NPF4.
- 3.16 It is considered that the Southern Housing Market Area represents a "remote rural area" in planning policy terms. This contrasts with the rest of the Borders which, while mostly rural, is not remote to the same extent.
- 3.1% The consultation response of the Community Council makes clear that there is a need for housing locally. The Community Council explain this as "we are keen to see more good quality homes to improve the housing stock for residents and more houses help to maintain the rural population".
- 3.18 As the proposed development represents a new house in a remote rural area where new housing is required to support an existing fragile community, it is considered to satisfy criterion i. under branch c) of Policy 17.
- 3.19 As addressed above, the application site lies within and forms part of a Dispersed Building Group. The site shares a boundary with the adopted public road, beyond the extent of the A7. The Report of Handling concurs with the conclusions of the Preliminary Ecological Appraisal that the environmental impact of

- the proposed development would not be significant. As the location of the proposed dwelling, access thereto, and environmental impact are acceptable in planning terms, the proposed dwelling is considered to satisfy criterion iii. under branch c) of Policy 17.
- 3.20 To achieve accordance with branch c) of Policy 17, a development proposal must satisfy criterion iii. as well as either criterion i. or ii. It is considered that the proposed development has been demonstrated to satisfy criteria i. & iii. and therefore is made in accordance with branch c) of Policy 17, accordance with which is sufficient to establish the principle of development in planning policy terms.

CONCLUSION

#### **CONCLUSION**

- 4.1 The Notice of Review, supported by this Statement, respectfully requests that the Council overturns the decision to refuse Planning Permission in Principle for Application 23/01007/PPP and grant consent for the erection of a dwelling together with access, garden, and associated works on land north of Mos Eisley, Teviothead.
- The proposed development represents the enlargement of the Dispersed Building Group at Teviothead by one new dwelling upon a site within the sense of place and setting of the cluster. The application site is abutted to the south-west by the existing dwelling Mos Eisley which sits in a row of three existing dwellings in the core of the Dispersed Building Group. The site sits contained within the bookend created by Bowanhill Farm to the north-east. No new dwellings have been consented within the current LDP period and there are no significant cumulative impacts associated with the proposal. Therefore, the principle of development is considered to be acceptable as the proposed development accords with section (B) of Policy HD2.
- 4.3 It is the position of the Appellant that the proposed development has been incorrectly assessed. LDP policy was inaccurately applied when the Planning Authority issued their delegated decision. It has been demonstrated that the site sits within a Dispersed Building Group and therefore section (B) of Policy HD2 is the relevant policy consideration to the Application.

- 4.4 The proposed development supports the sustainable growth of an existing rural community and will improve housing choice in the local area. Teviothead is a small existing community which comprises of five existing dwellings, a church, and a village hall. It is considered that the Rural Revitalisation principle applies strongly to Teviothead, especially the direction to support rural population growth. The proposed development is considered to accord with Policies 16 and 17 of NPF4.
- 4.5 Vehicle and pedestrian access to the site is proposed from the D170 minor public road across the south-east boundary. Two parking spaces are included within the proposal. The proposed development is considered to be acceptable in transport terms.
- 4.6 The site has been assessed as having relatively low ecological value, with no habitat suitable for protected species on-site and relatively little habitat close to the site. A series of measures include bird nesting and bat boxes as well as planting of native shrubs to improve habitats on site will ensure there is a biodiversity net gain.
- 4.7 The Local Review Body is respectfully requested to allow the appeal and grant Planning Permission in Principle for the erection of a dwellinghouse at land north of Mos Eisley, Teviothead.

# NEW DWELLING AT TEVIOTHEAD CORE DOCUMENTS

## **CORE DOCUMENTS**

The following drawings, documents, and plans have been submitted to support the Notice of Review:

- Notice of Review Form;
- CD1 Local Review Statement;
- Application Form
- CD2 (Application) Planning Statement;
- CD3 10000-CSY-XX-XX-D-A-1201(B) Site Location Plan;
- CD4 10000-CSY-XX-XX-D-A-1202(D) Existing and Proposed Site Plans;
- Page 386 CD5 10270-CSY-02-XX-D-A-6201 Existing and Proposed Perspectives;
  - CD6 Preliminary Ecological Assessment;
  - CD7 Report of Handling 23/01007/PPP; and
  - CD8 Decision Notice 23/01007/PPP.

## FERGUSON PLANNING

GALASHIELS

Shiel House 54 Island Steet Galashiels TD1 1NU

T: 01896 668 744 M: 07960 003 357 EDINBURGH

1<sup>st</sup> Floor, 38 Thistle Street Edinburgh EH2 1EN

T: 0131 385 8801 M: 07960 003 358 NORTHERN IRELAND

61 Moyle Road Ballycastle, Co. Antrim Northern Ireland BT54 6LG

M: 07960 003 358

E: tim@fergusonplanning.co.uk

WWW.FERGUSONPLANNING.CO.UK



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

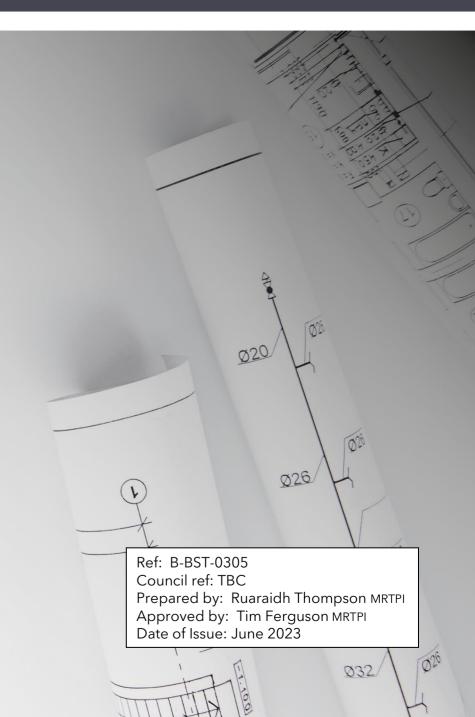
NEW DWELLING NORTH OF MOS EISLEY, TEVIOTHEAD

**BUCCLEUCH ESTATES** 

**JUNE 2023** 

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## F E R G U S O N PLANNING

NEW DWELLING AT TEVIOTHEAD

INTRODUCTION

#### INTRODUCTION

- 1.1 This Planning Statement, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of Buccleuch Estates. This Statement supports an Application for Planning Permission in Principle for erection of a new dwelling together with access, garden, and associated works on land north of Mos Eisley, Teviothead.
- 1.2 The application site extends to 1765m<sup>2</sup> and comprises rough grazing bounded by a low stone wall on south-west boundary. The site sits in a row of existing dwellings that extends from southwest towards the site, clearly visible in **Fig.1**.
- 1.3 The application site sits adjacent to the north-east of the existing dwelling "Mos Eisley". Mos Eisley sits adjacent to another existing dwelling "The Old School House", which in turn stands adjacent to "Beadles Cottage". All three existing dwellings are detached houses which are bound together by a direct, linear relationship without setoff or separation. All three existing dwellings are orientated to the east.
- 1.4 Mos Eisley and Old School House are accessed from the D170 minor public road while Beadles Cottage is accessed from the D28/3. Teviothead Village Hall stands opposite Beadles Cottage, across D28/3. Direct access to the site is already provided by the D170 fully contiguous with access to the nearby existing dwellings. Both minor public roads extend from a junction with the A7 circa 75 metres south of the site.

- 1.5 The application site also shares a relationship with Bowanhill Farm (to the north-east) and the Old Manse of Teviothead Church (to the south-west). Bowanhill Farm shares the fundamental location of the site enclosed between the River Teviot to the west and the shallow embankment of the A7 to the east. Teviothead Church and its Manse share an intrinsic link with the local community as their purpose is to serve the ecclesiastical and pastoral needs of local people. As they would not exist without the presence of the local population, the link to the local built environment is essential and inflexible.
- 1.6 The application site and its surroundings are considered to comprise a Dispersed Building Group of 5 no. existing dwellings, Teviothead Village Hall, and Teviothead Church. The Dispersed Building Group comprises a core of three existing dwellings Mos Eisley, Old School House, and Beadles Cottage and the further associated buildings Bowanhill Farm, Teviothead Church, and the Old Manse, shown in context Fig.2.
- 1.7 There are no Listed Buildings on-site or in the Dispersed Building Group. No Conservation Area has been designated in the area. However, it is notable that the former Caerlanrig Chapel (Canmore ID: 344510) stood opposite the existing Teviothead Church. Caerlanrig Chapel is recorded as the place of execution of Johnnie Armstrong, perhaps the most famous Border Reiver. A stone stands upon the recorded site of his grave.

1.8 The River Teviot is covered by both the Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) designations that have been applied to the River Tweed. While neither designation covers the site, they extend to circa 110 metres of the north-west boundary.



Fig 1: Extract from 10000-CSY-XX-XX-D-A-1201(B) Site Location Plan (Source: CSY Architects).



**Fig 2**: Aerial image of Dispersed Building Group at Teviothead with approximate boundaryies (in orange) between the A7 and River Teviot.

THE PROPOSAL

## FERGUSON PLANNING

## THE PROPOSAL

- 2.1 The proposal is for the erection of a new dwelling together with access, garden, and associated works. The layout and access arrangements of the proposed dwelling are conceptually illustrated on 10000-CSY-XX-XX-D-A-1202(C) Proposed Site Plan, visible in Fig.3.
- 2.2 It is proposed to erect the new dwelling centrally within the site. The new dwelling is proposed in roughly 'L-plan' form and will be placed in a garden extending from three elevations of the proposed dwelling. It is conceptually proposed to organise new residential accommodation over two levels.
- 2.3 An illustrative impression has been prepared presenting a design which fits with the character of existing dwellings in the surrounding area and can be seen in Fig.5. Should planning permission be granted for the proposed development then the Applicant will develop this concept into a detailed design informed by and in accordance with adopted policy for the further consideration of the Planning Authority.
- 2.4 The proposed dwelling will be serviced by new private arrangements for drainage of foul water. The Applicant proposes to connect to a private supply sourced from neighbouring land on the Estate.

- 2.5 Access to the site is proposed across the south-east boundary from the D170 minor public road. The new access would be taken from the north-east extent of the road, without extending the road further into the countryside. The new access would be the third residential access on this section of minor public road, adding to Old School House and Mos Eisley.
- 2.6 As the Application is for Planning Permission in Principle, the requirement to submit detailed drawings to secure the outstanding elements of the design in the next stage of the planning process is acknowledged.



**Fig 3**: Extract from 10000-CSY-XX-XX-D-A-1202(C) Proposed Site Plan (Source: CSY Architects).

# FERGUSON PLANNING

NEW DWELLING AT TEVIOTHEAD

PLANNING POLICY

### PLANNING POLICY

- 3.1 This section provides an overview of key planning polices relevant to the proposed development. The Development Plan comprises National Planning Framework 4 and the Scottish Borders Local Development Plan (2016).
- 3.2 National Planning Framework 4 sets out national planning polices which are material to the determination of planning applications. Scottish Borders Local Development Plan (2016) contains local planning policy that forms the cornerstone of the adopted planning policy context.

#### **NATIONAL PLANNING FRAMEWORK 4 (2023)**

- 3.3 The National Planning Framework 4 was published in February 2023. The document addresses national planning policy and the Government's approach to achieving a net zero sustainable Scotland by 2045.
- 3.4 National Planning Framework 4 establishes "six overarching spatial principles". The principle which is most pertinent to the proposal is Rural Revitalisation. Rural Revitalisation is defined as encouragement of "sustainable development in rural areas, recognising the need to grow and support urban and rural communities". The adopted text confirms that the strategy and policies "support development that helps to retain and increase the population of rural areas of Scotland."

- 3.5 **Policy 16** Quality Homes is also relevant to the proposal. Criterion c) states that "development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
  - i. self-provided homes;
  - ii. accessible, adaptable and wheelchair accessible homes;
  - iii. build to rent;
  - iv. affordable homes;
  - v. a range of size of homes such as those for larger families;
  - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
  - vii. homes for people undertaking further and higher education; and
  - viii. homes for other specialist groups such as service personnel."
- 3.6 **Policy 17** Rural Homes states that "development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited, and designed to be in keeping with the character of the area and the development."

- 3.7 **Policy 3** Biodiversity requires that development proposals "contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible." Specific to local development, Policy 3 leads development proposals to "include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development".
- 3.8 **Policy 11** Energy sets out that "development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
  - i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;
  - ii. enabling works, such as grid transmission and distribution infrastructure;
  - iii. energy storage, such as battery storage and pumped storage hydro;
  - iv. small scale renewable energy generation technology;
  - v. solar arrays;
  - vi. proposals associated with negative emissions technologies and carbon capture; and
  - vii. proposals including co-location of these technologies."

#### **Scottish Borders Local Development Plan (2016)**

- 3.9 Local planning policy relevant to the proposal is contained within the Scottish Borders Local Development Plan (2016). Key policies include:
  - Policy PMD1: Sustainability
  - Policy PMD2: Quality Standards
  - Policy HD2: Housing in the Countryside
  - Policy HD3: Protection of Residential Amenity

#### **Policy PMD1: Sustainability**

- 3.10 The preparation of the Local Development Plan was heavily informed by the acknowledged "need for action on climate change" and the Council's Environmental Strategy, which sit behind the 'support and encouragement of sustainable development' across the Borders. Policy PMD1 sets out the "sustainability principles which underpin all the Plan's policies" and that the Council expects to inform development proposals and planning decisions:
  - a) the long term sustainable use and management of land
  - b) the preservation of air and water quality
  - c) the protection of natural resources, landscapes, habitats, and species
  - d) the protection of built and cultural resources
  - e) the efficient use of energy and resources, particularly non-renewable resources
  - f) the minimisation of waste, including waste water and encouragement to its sustainable management
  - g) the encouragement of walking, cycling, and public transport in preference to the private car

- h) the minimisation of light pollution
- i) the protection of public health and safety
- *j*) the support of community services and facilities
- k) the provision of new jobs and support to the local economy
- the involvement of the local community in the design, management, and improvement of their environment.

#### **Policy PMD2: Quality Standards**

- 3.11 The Policy sets out a range of sustainability, placemaking and design, accessibility and open space / biodiversity requirements, whereby the proposal must:
  - Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply;
  - Make provision for sustainable drainage;
  - Incorporate appropriate measures for separate storage of waste and recycling;
  - Incorporate appropriate landscaping to help integration with the surroundings;
  - Create a sense of place, based on a clear understanding of context;
  - Be of a scale, massing and height appropriate to the surroundings;
  - Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
  - Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;

- Be able to be satisfactorily accommodated within the site;
- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings;
- Incorporate access for those with mobility difficulties;
- Not have an adverse impact on road safety in terms of the site access;
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes; and
- Retain physical or natural features which are important to the amenity or biodiversity of the area.

#### Policy HD2: Housing in the Countryside

3.12 Section A of Policy HD2 addresses development proposals for housing related to existing Building Groups. The adopted text of section A has been copied below:

"(A) Building Groups

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

a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented,

- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted."
- 3.13 Section B of Policy HD2 addresses development proposals for housing related to existing Building Groups. The adopted text of section B has been copied below:
  - "(B) Dispersed Building Groups

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

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

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

#### **Policy HD3: Residential Amenity**

- 3.14 The Policy states that "development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any development will be assessed against:
  - a) the principle of the development, including where relevant, any open space that would be lost; and
  - b) the details of the development itself particularly in terms of:
    - the scale, form, and type of development in terms of its fit within a residential area,
    - ii. the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlight provisions. These considerations apply especially in relation to garden ground or 'backland' development,
    - iii. the generation of traffic or noise,
    - iv. the level of visual impact."

#### **Supplementary Guidance**

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

- 3.16 The section of the Guidance, which covers the expansion of existing Building Groups, states that all applications for new houses at existing Building Groups will be tested against an analysis of:
  - a) the presence or, otherwise of a group; and
  - b) the suitability of that group to absorb new development.
- 3.17 The Guidance sets out that the existence of a Building Group "will be identifiable by a sense of place which will be contributed to by:
  - natural boundaries such as water courses, trees or enclosing landform, or
  - man-made boundaries such as existing buildings, roads, plantations or means of enclosure."

NEW DWELLING AT TEVIOTHEAD

PLANNING ASSESSMENT

## PLANNING ASSESSMENT

### **Principle of Development**

4.1 The application site lies in a row of existing dwellings. The existing dwelling Mos Eisley sits directly adjacent to the south-west of the site. In addition to abutting the application site on its north-east boundary Mos Eisley also abuts the Old School House upon its south-west boundary. In turn the Old School House is flanked by Mos Eisley to the north-east and Beadles Cottage to the south-west. Bowanhill Farm lies circa 200 metres beyond the application site to the north-east while the Old Manse stands circa 300 metres southwest of Beadles Cottage.

#### **Existing Building Group**

- 4.2 Given the location of the site adjacent to Mos Eisley, sitting contiguous with the existing extent of the minor public, in a row of existing dwellings the application site is considered to accord with criteria a) of section (A). The tree lined hedgerow boundary planting proposed is considered to strengthen this relationship and reinforce the sense of place of the existing Building Group (visible in Fig.4.) together with Mos Eisley, the Old School House, and Beadles Cottage.
- 4.3 A review of the Council's online planning records has confirmed that no new or existing dwellings have been consented in the existing Building Group at Teviothead within the current LDP period. The proposal is for the erection of a new dwelling within the setting of an existing Building Group comprising three dwellings. While details of appearance, layout, and scale are deferred for future consideration, the type and form of development proposed are considered to be acceptable on the site.

- 4.4 Views of the site would largely be in profile with the other existing dwellings in the Building Group. Views from the A7 to the east are almost entirely obscured by mature trees, reinforced by established hedgerows which sit elevated above the adopted surface of the carriageway. The existing landform would lend profound benefit to screening views of the proposed dwelling. Existing views from the south are defined by the frontages of Mos Eisley and the Old School House. The existing vantages would be reinforced by the new dwelling which would strengthen the character of the existing Building Group. The River Teviot lies to the east and Bowanhill Farm to the north, neither of which are frequented by members of the public. In worst case scenario, the proposed dwelling would be nly as visible from these vantages as the existing dwelling Mos Eisley.
- 4.5 Given the limited landscape impacts associated with the proposed development, it is considered that an "unacceptable adverse impact" would not be created and that the proposal accords with criteria b) of section (A).
- 4.6 The Building Group at Teviothead comprises three existing dwellings, extension by two additional dwellings is allowed for by the Policy. The proposal is considered to accord with criteria c) of section (A) as no new dwellings have been consented within the current LDP period and one new dwelling is proposed.



Fig 4: Annotated aerial image of existing Building Group at Teviothead.

4.7 The proposal comprises the erection of a new dwelling upon a site which is well related an existing Building Group lying within the local setting and defined sense of place. There have been no new dwellings consented within the current LDP period and it is considered that there are no associated significant cumulative impacts. Therefore, the principle of development is considered to be acceptable as the proposal accords with section (A) of Policy HD2.

#### **Dispersed Building Group**

- 4.8 The application site sits in the core of the Dispersed Building Group, facing onto a minor public roads that extends west from the A7. Teviothead Village Hall stands opposite Beadles Cottage in the core of the group. All existing dwellings and other buildings within the Dispersed Building Group lie between the adopted surface of the A7 to the east and the channel of the River Teviot to the west including Bowanhill Farm, Teviothead Church, and the Old Manse which are associated with the group but with less spatial proximity (as seen in Fig.2.).
- 4.9 It should be noted that the Frostlie Burn flows under the A7 and lies between Teviothead Church and the Old Manse to the west and the rest of the Dispersed Building Group to the east. However, Frostlie Burn is a tributary stream of the River Teviot and neither the banks nor channel of the river itself. The Frostlie Burn does not delineate the group as Teviothead Church and the Village Hall share a tandem and dual-pole relationship at the heart of the local community.

- 4.10 The new dwelling is proposed in a row of existing dwellings at the core of the Dispersed Building Group at Teviothead. The application site sits directly adjacent to the existing dwelling Mos Eisley. Bowanhill Farm and its principal farmhouse lie further to the northeast and further from the core of the group than the proposed dwelling. It is considered that the site stands in the core of the Dispersed Building Group at Teviothead in the South Borders Housing Market Area and satisfies criterion a) of section (B).
- 4.11 Planning permission has not been granted for any new dwellings in the period of the adopted Local Development Plan. As only one new dwelling is proposed the proposal is consistent with criterion b) of section (B).
- 4.12 As the Application is for Planning Permission in Principle, detailed design is deferred to the next stage of the planning process. However, the proposal retains and replicates the existing development pattern in the core of the Dispersed Building Group. The development pattern of the core very clearly takes the form of a row of houses. The row is arranged in direct adjacency with no offsetting between curtilage boundaries. This relationship has been replicated between the proposed dwelling and Mos Eisley and is considered to satisfy criterion c) of section (B).
- 4.13 The proposal is considered to represent both "self-provided homes" (item i.) under criterion c) of NPF4 Policy 16.

- 4.14 It is considered that there is no prospect of the proposed dwelling being delivered by a housebuilder or other corporate developer. Development of the proposed dwelling would be delivered on self-build basis either by the Applicant or a successor in title. Therefore, the proposed dwelling is considered to satisfy item i. in criterion c) of Policy 16 as it represents a self-provided home.
- 4.15 The proposal comprises the erection of a new dwelling upon a site within the core of the Dispersed Building Group at Teviothead. The site sits in a row of existing dwellings and directly adjacent to Mos Eisley. There have been no new dwellings consented within the current LDP period. The proposed layout is considered to replicate the local pattern of development at Teviothead. Therefore, the principle of development is considered to be acceptable as the proposal accords with section (B) of Policy HD2 and Policy 16 of NPF4.

### **Residential Amenity**

4.16 The proposal has been prepared to provide for good amenity for the occupiers of the proposed dwelling and surrounding dwellings. The type of development (a single detached dwelling) is considered to be appropriate to the site and the local area. Consideration of whether the scale of the proposed development is suitable, is deferred for future consideration. However, it is considered that the indicative form shown on 10000-CSY-XX-XX-D-A-1202(C) Proposed Site Plan and 10000-CSY-XX-XX-D-A-6201 Proposed House Visualisation is broadly representative of appropriate development on the site. The site is considered to be sufficient in size to comfortably accommodate the proposed dwelling.

- 4.17 The location of the site is generally conducive to good residential amenity with three existing dwellings forming the core of the Dispersed Building Group. Mos Eisley would be the closest existing dwelling, sitting adjacent to the south-west behind a stone garden wall. The Applicant is content to secure appropriate boundary hedging and planting at the subsequent stage of the planning process to ensure that the occupants of each dwelling are provided with good quality amenity.
- 4.18 Views of the site from public vantage points are primarily from the minor public road across the south-east boundary. The character and outlook from these viewpoints are defined by the existing dwellings to which they provide access. The character shall be reinforced by the proposal. Extensive screening from the A7 is already existent which prevents views of the site. Overall the visual impact of the proposal on the local area is considered to be slight in degree.
- 4.19 As the proposal provides for good amenity on-site and in the surrounding area it is considered to accord with Policy HD3.

#### **Access and Parking**

4.20 Access to the new dwelling is proposed across the south-east boundary of the site to the minor public road D170. The existing dwellings Mos Eisley and Beadles Cottage take access directly from the D170 and the road has the possessive character of residential access.

- 4.21 The road terminates before reaching the north-east boundary of the site. The road is not a throughway and ends in a turning head which extends partly across the south-east boundary. As a result the road is lightly trafficked with no vehicles relying on further egress, considered to be safe and acceptable for the proposed dwelling.
- 4.22 The new dwelling is proposed with two parking spaces within its residential curtilage, beyond the adopted surface of the minor public road. These arrangements are considered to be consistent with standards expected by the Council as Public Roads Authority.

#### **Ecology**

- 4.23 A Preliminary Ecological Assessment of the site has been prepared by Ellendale Environmental to support the proposal. The Assessment has identified no habitat suitable for protected species on-site and relatively little habitat close to the site. No further on-site surveys or assessments have been recommended.
- 4.24 The Assessment detailed general recommendations for supporting wildlife and mitigating possible impact during the construction phase in section 4.2 & 4.3 which have been accepted by the Applicant.

### **Site Servicing**

- 4.25 The proposed dwelling will be serviced by connection to a private water supply within the Estate. Foul and surface water drainage will be managed by connection to private means. The Applicant is content to secure connection details via condition.
- 4.26 The Applicant is committed to delivering sustainable development by designing out polluting operations and activity. The Applicant envisages incorporating renewable energy (micro) generation equipment in the proposed dwelling. Technologies being considered at the present time include solar panels, air source heat pump, and possibly heat recovery systems designed bespoke for the development.



**Fig 5**: Extract from 10270-CSY-02-XX-D-A-6201 showing the proposed dwelling in context with neighbouring existing dwellings from south-west perspective (Source: CSY Architects).

## NEW DWELLING AT TEVIOTHEAD

CONCLUSION

# FERGUSON PLANNING

## CONCLUSION

- 5.1 Ferguson Planning has been appointed by the Applicant to submit an Application for Planning Permission in Principle for erection of a new dwelling together with access, garden, and associated works on land north of Mos Eisley, Teviothead.
- 5.2 The proposal represents the enlargement of a Dispersed Building Group by one new dwelling upon a site within the sense of place and setting of the group. The application site is abutted to the south-west by the existing dwelling Mos Eisley which sits in a row of three existing dwellings in the core of the Dispersed Building Group. The site sits contained within the bookend created by Bowanhill Farm to the north-east. No new dwellings have been consented within the current LDP period and there are no significant cumulative impacts associated with the proposal. Therefore, the principle of development is considered to be acceptable as the proposal accords with section (B) of Policy HD2.
- 5.3 The proposal supports the sustainable growth of an existing rural community and improving house choice in the local area. Teviothead is a small existing community which comprises six existing dwellings, a church, and a village hall. It is considered that the Rural Revitalisation principle applies strongly to Teviothead, especially the direction to support rural population growth. The proposal is considered to accord with Policy 16 of NPF4.
- 5.4 Vehicle and pedestrian access to the site is proposed from the D170 minor public road across the south-east boundary. Two parking spaces are included within the proposal. The proposed development is considered to be acceptable in transport terms.
- 5.5 It is considered that the proposal is in accordance with relevant adopted policy of the Local Development Plan and is not afflicted by any other material considerations. It is respectfully requested that planning permission is granted.

# F E R G U S O N PLANNING

#### GALASHIELS

Shiel House 54 Island Street Galashiels TD1 1NU

T: 01896 668 744 M: 07960 003 358

#### EDINBURGH

37 One George Street Edinburgh EH2 2HN

T: 0131 385 8801 M: 07960 003 358

#### NORTHERN IRELAND

61 Moyle Road Ballycastle, Co. Antrim Northern Ireland BT54 6LG

M: 07960 003 358

E: tim@fergusonplanning.co.uk

W W W . F E R G U S O N P L A N N I N G . C O . U K





Buccleuch Estates Ltd per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU Please ask Stuart Small 01835 825055

2

*Our Ref:* 23/01007/PPP

Your Ref:

**E-Mail:** stuart.small@scotborders.gov.uk

Date: 7th September 2023

Dear Sir/Madam

PLANNING APPLICATION AT Land East of Mos Eisley Teviothead Hawick Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse with access and associated works

APPLICANT: Buccleuch Estates 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 <a href="https://eplanning.scotborders.gov.uk/online-applications/">https://eplanning.scotborders.gov.uk/online-applications/</a>.

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

Yours faithfully

John Hayward

Planning & Development Standards Manager



# Regulatory Services

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

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

Application for Planning Permission Reference : 23/01007/PPP

To: Buccleuch Estates Ltd per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU

With reference to your application validated on **5th July 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development:-

Proposal: Erection of dwellinghouse with access and associated works

at: Land East of Mos Eisley Teviothead Hawick Scottish Borders

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

Dated 6th September 2023 Regulatory Services Council Headquarters Newtown St Boswells MELROSE TD6 0SA

John Hayward Planning & Development Standards Manager



# Regulatory Services

#### **APPLICATION REFERENCE: 23/01007/PPP**

#### Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
Location Plan	Location Plan	Refused
10000-CSY-XX-XX-D-A-1202	Proposed Site Plan	Refused
10270-CSY-02-XX-D-A-6201	Proposed Elevations	Refused

#### **REASON FOR REFUSAL**

The development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan (2016), Policies 9 and 17 of NPF4 (2023) and the New Housing in the Borders Countryside Guidance (2008) because it would constitute housing in the countryside that would lead to an unjustified sporadic expansion of development into a previously undeveloped field likely leading to extension of the group that would adversely affect its character. These policy conflicts are not sufficiently overridden by other material considerations.

#### FOR THE INFORMATION OF THE APPLICANT

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



#### SCOTTISH BORDERS COUNCIL

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

#### PART III REPORT (INCORPORATING REPORT OF HANDLING)

**REF**: 23/01007/PPP

APPLICANT: Buccleuch Estates Ltd

AGENT: Ferguson Planning

**DEVELOPMENT:** Erection of dwellinghouse with access and associated works

LOCATION: Land East Of

Mos Eisley Teviothead Hawick

Scottish Borders

TYPE: PPP Application

**REASON FOR DELAY:** 

#### **DRAWING NUMBERS:**

Plan Ref Plan Type Plan Status

A Location Plan Location Plan Refused

10000-CSY-XX-XX-D-A-1202 Proposed Site Plan Refused 10270-CSY-02-XX-D-A-6201 Proposed Elevations Refused

# NUMBER OF REPRESENTATIONS: 1 SUMMARY OF REPRESENTATIONS:

Education and Lifelong Learning: No response

Roads Planning Service: No objection, subject to condition

I shall have no objections to the principle of this proposal provided a condition is attached to any consent given. I would note that given there is an existing field access for the site at the rear of the turning head it would be expected that the new access to the property from the public road would also be taken from this location as per the proposed site plan drawing no.10000-CSY-XX-XX-D-A-1202 rev D.

Environmental Health: No objection, subject to conditions and informatives

Environmental Health has no objections in principle to the application, however we have the following comments to make:

Private water supply

The Planning Statement refers to the dwelling being connected to a private water supply on the estate, however no further detail is provided at this point. Full details should be submitted in order 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 the condition provided below (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.

#### Private drainage arrangements

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 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. 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. Condition 2 is proposed in order to secure this and an informative on how to fulfil this condition is provided below.

Community Council: Observations only

Generally as a CC we welcome new houses or upgrades to existing buildings in our area as we are keen to see more good quality homes to improve the housing stock for residents and more houses help to maintain the rural population. There is obviously scope for a few new houses within the Teviothead 'village' area.

This planning application is for a new house on a plot adjacent to existent residences. As this is just an application in principle there are no details given of any proposed building but any detail given by the applicant would suggest that the plot would be sold on for a 'self provided home' and a fairly substantial 2 storey building is envisaged. We would comment that we feel that the biggest requirement in our area is for affordable houses, affordable houses to rent that would be suitable for older people and families with young children.

The applicant states that the plot would adjoin 3 existing plots and states "All three existing dwellings are detached houses which are bound together by a direct, linear relationship without setoff or separation". Whilst this may be true of the plots the dwellings themselves on these plots are well separated and each retains its privacy and there is no affect on light or shade between the properties. A new 2 storey residence as shown on the site plan would however have a considerable impact on the adjoining Mos Eisley both in terms of privacy, views and light. The new house would be much closer to its neighbour than the distance separating the existing residences. The morning sunshine especially could be completely cut out. As detailed by the owner of Mos Eisley there would be a huge impact on privacy. If as mentioned a high hedge was planted on the boundary this may partially mitigate the privacy issue but would exacerbate the light and view issues. This would be an unacceptable outcome for the residents of Mos Eisley especially given that there are options within the field to provide a site which would drastically reduce the impact on the existing residences.

The application states that the new house would connect to a private water supply. Given the number of other properties already reliant on this supply the CC endorses the response from Environmental Health and agrees that a full report on the water supply is completed to reassure the existing users that the supply will be able to accommodate another user.

Finally we feel that as well as the owners of Mos Eisley being on the neighbour notification list, the residents in the other 2 properties in the 3 existing properties should also have been notified.

Scottish Water: No objection

One letter or representation was received from a Mr Richard Mackie, his full objection can be viewed on Public Access. In summary the objection letter raised the following concerns:

- Water Supply
- Not in keeping with existing buildings
- Overlooking
- Loss of Light
- Loss of Privacy
- Impact on local nature habitats

#### PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4 (2023)

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 9: Brownfield, vacant and derelict land and empty buildings

Policy 14: Design, Quality and Place

Policy 16: Quality Homes Policy 17: Rural Homes Policy 18: Infrastructure first

Policy 22: Flood risk and water management

Scottish Borders Local Development Plan (2016)

PMD1: Sustainability PMD2: Quality Standards

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

**EP3: Local Biodiversity** 

IS2: Development Contributions IS7: Parking Provision and Standards IS9: Waste Water Treatment and SUDS

#### Supplementary Planning Guidance

Biodiversity Supplementary Planning Guidance 2005
Development Contributions Supplementary Planning Guidance 2011 (Updated 2023)
New Housing in the Borders Countryside Supplementary Planning Guidance (2008)
Privacy and Amenity Supplementary Planning Guidance (2006)
Placemaking and Design Supplementary Planning Guidance (2010)

#### Recommendation by - Stuart Small () on 5th September 2023

This application seeks planning permission in principle for the erection of a dwellinghouse with access and associated works at Land East of Mos Eisley, Tevitohead. An indicative site plan and visuals of a proposed dwelling have been provided. The application is also supported by a planning statement. The site is greenfield land outside of any defined development boundary. The proposed site is not subject to any historical or natural designations.

#### Assessment

#### Principle

The key policies in which this proposal will be assessed are Local Plan Policy HD2 and NPF4 Policy 17 which set out the criteria for the acceptability of new houses in the countryside. Only criterion A) of Policy HD2 is relevant to this proposal which relates to an existing building group. There are three further tests in which the proposal must satisfy to be compliant with criterion A). These are:

- a) the application site must relate well to an existing group of three houses;
- b) the cumulative impact of new development on the
- character of the building group and on the landscape and amenity of the surrounding area will be taken into account and:
- c) any consents should not exceed two dwellings or a 30% increase to the group during the Plan period.

It is accepted that there is an existing building group at this location. Part C) of criterion A is satisfied as there has been no other development of this building group during the plan period. However, it is proposed

to erect the dwellinghouse on a large undeveloped greenfield plot that could likely result in further pressure for more development between Mos Eisley and the existing properties to the north east. Our SPG recommends against extending into undeveloped fields, as this one will do. The lack of a strong natural boundary between Mos Eisley and the site is not justification in itself for extending into the field. There is no natural enclosure to the group in that direction until it meets properties to the north-east. This proposal may have limited impact in its own right, being screened from the A7, but it will result in encroachment into the field beyond which it would be extremely difficult to resist further development. Any further development proposals for housing could make essentially the same case. Each application must be determined on its own merits, but the commencement of development into this field is likely to underpin any future decisions. To grant planning permission in principle for a house on this undeveloped greenfield site would amount to ribbon development which, though not extending along a public road, would conflict with the form and character of the existing building group by risking its future coalescence with the buildings to the north-east. This risk would not be appropriately addressed by planting, which is a method of artificially curtailing groups that our current SPG does not promote. For this reason the proposal is considered to be contrary to Part A) and B) of Criterion A.

The development of greenfield land conflicts with NPF4 Policy 9 since the proposal does not comply with LDP Policy HD2. The proposal also does not satisfy the criteria for the acceptability of rural homes in Policy 17 of NPF4 and is therefore considered to be contrary to this policy also.

#### Visual Impact and Design

Indicative plans submitted with this application propose a large two storey dwelling but the acceptability of this would be considered at the AMC stage and not as part of this application.

#### Impact on Residential Amenity

The proposed site is large and would accommodate ample separation between this property and Mos Eisley allowing for little to no harm to residential amenity. It is considered that the proposed development of a dwelling on this site could comply with policy HD3 of the Local Development Plan, and the Householder Development SPG. Again this would be assessed in full at the AMC stage.

#### Parking and Road Safety

Policy PMD2 requires that development incorporates adequate access and turning space for vehicles, and ensures that there is no adverse impact on road safety. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards. There is suitable space for two parking spaces on this site and the Roads Planning Service have raised no objection subject to conditions.

#### Biodiversity and Ecology

A Preliminary Ecological Assessment was submitted with this application. This found that there were several protected/notable species and a large number of bird species within 2km of the site. Suitable mitigation would be required should planning permission be granted in the future. The site is not subject to any natural heritage designation but given the site is greenfield land a biodiversity enhancement scheme would be required.

#### Services and Drainage

The application form states that the proposed dwelling would be connected to a private water supply. Scottish Water have confirmed that there is no public water and waste water infrastructure within the vicinity of this proposed development. Environmental Health raised no objection to the proposal and confirmed in their response that exact details of the private water supply and overall drainage could be secured by conditions to comply with Policy IS9.

#### **Development Contributions**

Development contributions are currently not being sought for this area.

#### **REASON FOR DECISION:**

The development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan (2016), Policies 9 and 17 of NPF4 (2023) and the New Housing in the Borders Countryside Guidance (2008) because it would constitute housing in the countryside that would lead to an unjustified sporadic expansion of development into a previously undeveloped field likely leading to extension of the group that would adversely affect its character. These policy conflicts are not sufficiently overridden by other material considerations.

#### Recommendation: Refused

The development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan (2016), Policies 9 and 17 of NPF4 (2023) and the New Housing in the Borders Countryside Guidance (2008) because it would constitute housing in the countryside that would lead to an unjustified sporadic expansion of development into a previously undeveloped field likely leading to extension of the group that would adversely affect its character. These policy conflicts are not sufficiently overridden by other material considerations.

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





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 100633590-001

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	al 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 new dwelling together with access, garden, and associated works		
Is this a temporary permission? *	☐ Yes ☒ No	
If a change of use is to be included in the proposal has it already taken place?	Yes X No	
(Answer 'No' if there is no change of use.) *		
Has the work already been started and/or completed? *		
No Yes – Started Yes - Completed		
Applicant or Agent Details		
Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)	☐ Applicant ☒ Agent	

Agent Details				
Please enter Agent detail	s			
Company/Organisation:	Ferguson Planning			
Ref. Number:		You must enter a B	You must enter a Building Name or Number, or both: *	
First Name: *	Ferguson	Building Name:	Shiel House	
Last Name: *	Planning	Building Number:	54	
Telephone Number: *	01896 668744	Address 1 (Street): *	Island Street	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Galashiels	
Fax Number:		Country: *	Scotland	
		Postcode: *	TD1 1NU	
Email Address: *	Ruaraidh@fergusonplanning.co.uk			
Is the applicant an individual or an organisation/corporate entity? *  Individual  Organisation/Corporate entity				
Applicant Det	ails			
Please enter Applicant de	etails r			
Title:		You must enter a Building Name or Number, or both: *		
Other Title:		Building Name:	per Agent	
First Name: *		Building Number:	54	
Last Name: *		Address 1 (Street): *	Shiel House	
Company/Organisation	Buccleuch Estates Ltd	Address 2:	Island Street	
Telephone Number: *		Town/City: *	Galashiels	
Extension Number:		Country: *	Scotland	
Mobile Number:		Postcode: *	TD1 1NU	
Fax Number:				
Email Address: *	Ruaraidh@fergusonplanning.co.uk			

Site Address [	Details				
Planning Authority:	Scottish Borders Cou	ıncil			
Full postal address of the s	site (including postcode	where available):			
Address 1:					
Address 2:					
Address 3:					
Address 4:					
Address 5:					
Town/City/Settlement:					
Post Code:					
Please identify/describe the	e location of the site or s	sites			
Land north of Mos Eisley	y, Teviothead, TD9 0LG				
	05450			240554	
Northing	05458		Easting	340554	
Pre-Applicatio	n Discussior	1			
Have you discussed your p					☐ Yes ☒ No
Site Area					
Please state the site area:		1765.00			
Please state the measuren	nent type used:	Hectares (ha	) 🗵 Square Met	res (sq.m)	
Existing Use					
Please describe the current or most recent use: * (Max 500 characters)					
Agriculture					
Access and Parking					
Are you proposing a new a	ltered vehicle access to	or from a public r	oad? *		🛛 Yes 🗌 No
If Yes please describe and you propose to make. You	show on your drawings should also show existing	the position of an	y existing. Altered note if there will be	or new access points any impact on these	s, highlighting the changes

Are you proposing any change to public paths, public rights of way or affecting any public right of acce  If Yes please show on your drawings the position of any affected areas highlighting the changes you p arrangements for continuing or alternative public access.	
Water Supply and Drainage Arrangements	
Will your proposal require new or altered water supply or drainage arrangements? *	🛛 Yes 🗌 No
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
Yes – connecting to public drainage network	
☑ No – proposing to make private drainage arrangements	
Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide	further details.
What private arrangements are you proposing? *	
New/Altered septic tank.	
Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage tr	reatment such as a reed bed).
Other private drainage arrangement (such as chemical toilets or composting toilets).	
Please explain your private drainage arrangements briefly here and show more details on your plans a	and supporting information: *
Application is for Planning Permission in Principle. Applicant content to secure detailed drainage arraphase of planning process.	angements in subsequent
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *	Ⅺ 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? *	
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	t (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 determined. You may wish to contact your Planning Authority or SEPA for advice on what information	
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 F	loorspace		
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 *	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 (DEVELOPMI PROCEDURE) (SCOTLAND) REGULATION 2013	ENT MANAGEMENT		
One Certificate must be completed and submitted along with the application form. This is most usually Certific Certificate B, Certificate C or Certificate E.	ate A, Form 1,		
Are you/the applicant the sole owner of ALL the land? *	☐ Yes ☒ No		
Is any of the land part of an agricultural holding? *	🛛 Yes 🗌 No		
Do you have any agricultural tenants? *	Yes X No		
Are you able to identify and give appropriate notice to ALL the other owners? *	⊠ Yes □ No		
Certificate Required			
The following Land Ownership Certificate is required to complete this section of the proposal:			
Certificate B			

Land Ow	nership Certificate
Certificate and No Regulations 2013	otice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
I hereby certify th	at
	ther than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the period of 21 days ending with the date of the accompanying application;
or –	
` '	applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.
Name:	
Address:	Scottish Borders CouncilCouncil Headquarters, Newtown St Boswells, Melrose, Scotland, TD6 0SA
Date of Service o	f Notice: * 04/07/2023
(2) - None of the	land to which the application relates constitutes or forms part of an agricultural holding;
or –	
applicant has ser	part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the wed notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the appanying application was an agricultural tenant. These persons are:
Name:	
Address:	
Date of Service o	f Notice: *
Signed:	Ferguson Planning
On behalf of:	Buccleuch Estates Ltd
Date:	04/07/2023
	☑ Please tick here to certify this Certificate. *

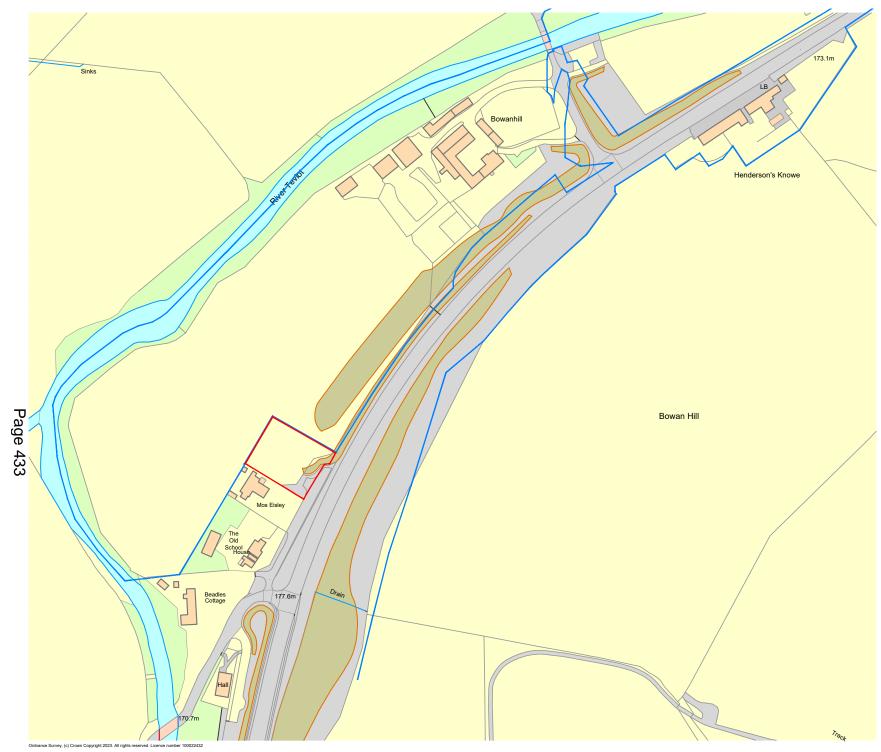
# **Checklist – Application for Planning Permission** Town and Country Planning (Scotland) Act 1997 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 Please take a few moments to complete the following checklist in order to ensure that you have provided all 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 Yes No Not applicable to this application b) If this is an application for planning permission or planning permission in principal 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 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 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. Floor plans. Cross sections. Roof plan. Master Plan/Framework Plan. Landscape plan. Photographs and/or photomontages.

Other.

Illustrative Streetscape

If Other, please specify: \* (Max 500 characters)

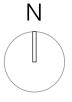
Provide copies of the following	g documents if applicable:	
A copy of an Environmental S	statement. *	☐ Yes ☒ N/A
A Design Statement or Design	n and Access Statement. *	☐ Yes ☒ N/A
A Flood Risk Assessment. *		☐ Yes ☒ N/A
A Drainage Impact Assessme	ent (including proposals for Sustainable Drainage Systems). *	☐ Yes ☒ N/A
Drainage/SUDS layout. *		☐ Yes ☒ N/A
A Transport Assessment or To	ravel Plan	☐ Yes ☒ N/A
Contaminated Land Assessm	ent. *	☐ Yes ☒ N/A
Habitat Survey. *		✓ Yes □ N/A
A Processing Agreement. *		☐ Yes ☒ N/A
Other Statements (please spe	ecify). (Max 500 characters)	
Planning Statement		
Declare – For A	pplication 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:	- Ferguson Planning	
Declaration Date:	04/07/2023	



Location Plan - Existing (1:2500)

100m scalebar - 1:2500

Disclaimer:
This generation of drawings is for the stated purpose only and should not be used for any other purpose without the originators consent. Do not scale from this drawing.



Revisions:

A: 06.06.23-ZM. Blue line added B: 07.06.23-ZM. Red and blue lines clarified C: 21.06.23-ZM. Boundary line clarified



TD15 1AS 01289 541 173 EH22 1HZ 0131 663 9735 TD1 1QJ 01896 753077

client:	Buccleuch Est Borders	ates		
project:	10367 Teviothead - E	Bowanhil	I	
title:	Site Location	Plan		
status:	PPP		drawn:	ZM
scale:	1:2500	@ A3	date:	23/05/2023
number:	10000-CSY	′-XX-XX	X-D-A-	1201
uitahility:			rev.	C

9 West Street 98 High Street 1 Wilderhaugh

BERWICK DALKEITH GALASHIELS

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# 23/01007/PPP 06/09/2023

# Henderson's Knowe Page 435 Bowan Hill

Location Plan - Existing (1:2500)

# 100m scalebar - 1:2500

### Disclaimer:

This generation of drawings is for the stated purpose only and should not be used for any other purpose without the originators consent. Do not scale from this drawing.



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

# **REFUSED**

subject to the requirements of the associated Decision Notice

Revisions:

C: 21.06.23-ZM.

suitability:

BERWICK DALKEITH GALASHIELS

A: 06.06.23-ZM. Blue line added B: 07.06.23-ZM. Red and blue lines clarified

Boundary line clarified



rev: C

TD15 1AS 01289 541 173 EH22 1HZ 0131 663 9735 TD1 1QJ 01896 753077

client:	Buccleuch Es Borders	tates					
project:	10367 Teviothead - Bowanhill						
title:	Site Location	Plan		genda It			
status:	PPP		drawn:	zm <b>E</b>			
scale:	1:2500	@ A3	date:	23/05/2023			
number:	10000-CS	Y-XX-X	X-D-A-	1201			

9 West Street 98 High Street 1 Wilderhaugh





# PERSPECTIVE SKETCH - AS PROPOSED



STREET VIEW - AS EXISTING NTS

This generation of drawings is for the stated purpose only and should not be used for any other purpose without the originators consent. Do not scale from this drawing.

# 23/01007/PPP 06/09/2023

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

# **REFUSED**

subject to the requirements of the associated Decision **Notice** 

> C A M E R O N S S T R A C H A N YUILL ARCHITECTS

client: Buccleuch Estates

Borders

project: 10367

Teviothead - Bowanhill

title: Existing and Proposed Perspectives

drawn: NM & ZM status:

date: 23/05/2023 scale: NTS @ A3

10000-CSY-XX-XX-D-A-6201 number:

suitability:

BERWICK

GALASHIELS

98 High Street 1 Wilderhaugh

TD15 1AS 01289 541 173 EH22 1HZ 0131 663 9735 TD1 1QJ 01896 753077

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# Upper Teviotdale and Borthwick Water Community Council

Chairman: Mr Walter Douglas Secretary:
Carlenrig Farm
Teviothead
HAWICK TD9 0LH

Observations and response to planning application 23/01007/PPP

Generally as a CC we welcome new houses or upgrades to existing buildings in our area as we are keen to see more good quality homes to improve the housing stock for residents and more houses help to maintain the rural population.

There is obviously scope for a few new houses within the Teviothead 'village' area.

This planning application is for a new house on a plot adjacent to existent residences. As this is just an application in principle there are no details given of any proposed building but any detail given by the applicant would suggest that the plot would be sold on for a 'self provided home' and a fairly substantial 2 storey building is envisaged. We would comment that we feel that the biggest requirement in our area is for affordable houses, affordable houses to rent that would be suitable for older people and families with young children.

The applicant states that the plot would adjoin 3 existing plots and states "All three existing dwellings are detached houses which are bound together by a direct, linear relationship without setoff or separation". Whilst this may be true of the plots the dwellings themselves on these plots are well separated and each retains its privacy and there is no affect on light or shade between the properties. A new 2 storey residence as shown on the site plan would however have a considerable impact on the adjoining Mos Eisley both in terms of privacy, views and light. The new house would be much closer to its neighbour than the distance separating the existing residences. The morning sunshine especially could be completely cut out. As detailed by the owner of Mos Eisley there would be a huge impact on privacy. If as mentioned a high hedge was planted on the boundary this may partially mitigate the privacy issue but would exacerbate the light and view issues. This would be an unacceptable outcome for the residents of Mos Eisley especially given that there are options within the field to provide a site which would drastically reduce the impact on the existing residences.

The application states that the new house would connect to a private water supply. Given the number of other properties already reliant on this supply the CC endorses the response from Environmental Health and agrees that a full report on the water supply is completed to reassure the existing users that the supply will be able to accommodate another user.

Finally we feel that as well as the owners of Mos Eisley being on the neighbour notification list, the residents in the other 2 properties in the 3 existing properties should also have been notified.



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

Development Operations The Bridge Buchanan Gate Business Park Cumbernauld Road Stepps Glasgow G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - <u>DevelopmentOperations@scottishwater.co.uk</u>
www.scottishwater.co.uk



Dear Customer,

Land East Of Mos Eisley, Teviothead, Hawick, TD9 0LQ

Planning Ref: 23/01007/PPP Our Ref: DSCAS-0090512-RPV

Proposal: Erection of dwellinghouse with access and associated works

# 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 Assessment**

Unfortunately, according to our records there is no public Scottish Water, Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private options.

# **Foul Assessment**

Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

### **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 <u>our</u> 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 <u>our Customer Portal</u> 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 <a href="https://www.scotlandontap.gov.uk">www.scotlandontap.gov.uk</a>

# **▶** 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 launderettes. 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 <a href="https://example.co.uk.nih.gov/">here</a>.
- 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,

# Ruth Kerr.

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."



# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided	Officer Name	e and Post:	Contact e-mail/n	umber:	
by	Environmenta	al Health	PLACEhealth@sc	cothorders any uk	
	Craig Liddle	ai i icaitii	T E/(OE/ICaltif@30	otborders.gov.dik	
Date of reply	26 July 2023		Consultee refere	ence: 23/01738/PLANCO	
Planning Application Reference	23/01007/PP	Р	Case Officer: Stuart Small		
Applicant	Buccleuch Es	states Ltd	otdart oman		
Agent	Ferguson Pla				
Proposed Development	Erection of dv	vellinghouse with ac	cess and associated wo	orks	
Site Location	Land East Of	Mos Eisley Teviothe	ead Hawick Scottish Bor	rders	
as they relate to the a	rea of expertis	se of that consulted	f the consultee on the e. A decision on the ap onsultations and mate		
Background and Site description			on of a single dwelling on adjacent to a group o	on agricultural land. The of existing dwellings.	
Key Issues (Bullet points)	<ul> <li>Private water supply</li> <li>Private drainage arrangements</li> </ul>				
Assessment	Private wate  The Planning supply on the should be subtained a sufficient support the amenta of the condition. The information of the information	Statement refers to estate, however no estate, however no emitted in order to exply of wholesome enity of any neighbour provided below (Coron required to be susupply informative, as age arrangements are stage. Private drawn or clear responsivorking condition. Provided that a ecommended that a ecommended that a elence to be submitted maintained in a suitable of the commended in a suitable of the comme	the dwelling being confurther detail is provided asure the development is water and there are no uring properties. It is the addition 1) is attached to bmitted to satisfy this coalso provided below.  The proposed, however not aimage systems often castility or access rights extra coblems can also arise wand the rights and duties condition is attached to do for the arrangements in table condition. Condition	erefore recommended that the consent if granted. In the consent if granted by the condition is provided	
Recommendation	Object	Do not object	Do not object, subject to conditions	Further information required	

# Recommended Conditions

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.

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.

2. No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition.

Reason: To ensure that the development does not have a detrimental effect on amenity and public health.

# Recommended Informatives

# **Private water supply**

To fulfil this Condition (Condition1), the following information should be provided:

- 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.

# Private drainage system

Private drainage systems often impact on amenity and cause other problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling

served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.



# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	Roads Planning Service	е		
Officer Name, Post and Contact Details	Ryan Johnston Roads Planning Technician			scotborders.gov.uk 5 826999
Date of reply	07/08/2023		Consultee reference	<b>e</b> :
Planning Application Reference	23/01007/PPP		Case Officer: Stuart Small	
Applicant	Buccleuch Estates Ltd			
Agent	Ferguson Planning			
Proposed Development	Erection of dwellinghouse with ac	cess	and associated works	;
Site Location	Land East Of Mos Eisley Tevioth	ead I	Hawick Scottish Borde	ers
as they relate to the	vations represent the comments area of expertise of that consult ration of all relevant information	ee. A	decision on the app	olication can only be
Background and Site description				
Key Issues (Bullet points)				
Assessment	I shall have no objections to the p similar to the one below is attached.  I would note that given there is an turning head it would be expected public road would also be taken from drawing no.10000-CSY-XX-XX-December 1	ed to n exis d that rom tl	any consent given.  ting field access for the the new access to the his location as per the	e site at the rear of the property from the
Recommendation	Object Do not object		Do not object, bject to conditions	Further information required
Recommended Conditions	Parking and turning for two vehicl the curtilage of the plot before the thereafter in perpetuity. The parking 3 metres per space and the grant otherwise agreed in writing with the Reason: To ensure the property is	e dwe ng ar adien ne Co	Ilinghouse is occupied ea formed should be a steepe ouncil.	I and retained a minimum of 6 metres r than 1 in 12, unless
Recommended Informatives				

Signed: DJI

REF: 23/01007/PPP

**From:** richard mackie

**Sent:** 20 July 2023 18:58

**To:** Planning & Regulatory Services

**Subject:** objection to planning application 23/01007PPP

**Attachments:** image 1.png; image 2.jpg; image 3.jpg; image 4.jpg; image 5.jpg; image 6.jpg; image

7.jpg; image 8.jpg; image 9.jpg; image 10.jpg

**Importance:** High

### **CAUTION: External Email**

Mos Eisley Teviothead Hawick TD9 0LG 16.7.23

## Dear Sir/Madam,

I refer to your letter dated 6.7.23 regarding planning application number 23/01007/PPP and the proposed development of land east of Mos Eisley.

I wish to object to the proposal for the following reasons and ask that the council take them into consideration and reject the application.

### 1. Water

The three existing properties are connected to the same private water supply. There is already concern that the windfarms will have a negative affect on our water supply due to the massive concrete bases required to hold them. There will be less ground water available for private supplies without the addition to a fourth property on the same supply.

The next supply over from us at Carlenrig ran dry only a couple of years ago. While we were fortunate enough not to, adding a fourth property at the proposed site will greatly increase the chances of this.

Has a survey been conducted to assess the suitability of another property with regards to the existing water supply and storage tanks? A survey should include an assessment of the existing springs, current water storage tanks and the negative affect the windfarms could have on the supply. While I see that Scottish Water has been consulted, the documents are 'unavailable at this time' to be viewed via the councils website

# 2. Not in keeping with existing buildings

While stated in the application a number of times that the existing three properties are 'rowed', It should be noted that while the existing three properties are adjacent, the domiciles however, very much are not (image 1.).

As can be seen in image 1, Beadles cottage sits significantly further back than the other two (and at a much lower elevation). As such, Beadle's cottage cannot be seen at all from either the dwellings at Mos Eisley or the Old School House or even from their respective grounds.

As also can be seen from image 1., The Old School House sits toward the front of the property and Mos Eisley to the rear of it's own. Neither Mos Eisley nor the Old School House have any windows at all facing one and other and these three houses, therefore, enjoy a significant degree of privacy from one and other.

At the closest point, the building of Mos Eisley is 15 metres away from The Old School House. The proposed plans show a dwelling significantly closer to Mos Eisley than this (image 2). The Old School House only just appears in image2 and it is clear that the proposed building will sit significantly closer to Mos Eisley than this. Adding a fourth dwelling directly adjacent to Mos Eisley is very much not in keeping with the current dwellings at this site. Mos Eisley would have a total of three windows and two glass windowed doors directly facing the

new property. One of which would be directly facing the new building and a balcony/balcony door directly overlooking it (image 3,4,5 and 6)

Also from the plans, the proposed building is significantly larger than the existing three. It certainly appears to be much larger than Mos Eisley which is currently the largest of the three buildings having formally been a school. The proposed building looks to be almost double the size of The Old School House and Beadle's cottage. It should be noted that the building at the West of The Old School House is a shed and not part of the house itself. Is there an estimated square footage of the proposed new building? And how does it compare to the existing three?

# 3. Overlooking

As can be seen from image 7, Mos Eisley has a balcony at the East side of the building. This balcony clearly overlooks the entirety of the proposed development. While the proposed building terminates prior to the balcony, should one be constructed, there will still be clear privacy issues for both buildings. There couldn't be a better example of one property overlooking another.

# 4.Light

While I note from the plans that the proposed property terminates about midway the length of Mos Eisley, a hedge row etc. at such close proximity to maintain privacy would have a large negative effect on the natural light coming in to Mos Eisley. It should be noted that image 3, 4, 5 and 6 were all taken while standing on the proposed site. This shows just how close a hedge row would be at the boundary on the proposed development. Any foliage extending above the existing wall will negatively affect the light coming into these windows and glass door.

Please note that the kitchen door (image 4), while not the front door, is the main entrance to Mos Eisley. This door and the surrounding windows are the largest that allow light to enter the kitchen. Image 5 Is the only window into our utility room which would also be negatively affected. Image 3 is a living room window which will also be negatively affected not just by foliage, but by the proposed building itself.

It seems to me that should the proposal go ahead, residents of Mos Eisley will be left with the choice to either significantly lose light or significantly lose privacy.

# 5. Privacy

One of my biggest concerns regarding the proposed development is privacy. As you can see form image 8, Anyone stood on the rear of the proposed property will have a direct view up to the balcony of Mos Eisley. The access door to the balcony opens into the master bedroom of Mos Eisley. My wife and I choose to have this door open most of the time and leave it open through the night the year round.

Even if the proposed development has no windows directly facing Mos Eisley, anyone just standing on the site in the garden to the rear will have a clear view of the balcony and straight into my bedroom. Image 8 was also taken while standing on the proposed site. There is a clear view into the bedroom and you can clearly see one of my children sitting on my bed. Image 9 was taken from the back of the bedroom and shows a clear view through to the proposed site.

It would take a tree line of almost forty feet to maintain privacy to the bedroom which would obviously come with an even more unacceptable loss of light.

I consider a new property to be located here to be one of the grossest intrusions of privacy imaginable and I urge you to reject the proposal.

# 6. Rare/endangered species

I believe that the survey to check for rare and endangered species is inadequate. Prior to Mos Eisley being occupied, a section of wall on the boundary began to fall. Rather than repair it, the local farmer at the time

simply elected to move the field fence further back. This created a small space of 'no mans land' which has since bloomed with wild flowers (image 10)

This small area attracts a range of butterflies including the rare Scotch Argus which is only found in the Northern parts of England and Scotland. The proposed development on this site would remove this mini habitat altogether and obviously have a detrimental effect on this rare species.

While I, unfortunately, have no photographic evidence of this butterfly, I have seen it on numerous occasions in this area and I believe that, at the very least, a full survey of this area should be done again with this rare species in mind. The initial survey was clearly not adequate.

# A potential solution

For all the reasons stated above, I believe the current development should not go ahead. However, I would like to express my interest in purchasing the proposed plot of land myself. This would be strictly for agricultural use and the intention would be to make the entire area a mini wildlife haven with particular attention given to the local bee and butterfly population.

My intention would be to fill the area with bee and butterfly friendly flora and also to add beehives. Please note, this would not be for commercial purposes. Any existing flora would remain completely untouched. Provided the existing flora is allowed to remain and a full survey done to assess the suitability of the water supply, I would have no objection to a property development on the east boundary of the current proposed area. I feel that it would be sufficiently far enough away from Mos Eisley to address my other concerns. If my purchasing the proposed plot is something you would consider, please don't hesitate to get in touch. Kind regards,

Richard Mackie Occupier Mos Eisley Teviothead Hawick TD9 OLG

Cc Watson McAteer – councillor <u>Watson.McAteer@scotborders.gov.uk</u>
Cc Tom Prescott – Head of Conservation for Butterfly Conservation Scotland <u>tprescott@butterfly-conservation.org</u>
cc Fay Wilkinson Butterfly Conservation Scotland <u>fay@ecosse.net</u>

Cc John Lamont MP john.lamont.mp@parliament.uk

Sent from Mail for Windows



Page 453





















# Local Review Body – List of Policies 26<sup>th</sup> February 2024

Local Review Reference: 23/00053/RREF

Planning Application Reference: 23/01007/PPP

Development Proposal: Erection of dwellinghouse with access and associated works

Location: Land East of Mos Eisley, Teviothead

**Applicant:** Buccleuch Estates Ltd

# National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 9: Brownfield, vacant and derelict land and empty buildings

Policy 11: Energy

Policy 14: Design, Quality and Place

Policy 16: Quality Homes
Policy 17: Rural Homes
Policy 18: Infrastructure first

Policy 22: Flood risk and water management

# Scottish Borders Local Development Plan 2016 (LDP)

PMD1: Sustainability PMD2: Quality Standards

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP3: Local Biodiversity

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)
- New Housing in the Borders Countryside Supplementary Planning Guidance 2008
- Privacy and Amenity Supplementary Planning Guidance 2006
- Placemaking and Design Supplementary Planning Guidance 2010





# **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

THETOWN AND COUNTRYPLANNING(SCHEMESOFDELEGATIONAND LOCAL REVIEWPROCEDURE) (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)ulie Harrison		Agent (if any)		
Name Middle Hous	e, Kingsmuir Hall, Bonnington	Name		
Address		Address		
EH45 9HE				
Postcode		Postcode		
Contact Telephone 1 Contact Telephone 2 E-mail*		Contact Telephone 1 Contact Telephone 2 E-mail*		
		Mark this box to confirm this representative:	all contact should be through	
			Yes N	
*Do you agree to corresp	ondence regarding your review l	peing sent by e-mail?		
Scot	tish Borders Council			
Planning authority	23/0	00225/FUL		
Planning authority's applie		10220/1 OL		
Site address				
Description of proposed development				
Date of application	27/1/2023 Da	ate of decision (if any)	8/12/2023	

Page 1 of 4 Page 465 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.

Natu	ure 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	
Rea	sons 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	
Revi	iew procedure	
durir the writt	Local Review Body will decide on the procedure to be used to determine your review and may at any time ng the review process require that further information or representations be made to enable them to determine review. Further information may be required by one or a combination of procedures, such as: ten submissions; the holding of one or more hearing sessions; and/or inspecting the land which is the ect of the review case.	
	ase indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your lew. You may tick more than one box if you wish the review to be conducted 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 yo	ou have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you	
ľ.		
Site	inspection	
In th	ne event that the Local Review Body decides to inspect the review site, in your opinion:	
1.	Can the site be viewed entirely from public land?	
2	Is it possible for the site to be accessed safely, and without barriers to entry?	Ш
	ere are reasons why you think the Local Review Rody would be unable to undertake an unaccompanied site.	
insp	ection, 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.

		notice requesting fur ment on any additio					
	d any matters which n your application w	were not before the as made?	appointed officer	at the time the	Ye	s No	
If yes, you sho	ould explain in the er before your applic	box below, why yo	u are raising nev	v material, why onsider it should	it was not raised	with the	
review.						,	

# List of documents and evidence



<u>Note:</u> 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.

			st

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

<u>Note:</u> 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

	cant/agent [delete as appropriate] hereby serve notice on the as set out on this form and in the supporting documents.	planning authority to review the $18/12/2023$
Signed	Date	10/12/2020

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

Middle House
Kingsmuir Hall
Bonnington Road
Peebles
EH45 9HE
28 October 2023

Scottish Government's Division of Planning and Environmental Appeals Division

Planning and Environmental Appeals Division Ground Floor Hadrian House Callendar Business Park Callendar Road Falkirk FK1 1XR

Dear Sir / Madam

Ref 23/00225/FUL and 23/00140/LBC for address above

This letter is to support our planning appeal related to correspondence ongoing with Scottish Borders Council (SBC) since our applications were submitted back in January 2023. This only relates to the replacement windows part of our proposals – SBC have intimated that other aspects of our proposals are acceptable.

Throughout the process we have requested clarity on whether uPVC would be allowed and although we received nothing concrete to confirm whether this was allowed, we've now had confirmation that only Timber sash and case replacements are acceptable to SBC. This was provided on 17/10/23, although we've been asking for clear guidance from the start. We have no issue with matching the replacement windows to the style and also the size of the double glazing unit, our only point of contention is the material being timber rather than uPVC. SBC have now formally rejected our proposals which allows us to progress an appeal. Given the following we wish to appeal:

- uPVC provides better thermal efficiency, requires less maintenance, is less prone to impacts of weather and is also cheaper (both to replace and maintain)
- Our property is located in a private lane and is only partially visible to our neighbours who
  have raised no objections to our plans. The frontage is only visible to neighbours in
  Kingsmuir Hall (3 flats, 1 on each floor of the original Hall). The rear is only accessible to us
  and is only visible to Lower Kingsmuir Hall occupants if they are in their garden or from the
  top floor of Kingsmuir House if guests in the property should be looking out of their
  windows.
- Peebles Civic Society have not objected to replacement with uPVC
- We have continued to maintain our commitment to replacements that are sympathetic to the existing historic style of the building and in keeping with the existing size, style and appearance

- Replacement will improve the current look by removing external aluminium secondary glazing that exists on some windows
- We are endeavouring to reduce the impact of our home on the environment aligned to the climate emergency and we feel this aligns to what Scottish Government is also trying to achieve
- Neighbouring building has already had uPVC windows installed that are <u>not</u> aligned to historic style which were retrospectively approved
- Other properties that are located in the conservation area and on main roads, and therefore
  more visible, have been allowed uPVC replacements that do retain the historic style. An
  example is the recently approved plans for 9A Bonnington Road. The replacements look
  great, retain the historic look and do not detract from the appearance of the overall building
  where the lower flat retains historic timber sash and case.
- We are unclear who would have special interest in us replacing with timber and how that would manifest in the future would we expect our property to be examined in some way by these interested parties to study the timber sash and case windows given they wouldn't be original? Who are these interested parties?
- It does feel like there is more interest in the past, rather than the future of our home and the impact it continues to have on the environment
- Internet searches of our property have returned no historical references to understand why our home would be of special interest to anyone. The only returned results relate to the listing, rather than the property history
- Given the recent Scottish Govt 'Proposals for a Heat in Buildings Bill' Consultation paper anything that helps us achieve optimal efficiency in our home allows us to bring our home up to spec and achieve an EPC rating in the future that meets climate crisis objectives

We have worked towards compromising by applying with timber sash and case replacements in the front of the property, but to no avail. We have also requested a site visit to work with SBC and make it clear how little visibility our property has to others except our neighbours, but have been told that wouldn't be possible. We would welcome a site visit to make it clear the current state of our windows, especially in the upstairs rear bedrooms, and the location / visibility of the property to others.

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Yours faithfully

Julie Harrison

### CORRESPONDENCE VIA EMAIL WITH SCOTTISH BORDERS PLANNING DEPT

## Timeline of correspondence

Date	Descrip <b>e</b> on
14/02/2023	Acknowledgement leΣ er for applicaOon 23/00225/FUL
14/02/2023	Acknowledgement leΣ er for applicaOon 23/00140/LBC
03/04/2023	Response from Ranald Dods and Sanne Roberts (HDO) on
	proposed planning
05/04/2023	Response to Sanne Roberts (HDO) re consulta@on response
07/04/2023	Response from Sanne Roberts (HDO) re further info provided
07/04/2023	Response to Sanne Roberts (HDO) re email 7/4/23
07/04/2023	Further info to Sanne Roberts (HDO) re email 7/4/23
12/04/2023	Response from Sanne Roberts (HDO) re further info provided
24/04/2023	Email to Sanne Roberts (HDO) to check progress
24/04/2023	Response from Ranald Dods re email to check progress
24/04/2023	Response to Ranald Dods re email 24/04/2023
17/05/2023	Email to Ranald Dods to check progress
25/05/2023	Response from Ranald Dods requesong more informaon
26/05/2023	Response to Ranald Dods requesong more informaon on what
	is acceptable re windows
26/05/2023	Response from Ranald Dods with window guidance and note that
	uPVC may be acceptable in some instances
06/06/2023	Response to Ranald Dods confirming addieonal info added to
	portal
16/06/2023	Response to Ranald Dods confirming addieonal info added to
	portal
16/06/2023	Response from Ranald Dods confirming need to add all
00/07/0000	documents to both FUL and LBC applicaeons
20/07/2023	Email to Ranald Dods to check progress
21/07/2023	Response from Ranald Dods re latest addi@onal informa@on provided
27/07/2023	Response from architect related to correspondence not available
	on the portal (Soured a local architects firm to provide drawings
	requested (D H Farmer, Peebles))
02/10/2023	Email to Ranald Dods confirming all addi@onal informa@on added
	to portal
11/10/2023	Email to Ranald Dods to request update
17/10/2023	Response from Ranald Dods a\(\tilde{O}\)er request for update
20/10/2023	Response to Ranald Dods re. email 17/10/23
28/11/2023	Enquiry to SBC re decision Omescales
28/11/2023	Response from Ranald Dods a\(\tilde{O}\)er request for update
28/11/2023	Response to Ranald Dods a Oer request for update
28/11/2023	Response from Ranald Dods a\(\bar{O}\)er request for update
28/11/2023	Response to Ranald Dods a Tequest for update
28/11/2023	Response from Ranald Dods a\(\tilde{O}\)er request for update
29/11/2023	Enquiry to SBC re decision Omescales
29/11/2023	Response from Ranald Dods a\(\tilde{O}\)er request for update
5/12/2023	Response from Barry Fotheringham re complaint raised to get a planning decision logged to allow us to appeal
5/12/2023	Response to Barry Fotheringham re complaint response
J. 12/2020	1.33portso to Barry Forthermigham To complaint response

6/12/2023	Response from Barry Fotheringham re complaint response
8/12/2023	Confirma@on of planning decision to reject uPVC replacement
	windows

Copy of Correspondence sorted by earliest to latest date:

From: Dods, Ranald < Ranald. Dods@scotborders.gov.uk >

Date: Mon, 3 Apr 2023, 11:37

Subject: [OFFICIAL] 23/00140/LBC & 23/00225/FUL, Middle House, Kingsmuir Hall

To

**Dear Miss Harrison** 

You will doubtless have seen the consulta@on response from our Heritage and Design Officer (HDO) in the online file (23/00140/LBC). In that she states:

"It would be most appropriate for solar panels to be  $fi\Sigma$  ed in a more discreet loca $\Theta$ on, for example the south roof slope to the rear (two storey) sec $\Theta$ on of Middle House as this would be a much less visible loca $\Theta$ on. Any accepted panels should be black framed and glare should be minimised, to reduce their impact further.

"It is proposed to relocate the boiler to within a window recess. It is unclear from the descrip@on how the window would be finished. There is concern this would result in a non-tradi@onal appearance which would detract from the listed building.

"The historic sash and case windows to this property contribute to its character and special interest. In accordance with policy in the SPG, repair of windows on a like for like basis is preferred. This can include refurbishment and draughtproofing of the windows which can be very effective. Replacement with the mber windows to match the existing on a like for like basis would be supported, and can include double glazed units. There are no specific and justified circumstances that would suggest uPVC should be accepted in this case".

I do not disagree with that assessment. Before we can support the applica@ons, we will need some further informa@on, that will include the details set out in the HDO's response. You should refer to

our supplementary planning guidance on "Replacement Windows and Doors", which is available on our website. We will also need exisong and proposed elevaons (rather than just a roof plan contained within another document) to show the impact of the solar panels. I should say that I found the plans somewhat confusing and those could be set out a lot more clearly. Notwithstanding the HDO's comments, I note that you have supplied a window brochure but that does not detail which window it is proposed to install. In addion, to make a proper assessment, we would need to have an idea of the dimensions of the windows (including astragals) which it is proposed to replace. Ideally that should be set out on a drawing.

Please arrange for the addional informaon to be uploaded via the portal by the 11<sup>th</sup> of April. If you require addional ome to do that, please let me know

Yours sincerely,

### **Ranald Dods**

**Planning Officer** 

**Development Management** 

Planning Housing and Related Services

Scottish Borders Council

Tel: 01835 825 239

E-mail: ranald.dods@scotborders.gov.uk

From: Julie Harrison

Sent: 05 April 2023 06:37

To: Roberts, Sanne <Sanne.Roberts@scotborders.gov.uk>

Cc: Adrian McCarthy Dods, Ranald < Ranald. Dods@scotborders.gov.uk >

Subject: Re: [OFFICIAL] 23/00140/LBC & 23/00225/FUL, Middle House, Kingsmuir Hall

### **CAUTION: External Email**

**Dear Ms Roberts** 

I'm wri@ng in response to your comments that Ranald Dods has forwarded on and to provide more informa@on as requested.

Solar panels

In terms of the loca\(\theta\)on, the south slope of the rear extension would only fit 4 solar panels as there is an adjoining roof that connects the front and rear aspects of the building. We inves\(\theta\)gated this op\(\theta\)on when get ng 3 quotes through (as advised by Home Energy Scotland). Installing only that number of panels is not viable in terms of cost versus kW output. We'd be happy to provide details

of the 3 firms should you wish to verify that independently. In terms of visibility to others Middle House is not visible from Bonnington Road and the front aspect is only seen by the 4 neighbours who have access to the front lane. We are happy to adhere to the requirements for black frame and glare reduceon should our applicaeon be approved.

#### Boiler reloca<del>0</del>on

We are no longer planning to relocate the boiler to a window recess and it will remain close to current loca@on but moved within a kitchen cupboard to accommodate removal of the wall. Please let us know if you need further informa@on on that aspect.

### Windows

When we received the home report for our new home the windows were shown as Category 1 by Allied Surveyors (ie: No immediate acon or repair is needed.). This is the extract from the survey (please let me know if you would like a copy of the full survey).

"Windows, external doors and joinery

Repair category: 1

Notes: Missing ironmongery was noted to some of the windows."

Given the survey informa $\Theta$ on we didn't expect to need windows immediately but having just endured our first winter we've realised that the 3 rear bedroom windows let in rain and we've had a large build up of ice, plus the windows ra $\Sigma$  le in their frames. I have pictures of the ice inside the windows, one of which I've a $\Sigma$  ached. We've also been paying approx £450 per month in energy costs. We certainly can't afford to replace/ repair all of the windows at once, but we do need to deal with the bedroom windows. We've also discovered that as the EPC cer $\Theta$ ficate makes no men $\Theta$ on of the windows as an improvement we have no access to a loan via Energy savings trust so will have to find funds ourselves for this unexpected expense.

In terms of choosing uPVC over Omber, this is preferred mainly due to cost and thermal efficiency, but I've shared a link here on benefits of choosing uPVC:

 $\frac{h\Sigma\,ps://www.sashwindowsuk.com/blog/5-differences-between-wood-effect-upvc-windows-and-\\ \underline{\bullet}mber-$ 

 $\underline{windows\#:} \sim : text = Leading\%20on\%20 from\%20 point\%20 number, the\%20 most\%20 cost\%2D effec @ we\%20 point\%20 number, the\%20 most\%2D effec @ we\%20 point\%2D effec @ we\%2D effec @ we$ 

We're keen to have windows appear in keeping with the exterior look and do our bit to reduce emissions from our home by doing what we can and would be happy to align to that.

Overall we're also keen to help to achieve Scotland's net zero ambi\theta ons by doing what we can within our new home which is sympathe\theta to the heritage but allows the building to survive into the future.

Please do let us know if you could visit our home or the lane outside and we'll be happy to meet with you to demonstrate any of the above informa@on.

Many thanks

Julie Harrison

On Fri, 7 Apr 2023, 11:04 Roberts, Sanne, < <u>Sanne.Roberts@scotborders.gov.uk</u>> wrote:

Dear Julie Harrison.

Thank you for your email. Unfortunately I am unable to visit your property, but can make the following comments on the addional informaon provided in your email.

Solar Panels: It is useful to understand what alternaeves have been invesegated for the solar panels. Can the number of panels on the front roof slope be reduced to one row (below the rooflights) with a further four placed on the south slope of the rear extension? This would provide a similar output whilst reducing the impact on the listed building.

Boiler: Please provide an annotated photograph showing the proposed loca@on of the boiler. The plans should also be updated to show the revised proposal.

Windows: As per the council's policy and Historic Environment Scotland's Managing Change Guidance, I am sell unable to support upvc windows as a replacement to historic ember sash and case windows. Well-maintained ember windows should last much longer than upvc replacements, which typically have a lifespan of 15-20 years at which point they require replacement with the old frames having to go to landfill. Historic ember windows were generally of good quality ember and many can be repaired even when they seem in very poor condieon. An independent joiner should be able to advise on this. Slimline double glazed units and/or secondary glazing could be considered alongside repair, or phased replacement in ember could be considered.

Please ensure Ranald Dods is kept in copy to any correspondence or further informaθon, as he is case officer for your applicaθon and will make the final decision based on assessment of the case and all consultaθon responses. Any revised plans or new informaθon should be submiΣ ed to the portal directly.

Kind regards,

Sanne

Sanne Roberts, Heritage and Design Officer

On Fri, 7 Apr 2023, 13:03 Julie Harrison wrote:

Many thanks Ms Roberts for your prompt response.

**SOLAR PANELS:** 

We did discuss alterna@ve placement of solar panels with the 3 firms who quoted and they all considered that placement u@lising the front south facing roof was the best op@on with poten@al to add 4 more on the rear south facing sec@on, although that significantly increased the cost of installa@on due to the addi@onal scaffolding and @me taken. We also took extensive advice from home energy Scotland on other renewables and were advised that other op@ons weren't viable for our property.

Could you advise us if the current request would be acceptable?

### WINDOWS:

In terms of the windows we'll need to alter our planning applica $\Theta$ on to maximise the benefit of replacement if we're unable to keep costs down with cheaper methods. Would it be possible to replace the two rear facing bedroom windows and one west facing bedroom window with uPVC or will  $\Theta$ mber replacements be the only acceptable op $\Theta$ on? These are beyond repair and need to be replaced. The internal shu $\Sigma$  ers are not the originals and are also in a poor state of repair.

We'll leave those sash and case windows that already have secondary glazing as they are, which relates to the 2 front facing windows, the west facing downstairs bathroom and staircase window and the upstairs bathroom window

In terms of other windows, there are 3 non tradional ones as follows - would it be acceptable to replace those with uPVC double glazed units that are sympatheoc in style to the current windows in place but allow us to open them!

- laundry window
- side and rear kitchen window

We also have a kitchen door that is non tradioonal - would we be able to replace this with uPVC? This door is to the rear of the property and provides access from the porch.

In terms of uPVC ending up in landfill we were quoted based on uPVC windows made from recycled uPVC, which is something that is increasing and wanted to seck with that as our source material from the supplier.

Please let us know your thoughts on that basis and we can adjust our applica@on.

### **BOILER:**

We'll submit boiler reloca@on change to the portal.

Many thanks, Julie Harrison

From: Julie Harrison

Sent: 07 April 2023 13:13

To: Roberts, Sanne < <u>Sanne.Roberts@scotborders.gov.uk</u>>

Cc: Adrian McCarthy Dods, Ranald < <u>Ranald.Dods@scotborders.gov.uk</u> >

Subject: Re: [OFFICIAL] 23/00140/LBC & 23/00225/FUL, Middle House, Kingsmuir Hall

**CAUTION**: External Email

Apologies I also meant to share informaon and photos of our winter experience with the bedroom windows. We had to resort to window film and perspex to provide draught proofing which of course leaves us unable to open the windows and allow fresh air in, which is not ideal.

Kind regards, Julie Harrison

On Wed, 12 Apr 2023, 09:54 Roberts, Sanne, < Sanne. Roberts@scotborders.gov.uk > wrote:

Dear Julie,

Thank you for your emails and the addional informaon. I will discuss this with colleagues who ulomately will be the ones to assess and determine the applicaon.

Sanne

### **Sanne Roberts**

Heritage and Design Officer

From: Julie Harrison

Sent: 24 April 2023 10:56

To: Roberts, Sanne < Sanne. Roberts@scotborders.gov.uk >

Cc: Adrian McCarthy Dods, Ranald < <u>Ranald.Dods@scotborders.gov.uk</u> >

Subject: Re: [OFFICIAL] 23/00140/LBC & 23/00225/FUL, Middle House, Kingsmuir Hall

**CAUTION:** External Email

Dear Sanne

Did you manage to progress with discussions? Happy to provide any more informa@on as required.

Many thanks, Julie Harrison

On Mon, 24 Apr 2023, 11:33 Dods, Ranald, <Ranald.Dods@scotborders.gov.uk> wrote:

Julie.

Sanne has discussed this with me. I soll havaae to make a recommendaon on the proposal but I may be asking for revised drawings. I will revert when I have had a chance to re-examine the applicaons.

Ranald

On Mon, 24 Apr 2023, 12:49 Julie Harrisor

wrote:

Ok, many thanks. Please feel free to call me if easier to answer any queries. My number is

Kind regards, Julie Harrison

From: Julie Harrison

Date: Wed, 17 May 2023, 10:43

Subject: Re: [OFFICIAL] 23/00140/LBC & 23/00225/FUL, Middle House, Kingsmuir Hall

To: Dods, Ranald < <u>Ranald.Dods@scotborders.gov.uk</u>>

Cc: Roberts, Sanne < Sanne.Roberts@scotborders.gov.uk >, Adrian McCarthy

Dear Mr Dods,

Has there been any progress on our planning applica $\Theta$ on? The main reason for our urgency is to get at least the bedroom windows ordered and fi $\Sigma$  ed prior to winter to avoid having the experience we've had over our first winter. Happy to answer any ques $\Theta$ ons you might have to help resolve any issues.

Apologies for chasing, I'm aware planning resources are stretched.

Many thanks

Julie Harrison

On Thu, 25 May 2023, 12:06 Dods, Ranald, <Ranald.Dods@scotborders.gov.uk> wrote:

Julie,

Having looked again at the file, I will need a set of revised drawings which show clearly what changes are proposed. The current drawings are confusing.

I find sheet of drawings (the one where you set out in text what the changes are) really confusing. The 2<sup>nd</sup> page has the plan orientated a different way and has a photograph in the middle. It is also appears to have both exisOng and proposed plans on it. I soll am not clear what

windows you wish to replace and with what, especially in light of your email of the 7<sup>th</sup> of April. In that, I note that you menoon that you want to replace a door with a uPVC one. That is an element which was not in the original submission and would need to be subject of nooficaon and adverosement.

We soll don't have a roof plan as a separate drawing showing where the solar panels are going to be. That should show the whole building so we can judge the context. We would also need exisong and proposed elevaons, showing the solar panels and the windows which will have work done / be replaced.

Clearly you have put a good deal of  $\Theta$ me and effort into the applica $\Theta$ on but I don't think that we have sufficient informa $\Theta$ on and clarity on what is proposed. If you feel that you can't set out the informa $\Theta$ on clearly and provide properly scaled drawings showing the exis $\Theta$ ng and proposed works, it may be be $\Sigma$  er to engage a professional who could provide the drawings for you. That is, however, a choice for you but I am regre $\Sigma$  ably not able to make a recommenda $\Theta$ on based on the informa $\Theta$ on I have.

Please could you let me know how you wish to proceed? If you want to submit revised and addi@onal drawings, please do so via the portal by the 23<sup>rd</sup> of June. If you need addi@onal @onal @onal

### Ranald

From: Julie Harrison

Sent: 26 May 2023 07:35

To: Dods, Ranald < <a href="mailto:Ranald.Dods@scotborders.gov.uk">Ranald.Dods@scotborders.gov.uk</a>>

Cc: Adrian McCarthy Roberts, Sanne

<Sanne.Roberts@scotborders.gov.uk>

Subject: Re: [OFFICIAL] 23/00140/LBC & 23/00225/FUL, Middle House, Kingsmuir Hall

### **CAUTION: External Email**

Dear Mr Dods

Thanks for let ng me know. I'll endeavour to get new documents to you by that date or let you know more Ome is needed.

Can you at least give clarity on whether uPVC double glazed windows that look the same would be acceptable then I can at least provide clear informa\text{\text{\text{o}}} on on our request. I'm finding it quite difficult to be clear with no indica\text{\text{\text{o}}} on from you on what's acceptable. I'd prefer not to waste your \text{\text{\text{\text{o}}} me and ours put ng in an applica\text{\text{\text{o}}} on that you'll reject because of the choice of materials.

Your quick response would be appreciated since we're now over 3 months past the original applica@on date and this request puts us back to the beginning of the process.

Many thanks

On Fri, 26 May 2023, 09:02 Dods, Ranald, <Ranald.Dods@scotborders.gov.uk> wrote:

Thank you.

Our guidance on replacement windows and doors (copy a $\Sigma$  ached in case you have not already seen that) is clear at page 6. Whilst it is difficult to say defini $\Theta$ vely, it  $\underline{may}$  be acceptable to introduce uPVC windows into category c Listed buildings.

Ranald

On Tue, 6 Jun 2023, 20:06 Julie Harrison,

wrote:

Dear Mr Dods

Addi@onal suppor@ng documents have now been added via the portal as requested. I've checked documents align to a recently approved applica@on where windows were double glazed uPVC retaining the same sizes and look. I've done the same for the solar panels aligned with previously approved applica@ons.

We originally tried to engage an architect but the Omescales and addiOonal cost led us down this path. Given our desire to move quickly I hope aligning these to what you've previously accepted helps to move things forward.

Many thanks

Julie Harrison

From: Julie Harrison

Sent: 16 June 2023 07:27

To: Dods, Ranald < <a href="mailto:Ranald.Dods@scotborders.gov.uk">Ranald.Dods@scotborders.gov.uk</a>

Cc: Adrian McCarthy

Subject: Re: [OFFICIAL] 23/00140/LBC & 23/00225/FUL, Middle House, Kingsmuir Hall

**CAUTION**: External Email

Dear Mr Dods

I've also now added the new quota\(\text{\text{0}}\)on from a window supplier which details each window and the kitchen door.

Please let me know the decision on planning applica@on.

Julie Harrison

From: Julie Harrison

Sent: 20 July 2023 08:50

To: Dods, Ranald < Ranald. Dods@scotborders.gov.uk >

Cc: Adrian McCarthy

Subject: 23/00225/FUL and 23/00140/LBC

**CAUTION**: External Email

Good morning Mr Dods

Can you advise when we can expect a decision on our planning applicaon?

Many thanks, Julie Harrison

On Fri, 21 Jul 2023, 12:26 Dods, Ranald, < <u>Ranald.Dods@scotborders.gov.uk</u>> wrote:

Dear Ms Harrison,

I am afraid we sell are not in a posie on to support your applicae ons. You will see that our Heritage and Deign Officer has concerns about the impact of your proposals on the listed building. Although your property forms a part of that, the building has to be considered as a whole.

Whilst we are sympathe $\Theta$ c to your desire to reduce costs and the need to reduce carbon emissions, that has to be balanced with the need to safeguard the historic environment. As you will see from the HDO's latest response to your submission, we can accept, subject to condi $\Theta$ ons, the solar panels but the proposed windows and replacement door are items which would have a nega $\Theta$ ve effect on the character of the listed building.

We may be able to accept, subject to the submission of appropriate drawings and details, double glazed  $\Theta$ mber windows. That could be achieved by the installa $\Theta$ on of slim profile glazing units into the exis $\Theta$ ng frames. The alterna $\Theta$ ve would be new  $\Theta$ mber windows with double glazing (a maximum thickness of 16mm would seem appropriate) installed. A further alterna $\Theta$ ve would be the reten $\Theta$ on of the exis $\Theta$ ng windows and the installa $\Theta$ on of internal secondary double glazing. That would not require listed building consent or planning permission. The rear door, which would be clearly visible through the "conservatory", should be a design and material more appropriate to a listed building. We do, however, accept that the exis $\Theta$ ng door is of li $\Sigma$  le historic merit.

As menoned above, we cannot support your applicaons in the current form and I realise that will be disappoinong for you. Rather than refuse those, I suggest the applicaons are revised to show Omber windows with double glazing and giving us full details or, they are withdrawn.

Please let me know as soon as possible which course of acon you wish to take.

Yours sincerely,

### **Ranald Dods**

From

Date: Thu, 27 Jul 2023, 16:10

Subject: Planning Applicaon, Middle House, Bonnington Road.

To

Dear Mrs Harrison

Further to your enquiry earlier this week, we have now had an opportunity to look on the council planning portal, however the planning officer has not uploaded the e mail requeseng further informaeon to the portal. We would be grateful if you could forward a copy of the request you have had from Ranald detailing the informaeon they require. Once we have had an opportunity to review this we will revert with an offer of service and fee quote.

Kind Regards

David Farmer.

### D & H Farmer Chartered Architects

Meldon Design Studio

2 Elcho Street Brae

**Peebles** 

**EH45 8HU** 

Tel. 01721 724247

mail@dhfarmer.co.uk

www.dhfarmer.co.uk

From: Julie Harrison

Date: Mon, 2 Oct 2023, 09:36

Subject: Re: [OFFICIAL] 23/00225/FUL and 23/00140/LBC To: Dods, Ranald < <a href="mailto:Ranald.Dods@scotborders.gov.uk">Ranald.Dods@scotborders.gov.uk</a>>

Cc: Adrian McCarthy <mail@dhfarmer.co.uk>

Dear Mr Dods

All requested addional informaon now uploaded to the planning portal.

Regards, Julie Harrison

From: Julie Harrison Date: Wed, 11 Oct 2

Subject: 23/00225/FUL and 23/00140/LBC

To: Dods, Ranald < Ranald. Dods@scotborders.gov.uk >

Dear Mr Dods, can you advise when a decision will be made on our planning applicaeons please.

Many thanks, Julie Harrison

From: Dods, Ranald < Ranald. Dods@scotborders.gov.uk >

Date: Tue, 17 Oct 2023, 12:15

Subject: [OFFICIAL] 23/00140/LBC & 00225/FUL, Middle House, Kingsmuir Hall

To: Julie Harriso

Cc: david@dhfarmer.co.uk <david@dhfarmer.co.uk>

Dear Miss Harrison.

The HDO and I have spent a good deal of  $\Theta$ me on this one and given it considerable thought, given your property is part of a larger assemblage and will have an impact on the overall appearance of that. Had the circumstances of the property been different, I doubt we would have had as many discussions and been reques $\Theta$ ng so much from you. We recognise there have been improvements made to the proposal but there are s $\Theta$ II aspects that mean we cannot give the applica $\Theta$ ons our full support.

I have copied the HDO's substaneve comments below (in blue) and I do not disagree with those. We would welcome revised drawings which address these comments in order that we can lend full support to the proposals. Included in that is a design for the door within the porch and window details so that we can avoid condieons being imposed.

The main eleva $\theta$ on of the principal villa of Kingsmuir Hall faces east, with its second 'garden' eleva $\theta$ on facing south. Middle House is formed from part of the service range, set to the rear of the Hall. Middle House nevertheless has well-detailed eleva $\theta$ ons, par $\theta$ cularly to what now forms its front eleva $\theta$ on (south 'garden' eleva $\theta$ on) whilst the rear block is well-propor $\theta$ oned and reads with the architecture (and window design) of the abu; ng eleva $\theta$ on of the main villa. Original windows also survive to the rear block and stairwell, although it is acknowledged that a window and porch have been inserted and further window altered to these eleva $\theta$ ons, and to those of the neighbouring co $\Sigma$  age.

The historic sash and case windows to this property contribute to its character and special interest. It appears from recent sales particulars that internal shutters also survive. In accordance with policy in the SPG, repair of windows on a like for like basis is preferred, although sensitive replacement can be accepted.

Use of timber to the front elevation of the property is appropriate. The proposed elevational drawings indicate that these would have frames to match the existing and slimline double glazed units, which would be an appropriate approach. The submitted details however show standard double glazed units and surface applied astragals, which do not reflect the original nor comply with the council's policy in the relevant SPG. New details should be supplied which reflect the approach detailed on the proposed elevation drawing (up front or by condition).

The rear block is less visible, and has been subject to some alteration/inserted windows. Nevertheless it remains part of the larger ensemble, and the rear elevation has a direct relationship with the north elevation of the main villa. After much consideration of the information presented and SPG policy, there appears limited scope to divert from the design and detailing of the existing window in any proposed replacement. As per previous comments, replacement in timber to match the existing remains appropriate.

The proposed replacement door shows glazing to the top half and a solid bottom section. This is appropriate. No detailed design is shown; a four panelled door may be appropriate. Details of the door could be conditioned.

Please could you upload the revisions to each file via the portal by the 31<sup>st</sup> of October so that I can reconsult the HDO? If those revisions are acceptable, I would aim to determine the applica@ons by the 14<sup>th</sup> of November. I have copied in David as he prepared the drawings for you and may be able to offer further assistance.

Yours sincerely,

### **Ranald Dods**

**Planning Officer** 

**Development Management** 

Planning Housing and Related Services

Scottish Borders Council

Tel: 01835 825 239

E-mail: ranald.dods@scotborders.gov.uk

From: Julie Harrison

Date: Fri, 20 Oct 2023, 13:28

Subject: Re: [OFFICIAL] 23/00140/LBC & 00225/FUL, Middle House, Kingsmuir Hall

To: Dods, Ranald < Ranald. Dods@scotborders.gov.uk >

Cc: < david@dhfarmer.co.uk >, Adrian McCarthy

Dear Mr Dods

Frankly this has gone on long enough and having now discovered quite by accident that I can appeal we will be going down that route - Planning permission appeals - mygov.scot. I am distraught that you now advise after 10 months of communication that the only route acceptable is to replace with Timber windows. You have continued to avoid answering that question since the beginning. We have continued to advise that we are dedicated to retaining the historical look of the windows, have compromised with no clarity on what will be accepted and remained courteous and responsive to your requests throughout. Yet here we are, consigned to yet another winter of high bills and therefore high impact on the climate.

Given the following (most of which has been previously shared), we find it hard to accept that replacing the existing timber sash and case windows, some of which are in a bad state of repair, with uPVC double glazed windows that match the historic character and style, is unacceptable to the SBC Planning Department:

- Middle House has obviously been much-changed over the years with three windows that are not the originals, and a back porch and doors that have been added at some point but are not aligned to the historic make-up of the existing building.
- The policy being referred to is guidance and the decision to allow uPVC windows that match the style is wholly up to SBC.
- The decision to reject the latest proposal does not align with Scottish Government ambitions towards net zero.
- A recent application for the same uPVC windows that match the current style for a first floor flat on Bonnington Road was accepted within SBC target timelines the property is visible to passersby, plus sit directly above the ground floor flat that still has timber sash and case. Also note that I gained a quote from exactly the same supplier that replaced the windows in that property, but to no avail. Having walked past that building many times, it has been much improved and is sympathetic to the character of the Victorian building and also sits within the Peebles Conservation Area, as does ours. The decision to accept that application (link below) is exactly the decision I'd expect given our location and proposal): 23\_00111\_FUL-OFFICERS\_REPORT-3761219.pdf (scotborders.gov.uk)
- Our building sits between Kingsmuir Hall and The Cottage the Cottage has mainly uPVC windows that do not match the original style, which we are happy to do.
- Middle House sits on a hidden lane that is only accessible (and therefore visible) to our neighbours in the lane. The rear of the building is accessible only to us, is only partially visible to one neighbour and is not visible to passersby. I'm unclear who would have 'special interest' if no-one can see the rear of the building. I also do not understand how that 'special interest' manifests itself.
- I am unclear why the thickness of uPVC double glazed units which would improve thermal efficiency and be invisible to those who do not have access to the front of the building is so important. Given the point above, no-one would be able to determine the thickness of the unit from the front gate unless we allowed them access.
- Existing windows have ugly aluminium external secondary glazing, therefore replacement would enhance the current appearance. A decision to insist on timber sash and case would result in those having to remain. We did not expect to have the expense of replacement windows given the home report that stated there was no issues with the windows.

We will now appeal based on your response via the proper channels.

Julie Harrison

From: Scottish Borders Council <noreply@scotborders.gov.uk>

Sent: Tuesday, November 28, 2023 2:20 PM

To: Planning & Regulatory Services <prs@scotborders.gov.uk>

Subject: Enquiry received -Peebles - PDM000804

**CAUTION: External Email** 

Hi

Please see the below enquiry:

Name: Julie Harrison

Business:

Address: Middle House, Kingsmuir Hall, Bonnington Road, Peebles, EH45 9HE

Email
Telephone:

**Enquiry: Planning applications** 

Planning reference: 23/00225/ful & 23/00140/lbc

Enquiry details: Hi, can you please let me know how long I can expect to await a decision on our planning? Discussions have been ongoing since February and we are keen to appeal the expected rejection as soon as possible so that we can move forward. I've already emailed Ranald Dods (13/12/2023) and left a message for someone to call me back (27/11/2023). Thanks, Julie Harrison

Location: Peebles

Location description: Middle House

Google Maps URL: http://www.google.co.uk/maps/search/?api=1&guery=55.6453647,-3.1886204

Thank you

On Tue, 28 Nov 2023, 15:44 Dods, Ranald, <<u>Ranald.Dods@scotborders.gov.uk</u>> wrote:

Dear Miss Harrison,

Thank you for your email. I apologise that I did not respond directly to your last email. I have been concentraong on other casework and have had to set that aside just now.

It is disappoineng that we have not been able to reach a saesfactory solueon, given the eme the Heritage and Design Officer (HDO) and I have taken in looking at this proposal. I note that, as your inielal submission was not clear and lacked some detail, I asked on the 3<sup>rd</sup> of April for further informaeon by the 11<sup>th</sup> of that month and made a further request to you on the 25<sup>th</sup> of May. The informaeon was provided on the 20<sup>th</sup> of June.

Having discussed those submissions with the HDO, I wrote on the  $21^{st}$  of July. In that email, I said "Whilst we are sympathe $\Theta$ c to your desire to reduce costs and the need to reduce carbon emissions, that has to be balanced with the need to safeguard the historic environment. As you will see from the HDO's latest response to your submission, we can accept, subject to condi $\Theta$ ons, the solar panels but the proposed windows and replacement door are items which would have a nega $\Theta$ ve effect on the character of the listed building". With that in mind and in order for us to support the applica $\Theta$ on rather than refuse it, I asked for revisions to be made. On the  $2^{nd}$  of October you emailed me to tell me the informa $\Theta$ on had been uploaded to the portal. I advised the HDO on the  $4^{th}$  that revised informa $\Theta$ on had been submi $\Sigma$  ed and asked for her views on that.

The HDO responded on the 12<sup>th</sup> of October, a\(\tilde{O}\)er which I discussed ma\(\tilde{\Sigma}\)ers with her again in order to see if what was provided could be supported, mindful of the facts of the building and its lis\(\theta\)ng. I advised you on the 17<sup>th</sup> of October that unfortunately we were s\(\theta\)ll unable to lend support to your applica\(\theta\)on and invited you to submit revisions by the 31<sup>st</sup> of October with the aim, if those details were acceptable, of the applica\(\theta\)ons being determined by the 14<sup>th</sup> of November. I was disappointed that, rather than come forward with revisions which we could support, you in\(\theta\)mated on the 20<sup>th</sup> of October that you intended to appeal.

To be clear, from the start we have accepted that double glazing may be acceptable in this property. In her first response, of which I informed you on the 3<sup>rd</sup> of April, the HDO said, amongst other things, "Replacement with timber windows to match the existing on a like for like basis would be supported, and can include double glazed units. There are no specific and justified circumstances that would suggest uPVC should be accepted in this case". That advice is in line with our SPG on replacement windows. Our position on that has not changed and I reiterate here that initial response.

Rather than draw things out further for you through the appeal process, I request again that you submit revisions which would allow us to support replacement windows in your listed building. Please make those submissions by the 8<sup>th</sup> of December and, if satisfactory, I will aim to determine the applications by the 15<sup>th</sup> of December. As always, if you need additional time to make those, please let me know.

Yours sincerely,

### Ranald Dods

From: Julie Harrison

Sent: Tuesday, November 28, 2023 3:48 Pivi

To: Dods, Ranald <a href="mailto:Ranald-Dods@scotborders.gov.uk">Ranald <a href="mailto:Ranald-Bods@scotborders.gov.uk">Ranald <a href="mailto:Ranald-Bods.gov.uk">Ranald <a href="mailto:Ranald-Bods.gov.uk">Ranald <a href="mailto:Ra

Cc: Adrian McCarthy

Subject: Re: [OFFICIAL] 23/00225/FUL & 23/00140/LBC

**CAUTION**: External Email

Dear Mr Dods, we would sell like to appeal your decision and the only way for us to do that is for you to reject our applicaeon. Therefore please do that as soon as possible and we'll appeal.

Many thanks

### Julie Harrison

On Tue, 28 Nov 2023, 16:14 Dods, Ranald, < <u>Ranald.Dods@scotborders.gov.uk</u>> wrote:

Miss Harrison,

We have not made a decision yet and are offering you a chance to respond. Do I take it that you are unwilling to make revisions in order to comply with our SPG and the advice from the HDO which would allow us to support the applicaeons?

### Ranald Dods

From: Julie Harrison

Sent: Tuesday, November 28, 2023 4:20 PM

To: Dods, Ranald < R

Cc: Adrian McCarth

Subject: Re: [OFFICIAL] 23/00225/FUL & 23/00140/LBC

### **CAUTION: External Email**

Dear Mr Dods, yes that's correct. You've effec\textit{\Theta} vely cut off our right to appeal by encouraging us to amend to fit the advice. We have tried to compromise already and have already revised our plans to do so. Now you've provided a clear 'no' to uPVC windows across the board and we now wish to appeal that decision. Un\textit{\Theta} you've done so our right to appeal is closed.

### Regards, Julie Harrison

On Tue, 28 Nov 2023, 16:39 Dods, Ranald, <Ranald.Dods@scotborders.gov.uk> wrote:

### Miss Harrison

I note your opinion although I disagree that, in asking for revisions in line with council guidance, your right of appeal has been denied. Nego@a@on to make a proposal acceptable is part of the applica@on process.

I will try to determine the applicaeons in the coming weeks, accepeng that I have other cases to determine as well.

### Ranald Dods

From: Julie Harrison

Date: Tue, 28 Nov 2023, 16:45

Subject: Re: [OFFICIAL] 23/00225/FUL & 23/00140/LBC To: Dods, Ranald < Ranald.Dods@scotborders.gov.uk > Cc: Adrian McCarthy

Dear Mr Dods, I'm sorry that's not clear? When will you file your decision so that we can move forward? We have already waited 2 weeks for your response to previous email. Given you in mated

2 weeks for us to provide revised plans I would expect you to be able to reject this week given your decision is already made.

Many thanks, Julie Harrison

From: Scot sh Borders Council <noreply@scotborders.gov.uk>

Sent: Wednesday, November 29, 2023 11:31 AM

To: Planning & Regulatory Services cotborders.gov.uk>

Subject: Enquiry received -Peebles - PDM000808

**CAUTION: External Email** 

Ηi

Please see the below enquiry:

Name: Julie Harrison

**Business:** 

Address: Middle House, Kingsmuir Hall, Bonnington Road, Peebles, EH45 9HE

Email:

Telephone:

Enquiry: Planning applica@ons

Planning reference: 23/00225/ful & 23/00140/lbc

Enquiry details: We want to appeal against a planning decision but I'm unable to find out when this will be recorded a\(\tilde{O}\)er email communica\(\theta\)ons with Ranald Dods yesterday. Is there anyone I can speak to that can help? We want to appeal decision to not allow uPVC replacement double glazed windows in keeping with the style of current ones, which Mr Dods has advised are not acceptable. The sooner we resolve this the sooner we can move forward and also reduce our energy bills. Can someone help me to understand when this planning decision will be formally logged? The latest plans were logged with planning 2nd October. If you require any further informa\(\theta\)on please don't hesitate to call or email me. Many thanks, Julie Harrison

LocaOon: Peebles

LocaOon descripOon: Middle House

Google Maps URL: hΣ p://www.google.co.uk/maps/search/?api=1&query=55.6453647,-3.1886204

Thank you

From: Dods, Ranald < <u>Ranald.Dods@scotborders.gov.uk</u> >

Date: Wed, 29 Nov 2023, 14:02

Subject: [OFFICIAL] 23/00225/FUL & 23/00140/LBC

To: Julie Harrison

Miss Harrison,

I advised you yesterday a $\bar{O}$ er you confirmed that you were unwilling to submit revisions which would enable us to support your applica $\Theta$ ons that I will determine them in the near future and I s $\Theta$ II intend to do that. It is unfortunately not possible to issue a decision instantly as I will need to write reports on the proposals. I have other cases which need to be determined before I can dedicate  $\Theta$ me to wri $\Theta$ ng the reports for your applica $\Theta$ ons. Rest assured, once I have those done, I will turn my a $\Sigma$  en $\Theta$ on to your applica $\Theta$ ons.

In the mean me, I thank you for your patence.

Ranald Dods



Julie Harrison Middle House, Kingsmuir Hall, Bonnington Road, Peebles, EH45 9HE Please ask for: Barry Fotheringham

Our Ref:

Your Ref: CPT001282

E-Mail:

Date: 5th December 2023

### Dear Ms Harrison

I refer to complaint reference CPT001282 received on 29th November 2023 regarding **Planning Applications**.

I have considered your complaint, reviewed your applications, and discussed this matter with Mr Dods and am satisfied that the application has been handled in the correct manner. However, I can understand why you might be frustrated with the process, particularly as the on-going negotiations have prevented you from submitting an appeal against nondetermination for the listed building consent application. When a planning (or related) application is submitted to SBC for our consideration, we will always manage that application with a view to reaching a positive outcome. In other words, it is our aim to manage applications, and make amendments as necessary, to ensure that the application is approved. Where there is a reasonable prospect of an application being supported, albeit with some modifications or amendments, the appointed officer will always enter into negotiations with the applicant or their agent in order that we can support the application. I can see from the case file that Mr Dods has confirmed our policy position with regards to your application and has made several attempts to request amended plans that show replacement windows that are compliant with our policy and supporting guidance. Unfortunately amended plans that would allow us to support your application have not been forthcoming. Rather than refuse your applications, Mr Dods has (quite rightly in my opinion) made every effort to support your proposed development and avoid what could be a lengthy appeal process. As the amended drawings have not been submitted as requested by Mr Dods (that would allow us to support you application and issue a consent notice) Mr Dods has confirmed that he will proceed to determine your application this week. This will allow you to appeal our decision to refuse your application.

If you remain dissatisfied you can ask for your complaint to be considered further at the next stage of our complaints procedure. You do this by contacting our Customer Advice & Support Service. You can find the contact details at scotborders.gov.uk/contact.

If you raise your complaint to that next stage and remain unhappy after receiving our final decision, either with the decision or the way your complaint has been handled, you can ask the Scottish Public Services Ombudsman to consider your complaint. We will tell you how to do this when we send you our final decision.

I trust this information clarifies the position for you, however if you require further information or assistance please do not hesitate to contact me at the address shown below.

Further information regarding our complaints procedure can be found at scotborders.gov.uk/complaintsprocedure.

Yours sincerely Barry Fotheringham

### Lead Planning Officer

From: Julie Harrisor

Sent: Tuesday, December 5, 2023 4:37 Pivi

To: Fotheringham, Barry < <a href="mailto:bfotheringham@scotborders.gov.uk">bfotheringham@scotborders.gov.uk</a>>

Subject: Re: [OFFICIAL] Complaint CPT001282

**CAUTION**: External Email

Dear Mr Fotheringham

Thank you, I have now been able to access and read the response.

My only issue with the response is that we did indeed provide new plans as a compromise towards what is acceptable to SBC but to no avail. We're keen to appeal the decision as soon as possible, especially given the expense we're now incurring for our gas bills whilst we're sell unable to proceed unel resolueon. There are a variety of reasons why we're appealing which I've already outlined to Mr Dods.

Thank you for confirming we'll receive a decision now that will allow us to progress an appeal.

Many thanks

Julie Harrison

From: Fotheringham, Barry <bfotheringham@scotborders.gov.uk>

Date: Wed, 6 Dec 2023, 11:45

Subject: RE: [OFFICIAL] Complaint CPT001282

To: Julie Harrison

Dear Ms Harrison

Thank you for your e-mail. I note your comments regarding submission of addi@onal informa@on, however this fell short of our policies for replacement windows in Listed Buildings. I understand Mr

Dods offered you further opportunies to revise your plans but unfortunately we have not received amended drawings that will allow us to support your applicaeon.

I hope to be in posi\(\theta\)on to agree Mr Dods recommenda\(\theta\)on later on today and you should receive a decision by the end of this week.

Regards

Barry Fotheringham

Lead Planning Officer

Planning, Housing & Related Services

Scottish Borders Council

Tel: 01835 826745

E-mail: <u>bfotheringham@scotborders.gov.uk</u>

From: Planning & Regulatory Services cotborders.gov.uk

Date: Fri, 8 Dec 2023, 12:23

Subject: [OFFICIAL] 23/00140/LBC & 23/00225/FUL - Middle House, Kingsmuir Hall, Bonnington

Road Peebles

To

Good AŌernoon

Please find the decision noθces for the above applicaθons aΣ ached.

Kind regards

Planning & Regulatory Services

Scot, sh Borders Council



Miss Julie Harrison Middle House Kingsmuir Hall Bonnington Road Peebles Scottish Borders EH45 9HE Please ask Ranald Dods for: 01835 825239

2

*Our Ref:* 23/00225/FUL

Your Ref:

**E-Mail:** ranald.dods@scotborders.gov.uk

Date: 8th December 2023

Dear Sir/Madam

PLANNING APPLICATION AT Middle House Kingsmuir Hall Bonnington Road Peebles

**Scottish Borders EH45 9HE** 

PROPOSED DEVELOPMENT: Replacement windows

APPLICANT: Miss Julie Harrison

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



## Regulatory Services

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

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

Application for Planning Permission Reference : 23/00225/FUL

To: Miss Julie Harrison Middle House Kingsmuir Hall Bonnington Road Peebles Scottish Borders

With reference to your application validated on **14th February 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development:

Proposal: Replacement windows

at: Middle House Kingsmuir Hall Bonnington Road Peebles Scottish Borders EH45 9HE

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

Dated 7th December 2023
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

John Hayward Planning & Development Standards Manager



### Regulatory Services

### APPLICATION REFERENCE: 23/00225/FUL

### **Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
1 of 10	Location Dlan	Defused
1 of 10	Location Plan	Refused
D001	Existing Elevations	Refused
D002	Proposed Elevations	Refused
4 of 10	Brochures	Refused
5 of 10	Brochures	Refused
6 of 10	Other	Refused
7 of 10	Other	Refused
8 of 10	Other	Refused
9 of 10	Other	Refused
10 of 10	Brochures	Refused

### **REASON FOR REFUSAL**

The development would be contrary to policy EP7 of the Local Development Plan 2016, policy 7 of NPF4 and the council's SPG "Replacement Windows and Doors" in that that the material, frame dimensions and specifications of the proposed windows would have an unacceptable adverse impact on and detract from the special architectural and historic interest of the listed building. No overriding case for the development as proposed has been substantiated. These conflicts with the development plan are not overridden by other material considerations.

### FOR THE INFORMATION OF THE APPLICANT

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



### **SCOTTISH BORDERS COUNCIL**

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

### PART III REPORT (INCORPORATING REPORT OF HANDLING)

**REF**: 23/00225/FUL

**APPLICANT:** Miss Julie Harrison

AGENT:

**DEVELOPMENT:** Replacement windows

LOCATION: Middle House

Kingsmuir Hall Bonnington Road

Peebles

Scottish Borders EH45 9HE

**TYPE:** FUL Application

**REASON FOR DELAY:** 

### **DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
1 of 10	Location Plan	Refused
D001	Existing Elevations	Refused
D002	Proposed Elevations	Refused
4 of 10	Brochures	Refused
5 of 10	Brochures	Refused
6 of 10	Other	Refused
7 of 10	Other	Refused
8 of 10	Other	Refused
9 of 10	Other	Refused
10 of 10	Brochures	Refused

# NUMBER OF REPRESENTATIONS: 0 SUMMARY OF REPRESENTATIONS:

No representations received.

Consultation responses received from: AHSS - objection to the use of uPVC windows; Peebles Civic Society - no objection.

### **PLANNING CONSIDERATIONS AND POLICIES:**

In determining the application, the following policies and guidance were taken into consideration:

Scottish Borders Local Development Plan (2016):

PMD1 - Sustainability;

PMD2 - Quality standards;

ED9 - Renewable energy developments;

EP9 - Conservation areas.

NPF4

Policy 1 - Tackling the climate and nature crisis;

Policy 2 - Climate mitigation and adaptation;

Policy 7 - Historic assets and places;

Policy 11 - Energy;

Policy 14 - Design, quality and place.

Supplementary Planning Guidance:

Placemaking and design;

Renewable energy.

Historic Environment Scotland Guidance Historic Environment Policy for Scotland

Managing Change guidance series (micro-renewables; roofs; windows)

Revised drawings were submitted during the consideration of this application.

### Recommendation by - Ranald Dods (Planning Officer) on 5th December 2023

The application is made for the installation of solar PVs on the roof and for 11 replacement windows at Middle House, Bonnington Road. The property is a category C listed building within the conservation area, although not within the core area / prime frontage as defined in the "Replacement Windows and Doors" SPG. Two windows to the front (south elevation) would be timber framed, the remainder would be uPVC. As the building is listed, a listed building consent application has been submitted for the proposal (reference 23/00140/LBC) and that will be considered separately.

In terms of section 64(1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended) ("PLBCASA"), the planning authority has a general duty as respects conservation areas in exercise of planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Without prejudice to section 64 of the PLBCASA, section 59(1) of the PLBCASA requires that planning authorities, in determining planning applications which affect a listed building or its setting, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (in particular, listed buildings). Here "preserving" in relation to the building means preserving it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

### Solar panels

Solar panels are proposed on the south facing roofplane. It would be most appropriate for solar panels to be fitted in a more discreet location, for example the south roof slope to the rear (two storey) section of Middle House as this would be a much less visible location. It is understood that more discreet locations for the solar panels had been tested and no other option was possible nor is a reduction in the scale of the array, if it is to remain viable. It is recognised that, taking account of the terms of policy 1 of NPF4, there is a need to address the climate emergency and, on balance, they could be accepted in this instance.

### Windows

Policy EP7 of the LDP states that the council will support development proposals that conserve, protect and enhance the character, integrity and setting of listed buildings. Amongst other things, external alterations must be of the highest quality, respect the original building in terms of design and materials and maintain or enhance the special architectural and historic quality of the building. Policy 7 of NPF4 sets out that development proposals for alterations to a listed building will be supported only where they will preserve its character, special architectural or historic interest and setting.

The council's SPG "Replacement Windows and Doors" provides further detail on how the provisions of the development plan will be applied. It states that the introduction of double glazing may be acceptable and, in specific and justified circumstances, replacement may be with uPVC. There is a requirement that the replacement unit has the same glazing pattern and method of opening and, where astragals are required, they are of the same proportion and design as the original window, with stick-on astragals not permitted.

The proposals would see original timber windows replaced with uPVC double glazed windows. The submitted elevation drawings do not show the full effect that the frames of these would have on the property and particularly on the north elevation of the assemblage. The manufacturer's brochure contains photographs of the windows installed on buildings elsewhere and it is clear that the frames would be of a considerable depth and size which would be clearly evident when compared to the original windows on this property and others within Kingsmuir Hall. In addition, the deep thickness to the glazing would also be evident. This would present a bulky frame of notably poorer proportions than the slim frames currently seen in the building. This heavy appearance would appear discordant, compared to the more elegant design of the existing windows. As a result, they would not satisfy the requirements of the SPG that, when allowing for replacement windows, requires such windows to be of the same proportion and design. The HES Managing Change guidance note "Windows" also states that the success of a replacement window will depend on its detailed design and on how well the new replicates the old. For the reasons set out above, the proposals would also conflict with HES guidance.

Despite protracted efforts to achieve a change from uPVC to wood, the applicant confirmed they were unwilling to submit further revisions. Despite the lack of visibility from the public realm and the terms of the SPG "Replacement Windows and Doors", whilst the replacement windows would not be detrimental to the character or appearance of this part of the conservation area, there would be a serious detriment to the special architectural and historic interest of the listed building. As a result, planning permission should be refused.

### **REASON FOR DECISION:**

The development would be contrary to policy EP7 of the Local Development Plan 2016, policy 7 of NPF4 and the council's SPG "Replacement Windows and Doors" in that that the material, frame dimensions and specifications of the proposed windows would have an unacceptable adverse impact on and detract from the special architectural and historic interest of the listed building. No overriding case for the development as proposed has been substantiated. These conflicts with the development plan are not overridden by other material considerations.

### Recommendation: Refused

The development would be contrary to policy EP7 of the Local Development Plan 2016, policy 7 of NPF4 and the council's SPG "Replacement Windows and Doors" in that that the material, frame dimensions and specifications of the proposed windows would have an unacceptable adverse impact on and detract from the special architectural and historic interest of the listed building. No overriding case for the development as proposed has been substantiated. These conflicts with the development plan are not overridden by other material considerations.

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





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

100608491-001

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

### **Description of Proposal**

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

1. Window Improvements – see detailed Window Plan showing existing and proposed window information 2. Addition of Solar PV to front elevation – see Solar PV plan 3. Remove part of non-structural wall to create a kitchen and dining room space – see room plan for existing and proposed information

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)

X	Applicant	t

Applicant De	etails		
Please enter Applicant	details		
Title:	Miss	You must enter a Bu	uilding Name or Number, or both: *
Other Title:		Building Name:	Middle House
First Name: *	Julie	Building Number:	
Last Name: *	Harrison	Address 1 (Street): *	Kingsmuir Hall
Company/Organisation		Address 2:	Bonnington Road
Telephone Number: *	Idox Annotate	Town/City: *	Peebles
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH45 9HE
Fax Number:			
Email Address: *	Idox Annotate		
Site Address	Details		
Planning Authority:	Scottish Borders Council		
Full postal address of th	ne site (including postcode where available):		
Address 1:	MIDDLE HOUSE		
Address 2:	KINGSMUIR HALL		
Address 3:	BONNINGTON ROAD		
Address 4:			
Address 5:			
Town/City/Settlement:	PEEBLES		
Post Code:	EH45 9HE		
Please identify/describe	the location of the site or sites		
Northing	639732	Easting	325289

Pre-Applic	cation Discussion	
Have you discusse	d your proposal with the planning authority? *	☐ Yes ☒ No
Trees		
Are there any trees	s on or adjacent to the application site? *	Yes X No
	on your drawings any trees, known protected trees and their canopy spread close to the pr	
any are to be cut b	ack or felled.	
Access ar	nd Parking	
Are you proposing	a new or altered vehicle access to or from a public road? *	Yes X No
	ribe and show on your drawings the position of any existing, altered or new access points, hake. You should also show existing footpaths and note if there will be any impact on these.	ighlighting the changes
Planning \$	Service Employee/Elected Member Interest	
3.10	the applicant's spouse/partner, either a member of staff within the planning service or an the planning authority? *	Yes X No
Certificate	es and Notices	
	D NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPME COTLAND) REGULATION 2013	ENT MANAGEMENT
	st be completed and submitted along with the application form. This is most usually Certification C or Certificate E.	ate A, Form 1,
Are you/the applica	ant the sole owner of ALL the land? *	X Yes ☐ No
Is any of the land p	art of an agricultural holding? *	Yes X No
Certificate	Required	
The following Land	Ownership Certificate is required to complete this section of the proposal:	
Certificate A		
Land O	wnership Certificate	
Certificate and Not Regulations 2013	ice under Regulation 15 of the Town and Country Planning (Development Management Pro	cedure) (Scotland)
Certificate A		
I hereby certify that	t –	
lessee under a leas	er than myself/the applicant was an owner (Any person who, in respect of any part of the lar se thereof of which not less than 7 years remain unexpired.) of any part of the land to which e period of 21 days ending with the date of the accompanying application.	
(2) - None of the la	nd to which the application relates constitutes or forms part of an agricultural holding	
Signed:	Miss Julie Harrison	
On behalf of:		
Date:	27/01/2023	
	⊠ Please tick here to certify this Certificate. *	

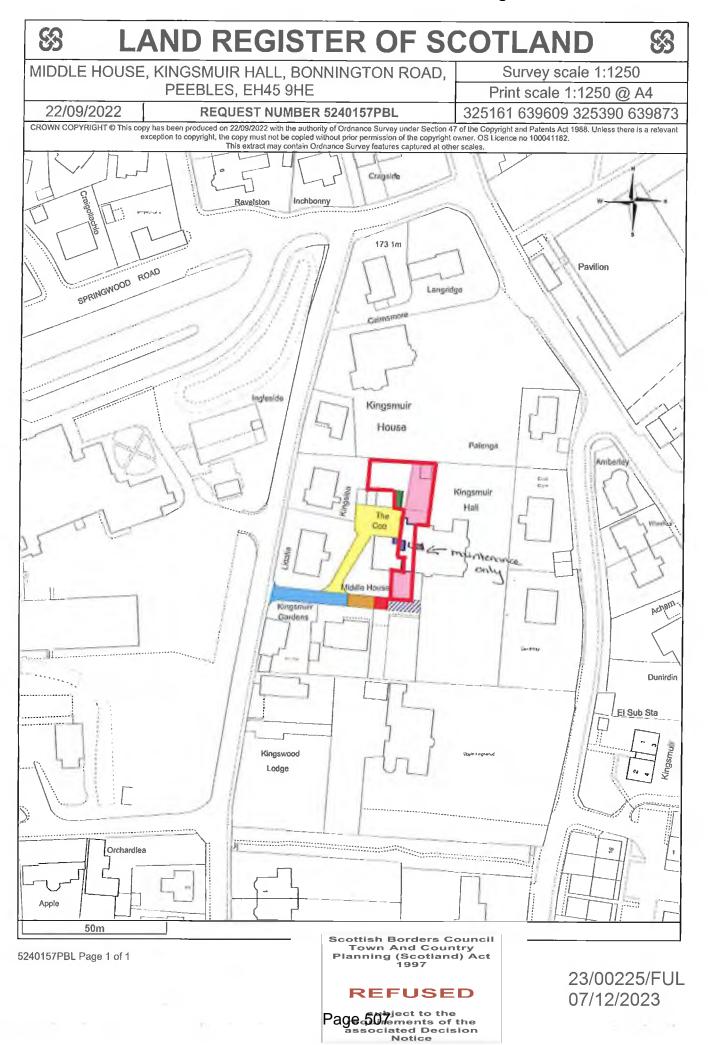
Checklist – App	lication for Householder Application	
in support of your application.	o complete the following checklist in order to ensure that you have provided all the Failure to submit sufficient information with your application may result in your application to start processing your application until it is valid.	
a) Have you provided a writter	n description of the development to which it relates?. *	🛛 Yes 🗌 No
b) Have you provided the posi has no postal address, a desc	tal address of the land to which the development relates, or if the land in question cription of the location of the land? $^{\star}$	⊠ Yes □ No
c) Have you provided the nam applicant, the name and addre	ne and address of the applicant and, where an agent is acting on behalf of the ess of that agent.? *	⊠ Yes □ No
d) Have you provided a location land in relation to the locality and be drawn to an identified	on plan sufficient to identify the land to which it relates showing the situation of the and in particular in relation to neighbouring land? *. This should have a north poin scale.	Yes No
e) Have you provided a certific	cate of ownership? *	🛛 Yes 🗌 No
f) Have you provided the fee p	payable under the Fees Regulations? *	🛛 Yes 🗌 No
g) Have you provided any oth	er plans as necessary? *	🛛 Yes 🗌 No
Continued on the next page		
A copy of the other plans and (two must be selected). *	drawings or information necessary to describe the proposals	
You can attach these electron	ic documents later in the process.	
X Existing and Proposed el	levations.	
☒ Existing and proposed flo	por plans.	
X Cross sections.		
☒ Site layout plan/Block pla	ans (including access).	
X Roof plan.		
☒ Photographs and/or phot	omontages.	
	aple a tree survey or habitat survey may be needed. In some instances you about the structural condition of the existing house or outbuilding.	☐ Yes ☒ No
	may wish to provide additional background information or justification for your and you should provide this in a single statement. This can be combined with a	X Yes ☐ No
You must submit a fee with you Received by the planning auth	our application. Your application will not be able to be validated until the approprianority.	te fee has been
Declare – For He	ouseholder Application	
I, the applicant/agent certify the Plans/drawings and additional	nat this is an application for planning permission as described in this form and the linformation.	accompanying
Declaration Name:	Miss Julie Harrison	
Declaration Date:	11/02/2023	

# **Payment Details**

Online payment: XM0100006769 Payment date: 11/02/2023 12:07:00

Created: 11/02/2023 12:07





# **REFUSED**

subject to the requirements of the associated Decision Notice



**Existing Elevation South** 



**Existing Elevation North** 



**Existing Elevation West** 

# D & H FARMER Chartered Architects

Meldon Design Studio ◆ 2 Elcho Street Brae Peebles • EH45 8HU • 201721 724247 ⁴dhfarmer.co.uk • ⊠mail@dhfarmer.co.uk

Client:	Mrs Harrison					
Project:	Proposed Alterations					
	Middle House					
	Kingsmuir Hall					
	Bonnington Road					
	Peebles, EH45 9HE					
Job No:	MD23/026 Date: September 2023					
Title:	Existing Elevations					
Dwg No:	D001   Scale:   1:100@A3 Rev:					

© D & H Farmer Chartered Architects 2023



Proposed Elevation South



Proposed Elevation North



Proposed Elevation West

## 23/00225/FUL 07/12/2023

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

### **REFUSED**

subject to the requirements of the associated Decision Notice

### DO NOT SCALE FROM THIS DRAWING-USE FIGURED DIMENSIONS

#### Notes

**Note 1** Install JA Solar Photovoltaic panels. Each panel 1722mm x 1134mm (410W). Panels to be fitted close to roof plane with black frames and fixings. Panels to be black finish.

**Windows W1 & W2.** Replace existing windows with Blairs Saveheat timber sash and case windows with frame sections to match existing frame dimensions. Windows to have concealed vents and to be fitted with slimline double glazing units and 22mm mullions.

Windows W3, W4 & W5. Replace existing windows with Spectus UPVC vertical slider sash and case windows with frame sections to match existing frame dimensions. Windows to have concealed vents and to be fitted with slimline double glazing units and 22mm mullions.

**Window W6.** Replace existing single glazed fixed timber window with double glazed UPVC window with top opening hopper.

**Windows W7, W8, & W10.** Replace existing windows with Spectus UPVC vertical slider sash and case windows with frame sections to match existing frame dimensions. Windows to have concealed vents and to be fitted with slimline double glazing units and 22mm mullions.

**Windows W9.** Replace existing window with Spectus UPVC inward opening casement window with frame sections to match existing frame dimensions. Windows to have concealed vents and to be fitted with slimline double glazing units and 22mm mullions.

**Door D1.** Replace existing single glazed timber door with double glazed composite door with white finish.

# D & H FARMER Chartered Architects

Meldon Design Studio • 2 Elcho Street Brae Peebles • EH45 8HU • ™01721 724247 ↑ dhfarmer.co.uk • ⋈mail@dhfarmer.co.uk

Client:	Mrs Harrison							
Project:	Proposed Alterations							
-	Middle House							
	Kingsmuir Hall							
	Bonnington Road							
	Peebles, EH45 9HE							
Job No:	MD23/02	MD23/026		e:	e: September 2023		23	
Title:	Proposed Elevations							
Dwg No:	D002	S	cale:	1:	100@A3	Rev:		

© D & H Farmer Chartered Architects 2023

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

REFUSED

subject to the requirements of the associated Decision Notice

23/00225/FUL 07/12/2023

VERTICAL SLIDER



































# The Spectus approach to sash windows

### We've always respected the elegance of sash windows.

A design that's endured for centuries has to be very special, but we don't believe homeowners want windows that are like museum pieces. They want homes that are warm, practical, secure and easy to care for, and that needs a change of approach.

We've developed a vertical slider that's become the market leader. It's an evolution of a classic design into a window that achieves today's performance standards. Its appearance is stunning, but we'll carry on evolving our window – every small change ensures it's more perfectly adapted to our customers' needs.







### Take a closer look

We'd like you to take a good look at our vertical slider. When we say we've improved on a classic design, we mean it. These windows have the traditional looks but none of the problems. For homeowners seeking to replace worn, tired and draughty sash windows they're a superb choice.

# Period style, authentic detail

The Spectus vertical slider combines perfect proportions, period details and traditional techniques. Both frames and sashes can be mechanically jointed, avoiding the 'giveaway' mitred weld of PVC-U. Sash horns are part of the sash, not an afterthought. Georgian bars are milled for a superb fit. Deep bottom rails and a choice of sashes give impeccable sightlines. Traditional box-sash dimensions, hardware and glorious period colours – it's enough to melt the heart of the toughest planning officer.





# Complementary Colours

Our Vertical Sliding Sash windows are available in a range of colours that will complement your customers homes perfectly.

From traditional timber grains, to heritage tones or even bold greys and blacks for a more contemporary feel, there are 30 colours and textures to choose from.

We've also enhanced the internal sections of our products with a complementary base colour to provide superior aesthetics from the inside and the outside, even when your windows and doors are open.



# Everything you need to know

### Thermal performance

- WER to Band A+
- U-value to 1.3W/m2K
- Thermal inserts using recycled composite materials
- 24mm double glazing as standard.

### **Materials**

- Low maintenance PVC-U
- Flush, post-co-extruded gaskets
- Steel and aluminium reinforcements.

### **Features**

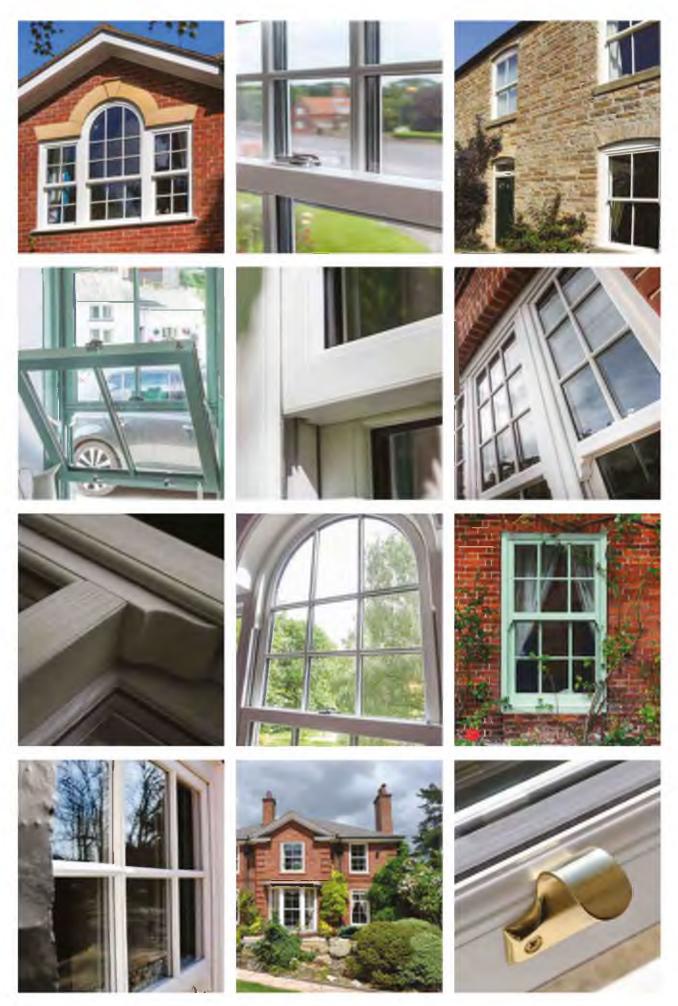
- Authentic ovolo styling throughout
- Internally glazed
- Pile seals to sash and outer frame
- Reliable spiral balance mechanisms for easy operation
- Tilt inwards facility to both sashes
- Dedicated ancillaries, end caps and cills
- Takes off-the-shelf and high-security hardware.

### **Options**

- Mechanically jointed outer frame
- Mechanically jointed sashes
- Up to 30 colours
- Accommodates trickle or glazed-in vents
- Large and small sash profiles
- Deep bottom rail
- Run through or moulded sash horns
- Easy fit weather bar
- Travel stops for child safety
- Georgian bars

### **Dimensions**

- 128mm outer frame matches box sash dimensions
- Maxumin sizes are up to 1600mm wide and 3000mm high.



Page 516



# Performance and lasting protection

The Spectus vertical slider is engineered to insulate and keep homes protected from the elements.

24mm double glazing is standard, and for exceptional energy efficiency, the multi-chambered sections can be enhanced with the addition of purpose-made recycled thermal inserts.

Pile seals to the sash and outerframe prevent the draughts that are common with timber frames and features like our optional, dedicated weather bar add another level of defence against rainwater. These frames are durable, tough, resistant to the forces of nature and need next to no maintenance.

# Window Energy Ratings and U-values\*

U-values as low as 1.3W/m2K WER up to Band A+

\* Performance will vary depending upon window dimensions, configuration and IGU construction.







# Quality assured

The market-leading status of the Spectus vertical slider is no accident. It's simply a better system where every detail works.

- Kitemarked to BS EN 12608 and PAS 24
- Produced entirely in the UK under an secured accredited quality management system
- Designed to achieve Secured by Design accredited
- Compliant with all relevant Building Regulations
- 10-year guarantee.















BS EN 12608/PAS 24 KM 33510 ENHANCED SECURITY WINDOW SYSTEMS SUPPLIER







# Support

Spectus expertise extends far beyond the design of great windows. If you need technical, marketing or commercial project support, we'll be there.

### For fabricators, for installers and for the home

Spectus window systems are always designed to be simple to use and a joy to live with. Superior quality and attention to every detail means our vertical sliders are easy to fabricate.

Now, with our mechanically jointed sashes and outerframes, options multiply. Good news for the larger frames as they will be easier to transport.

With 28 different finishes and options to suit almost any property, even those where planning considerations are paramount, there's a wealth of opportunity for your business.

Homeowners are looking for the right sash window.

This is it.









# Window operation and aftercare

## Unlocking, opening and closing

Vertical sliders are secured using snail cam(s) fitted to the top face of the bottom sash. Simply turn the lever or the key to release the cam from its keep.

Use the sash lifts or pull rings fitted to the sashes to slide the bottom sash upwards or the top sash downwards. Avoid pulling on any Georgian bars fitted to the window.

To close, simply slide both sashes fully closed and re-engage the snail cam(s).

## Safety restrictors

When sprung outwards, they prevent sashes opening more than a set amount. Turning the key retracts and secures the stops allowing the sashes to slide past and open fully.

### **Ventilation**

Trickle ventilation units have a slide-open-and-closed operation. Take care not to damage the unit when sliding the bottom sash up.













## Tilt-open facility

To prevent any damage to the window's restrictors, it's important to do things in the right order.

- 1. Make sure that the snail cams are unlocked and in the open position.
- 2 Use the sah hooks or sash lifts to slide the bottom sash upwards by about 100mm.
- 3 Now, slide both the tilt catches inwards (that's towards each other) this will release the top of the sash.
- 4 Pull the top of the window towards you while supporting its weight, until it rests on its restrictors.
- 5. Slide down the top sash, again by about 100mm using the ring pulls or sash lifts.
- 6 Slide the tilt catches inwards to release.
- 7 Pull the top of the sash towards you, again supporting its weight until it rests on its restrictors.
- 8 To close, reverse the steps above. You will hear the tilt catches spring back into position. Once they are in place, the top and bottom sashes can be slid up and down again.

## Cleaning and maintenance

- All parts of the windows that are exposed when they are closed should be washed using soapy water. Use a soft cloth and dry them afterwards. Don't use anything abrasive.
- Any parts of the window that are exposed when the windows are open should be wiped clean to remove any grit, debris and grime.
- Make sure that any drainage channels are clear.
- Remove any debris from the pile sealant (a vacuum cleaner with a nozzle works great)
- Lubricate the sliding mechanism with a bit of multi purpose grease.
- Apply at little light machine oil to the hardware.



T: 01952 283344 | F: 01952 283350 | E: marketing@spectus.co.uk

www.spectus.co.uk









Respecting the past, ready for the future.

# VERTICAL SLIDER WINDOWS

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

### REFUSED

subject to the requirements of the associated Decision Notice

23/00225/FUL 07/10/2023













# CONTENT

4	Respecting the past					
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# RESPECTING THE PAST

We can't deny that traditional timber sash windows are a thing of beauty. The craftsmen's skills are evident in the smallest details, in the curve of a Georgian bar, in the grace of a sash horn and in the near-invisible joints in a frame.

But although we admire and respect the woodworker's art, there's no avoiding the fact that timber is expensive, and it can be troublesome in windows. That's why most homes today have moved over to the energy efficiency, long life and easy-care qualities of PVC-U for their glazing.

Now, there is a way to respect the traditions of the past and enjoy the advances that make homes warm and secure. The mechanically jointed Vertical Slider from Spectus is virtually indistinguishable in appearance from a timber sliding sash. What's more it's reliable, affordable and very practical.

### The mechanical joint

In timber window frames, the corners are made by creating a mortise and tenon joint. Don't worry about the words too much – simply imagine one side with a peg and the other with a slot. When the joint is put together well, there's a thin vertical line on the frame, and the whole is either screwed or glued together.

When PVC-U windows appeared, it became the norm for the corners to be welded with a mitre type joint. Again, don't worry about the jargon – it's the diagonal you'll see in the corners of frames. It's strong, weatherproof

and effective, but the 'weld-line' is a big giveaway that it's a PVC-U frame. With sash windows, the true period aesthetic demands the look of a timber-type joint.

Naturally, we've solved the problem.

Our PVC-U frames can have mechanically jointed corners on both the sliding sashes and the outer frame. No more obvious diagonal welds, just a neat vertical joint that's just as effective as a weld but which replicates, exactly, the appearance of a timber joint.



### Planning and conservation

In the past, planners have often refused applications to replace timber sashes with a PVC-U alternative. This has left many people with a dilemma - face the considerable expense of new timber sashes or continue living with the draughts, poor insulation, broken sash cords and maintenance burden of their old windows. In some cases, it's led to properties that look run down and which do nothing to enhance the special character of a conservation area.

The Spectus Vertical Slider is the answer, and planning authorities are realising it. More and more approvals are granted when they hear it's a Spectus sliding sash. Planners respect our faithful recreation of the traditional style and appreciate our use of easy to maintain, energy-efficient and recyclable materials.









### **Every detail counts**

Unlike some PVC-U sliding sash windows, ours doesn't ignore the finer details. We've developed ancillaries that ensure every installation can be perfectly finished. Our textured foils are available in period colours and we use traditional hardware. We've made sure our proportions are accurate, that our windows can be adapted to suit properties from different eras, and that our smallest sash windows look every bit as refined as our largest. Georgian bars can be milled for a precise fit, sash horns really are part of the sash, and every part of the system has the crucial ovolo shape.



# READY FOR THE FUTURE

Our Vertical Sliders fully respect the history and heritage of our architecture, but they're bang up to date in terms of performance.

At Spectus, we believe that elegance and comfort can go together. We believe that homeowners want style, but we know they also want peace-of-mind and security. We know that people care about our planet and our precious resources. Spectus Vertical Sliders, for all their period charm, are built to exacting, 21st-century standards and are fully prepared for tomorrow's challenges.

### Insulating and weatherproof

With fuel bills constantly rising, energy efficiency is essential. Our Vertical Sliders have 24mm double glazing as standard and woolpile strips to prevent drafts. The frames and sashes are multichambered, using the power of air as an insulator to stop warmth escaping. We can even add recycled thermal inserts, tucking them inside the frame for invisible – but effective – extra protection against the cold. Our unobtrusive gaskets are developed to last a long, long time, and we've even got a dedicated weather bar that's ideal for more exposed locations.









# Window Energy Ratings and U-values\*

WER up to Band A+ U-values as low as 1.3W/m2K

\* Performance will vary depending upon window, configuration and IGU construction.

### **Durability**

Because resources are precious, building things to last makes sense. The Spectus Vertical Slider is produced using the best materials and to extraordinary standards. The frames are tough, impact resistant and have the ability to endure the constantly changing British weather year after year without complaint while still retaining their immaculate appearance.

### Recyclability

PVC-U is recyclable, over and again, without any deterioration in performance. We use recycled materials within our frames and to provide extra insulation. Where we use new materials, we source them responsibly. Despite the traditional style of these sash windows, we're working to today's high environmental standards.

# PERFECTLY AT HOME TODAY

Our Vertical Sliders respect the heritage of traditional windows and deliver the most advanced levels of performance, but they're also very practical and easy to live with, right now.

They insulate, they're secure, and they have the safety features you need. They're simple to care for and a doddle to operate. There's a choice of 28 beautiful, foiled finishes, including several that replicate the appearance of painted wood.

### Installation

We've matched the dimensions of a timber box sash. With the same front-to-back depth, installation is straightforward. Add our precision manufacturing and superb engineering, and you've got a frame that's easy to fit and no trouble once it's in place.







# **Tilt-open facility**

### Because resources are precious, building things to last our Vertical Sliders have a handy tilt-open feature to both sashes. It makes cleaning the exterior glass from indoors easy.

Instead of fighting with weights, pulleys and broken sash cords, Spectus Vertical Sliders use reliable spiral balance mechanisms. Use the sash lifts or pull rings to move the sash just as far as you want, and it will stay in position. If there are children at home, add safety restrictors which limit the amount the sashes can move. To ensure the sash is safely closed, simply engage the neat snail cam mechanism.

### Cleaning and maintenance

**Operation and aftercare** 

Timber frames take a lot of looking after - sanding, painting, wood preservatives – even so, they still rot, warp and stick.



To look after a Spectus Vertical Slider, simply wash the frames with soapy water, using a soft cloth and then dry them. Ensure drainage channels and pile seals are free of debris and lubricate the sliding mechanism with a bit of beeswax polish. Add a drop of light machine oil to the hardware. Job done.

# **QUALITY ASSURED**



Page 537

The traditional style of the mechanically jointed Vertical Slider is backed up by an impressive list of accreditations.

- Kitemarked to BS EN 12608 and PAS 24
- Produced entirely in the UK under an ISO 9001 quality management system
- Secured by Design accredited
- Compliant with Building Regulations
- 10-year guarantee.

# **SPECIFICATION**



### **Features**

- Mechanically jointed outer frame and sash
- Ovolo styling throughout
- Pile sealed sash and outer frame
- Reliable spiral balance mechanisms for easy operation
- Tilt inwards facility to both sashes
- Matching ancillaries, end caps and cills.

### Thermal performance

- WER to Band A+
- U-value to 1.3W/m2K
- Optional recycled thermal inserts
- 24mm double glazing as standard.

#### Materials

- Easy-care PVC-U
- Low-line, long-life gaskets
- Steel and aluminium reinforcements.



### **Options**

- Up to 30 colours
- Trickle vents
- Large and small sash profiles
- Deep bottom rail
- Run through sash horns
- Weather bar
- High-security hardware
- Travel stops for child safety.

### **Dimensions**

- 128mm outer frame matches box sash dimensions
- Maximum sizes are upto 1600mm wide by 3000mm high.

# SUPPORT AND ADVICE



If you'd like to learn more about the mechanically jointed Vertical Slider or need advice from our experts, just get in touch.

Call us on 01952 283344 or email hello@spectus.co.uk







### Spectus WINDOW SYSTEMS

#### **Spectus Window Systems**

Stafford Park 6, Telford, Shropshire TF3 3AT

T: 01952 283344 | F: 01952 283350 | E: marketing@spectus.co.uk

www.spectus.co.uk



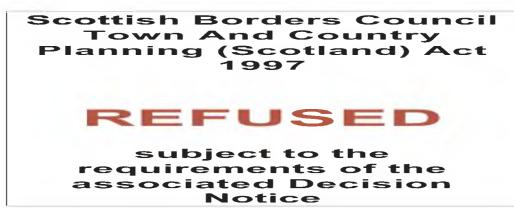




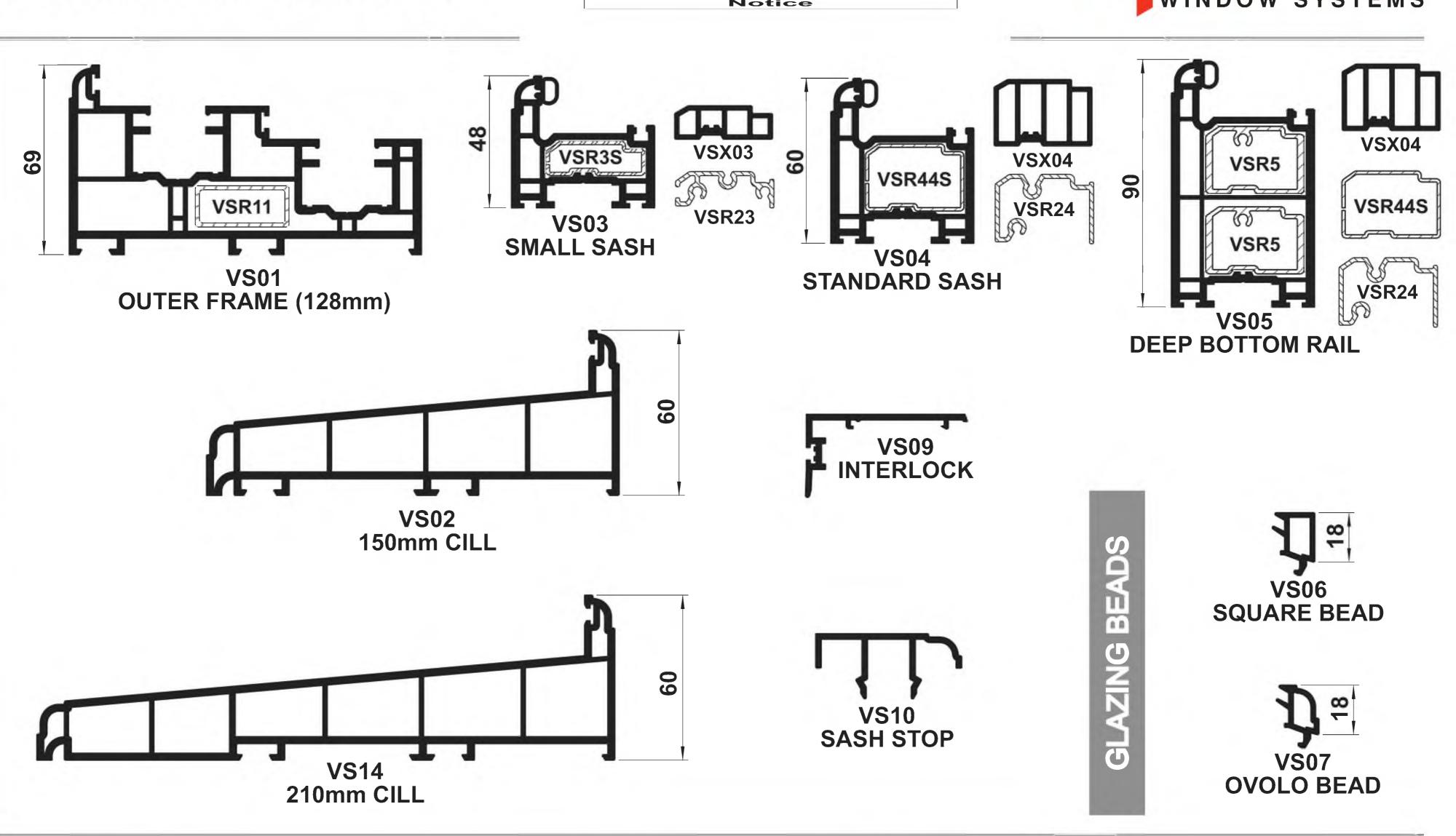


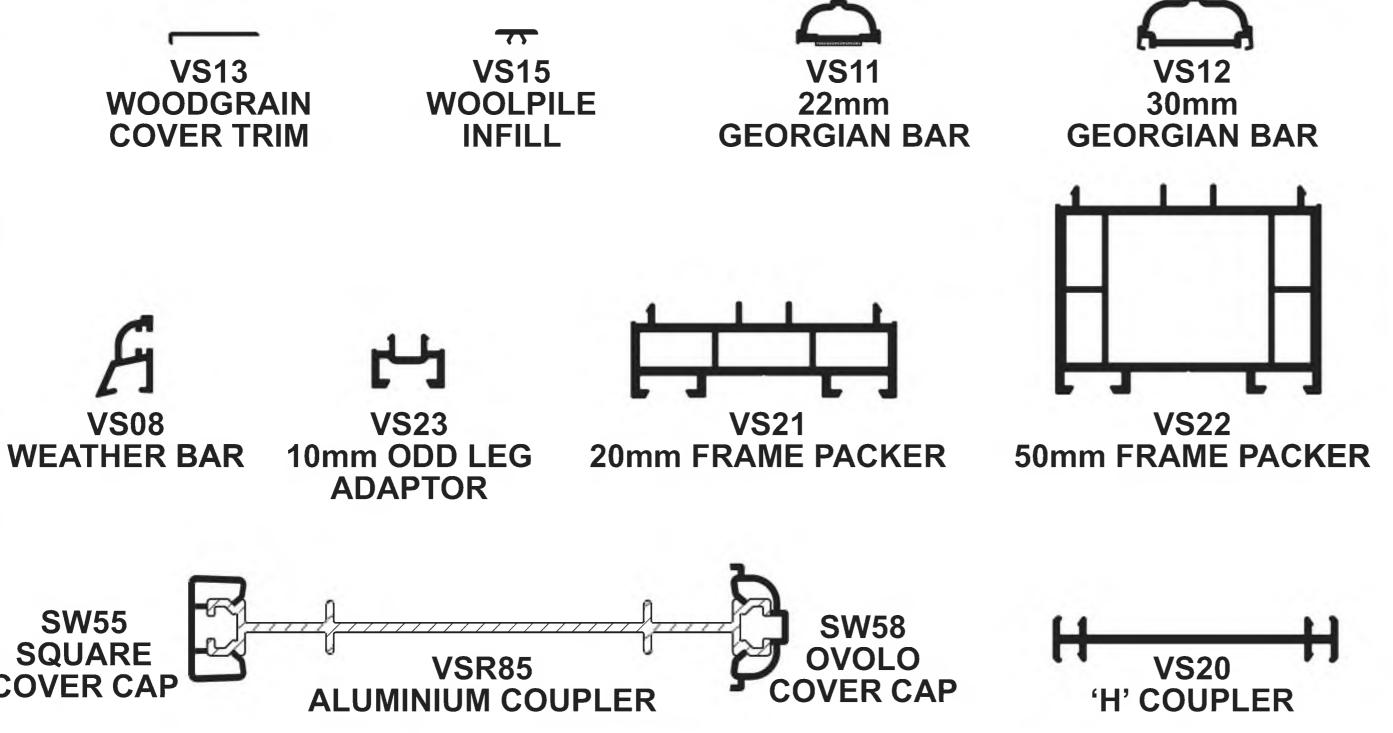
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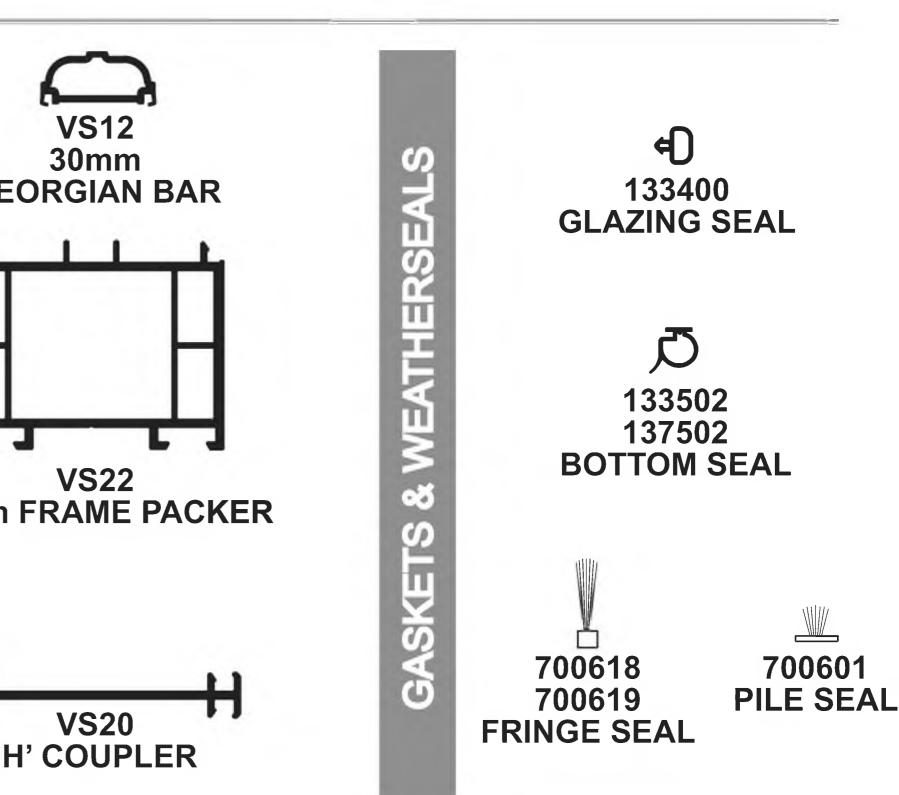
# Vertical Slider

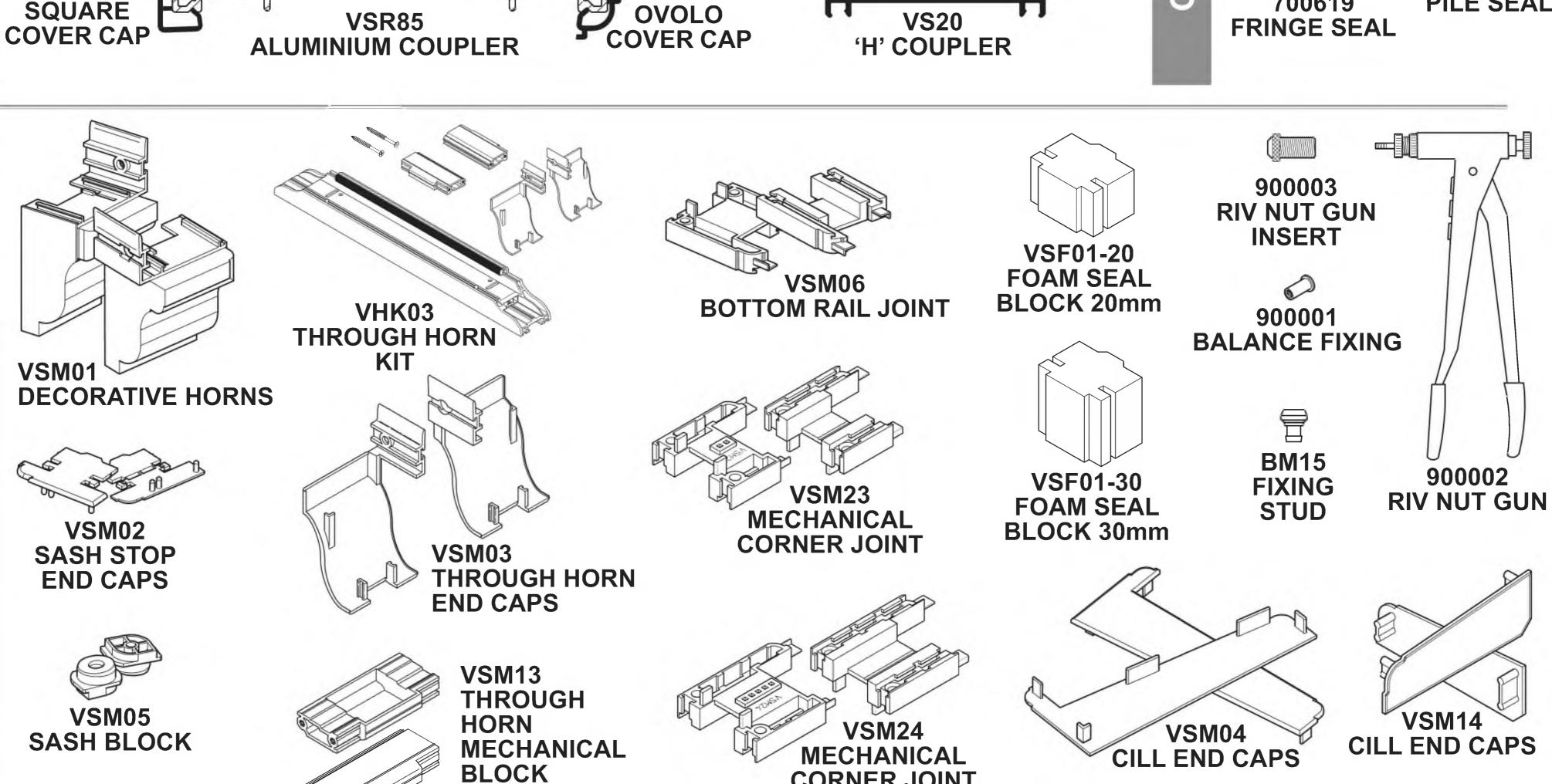












**CORNER JOINT** 

September 2017 12:09:17

PROFILES FULL SIZE AT A1

Blairs Windows Limited 9 Baker Street, Greenock PA15 4TU Tel: 01475 721 256, Fax: 01475 729 313

#### ASTRAGALS / GLAZING BARS

23/00225/FUL 07/10/2023

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Drawing No:

BWSD-1528

Date

14:10:15

Blairs Windows Limited 9 Baker Street, Greenock PA15 4TU Tel: 01475 721 256, Fax: 01475 729 313

#### Sash & Case MkII

52-70 Facings Concealed Ventilation 23/00225/FUL 07/12/2023

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

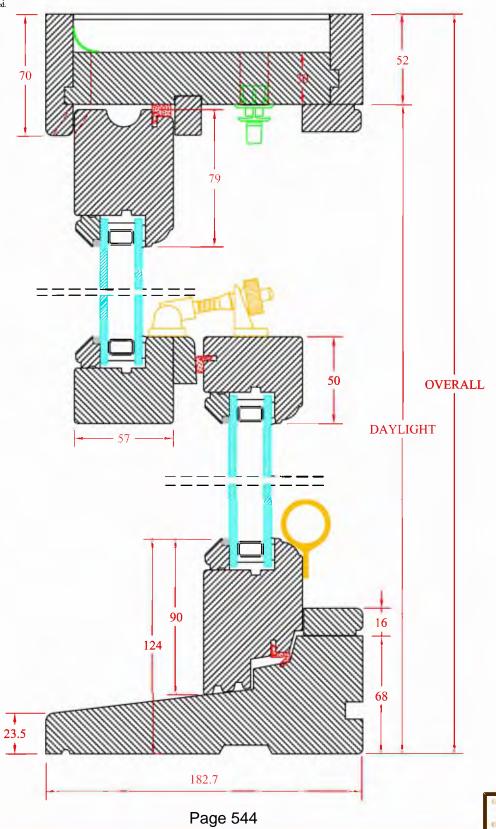
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BWSD-1503

23:07:15

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Blairs Windows Limited 9 Baker Street, Greenock PA15 4TU Tel: 01475 721 256, Fax: 01475 729 313

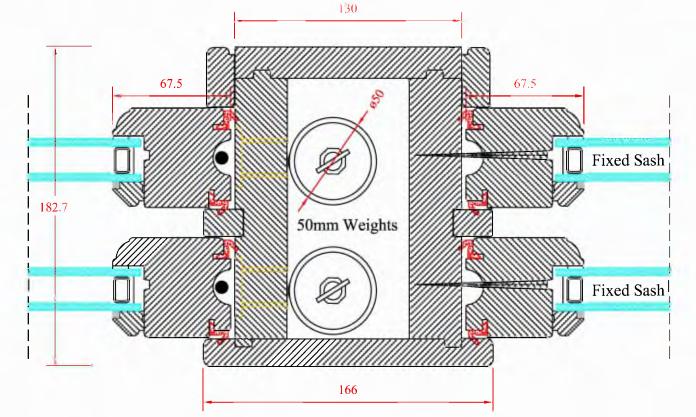
Sash & Case MkII
130 Box Mullion

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

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Drawing No:
BWSD-1526
Date
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BEAUTIFULLY CRAFTED TIMBER WINDOWS & EXTERNAL DOORSETS

#### A TRUSTED PARTNER FOR THE BUILDING **INDUSTRY SINCE 1913**

With a wealth of experience in the industry, we have developed and built upon our knowledge and expertise to guide our customers from the design stage through to the creation of their concept, ensuring each order is fulfilled on time to the highest standard.

From new builds to refurbishment projects, housing, commercial and domestic properties, Blairs Timber Windows has developed a long-standing, excellent reputation in catering for your specific needs.

We also offer a full support package for architects and surveyors, partnering with them to tailor specifications that meet their project objectives.















#### **CONTENTS**

- **BLAIR'S HISTORY**
- **OUR TIMBER**
- **PRODUCT RANGE**

SASH & CASE WINDOWS

DOUBLE SWING WINDOWS

**ENHANCED CASEMENT WINDOWS** 

**TILT & TURN WINDOWS** 

**EXTERNAL DOORSETS** 

**BESPOKE WINDOWS** 

- 20. PRESERVATION
- 21. **DECORATIVE COATINGS**
- 22. PAST PROJECTS











# BLAIRS TIMBER WINDOWS HAVE DEVELOPED A REPUTATION FOR EXCELLENCE AS ONE OF THE UK'S LEADING BRANDS OF TIMBER WINDOWS & DOORSETS.

Based in Greenock on the West Coast of Scotland, we are proud to supply our British-made products throughout the whole of the UK. We welcome customers to visit our showroom where our helpful and knowledgeable team are on hand to provide detailed information regarding our varied range of products.

Our 115,000 sqft factory with state-of-the-art equipment allows us to manufacture innovative and bespoke, timber windows and doorsets.



4. Blairs History

### RELIABLE & TRUSTED TIMBER PRODUCTS

Delivering high quality products, coupled with excellent service is paramount at Blairs Timber Windows. Each product that leaves our factory, has been made in the UK, complete with Saveheat energy efficient glazing.

#### **TIMBER SPECIES:**

Our windows can be manufactured in either Engineered Red Pine or Engineered Red Grandis Hardwood. Red Pine windows can also be manufactured with hardwood cills and/or glazing beads for increased durability. Our external doorsets are manufactured in Engineered Red Grandis Hardwood.

#### **Engineered Red Pine:**

A pale yellow-brown to red-brown with a straight grain and a medium even texture. Engineered (laminated and finger-jointed) so, defect free and much stronger and stable than traditional hardwood battens. It has been the traditional timber species of choice for windows for centuries. 100% FSC and PEFC certified.

#### **Engineered Grandis Hardwood:**

A reddish-brown premium quality hardwood sub-species of the Eucalyptus group. Ethically sourced from sustainable plantations (not harvested from native forests) in Uruguay. Engineered (laminated and finger-jointed) so, defect free and much stronger and stable than traditional hardwood battens. Good straight grain and machined to an excellent smooth finish. 100% FSC certified. Naturally durable (class 2-3).



#### WHY TIMBER?

#### Durable

With correct maintenance procedures and care, timber windows and doorsets can have a life expectancy of 60 years. We offer competitive warranties and guarantees on all our products, providing long term care and service for our customers.

#### Thermally Efficient

Timber is a natural insulator, offering outstanding performance capabilities. This can help improve energy efficiency and can therefore significantly reduce energy costs.

#### Sustainable

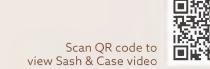
Timber is a strong, renewable and sustainable construction material which is also environmentally friendly. The timber Blairs Windows use is sourced from 100% FSC and PEFC certified forests.

#### **Natural Beauty**

Timber products add character to any building with their traditional, attractive appearance. Timber products are often required in listed buildings, however they add value to both new and older buildings.



#### **BLAIRS SASH & CASE WINDOWS**



#### THE SASH AND CASE VERTICAL SLIDER WINDOW IS THE MOST RECOGNISABLE WINDOW STYLE IN THE UK.

The design classic with stepped vertically sliding upper and lower sashes.

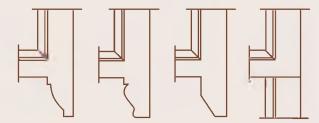
Widely specified and selected for Conservation areas and Listed Buildings.

In Victorian and Georgian designs with single or double glazing, and a range of hardware options.

Available with the sashes counterbalanced by either traditional cords and weights, or spiral balances.

Optional simplex fittings are also available for the cords and weights version to assist with cleaning from within.

Please visit our website to view the full range of hardware available with this product.

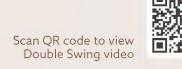


Various Horn Section options





### BLAIRS DOUBLE SWING WINDOWS



### THE DOUBLE SWING WINDOW IS A BLAIRS ORIGINAL.

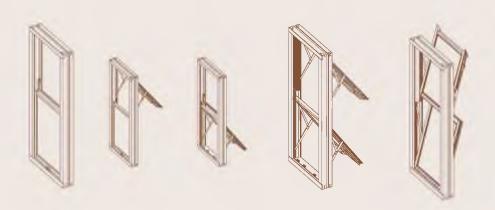
The Double Swing window, designed by Blairs, provides the classic appearance of a traditional Sash & Case window, but offers modern functionality and a cost-effective solution.

Both of the stepped upper and lower sashes are top hinged to swing outwards for ventilation and then reverse to assist with cleaning from within the building.

As an option, we can also provide versions that have been independently tested and certified to the enhanced security PAS24 level, which is the standard the police use for their certification.

#### Hardware

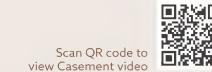
Please visit our website to view the full range of hardware available with this product.





10. Products: Double Swing Windows

### BLAIRS ENHANCED CASEMENT WINDOWS



# THE BLAIRS ENHANCED CASEMENT RANGE OFFERS WINDOWS WITH SINGLE OR MULTIPLE COMPARTMENTS WITH A VARIETY OF HINGING OPTIONS

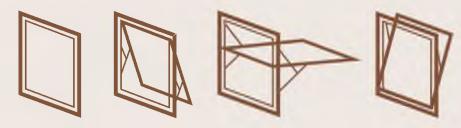
Timber casement windows are suitable for a wide range of applications and they will look great in both domestic and commercial environments.

#### Our Casement range is available in 5 variants:

- Top swing reversible
- · Side hung
- · Top hung
- Deadlights
- Fixed sash
- · Enhanced security variants of each type are available

#### Hardware

Please visit our website to view the full range of hardware available with this product.



Top Swing Action



### BLAIRS TILT AND TURN WINDOWS



## THE TILT AND TURN WINDOW IS A DUAL ACTION, INWARD OPENING CASEMENT TIMBER WINDOW.

Tilt and Turn windows can be supplied from a simple single window with one opening sash, to frames with multiple sashes and combined deadlights or fixed sashes, to suit your configuration requirements.

Easy, single handled operation enables the sash to open for draught free, high level, ventilation, by turning the handle from the closed, downward vertical position to the horizontal position. This allows the sash to tilt inwards at the top for secure ventilation.

Turning the handle to the upward vertical position engages the turn function, where the sash can open inwards in a side hung operation to assist with cleaning from within and escape in an emergency. Please see our Tilt and Turn operation video. Our Tilt and Turn windows have a robust, multi-point locking, hinging and closure hardware system to give you security. This window, as standard, is independently tested and certified to the enhanced security PAS24 level, which meets the Secured by Design criteria. Our Tilt and Turn hinging and closure hardware is all fully concealed to provide clean sightlines. Optional trickle vents can be incorporated in the frame head. Handles can be locking or non-locking and are available in a variety of finishes.

#### Hardware

Please visit our website to view the full range of hardware available with this product.







14. Products: Tilt & Turn Windows www.blairswindows.co.uk

### BLAIRS EXTERNAL DOORSETS

# BLAIRS HARDWOOD TIMBER DOORSETS ARE A COMPLEMENT TO OUR RANGE OF WINDOWS.

Complete doorset, frame and door leaf, with all hardware and glazing fully factory fitted, ready for installation.

Doorsets and screens can be manufactured in a wide range of configurations incorporating your specific design preferences of single leaf, double leaf, inward opening, outward opening, doubles, sliding, timber cills, low level cills, glazing, plain panels, V-grooved panels, fielded panels, astragals, with sidelights or over lights etc.

#### Hardware

Please visit our website to view the full range of hardware available with this product.







16. Products: External Doorsets

### BLAIRS BESPOKE WINDOWS

# BLAIRS WINDOWS IS THE ESTABLISHED SPECIALIST IN PROVIDING BESPOKE TIMBER GLAZING SOLUTIONS.

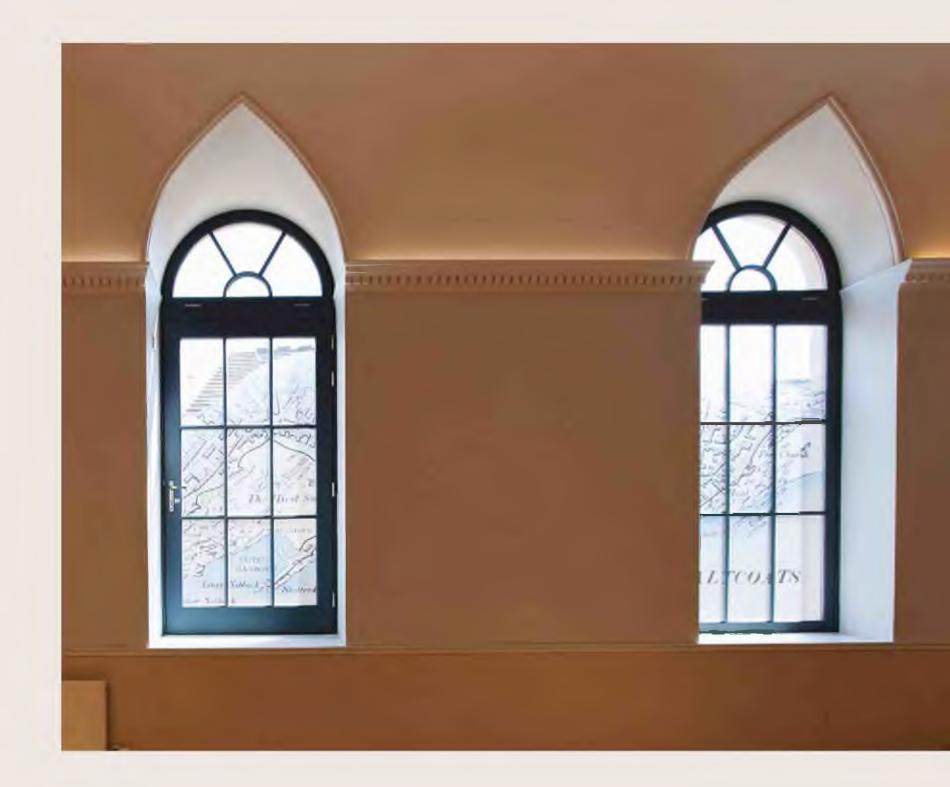
As one of the UK's most renowned timber window manufacturers we are recognised for successful integration of traditional craftsmanship, high tech components and modern manufacturing. The combination of traditional joinery skills with computer aided design and controlled machinery and the years of acquired knowledge means that any shape and style of window is expertly achieved.

#### Our entire bespoke range can incorporate shaped windows such as:

- Arched
- Radius heads
- Bevels
- Bowed on Plan
- Circles
- Half circles







18. Products: Bespoke Windows

#### **PRESERVATION**

All our engineered redwood sections are treated in our treatment tank.

Our hi-tech treatment tank is a hermetically sealed vacuum chamber which applies pressure, forcing the preservative into the timber, 2-3mm deep on surface, & 20-30mm at end grain.

The timber is impregnated with a water-based preservative to ensure durability and prolonged life expectancy.



#### **DECORATIVE COATINGS**

Blairs standard finish is 3 coats of water based microporous paint / translucent wood stain with a semi-gloss (satin) finish, to ensure colour longevity and to provide the best quality finish.

In addition to our standard white (RAL 9016) we can offer a variety of different colours. Below is a sample range of colours, however, other RAL colours are available (additional charges apply).

We can also offer a dual finish on our products.

#### Sample colour range.



20. Preservation www.blairswindows.co.uk

#### **PAST PROJECTS**



**DUNLOP HOUSE** 

Product Type: Sash and Case Windows



**CAMBO STABLES** 

Product Type: Tilt and Turn Windows & Sash & Case Windows



PRIVATE HOME

Product Type: Double Swing Windows



**CAVENDISH SQUARE - LONDON** 

Product Type: Sash & Case Windows



HOUSING DEVELOPMENT

Product Type: Enhanced Casement Windows & External French Doors



PRIVATE HOME

Product Type: Enhanced Casement Windows



Blairs Windows Ltd 9 Baker Street Greenock, Scotland PA15 4TU

Tel: 01475 721 256 sales@blairswindows.co.uk www.blairswindows.co.uk





#### SCOTTISH BORDERS COUNCIL

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

#### PART III REPORT (INCORPORATING REPORT OF HANDLING)

**REF**: 23/00140/LBC

APPLICANT: Miss Julie Harrison

AGENT:

**DEVELOPMENT:** Replacement windows

LOCATION: Middle House

Kingsmuir Hall Bonnington Road

Peebles

Scottish Borders EH45 9HE

TYPE: LBC Application

**REASON FOR DELAY:** 

#### **DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
1 of 10	Location Plan	Refused
D001	Existing Elevations	Refused
D002	Proposed Elevations	Refused
4 of 10	Brochures	Refused
5 of 10	Brochures	Refused
6 of 10	Other	Refused
7 of 10	Other	Refused
8 of 10	Other	Refused
9 of 10	Other	Refused
10 of 10	Brochures	Refused

#### NUMBER OF REPRESENTATIONS: 0 SUMMARY OF REPRESENTATIONS:

No representations received.

Consultation responses received from: Heritage and Design Officer - objection; AHSS - objection. This [property] forms part of a converted house and therefore the windows should continue to match the other portions of the listed house. uPVC windows are not identical, thanks to their thicker frames and therefore any replacement windows should be like-for-like in all respects. Slimline double glazing, refurbishment to enhance ease of opening and more modern secondary double-glazing solutions would not be problematic; Peebles Civic Society - no objection.

#### PLANNING CONSIDERATIONS AND POLICIES:

In determining the application, the following policies and guidance were taken into consideration:

Scottish Borders Local Development Plan 2016

PMD1 - Sustainability

PMD2 - Quality standards

ED9 - Renewable energy developments

EP7 - Listed buildings

#### NPF4

Policy 1 - Tackling the climate and nature crisis

Policy 2 - Climate mitigation and adaptation

Policy 7 - Historic assets and places

Policy 11 - Energy

Policy 14 - Design, quality and place

Policy 16 - Quality homes

Supplementary Planning Guidance:

Placemaking and design;

Renewable energy;

Replacement windows and doors.

Historic Environment Scotland Guidance

Historic Environment Policy for Scotland

Managing Change guidance series (micro-renewables; roofs; windows)

Revised drawings were submitted during the consideration of this application.

#### Recommendation by - Ranald Dods (Planning Officer) on 5th December 2023

#### Site and proposal

Middle House, Bonnington Road is a category C listed building within the conservation area, although not within the core area / prime frontage as defined in the "Replacement Windows and Doors" SPG. In terms of section 14(2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended), the planning authority has a duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Middle House is part of the former service range to the rear of Kingsmuir Hall. Although that service range has been extended and subdivided into separate houses, the application site remains as part of the larger assemblage. Middle House is described under a sub-heading in the listing description.

The application which is not accompanied by a detailed condition survey, as required by the SPG "Replacement Windows and Doors", is made for the installation of solar PVs on the roof and for 11 replacement windows. Also proposed would be the replacement of a modern timber double glazed window (within the conservatory extension) to a uPVC unit. As the building is within the conservation area, a planning application has been submitted for the proposal (reference 23/00225/FUL) and that will be considered separately. This report considers only the impact on the listed building.

In determining the application, the following factors were considered:

#### Planning history

There is some planning history associated with the site. That can be summarised as follows: 00/01467/LBC, internal alterations and installation of rooflights, granted, 16 Feb 01

#### Policy

The key LDP policy against which this proposal is assessed is EP7, listed buildings. In terms of NPF4, the key is policy 7, historic assets and places. As set out below, the proposal does not comply fully with the terms of these key policies.

Policy EP7 of the LDP states that the council will support development proposals that conserve, protect and enhance the character, integrity and setting of listed buildings. Amongst other things, external alterations must be of the highest quality, respect the original building in terms of design and materials and maintain or enhance the special architectural and historic quality of the building. Policy 7 of NPF4 sets out, amongst

other things, that development proposals for alterations to a listed building will be supported only where they will preserve its character, special architectural or historic interest and setting.

The council's SPG "Replacement Windows and Doors" provides further detail on how the provisions of the development plan will be applied. It states that the introduction of double glazing may be acceptable and, in specific and justified circumstances, replacement may be with uPVC. There is a requirement that the replacement unit has the same glazing pattern and method of opening and, where astragals are required, they are of the same proportion and design as the original window, with stick-on astragals not permitted.

#### Assessment

The application proposes two elements: replacement windows and; solar PV panels. An assessment of each is given below.

#### Windows

The relationship between Middle House and Kingsmuir Hall is clear when viewing the north elevation. The property has to be viewed with the wider assemblage in mind. Save for the dormer windows in the roof, the windows on the north elevation all appear of unified design and construction. Whilst it is acknowledged that the applicant wishes to improve the energy efficiency to the property, if new windows are to be provided then this must be balanced against the policies of the development plan and the statutory tests referred to earlier.

The submitted elevation drawings do not show the full effect that uPVC frames would have on the north elevation of the assemblage. The manufacturer's brochure contains photographs of the proposed windows installed on buildings elsewhere and it is clear that the frames would be of a considerable depth and size which would be clearly evident when compared to the original windows on this property and others within Kingsmuir Hall. In addition, the deep thickness to the glazing would also be evident. This would present a bulky frame of notably poorer proportions than the slim frames currently seen in the building. This heavy appearance would appear discordant, compared to the more elegant design of the existing windows. As a result, they would not satisfy the requirements of the SPG that, when allowing for replacement windows, requires such windows to be of the same proportion and design. The HES Managing Change guidance note "Windows" also states that the success of a replacement window will depend on its detailed design and on how well the new replicates the old. For the reasons set out above, the proposals would also conflict with HES guidance.

Having assessed the proposal, the HDO commented that the "...historic sash and case windows to this property contribute to its character and special interest. In accordance with policy in the SPG, repair of windows on a like for like basis is preferred. This can include refurbishment and draughtproofing of the windows which can be very effective. Replacement with timber windows to match the existing on a like for like basis would be supported, and can include double glazed units. There are no specific and justified circumstances that would suggest uPVC should be accepted in this case".

In light of that response, the applicant made a further submission which still proposed uPVC replacements throughout. The HDO commented that the "...building relates to an historic service range; the front and rear elevations form the side elevations to the main Hall and have been designed to relate to the main Hall. It is acknowledged that there is a mixture of timber and other material windows, and that external aluminium secondary glazing has been installed to some windows. Nevertheless, the majority of windows are original/historic. Of the modern replacements, the frames still tend to remain slim which lessens the impact of these. It remains most appropriate and in accordance with policy for the windows to be retained and/or replaced in timber. These could be repaired or replaced in timber with slimline glazing and/or internal secondary glazing. The front elevation is most significant in this regard, alongside the windows of the rear block and stairwell. For replacement of non-original windows, the frames should still be designed to be as slim as possible and would appropriately match the slimness of the frames to the timber windows, although alternative materials could be considered".

The applicant was advised of this response and that revisions would be required as the proposals would have a negative effect on the character of the listed building. They were also advised that "We may be able to accept, subject to the submission of appropriate drawings and details, double glazed timber windows. That could be achieved by the installation of slim profile glazing units into the existing frames. The alternative would be new timber windows with double glazing (a maximum thickness of 16mm would seem appropriate) installed. A further alternative would be the retention of the existing windows and the

installation of internal secondary double glazing. That would not require listed building consent or planning permission".

The revisions submitted in response to that request did make some welcome improvements, being the proposed installation of timber windows to the front (south) elevation. Whilst the elevation drawings refer to slim profile double glazing, the submitted details appear to contradict that, showing standard double glazing thickness with applied astragals. Aside from that, the majority of the proposed replacements remained as uPVC.

In response to the revisions, the HDO commented that "The main elevation of the principal villa of Kingsmuir Hall faces east, with its second 'garden' elevation facing south. Middle House is formed from part of the service range, set to the rear of the Hall. Middle House nevertheless has well-detailed elevations, particularly to what now forms its front elevation (south 'garden' elevation) whilst the rear block is well-proportioned and reads with the architecture (and window design) of the abutting elevation of the main villa. Original windows also survive to the rear block and stairwell, although it is acknowledged that a window and porch have been inserted and further window altered to these elevations, and to those of the neighbouring cottage.

"The historic sash and case windows to this property contribute to its character and special interest. It appears from recent sales particulars that internal shutters also survive. In accordance with policy in the SPG, repair of windows on a like for like basis is preferred, although sensitive replacement can be accepted. Use of timber to the front elevation of the property is appropriate. The proposed elevational drawings indicate that these would have frames to match the existing and slimline double glazed units, which would be an appropriate approach. The submitted details however show standard double glazed units and surface applied astragals, which do not reflect the original nor comply with the council's policy in the relevant SPG. New details should be supplied which reflect the approach detailed on the proposed elevation drawing (up front or by condition).

"The rear block is less visible, and has been subject to some alteration/inserted windows. Nevertheless it remains part of the larger ensemble, and the rear elevation has a direct relationship with the north elevation of the main villa. After much consideration of the information presented and SPG policy, there appears limited scope to divert from the design and detailing of the existing window in any proposed replacement. As per previous comments, replacement in timber to match the existing remains appropriate".

Subsequent to that response, the applicant was twice invited to make revisions in order to allow support to be given to the proposal. The confirmed, however, that they were unwilling to make further revisions. Having discussed the matter further with the HDO, on the basis that the installation of the proposed windows would result in serious detriment to the special architectural and historic interest of the listed building, the application cannot be supported.

The proposals would not meet those tests of preserving the building and the features of special architectural and historic interest which it possesses. In any case, the energy efficiency of historic buildings can be improved by other means more in keeping with the historic environment as described in HES guidance. On that basis, the proposed use of uPVC would affect adversely the property's features of special architectural or historic interest and would not serve to preserve the listed building and its setting.

#### Solar panels

It has to be noted that the proposed solar PVs would, on balance, be acceptable. Proposals such as these are likely to increase as we transition away from reliance on carbon fuels and each case must be treated on its own merits. In this instance, solar panels were proposed on the south facing roofplane. The Heritage and Design Officer (HDO) noted initially that it would be most appropriate for solar panels to be fitted in a more discreet location, for example the south roof slope to the rear (two storey) section of Middle House as this would be a much less visible location. Any accepted panels should be black framed and glare should be minimised, to reduce their impact further. In a later consultation reply, the HDO commented that it was understood that more discreet locations for the solar panels had been tested and no other option was possible nor is a reduction in the scale of the array, if it is to remain viable. Whilst the panels introduce additional clutter to the roofscape which erodes its historic integrity and architectural character, it is recognised that, taking account of the terms of policy 1 of NPF4, there is a need to address the climate emergency and, on balance, they could be accepted in this instance, subject to the panels being are set close to the roof plane, being black with black frames (or frameless) and having a finish to minimise glare.

That having been said, those form part of this wider application and it follows that if one of the elements of the proposed development is unacceptable, the whole application must be refused.

#### Rear door

The rear door, which would be clearly visible through the "conservatory", should be a design and material more appropriate to a listed building. We do, however, accept that the existing door is of little historic merit. The design of the door proposed in the revisions would, were the proposal to be otherwise acceptable, be suitable.

#### Conclusion

Whilst the council supports the need to reduce carbon emissions and is sympathetic to an applicant's desire to reduce costs, that has to be balanced with the need to safeguard the historic environment. Were the proposals to be otherwise acceptable, support could, on balance, have been given to the installation of solar panels. However, despite protracted efforts to achieve a satisfactory outcome, the applicant was unwilling to submit suitable window details which would allow that balance to be reached on the whole development proposals. The development would therefore be contrary to policy EP7 of the Local Development Plan 2016, policy 7 of NPF4 and the council's SPG "Replacement Windows and Doors".

#### **REASON FOR DECISION:**

The development would be contrary to policy EP7 of the Local Development Plan 2016, policy 7 of NPF4 and the council's SPG "Replacement Windows and Doors" in that that the material, frame dimensions and specifications of the proposed windows would have an unacceptable adverse impact on and detract from the special architectural and historic interest of the listed building. No overriding case for the development as proposed has been substantiated. These conflicts with the development plan are not overridden by other material considerations.

#### Recommendation: Refused

The development would be contrary to policy EP7 of the Local Development Plan 2016, policy 7 of NPF4 and the council's SPG "Replacement Windows and Doors" in that that the material, frame dimensions and specifications of the proposed windows would have an unacceptable adverse impact on and detract from the special architectural and historic interest of the listed building. No overriding case for the development as proposed has been substantiated. These conflicts with the development plan are not overridden by other material considerations.

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





### Speaking for Scotland's Buildings



6th March 2023

Ranald Dodds
Planning and Economic Development
Scottish Borders Council
Council Headquarters
Newtown St. Boswells
Melrose
TD6 0SA

Dear Ranald Dodds,

RE: 23/00140/LBC & 23/00225/FUL | Middle House, Kingsmuir Hall, Bonnington Road, Peebles

Thank you for your consultation on this application.

The AHSS Forth & Borders Cases Panel has examined the application for replacement windows to a C-listed property, and we object to the proposed uPVC windows.

This forms part of a converted house, and therefore the windows should continue to match the other portions of the listed house. uPVC windows are not identical, thanks to their thicker frames, and therefore any replacement windows should be like-for-like in all respects. Slimline double glazing, refurbishment to enhance ease of opening, and more modern secondary double-glazing solutions would not be problematic.

Yours sincerely,

James Seabridge-Cooper, Convener on behalf of the Forth & Borders Cases Panel

#### **Comments for Planning Application 23/00225/FUL**

#### **Application Summary**

Application Number: 23/00225/FUL

Address: Middle House Kingsmuir Hall Bonnington Road Peebles Scottish Borders EH45 9HE

Proposal: Replacement windows

Case Officer: Ranald Dods

#### **Customer Details**

Name: Dr The Architectural Heritage Society of Scotland

Address: AHSS National Office, 15 Rutland Square, Edinburgh EH1 2BE

#### **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan

- Designated Conservation Area

- Listed Building

- Poor design

Comment:Thank you for your re-consultation. The proposal still appears to largely favour uPVC windows, and our objections before still stand. As part of a larger listed property, all aspects of the glazing across all subdivided properties needs to continue to present a coherent style and use of material. The replacement of the existing wooden sash windows with short-lived uPVC is a false economy and detracts from the special interest and coherence of the listed property, and we continue to object to that element of the proposals. Ample alternatives are well-described in the Scottish Borders SPG on glazing, HES publications, and the Heritage Officer's submissions here.



"Dedicated to the preservation, improvement and development of amenity in and around Peebles"

3<sup>rd</sup> March 2023

23/00140/LBC and 23/00225/FUL. Replacement roof lights, installation of PV array to roof and internal alterations. Middle House Kingsmuir Hall Bonnington Road Peebles

We welcome the removal of the external aluminium secondary glazing, but if the windows are replaced by uPVC ones it is essential that they are recessed into the existing openings in accordance with paragraphs 4.28, 4.29 and 4.33 of the SPG Replacement Windows and Doors, to ensure that the externally exposed widths at jambs and head will be within the traditional range of 15-20mm. We have no objection to the PV array, especially as it is not visible to the public.

Yours

**Anthony Newton** 

(Secretary, Peebles Civic Society)



"Dedicated to the preservation, improvement and development of amenity in and around Peebles"

19/10/2023

23/00225/FUL and 23/00140/LBC | Replacement windows | Middle House Kingsmuir Hall Bonnington Road Peebles Scottish Borders EH45 9HE

We have not objection to this application.

Yours

**Anthony Newton** 

(Secretary, Peebles Civic Society)



### Local Review Body – List of Policies 26<sup>th</sup> February 2024

Local Review Reference: 23/00054/RREF Planning Application Reference: 23/00225/FUL Development Proposal: Replacement windows

Location: Middle House, Kingsmuir Hall, Bonnington Road, Peebles

**Applicant:** Miss Julie Harrison

#### **National Planning Framework 4**

Policy 1: Tackling the climate and nature crisis Policy 2: Climate mitigation and adaptation

Policy 7: Historic assets and places

Policy 11: Energy

Policy 14: Design, quality and place

#### **Scottish Borders Local Development Plan (2016)**

PMD1: Sustainability PMD2: Quality standard

ED9: Renewable energy developments

EP9: Conservation areas

#### **Other Material Considerations**

SBC Supplementary Planning Guidance on;

- Placemaking and Design 2010
- Renewable Energy 2007
- Replacement Windows and Doors 2015

