

# Public Document Pack



## LOCAL REVIEW BODY MONDAY, 15 APRIL 2024

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on MONDAY, 15 APRIL 2024 at 10.00 am

**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,

5 April 2024

<b>BUSINESS</b>	
1.	<b>Apologies for Absence.</b>
2.	<b>Order of Business.</b>
3.	<b>Declarations of Interest.</b>
4.	<b>Continue consideration of request for review of refusal in respect of replacement windows at Middle House, Kingsmuir Hall, Bonnington Road, Peebles - 23/00054/RREF</b>
	(a) <b>Notice of Review</b> (Pages 5 - 46) Including:-  Decision Notice Officer's Report
	(b) <b>Papers Referred to in the Officers Report</b> (Pages 47 - 98)
	(c) <b>Additional Information</b> (Pages 99 - 108)
	(d) <b>Consultation Replies</b> (Pages 109 - 112)
	(e) <b>List of Policies</b> (Pages 113 - 114)
5.	<b>Consider request for review of refusal in respect of the Erection of fence (retrospective) at 11A Roxburghe Drive, Hawick - 24/00005/RREF</b>
	(a) <b>Notice of Review</b>

	<p>(Pages 115 - 128) Including:</p> <p>Decision Notice Officer's Report</p>
	<p>(b) <b>Papers referred to in the Officers Report</b> (Pages 129 - 132)</p>
	<p>(c) <b>Objections</b> (Pages 133 - 134)</p>
	<p>(d) <b>List of Policies</b> (Pages 135 - 136)</p>
6.	<p><b>Consider request for review of refusal in respect of Commercial Storage Facility comprising 30 no. Storage Containers with associated works, Former Gas Works, Princes Street, Innerleithen - 24/00006/RREF</b></p>
	<p>(a) <b>Notice of Review</b> (Pages 137 - 218) Including:</p> <p>Decision Notice Officer's Report</p>
	<p>(b) <b>Papers referred to in the Officers Report</b> (Pages 219 - 222)</p>
	<p>(c) <b>Additional Information</b> (Pages 223 - 256)</p>
	<p>(d) <b>General Comments</b> (Pages 257 - 258)</p>
	<p>(e) <b>Consultation Replies</b> (Pages 259 - 268)</p>
	<p>(f) <b>Objections</b> (Pages 269 - 278)</p>
	<p>(g) <b>List of Policies</b> (Pages 279 - 280)</p>
7.	<p><b>Consider request for review of refusal in respect of the change of use of Church and alterations to form dwellinghouse (revision to planning Permission 22/01508/FUL) at Westruther Parish Church, Westruther - 24/00007/RREF</b></p>
	<p>(a) <b>Notice of Review</b> (Pages 281 - 338) Including:</p> <p>Decision Notice Officer's Report</p>
	<p>(b) <b>Papers Referred to in Officer's Report</b> (Pages 339 - 342)</p>
	<p>(c) <b>Additional Information</b> (Pages 343 - 354)</p>
	<p>(d) <b>List of Policies</b> (Pages 355 - 356)</p>
8.	<p><b>Consider request for review of refusal in respect of replacement roof to glasshouse, Garden House, Linthill, Melrose - 24/00010/RREF</b></p>

	(a) <b>Notice of Review</b> (Pages 357 - 438) Including:  Decision Notice Officer's Report
	(b) <b>Papers Referred to in Officer's Report</b> (Pages 439 - 446)
	(c) <b>Further Representations</b> (Pages 447 - 448)
	(d) <b>List of Policies</b> (Pages 449 - 450)
9.	<b>Any Other Items Previously Circulated</b>
10.	<b>Any Other Items which the Chairman Decides are Urgent</b>

#### **NOTES**

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

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**Membership of Committee:-** Councillors S. Mountford (Chair), J. Cox, M. Douglas, D. Moffat, A. Orr, N. Richards, S. Scott, E. Small, V. Thomson

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Please direct any enquiries to Fiona Henderson 01835 826502  
email [fhenderson@scotborders.gov.uk](mailto:fhenderson@scotborders.gov.uk)

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Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 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)

Applicant  Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Middle House"/>
First Name: *	<input type="text" value="Julie"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Harrison"/>	Address 1 (Street): *	<input type="text" value="Kingsmuir Hall"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Bonnington Road"/>
Telephone Number: *	<input type="text" value="Idox Annotate"/>	Town/City: *	<input type="text" value="Peebles"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH45 9HE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="Idox Annotate"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="MIDDLE HOUSE"/>
Address 2:	<input type="text" value="KINGSMUIR HALL"/>
Address 3:	<input type="text" value="BONNINGTON ROAD"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PEEBLES"/>
Post Code:	<input type="text" value="EH45 9HE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="639732"/>	Easting	<input type="text" value="325289"/>
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## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Trees

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

Yes  No

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

## Access and Parking

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

Yes  No

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Miss Julie Harrison

On behalf of:

Date: 27/01/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

## Declare – For Householder Application

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

Declaration Name: 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

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Miss Julie Harrison  
Middle House  
Kingsmuir Hall  
Bonnington Road  
Peebles  
Scottish Borders  
EH45 9HE

**Please ask  
for:**  


Ranald Dods  
01835 825239

**Our Ref:  
Your Ref:**

23/00225/FUL

**E-Mail:  
Date:**

ranald.dods@scotborders.gov.uk  
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

**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**

**APPLICATION REFERENCE : 23/00225/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
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).

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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 :** 23/00225/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:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
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**

- 1 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”.**

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**NOTICE OF REVIEW**

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

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

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

**Use BLOCK CAPITALS if completing in manuscript**

<b>Applicant(s)</b> Julie Harrison	<b>Agent (if any)</b>
Name Middle House, Kingsmuir Hall, Bonnington	Name
Address	Address
EH45 9HE	
Postcode	Postcode
Contact Telephone 1	Contact Telephone 1
Contact Telephone 2	Contact Telephone 2
E-mail*	E-mail*
	Mark this box to confirm all contact should be through this representative: <input type="checkbox"/>
	Yes <input type="checkbox"/> No <input type="checkbox"/>

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

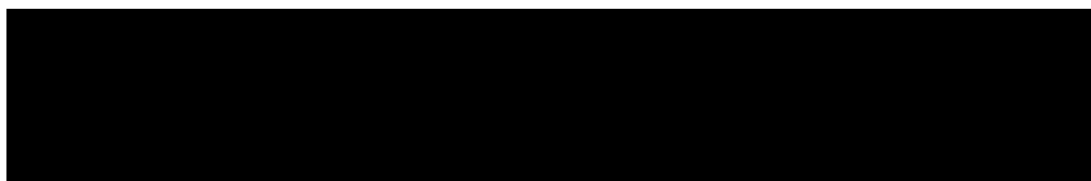
Scottish Borders Council

Planning authority 23/00225/FUL

Planning authority's application reference number

Site address

Description of proposed development



Date of application 27/1/2023

Date of decision (if any) 8/12/2023

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

**Nature of application**

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

**Reasons for seeking review** (tick one box)

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

**Review procedure**

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

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

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

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you

[REDACTED]

**Site inspection**

In the 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? Yes  No
- 2. Is it possible for the site to be accessed safely, and without barriers to entry?

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

[REDACTED]

**Statement**

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

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

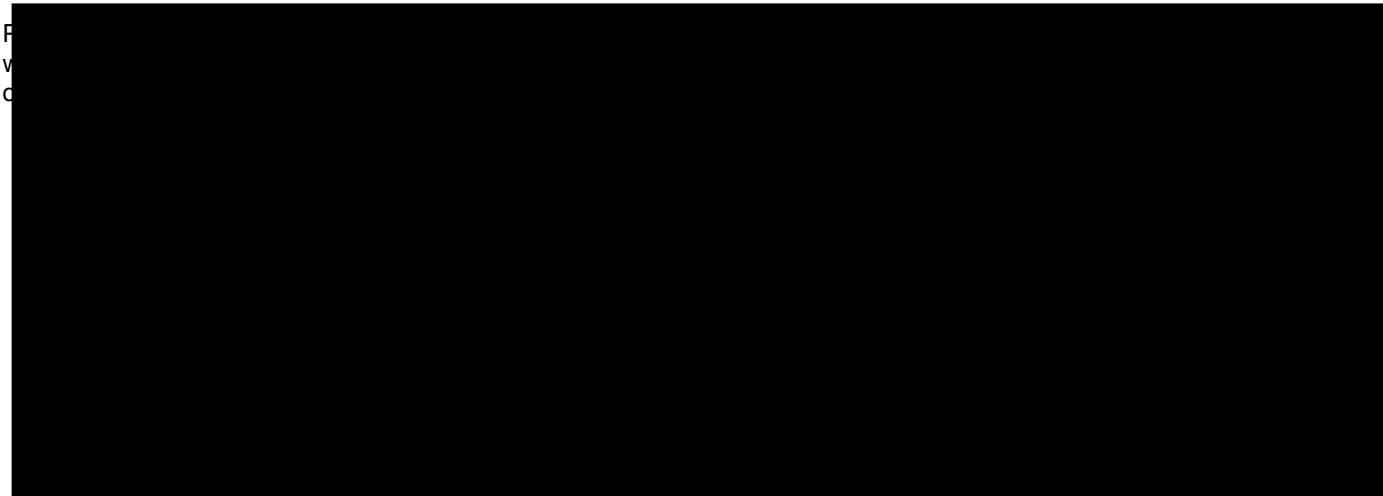


Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes  No

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

List of documents and evidence



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

**Checklist**

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

- Full completion of all parts of this form
- Statement of your reasons for requiring a review

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

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

**Declaration**

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

Signed  Date

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

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 **not** 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.

Please do let us know if you require any further information to support our appeal.

Yours faithfully

Julie Harrison



## CORRESPONDENCE VIA EMAIL WITH SCOTTISH BORDERS PLANNING DEPT

## Timeline of correspondence

Date	Description
14/02/2023	Acknowledgement letter for application 23/00225/FUL
14/02/2023	Acknowledgement letter for application 23/00140/LBC
03/04/2023	Response from Randal Dods and Sanne Roberts (HDO) on proposed planning
05/04/2023	Response to Sanne Roberts (HDO) re consultation 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 Randal Dods re email to check progress
24/04/2023	Response to Randal Dods re email 24/04/2023
17/05/2023	Email to Randal Dods to check progress
25/05/2023	Response from Randal Dods requesting more information
26/05/2023	Response to Randal Dods requesting more information on what is acceptable re windows
26/05/2023	Response from Randal Dods with window guidance and note that uPVC may be acceptable in some instances
06/06/2023	Response to Randal Dods confirming additional info added to portal
16/06/2023	Response to Randal Dods confirming additional info added to portal
16/06/2023	Response from Randal Dods confirming need to add all documents to both FUL and LBC applications
20/07/2023	Email to Randal Dods to check progress
21/07/2023	Response from Randal Dods re latest additional information provided
27/07/2023	Response from architect related to correspondence not available on the portal (Sourced a local architects firm to provide drawings requested (D H Farmer, Peebles))
02/10/2023	Email to Randal Dods confirming all additional information added to portal
11/10/2023	Email to Randal Dods to request update
17/10/2023	Response from Randal Dods after request for update
20/10/2023	Response to Randal Dods re. email 17/10/23
28/11/2023	Enquiry to SBC re decision timescales
28/11/2023	Response from Randal Dods after request for update
28/11/2023	Response to Randal Dods after request for update
28/11/2023	Response from Randal Dods after request for update
28/11/2023	Response to Randal Dods after request for update
28/11/2023	Response from Randal Dods after request for update
29/11/2023	Enquiry to SBC re decision timescales
29/11/2023	Response from Randal Dods after 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

6/12/2023	Response from Barry Fotheringham re complaint response
8/12/2023	Confirmation of planning decision to reject uPVC replacement windows

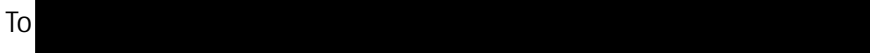
Copy of Correspondence sorted by earliest to latest date:

From: Dods, Rnald <[Rnald.Dods@scotborders.gov.uk](mailto:Rnald.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 consultation 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*ed 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.

“It is proposed to relocate the boiler to within a window recess. It is unclear from the description how the window would be *fi*nished. There is concern this would result in a non-traditional 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 *effec*ve. Replacement with *em*ber windows to match the existing on a like for like basis would be supported, and can include double glazed units. There are no *speci*fic and *ju*stified circumstances that would suggest uPVC should be accepted in this case”.

I do not disagree with that assessment. Before we can support the applications, we will need some further information, 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 existing and proposed elevations (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 addition, 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 additional information to be uploaded via the portal by the 11<sup>th</sup> of April. If you require additional time 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](mailto:ranald.dods@scotborders.gov.uk)

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From: Julie Harrison [redacted]  
Sent: 05 April 2023 06:37  
To: Roberts, Sanne <[Sanne.Roberts@scotborders.gov.uk](mailto:Sanne.Roberts@scotborders.gov.uk)>  
Cc: Adrian McCarthy [redacted] Dods, Ranald <[Ranald.Dods@scotborders.gov.uk](mailto: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 writing in response to your comments that Ranald Dods has forwarded on and to provide more information as requested.

Solar panels

In terms of the location, 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 investigated this option when getting 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 reduction should our application be approved.

#### Boiler relocation

We are no longer planning to relocate the boiler to a window recess and it will remain close to current location but moved within a kitchen cupboard to accommodate removal of the wall. Please let us know if you need further information 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 action 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 information 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 rattle in their frames. I have pictures of the ice inside the windows, one of which I've attached. 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 certificate makes no mention 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 timber, this is preferred mainly due to cost and thermal efficiency, but I've shared a link here on benefits of choosing uPVC:

<https://www.sashwindowsuk.com/blog/5-differences-between-wood-effect-upvc-windows-and-timber-windows#:~:text=Leading%20on%20from%20point%20number,the%20most%20cost%20effective%20option.>

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 ambitions by doing what we can within our new home which is sympathetic 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 information.

Many thanks

Julie Harrison

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On Fri, 7 Apr 2023, 11:04 Roberts, Sanne, <[Sanne.Roberts@scotborders.gov.uk](mailto:Sanne.Roberts@scotborders.gov.uk)> 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 additional information provided in your email.

**Solar Panels:** It is useful to understand what alternatives have been investigated 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 location 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 still unable to support upvc windows as a replacement to historic timber sash and case windows. Well-maintained timber 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 timber windows were generally of good quality timber and many can be repaired even when they seem in very poor condition. 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 timber could be considered.

Please ensure Randal Dods is kept in copy to any correspondence or further information, as he is case officer for your application and will make the final decision based on assessment of the case and all consultation responses. Any revised plans or new information should be submitted to the portal directly.

Kind regards,

Sanne

**Sanne Roberts**, Heritage and Design Officer

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On Fri, 7 Apr 2023, 13:03 Julie Harrison [REDACTED] wrote:

Many thanks Ms Roberts for your prompt response.

SOLAR PANELS:

We did discuss alternative placement of solar panels with the 3 firms who quoted and they all considered that placement utilising the front south facing roof was the best option with potential to add 4 more on the rear south facing section, although that significantly increased the cost of installation due to the additional scaffolding and time taken. We also took extensive advice from home energy Scotland on other renewables and were advised that other options 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 application 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 timber replacements be the only acceptable option? These are beyond repair and need to be replaced. The internal shutters 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 traditional ones as follows - would it be acceptable to replace those with uPVC double glazed units that are sympathetic 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 traditional - 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 check with that as our source material from the supplier.

Please let us know your thoughts on that basis and we can adjust our application.

#### BOILER:

We'll submit boiler relocation change to the portal.

Many thanks, Julie Harrison

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From: Julie Harrison [REDACTED]  
Sent: 07 April 2023 13:13

To: Roberts, Sanne <[Sanne.Roberts@scotborders.gov.uk](mailto:Sanne.Roberts@scotborders.gov.uk)>  
Cc: Adrian McCarthy [REDACTED] Dods, Ranald <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)>  
Subject: Re: [OFFICIAL] 23/00140/LBC & 23/00225/FUL, Middle House, Kingsmuir Hall

**CAUTION:** External Email

Apologies I also meant to share information 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

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On Wed, 12 Apr 2023, 09:54 Roberts, Sanne, <[Sanne.Roberts@scotborders.gov.uk](mailto:Sanne.Roberts@scotborders.gov.uk)> wrote:

Dear Julie,

Thank you for your emails and the additional information. I will discuss this with colleagues who ultimately will be the ones to assess and determine the application.

Sanne

**Sanne Roberts**

Heritage and Design Officer

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From: Julie Harrison [REDACTED]  
Sent: 24 April 2023 10:56  
To: Roberts, Sanne <[Sanne.Roberts@scotborders.gov.uk](mailto:Sanne.Roberts@scotborders.gov.uk)>  
Cc: Adrian McCarthy [REDACTED] Dods, Ranald <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)>  
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 information as required.

Many thanks, Julie Harrison

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On Mon, 24 Apr 2023, 11:33 Dods, Ranald, <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)> wrote:

Julie,

Sanne has discussed this with me. I still have to make a recommendation on the proposal but I may be asking for revised drawings. I will revert when I have had a chance to re-examine the applications.

Ranald

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On Mon, 24 Apr 2023, 12:49 Julie Harrison [REDACTED] wrote:

Ok, many thanks. Please feel free to call me if easier to answer any queries. My number is [REDACTED]  
[REDACTED]

Kind regards, Julie Harrison

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From: Julie Harrison [REDACTED]  
Date: Wed, 17 May 2023, 10:43  
Subject: Re: [OFFICIAL] 23/00140/LBC & 23/00225/FUL, Middle House, Kingsmuir Hall  
To: Dods, Ranald <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)>  
Cc: Roberts, Sanne <[Sanne.Roberts@scotborders.gov.uk](mailto:Sanne.Roberts@scotborders.gov.uk)>, Adrian McCarthy  
[REDACTED]

Dear Mr Dods,

Has there been any progress on our planning application? The main reason for our urgency is to get at least the bedroom windows ordered and fixed prior to winter to avoid having the experience we've had over our first winter. Happy to answer any questions you might have to help resolve any issues.

Apologies for chasing, I'm aware planning resources are stretched.

Many thanks

Julie Harrison

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On Thu, 25 May 2023, 12:06 Dods, Ranald, <[Ranald.Dods@scotborders.gov.uk](mailto: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 also appears to have both existing and proposed plans on it. I still 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 mention 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 notification and advertisement.

We still 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 existing and proposed elevations, showing the solar panels and the windows which will have work done / be replaced.

Clearly you have put a good deal of time and effort into the application but I don't think that we have sufficient information and clarity on what is proposed. If you feel that you can't set out the information clearly and provide properly scaled drawings showing the existing and proposed works, it may be better to engage a professional who could provide the drawings for you. That is, however, a choice for you but I am regrettably not able to make a recommendation based on the information I have.

Please could you let me know how you wish to proceed? If you want to submit revised and additional drawings, please do so via the portal by the 23<sup>rd</sup> of June. If you need additional time, please let me know.

Ranald

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From: Julie Harrison [redacted]  
Sent: 26 May 2023 07:35  
To: Dods, Ranald <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)>  
Cc: Adrian McCarthy [redacted] Roberts, Sanne  
<[Sanne.Roberts@scotborders.gov.uk](mailto: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 letting me know. I'll endeavour to get new documents to you by that date or let you know more time 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 information on our request. I'm finding it quite difficult to be clear with no indication from you on what's acceptable. I'd prefer not to waste your time and ours putting in an application 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 application date and this request puts us back to the beginning of the process.

Many thanks

Julie Harrison

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On Fri, 26 May 2023, 09:02 Dods, Ranald, <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)> wrote:

Thank you.

Our guidance on replacement windows and doors (copy attached in case you have not already seen that) is clear at page 6. Whilst it is difficult to say definitively, it may be acceptable to introduce uPVC windows into category c Listed buildings.

Ranald

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On Tue, 6 Jun 2023, 20:06 Julie Harrison, [REDACTED] wrote:

Dear Mr Dods

Additional supporting documents have now been added via the portal as requested. I've checked documents align to a recently approved application 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 applications.

We originally tried to engage an architect but the timescales and additional 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

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From: Julie Harrison [REDACTED]  
Sent: 16 June 2023 07:27  
To: Dods, Ranald <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)>  
Cc: Adrian McCarthy [REDACTED]  
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 quotation from a window supplier which details each window and the kitchen door.

Please let me know the decision on planning applica on.

Julie Harrison

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From: Julie Harrison [redacted]  
Sent: 20 July 2023 08:50  
To: Dods, Rana  <[Rana .Dods@scotborders.gov.uk](mailto:Rana .Dods@scotborders.gov.uk)>  
Cc: Adrian McCarthy [redacted]  
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 applica on?

Many thanks, Julie Harrison

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On Fri, 21 Jul 2023, 12:26 Dods, Rana , <[Rana .Dods@scotborders.gov.uk](mailto:Rana .Dods@scotborders.gov.uk)> wrote:

Dear Ms Harrison,

I am afraid we sell are not in a posi on to support your applica 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 sympath 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 ons, the solar panels but the proposed windows and replacement door are items which would have a nega 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  mber windows. That could be achieved by the installa on of slim profile glazing units into the existi ng frames. The alterna ve would be new  mber windows with double glazing (a maximum thickness of 16mm would seem appropriate) installed. A further alterna ve would be the reten on of the existi ng windows and the installa 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 existi ng door is of li le historic merit.

As men oned above, we cannot support your applica ons in the current form and I realise that will be disappoint ng for you. Rather than refuse those, I suggest the applica ons are revised to show  mber windows with double glazing and giving us full details or, they are withdrawn.

Please let me know as soon as possible which course of ac on you wish to take.

Yours sincerely,

Ranald Dods

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From [REDACTED]  
Date: Thu, 27 Jul 2023, 16:10  
Subject: Planning Application, Middle House, Bonnington Road.  
To [REDACTED]

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 request further information to the portal. We would be grateful if you could forward a copy of the request you have had from Ranald detailing the information 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](mailto:mail@dhfarmer.co.uk)

[www.dhfarmer.co.uk](http://www.dhfarmer.co.uk)

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From: Julie Harrison [REDACTED]  
Date: Mon, 2 Oct 2023, 09:36  
Subject: Re: [OFFICIAL] 23/00225/FUL and 23/00140/LBC  
To: Dods, Ranald <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)>  
Cc: Adrian McCarthy [REDACTED] <[mail@dhfarmer.co.uk](mailto:mail@dhfarmer.co.uk)>

Dear Mr Dods

All requested additional information now uploaded to the planning portal.

Regards, Julie Harrison

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From: Julie Harrison [REDACTED]  
Date: Wed, 11 Oct 2023, 12:15  
Subject: 23/00225/FUL and 23/00140/LBC  
To: Dods, Ranald <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)>

Dear Mr Dods, can you advise when a decision will be made on our planning applications please.

Many thanks, Julie Harrison

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From: Dods, Ranald <[Ranald.Dods@scotborders.gov.uk](mailto: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 Harrison [REDACTED]  
Cc: [david@dhfarmer.co.uk](mailto:david@dhfarmer.co.uk) <[david@dhfarmer.co.uk](mailto:david@dhfarmer.co.uk)>

Dear Miss Harrison,

The HDO and I have spent a good deal of time 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 requesting so much from you. We recognise there have been improvements made to the proposal but there are some aspects that mean we cannot give the applications our full support.

I have copied the HDO's substantive 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 conditions being imposed.

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 adjoining 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.

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 applications 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](mailto:ranald.dods@scotborders.gov.uk)

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From: Julie Harrison [redacted]  
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](mailto:Ranald.Dods@scotborders.gov.uk)>  
Cc: <[david@dhfarmer.co.uk](mailto:david@dhfarmer.co.uk)>, Adrian McCarthy [redacted]

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

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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 Randal 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&query=55.6453647,-3.1886204>

Thank you

---

On Tue, 28 Nov 2023, 15:44 Dods, Randal, <[Randal.Dods@scotborders.gov.uk](mailto:Randal.Dods@scotborders.gov.uk)> wrote:

Dear Miss Harrison,

Thank you for your email. I apologise that I did not respond directly to your last email. I have been concentraØng on other casework and have had to set that aside just now.

It is disappointØng that we have not been able to reach a satisfactorØ solution, given the Øme the Heritage and Design Officer (HDO) and I have taken in looking at this proposal. I note that, as your initial submission was not clear and lacked some detail, I asked on the 3<sup>rd</sup> of April for further informaØn 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 informaØn was provided on the 20<sup>th</sup> of June.



Having discussed those submissions with the HDO, I wrote on the 21<sup>st</sup> of July. In that email, I said “Whilst we are sympathetic 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 conditions, the solar panels but the proposed windows and replacement door are items which would have a negative effect on the character of the listed building”. With that in mind and in order for us to support the application rather than refuse it, I asked for revisions to be made. On the 2<sup>nd</sup> of October you emailed me to tell me the information had been uploaded to the portal. I advised the HDO on the 4<sup>th</sup> that revised information had been submitted and asked for her views on that.

The HDO responded on the 12<sup>th</sup> of October, after which I discussed matters with her again in order to see if what was provided could be supported, mindful of the facts of the building and its listing. I advised you on the 17<sup>th</sup> of October that unfortunately we were still unable to lend support to your application and invited you to submit revisions by the 31<sup>st</sup> of October with the aim, if those details were acceptable, of the applications 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 indicated 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

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From: Julie Harrison [redacted]  
Sent: Tuesday, November 28, 2023 3:48 PM  
To: Dods, Ranald <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)>  
Cc: Adrian McCarthy [redacted]  
Subject: Re: [OFFICIAL] 23/00225/FUL & 23/00140/LBC

**CAUTION:** External Email

Dear Mr Dods, we would still like to appeal your decision and the only way for us to do that is for you to reject our application. Therefore please do that as soon as possible and we'll appeal.

Many thanks

Julie Harrison

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On Tue, 28 Nov 2023, 16:14 Dods, Ranald, <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)> 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 applications?

Ranald Dods

---

From: Julie Harrison [REDACTED]  
Sent: Tuesday, November 28, 2023 4:20 PM  
To: Dods, Ranald <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)>  
Cc: Adrian McCarthy [REDACTED]  
Subject: Re: [OFFICIAL] 23/00225/FUL & 23/00140/LBC

**CAUTION: External Email**

Dear Mr Dods, yes that's correct. You've effectively 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. Unfortunately 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](mailto: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. Negotiation to make a proposal acceptable is part of the application process.

I will try to determine the applications in the coming weeks, accepting that I have other cases to determine as well.

Ranald Dods

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From: Julie Harrison [REDACTED]  
Date: Tue, 28 Nov 2023, 16:45  
Subject: Re: [OFFICIAL] 23/00225/FUL & 23/00140/LBC  
To: Dods, Ranald <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)>  
Cc: Adrian McCarthy [REDACTED]

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 indicated

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

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From: Scottish Borders Council <noreply@scotborders.gov.uk>

Sent: Wednesday, November 29, 2023 11:31 AM

To: Planning & Regulatory Services <prs@scotborders.gov.uk>

Subject: Enquiry received -Peebles - PDM000808

CAUTION: External Email

Hi

Please see the below enquiry:

Name: Julie Harrison

Business:

Address: Middle House, Kingsmuir Hall, Bonnington Road, Peebles, EH45 9HE

Email: [REDACTED]

Telephone: [REDACTED]

Enquiry: Planning applications

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 after email communications 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 information please don't hesitate to call or email me. Many thanks, Julie Harrison

Location: Peebles

Location description: Middle House

Google Maps URL: <https://www.google.co.uk/maps/search/?api=1&query=55.6453647,-3.1886204>

Thank you

---

From: Dods, Ranald <[Ranald.Dods@scotborders.gov.uk](mailto:Ranald.Dods@scotborders.gov.uk)>

Date: Wed, 29 Nov 2023, 14:02

Subject: [OFFICIAL] 23/00225/FUL & 23/00140/LBC

To: Julie Harrison [REDACTED]

Miss Harrison,

I advised you yesterday after you confirmed that you were unwilling to submit revisions which would enable us to support your applications that I will determine them in the near future and I still 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 time to writing the reports for your applications. Rest assured, once I have those done, I will turn my attention to your applications.

In the meantime, I thank you for your patience.

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 non-determination 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 your 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](http://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](http://scotborders.gov.uk/complaintsprocedure).

Yours sincerely  
Barry Fotheringham

Lead Planning Officer

---

From: Julie Harrison [REDACTED]  
Sent: Tuesday, December 5, 2023 4:37 PM  
To: Fotheringham, Barry <[bfotheringham@scotborders.gov.uk](mailto:bfotheringham@scotborders.gov.uk)>  
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 still unable to proceed with a resolution. 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](mailto:bfotheringham@scotborders.gov.uk)>  
Date: Wed, 6 Dec 2023, 11:45  
Subject: RE: [OFFICIAL] Complaint CPT001282  
To: Julie Harrison [REDACTED]

Dear Ms Harrison

Thank you for your e-mail. I note your comments regarding submission of additional information, however this fell short of our policies for replacement windows in Listed Buildings. I understand Mr

Dods offered you further opportunities to revise your plans but unfortunately we have not received amended drawings that will allow us to support your application.

I hope to be in position to agree Mr Dods recommendation 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: [bfotheringham@scotborders.gov.uk](mailto:bfotheringham@scotborders.gov.uk)

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From: Planning & Regulatory Services <[prs@scotborders.gov.uk](mailto:prs@scotborders.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 Afternoon

Please find the decision notes for the above applications attached.

Kind regards

Planning & Regulatory Services

Scottish Borders Council

**LAND REGISTER OF SCOTLAND**

MIDDLE HOUSE, KINGSMUIR HALL, BONNINGTON ROAD, PEEBLES, EH45 9HE

Survey scale 1:1250

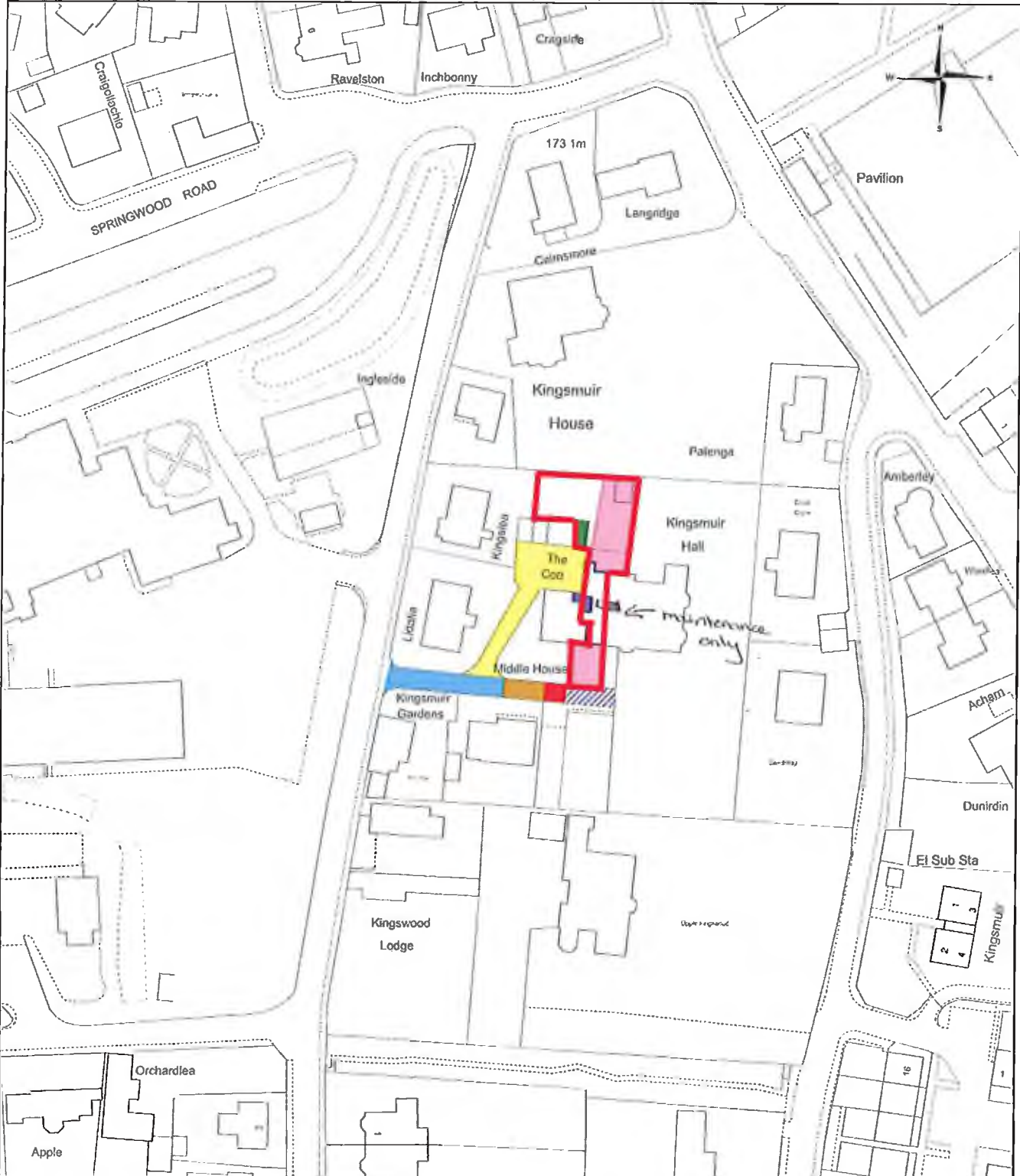
Print scale 1:1250 @ A4

22/09/2022

REQUEST NUMBER 5240157PBL

325161 639609 325390 639873

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Page 47  
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associated Decision  
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23/00225/FUL  
07/12/2023

23/00225/FUL  
07/12/2023

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Town And Country  
Planning (Scotland) Act  
1997**

**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 • ☎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:	MD23/026
Date:	September 2023
Title:	Existing Elevations
Dwg No:	D001
Scale:	1:100@A3
Rev:	



23/00225/FUL  
07/12/2023

**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.

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

**REFUSED**

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



Proposed Elevation South



Proposed Elevation North



Proposed Elevation West

**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:	MD23/026
Date:	September 2023
Title:	Proposed Elevations
Dwg No:	D002
Scale:	1:100@A3
Rev:	

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

**REFUSED**

subject to the  
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associated Decision  
Notice

SPECTUS  
**VERTICAL**  
**SLIDER**



**Spectus**<sup>®</sup>  
WINDOW SYSTEMS

# 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.





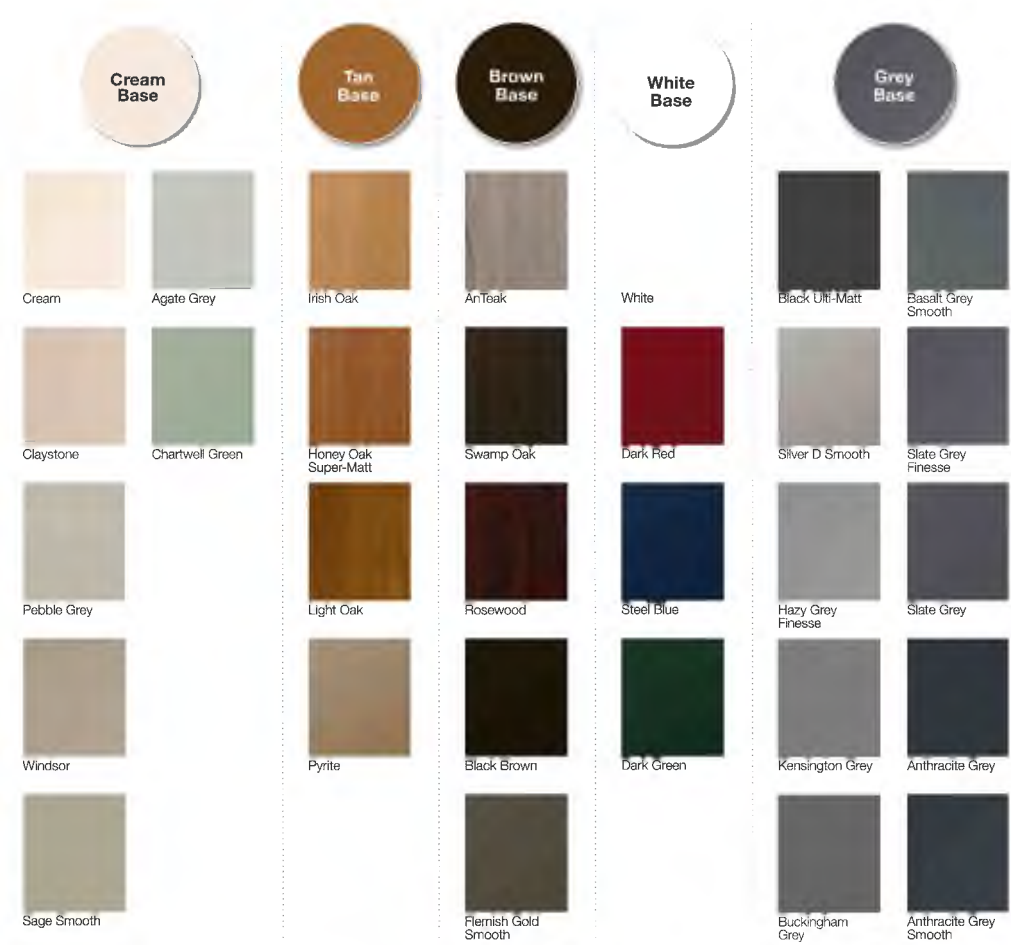
4

# 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/m<sup>2</sup>K
- 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
- Maximum sizes are up to 1600mm wide and 3000mm high.







# 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/m<sup>2</sup>K

WER up to Band A+

\* Performance will vary depending upon window dimensions, configuration and IGU construction.



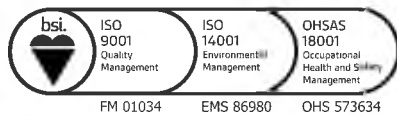


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# Quality assured

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.



# 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 sash 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 a little light machine oil to the hardware.





T: 01952 283344 | F: 01952 283350 | E: [marketing@spectus.co.uk](mailto:marketing@spectus.co.uk)

[www.spectus.co.uk](http://www.spectus.co.uk)



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

23/00225/FUL  
07/10/2023

Respecting the past, ready for the future.

# VERTICAL SLIDER WINDOWS

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associated Decision  
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**Spectus**<sup>®</sup>  
WINDOW SYSTEMS

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AT HOME  
**RIGHT NOW**



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- 06 Planning and conservation
- 07 Every detail counts

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- 09 Durability
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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 sash 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/m<sup>2</sup>K

\* 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 over 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.





#### **Operation and aftercare**

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.



#### **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.



#### **Cleaning and maintenance**

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

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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/m<sup>2</sup>K
- 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](mailto:hello@spectus.co.uk)

It's heritage and tradition with **performance and style.**



It's no wonder it's **the market leader.**



CREATING  
**MORE**  
WITH SPECTUS

Page 81

**Spectus**<sup>®</sup>  
WINDOW SYSTEMS

**Spectus Window Systems**

Stafford Park 6, Telford, Shropshire TF3 3AT

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[www.spectus.co.uk](http://www.spectus.co.uk)



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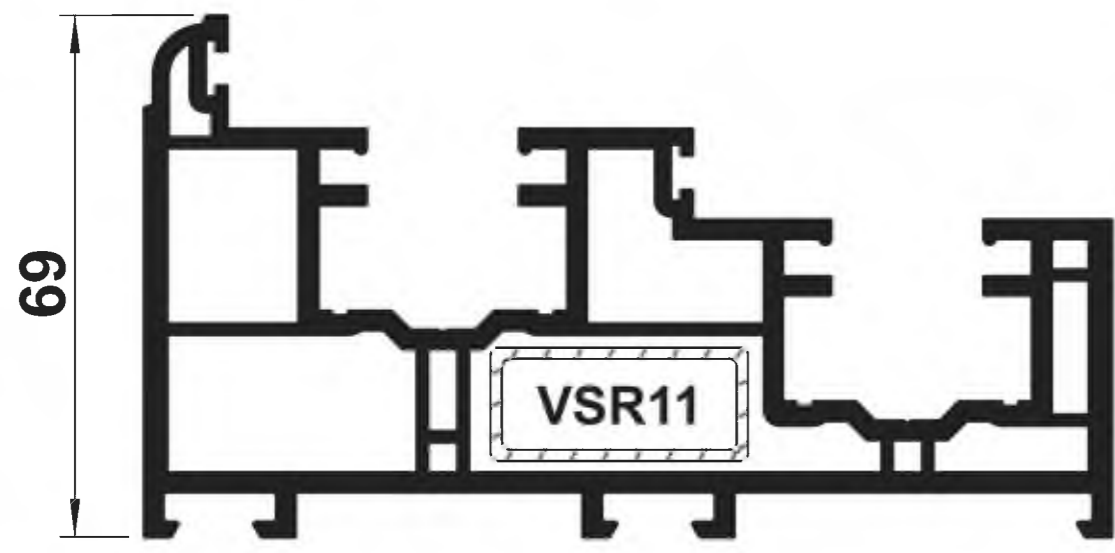
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**Spectus**  
WINDOW SYSTEMS

# Vertical Slider

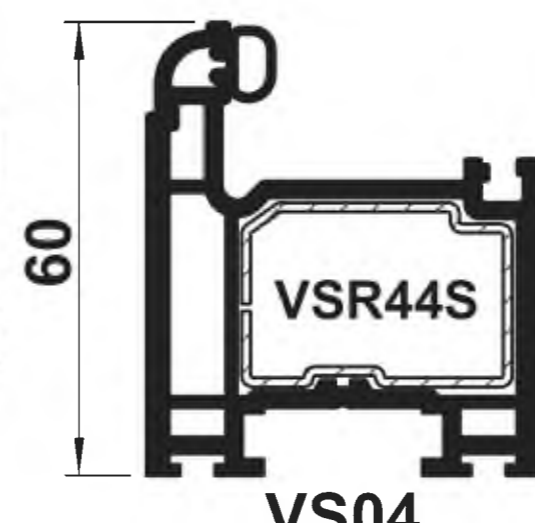
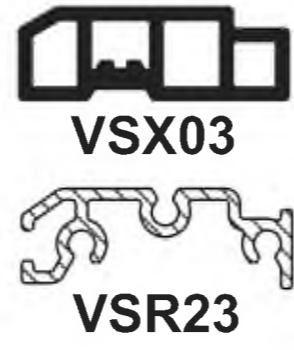
MAIN PROFILES & REINFORCEMENTS



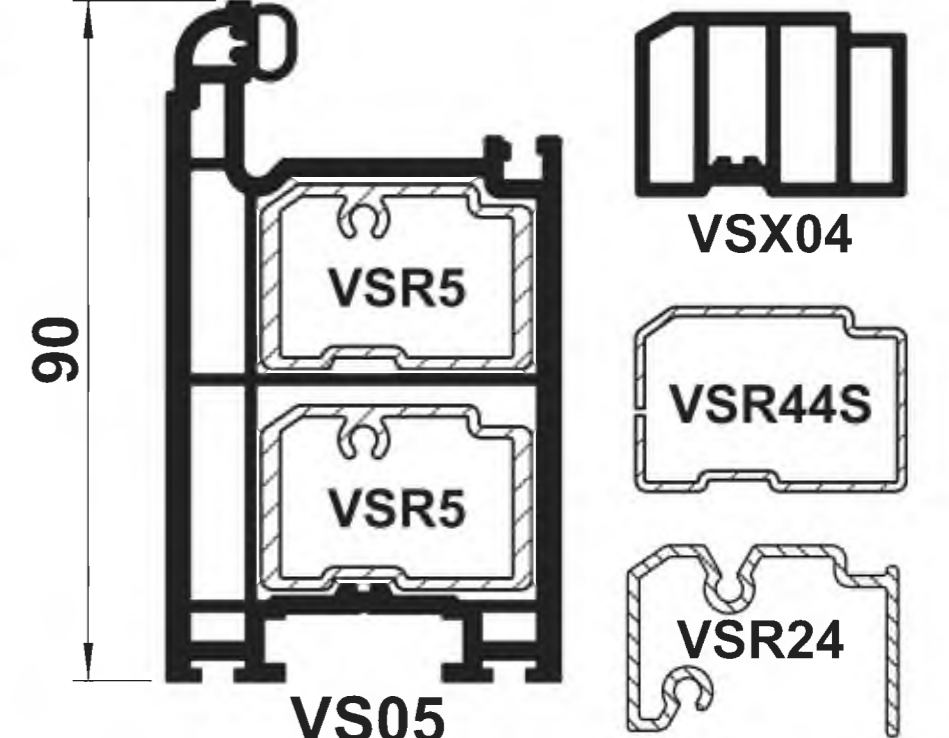
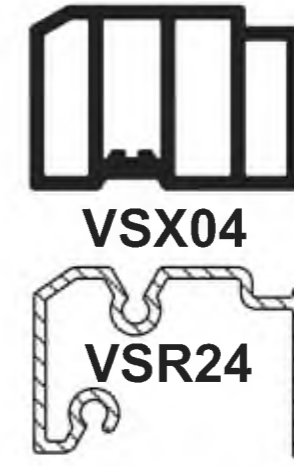
**VS01**  
OUTER FRAME (128mm)



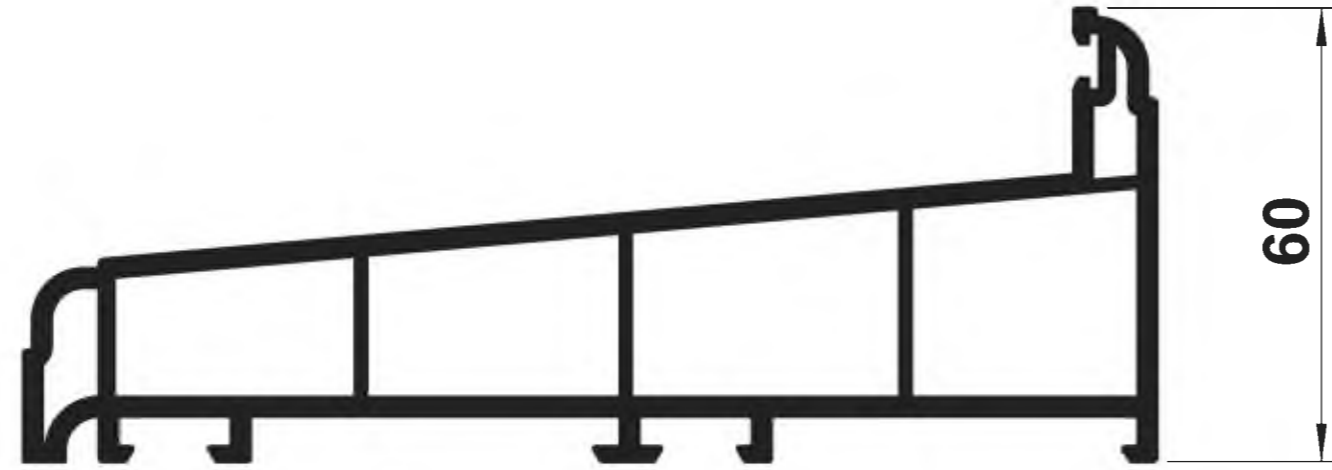
**VS03**  
SMALL SASH



**VS04**  
STANDARD SASH



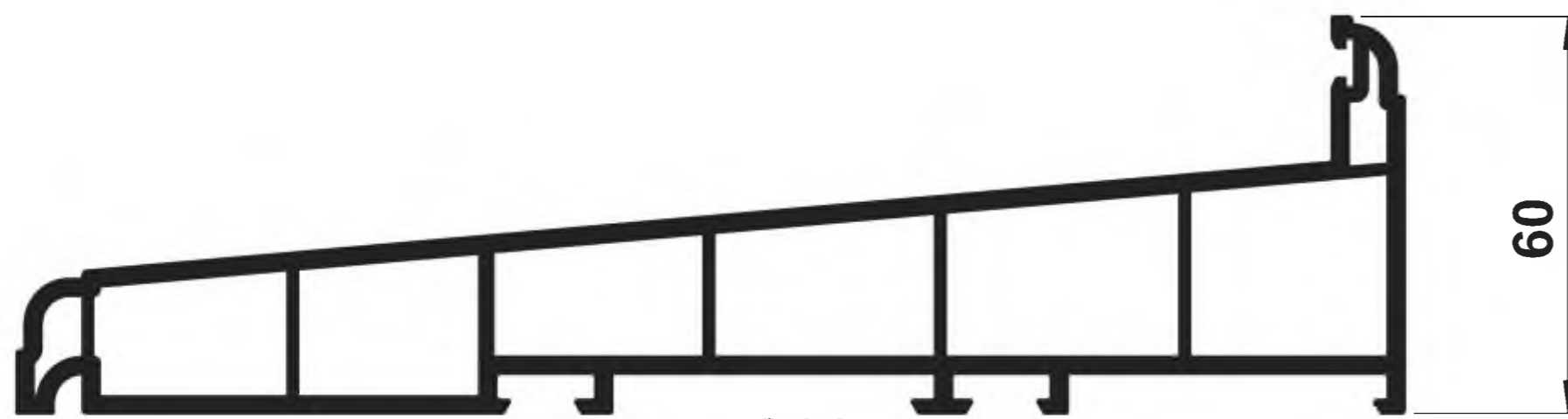
**VS05**  
DEEP BOTTOM RAIL



**VS02**  
150mm CILL



**VS09**  
INTERLOCK



**VS14**  
210mm CILL



**VS10**  
SASH STOP

GLAZING BEADS



**VS06**  
SQUARE BEAD



**VS07**  
OVOLO BEAD

ANCILLARY PROFILES



**VS13**  
WOODGRAIN  
COVER TRIM



**VS15**  
WOOLPILE  
INFILL



**VS11**  
22mm  
GEORGIAN BAR



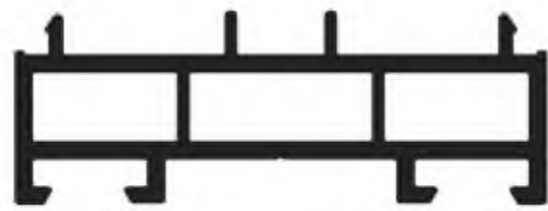
**VS12**  
30mm  
GEORGIAN BAR



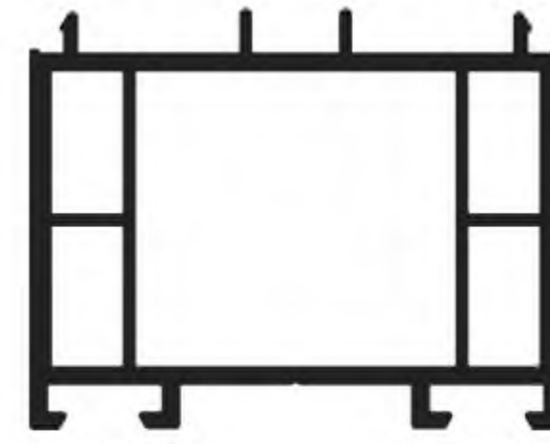
**VS08**  
WEATHER BAR



**VS23**  
10mm ODD LEG  
ADAPTOR



**VS21**  
20mm FRAME PACKER



**VS22**  
50mm FRAME PACKER



**SW55**  
SQUARE  
COVER CAP



**VSR85**  
ALUMINIUM COUPLER



**SW58**  
OVOLO  
COVER CAP



**VS20**  
'H' COUPLER

GASKETS & WEATHERSEALS



**133400**  
GLAZING SEAL



**133502**  
**137502**  
BOTTOM SEAL

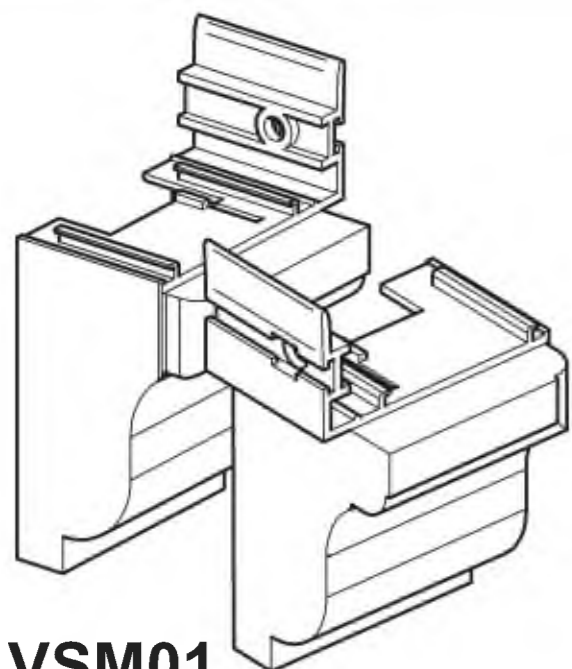


**700618**  
**700619**  
FRINGE SEAL



**700601**  
PILE SEAL

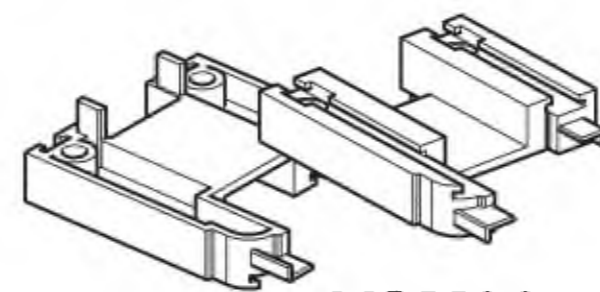
ANCILLARY COMPONENTS



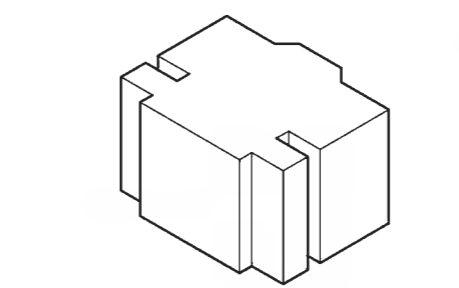
**VSM01**  
DECORATIVE HORNS



**VHK03**  
THROUGH HORN  
KIT



**VSM06**  
BOTTOM RAIL JOINT



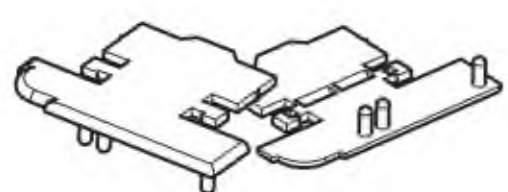
**VSF01-20**  
FOAM SEAL  
BLOCK 20mm



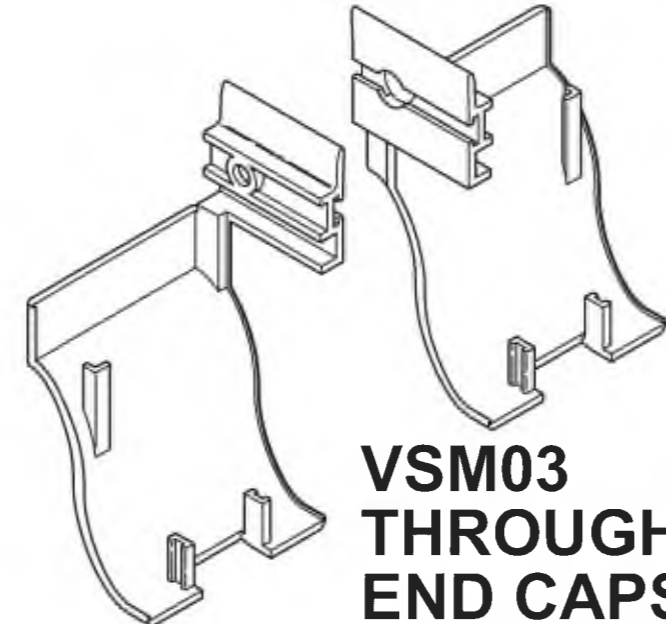
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INSERT



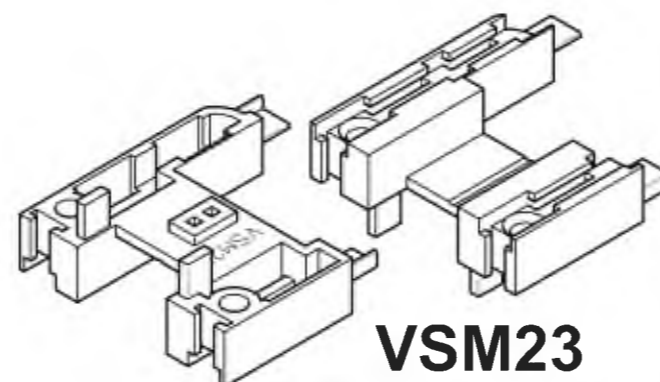
**900001**  
BALANCE FIXING



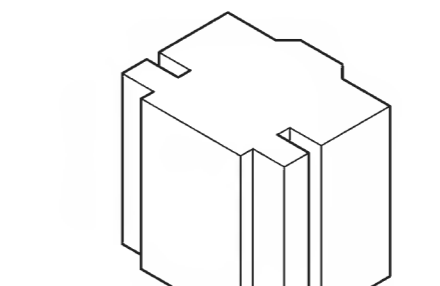
**VSM02**  
SASH STOP  
END CAPS



**VSM03**  
THROUGH HORN  
END CAPS



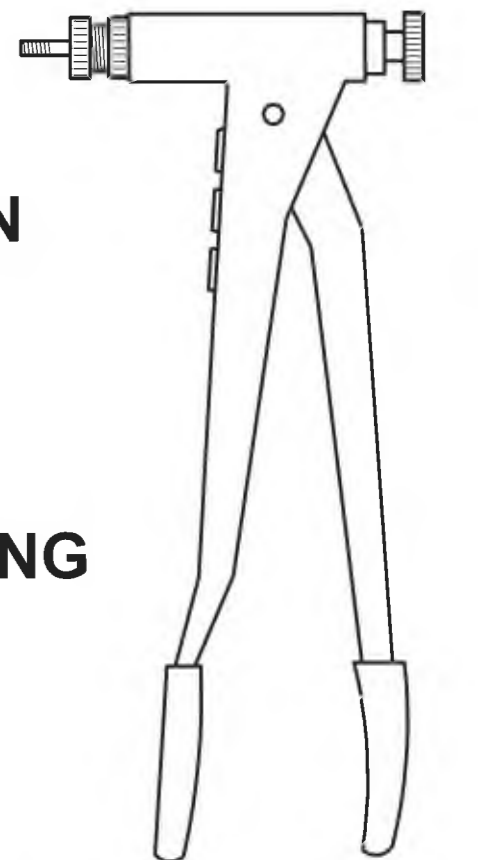
**VSM23**  
MECHANICAL  
CORNER JOINT



**VSF01-30**  
FOAM SEAL  
BLOCK 30mm



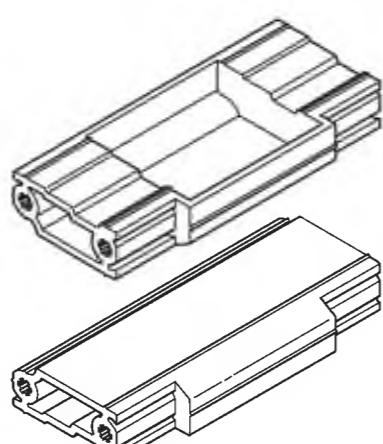
**BM15**  
FIXING  
STUD



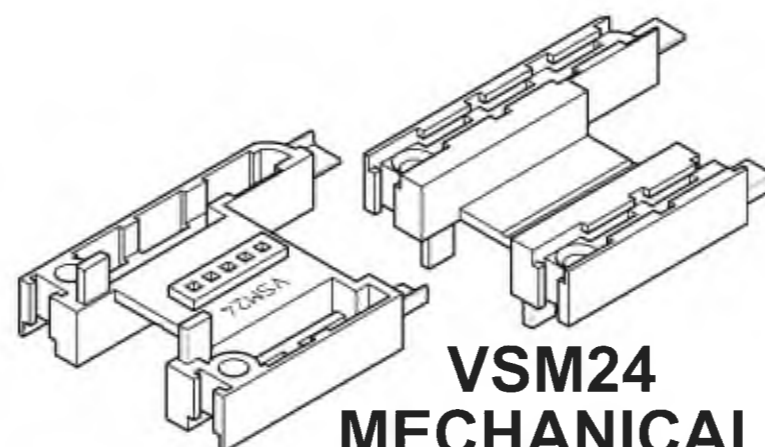
**900002**  
RIV NUT GUN



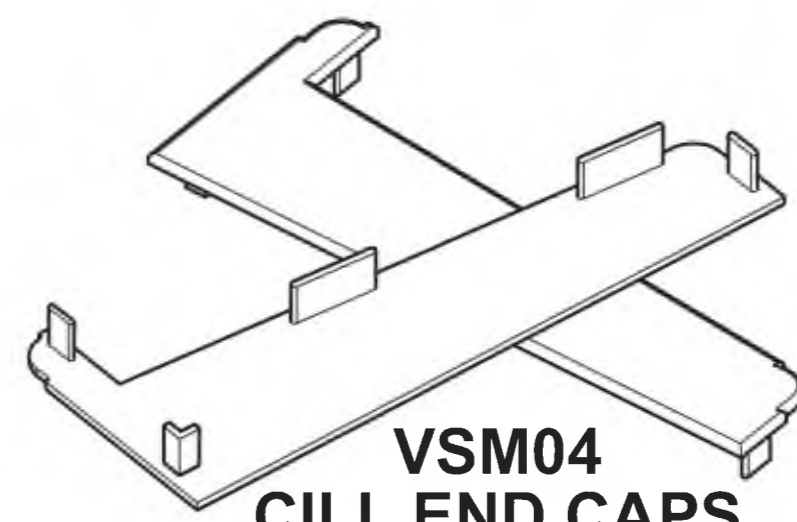
**VSM05**  
SASH BLOCK



**VSM13**  
THROUGH  
HORN  
MECHANICAL  
BLOCK



**VSM24**  
MECHANICAL  
CORNER JOINT



**VSM04**  
CILL END CAPS



**VSM14**  
CILL END CAPS

Blairs Windows Limited  
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PA15 4TU  
Tel: 01475 721 256,  
Fax: 01475 729 313

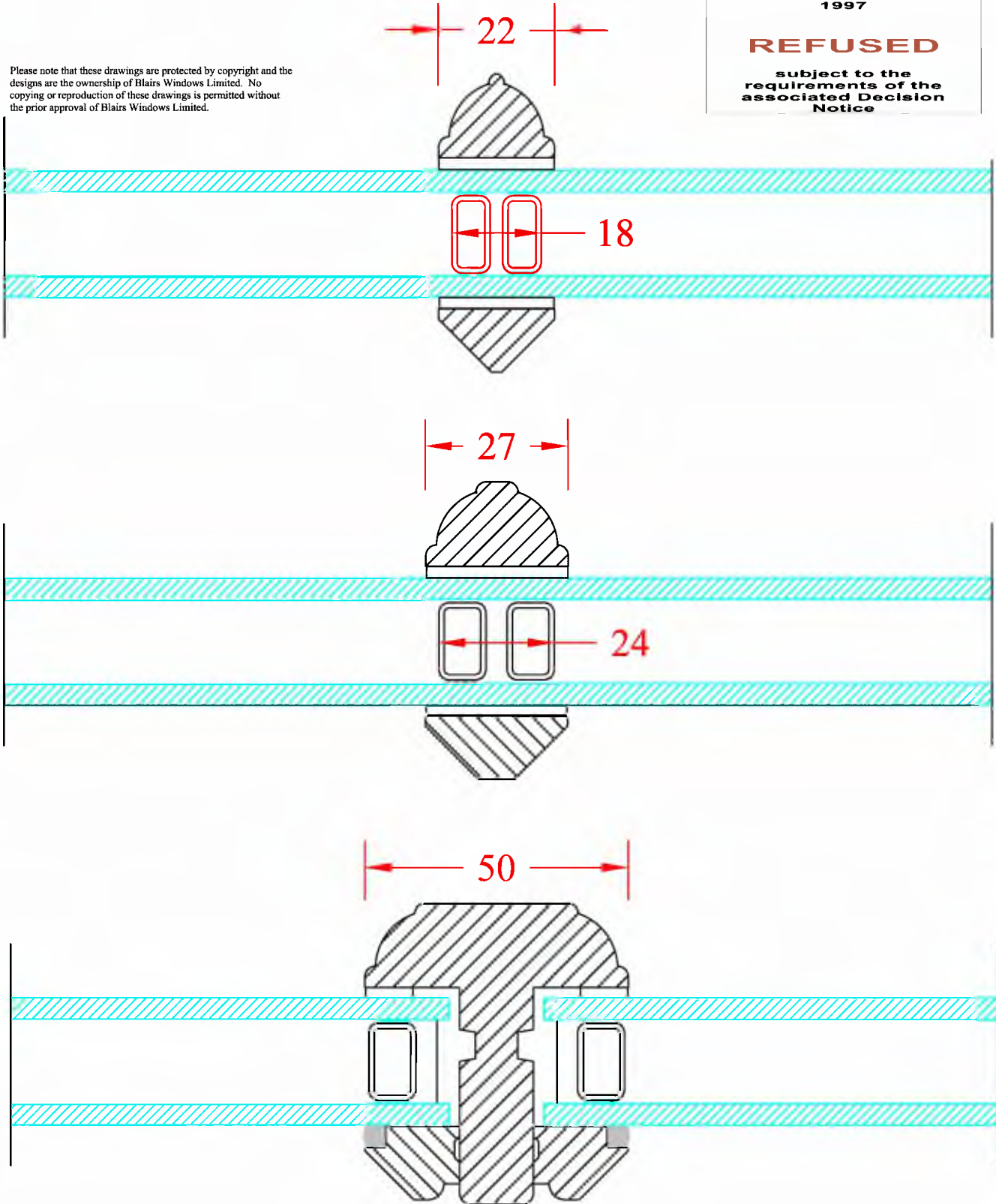
# ASTRAGALS / GLAZING BARS

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

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# Sash & Case MkII

## 52-70 Facings

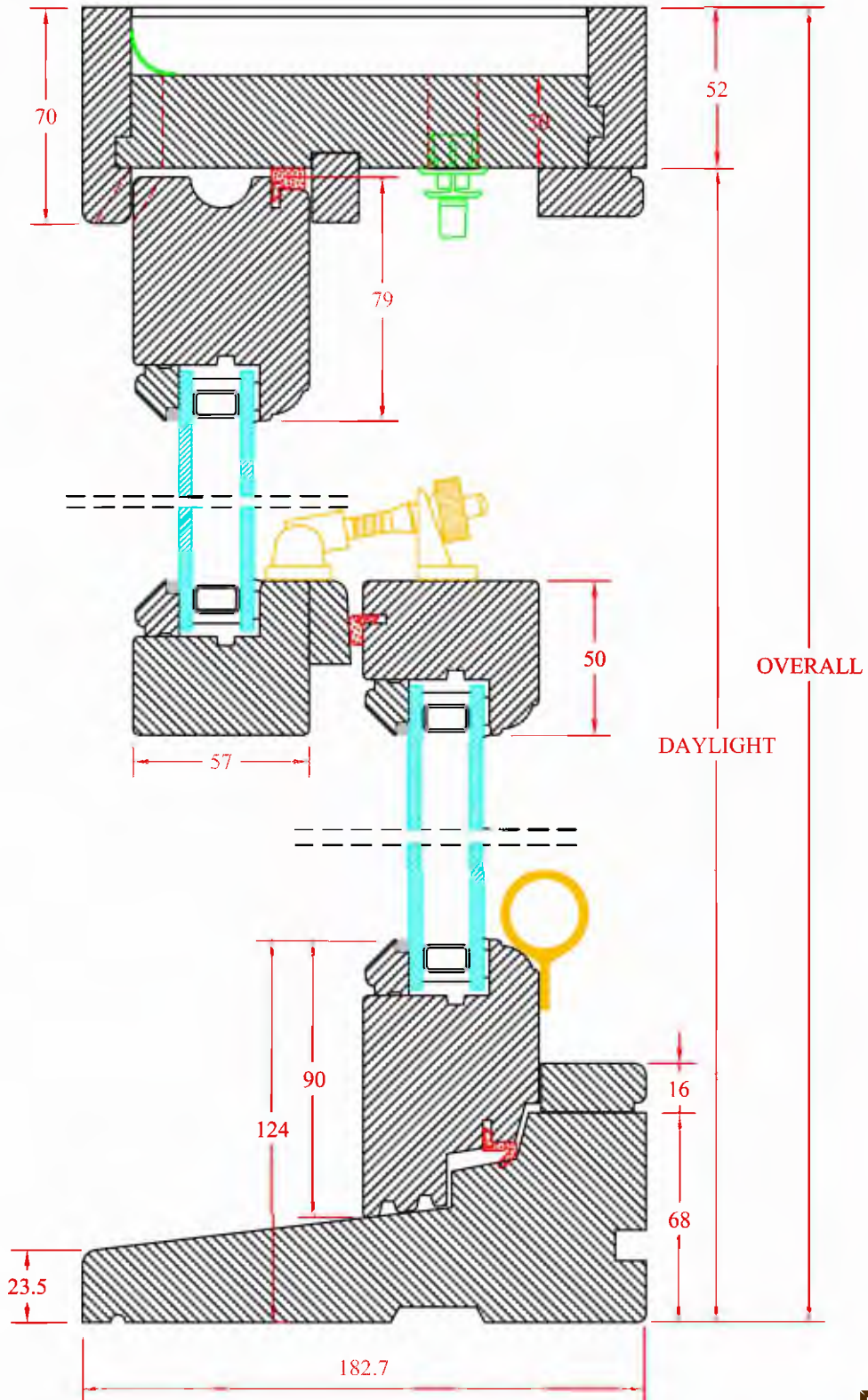
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# Sash & Case MkII

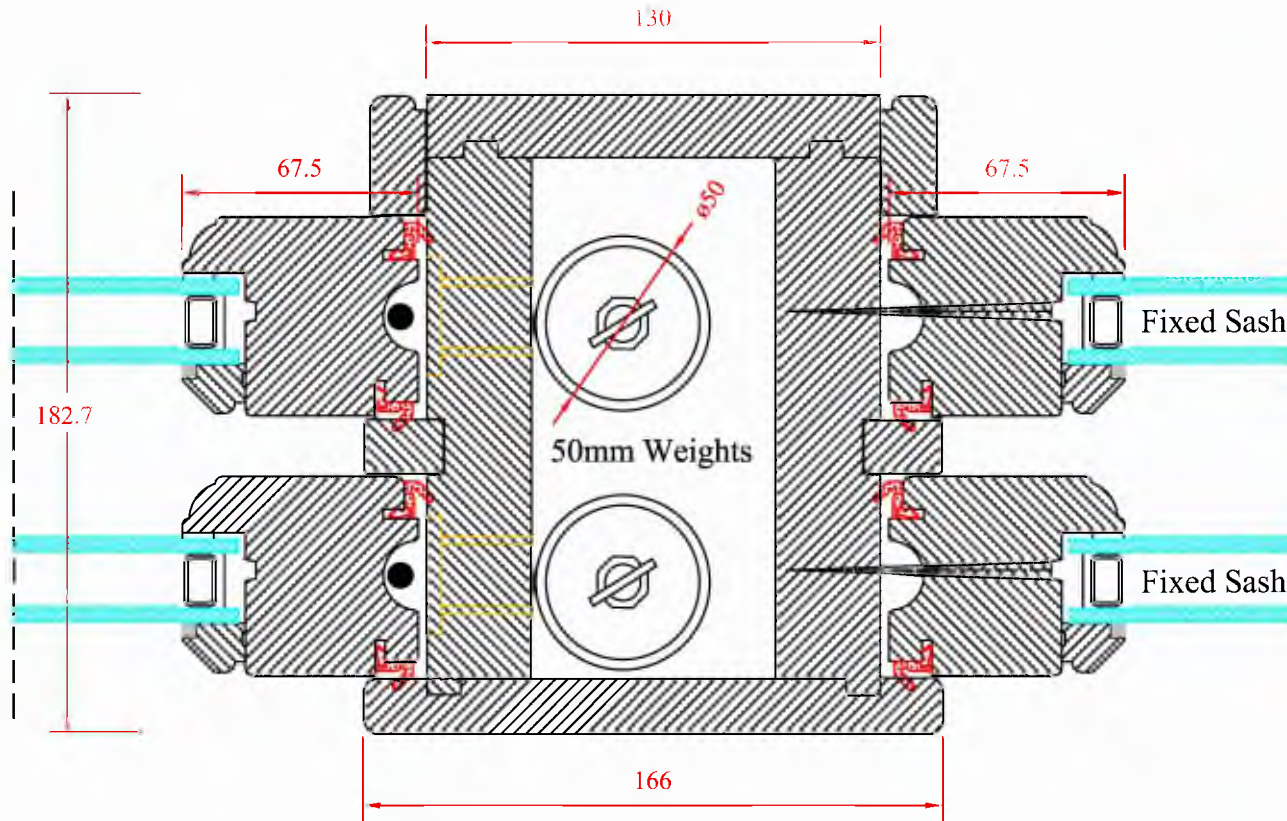
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**BEAUTIFULLY CRAFTED  
TIMBER WINDOWS &  
EXTERNAL DOORSETS**

## 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.



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- 4. **BLAIR'S HISTORY**
- 6. **OUR TIMBER**
- 8. **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.

**MADE IN  
BRITAIN** 



## 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

Scan QR code to view Sash & Case video



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.

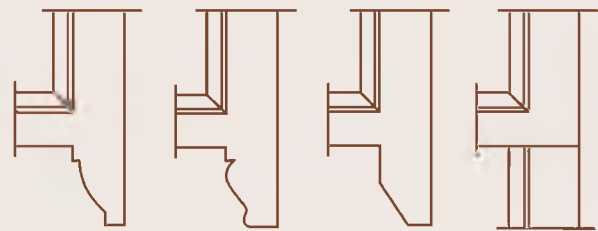
Available with the sashes counterbalanced by either traditional cords and weights, or spiral balances.

Optional simplex fittings are also available for the cords and weights version to assist with cleaning from within.

## Hardware

Please visit our website to view the full range of hardware available with this product.

Page 90



Various Horn Section options



# BLAIRS DOUBLE SWING WINDOWS



Scan QR code to view  
Double Swing video

THE DOUBLE SWING WINDOW IS A  
BLAIRS ORIGINAL.

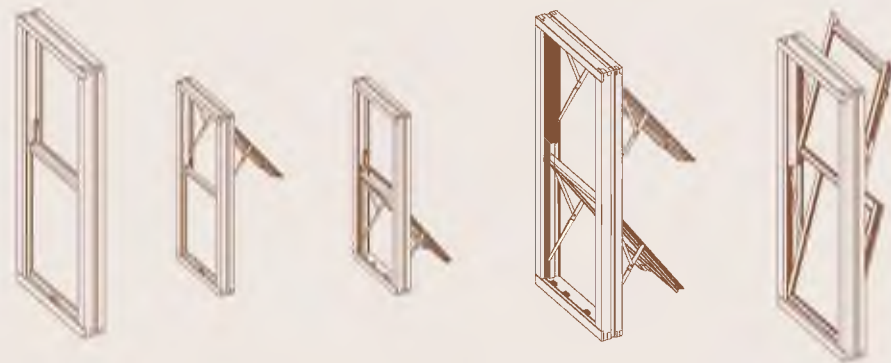
The Double Swing window, designed by Blairs, provides the classic appearance of a traditional Sash & Case window, but offers modern functionality and a cost-effective solution.

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.



# BLAIRS ENHANCED CASEMENT WINDOWS

Scan QR code to view Casement video



THE BLAIRS ENHANCED CASEMENT RANGE OFFERS WINDOWS WITH SINGLE OR MULTIPLE COMPARTMENTS WITH A VARIETY OF HINGING OPTIONS

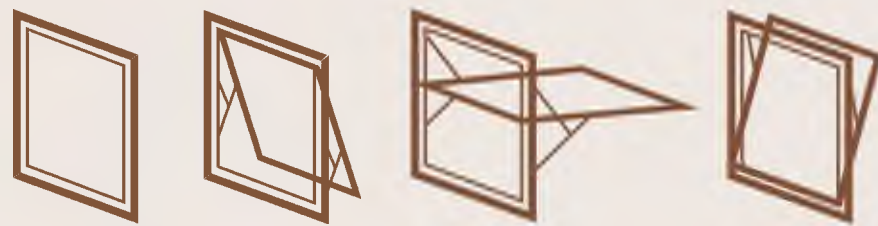
Timber casement windows are suitable for a wide range of applications and they will look great in both domestic and commercial environments.

#### 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

Scan QR code to  
view Tilt & Turn video



THE TILT AND TURN WINDOW IS A DUAL ACTION, INWARD OPENING CASEMENT TIMBER WINDOW.

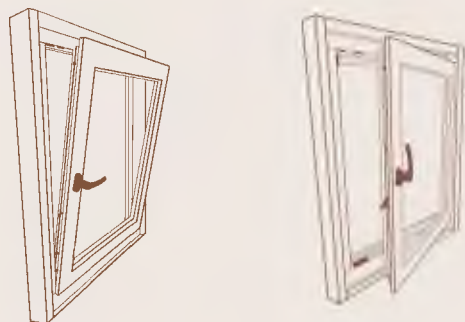
Tilt and Turn windows can be supplied from a simple single window with one opening sash, to frames with multiple sashes and combined deadlights or fixed sashes, to suit your configuration requirements.

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.



## 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.

Page 94



## 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

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## 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.





# PAST PROJECTS



**DUNLOP HOUSE**

Product Type: Sash and Case Windows



**CAVENDISH SQUARE - LONDON**

Product Type: Sash & Case Windows



**CAMBO STABLES**

Product Type: Tilt and Turn Windows & Sash & Case Windows



**PRIVATE HOME**

Product Type: Double Swing 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](mailto:sales@blairswindows.co.uk)  
[www.blairswindows.co.uk](http://www.blairswindows.co.uk)





Miss Julie Harrison  
Middle House  
Kingsmuir Hall  
Bonnington Road  
Peebles  
United Kingdom  
EH45 9HE

**Please ask  
for:**  


Ranald Dods  
01835 825239

**Our Ref:  
Your Ref:**

23/00140/LBC

**E-Mail:  
Date:**

ranald.dods@scotborders.gov.uk  
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

**PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) (SCOTLAND) ACT 1997 (as amended)**

**Town and Country Planning (Listed Buildings & Buildings in Conservation Areas) (Scotland) Regulations 1987**

**Application for Listed Building Consent**

**Reference : 23/00140/LBC**

**To : Miss Julie Harrison Middle House Kingsmuir Hall Bonnington Road Peebles United Kingdom**

With reference to your application validated on **14th February 2023** for listed building consent under the Planning (Listed Buildings and Conservation Areas) (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** Listed Building Consent 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**

**APPLICATION REFERENCE : 23/00140/LBC**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
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 appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of the appeal should be addressed to Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Falkirk, Callendar Business Park, Callendar Road, FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose TD6 0SA.

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

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**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 23/00140/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:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
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** - Randal 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 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

- 1 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”.**

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## Speaking for Scotland's Buildings



**AHSS**  
THE ARCHITECTURAL  
HERITAGE SOCIETY  
OF SCOTLAND

6<sup>th</sup> 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

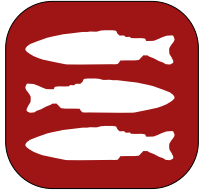
Commenter Type: Member of Public

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.



Peebles  
Civic  
Society

*"Dedicated to the preservation, improvement and development of amenity in and around Peebles"*

3<sup>rd</sup> March 2023

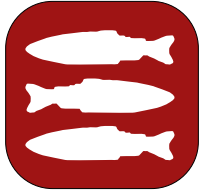
**23/00140/LBC and 23/00225/FUL. Replacement roof lights, installation of PV array to roof and internal alterations. Middle House Kingsmuir Hall Bonnington Road Peebles**

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)



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

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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 :** 23/01424/FUL

**APPLICANT :** Maureen Lewis

**AGENT :**

**DEVELOPMENT :** Erection of fence (retrospective)

**LOCATION:** 11A Roxburghe Drive  
Hawick  
Scottish Borders  
TD9 7QP

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
Location Plan	Location Plan	Refused
Block Plan	Proposed Block Plan	Refused
Block Plan	Proposed Block Plan	Refused

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

Roads Planning Service: No objection

The fence runs adjacent to the footway along Roxburgh Drive and an unlit public footpath that leads into the housing development. After taking a look at the fence on site, I am of the opinion that it does not have an adverse impact on either the footway or footpath and therefore I have no objections to this application.

Two letters of objection have been received and can be viewed in full on public access. A summary of the concerns raised is set out below:

- Height
- No gate between fences
- Fence built without planning permission
- Reduction in light along adjacent path
- Neighbouring properties emergency exit blocked

**PLANNING CONSIDERATIONS AND POLICIES:**

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

National Planning Policy Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

Policy 14: Design, quality and Place  
Policy 16: Quality homes

Scottish Borders Local Development Plan (2016)

Policy PMD2: Quality Standards  
Policy HD3: Protection of Residential Amenity

Supplementary Planning Guidance:

Placemaking and Design (2010)  
Householder Development (2006)

**Recommendation by** - Stuart Small () on 10th January 2024

This application seeks retrospective planning permission for the erection of a boundary fence at 11A Roxburghe Drive, Hawick. The fence and decking has been erected on a former shared drying area which served both 11A and 11B Roxburghe Drive. The height of the fence is staggered and due to the drying area being raised above street level, it measures about 8 feet at its highest point.

Assessment

The key planning issues under consideration for the assessment of the application are the scale, design and materials of the development and the impact it has on the amenity and privacy of neighbouring properties.

Layout, siting and design

Policy PMD2 of the Local Development Plan requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development. Policy 14 of NPF4 protects against developments that are poorly designed and detrimental to the amenity of the surrounding area.

Roxburghe Drive is characterised by similar sized dwellings with garden areas fronting the road and several different sizes and styles of boundary treatments. The inclusion of the drying area into the garden of 11a Roxburghe Drive provides a generous side garden but also leads to a staggered garden level which has been reflected in the recently erected fence. There are several other properties on Roxburghe Drive with large fences but those over 1 metre high have not received planning permission. It is unclear as to when these larger fences on the street were erected but it is likely that they have been in place for more than 4 years so are, therefore, lawful.

The large fence erected at 11a Roxburghe Drive is unnecessarily high adjacent to the public footpath and has an intrusive impact on the visual amenities of the area, even allowing for other high fences in the street. It towers over the adjacent 2 metre high fence at 10 Roxburghe drive and represents an awkwardly placed structure and an incongruous feature that is not in keeping with the visual amenities of this area of Roxburghe Drive. I consider it to be contrary to Policy PMD2 of the LDP and Policy 14 of NPF4. Material considerations do not outweigh its adverse impact, and planning conditions would not achieve mitigation.

Residential amenity

Policy HD3 of the LDP and Policy 16 of the NPF4 aims to protect the amenity and privacy of neighbouring properties from inappropriate development. I have considered the impact of the development on the neighbouring amenity of surrounding residential properties and I am satisfied that the proposal does not adversely impact upon daylight, sunlight, outlook and privacy. The proposal is considered to form a prominent and inappropriate form of development in this location and does not comply with Policy HD3 of the LDP and Policy 16 of NPF4.

Impact on Road and Pedestrian Safety

The Roads Planning Officer was consulted as part of this application and has raised no objections to the application on road or pedestrian safety grounds.

**REASON FOR DECISION :**

The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 and Policy 14 of NPF4 in that it would constitute a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. Other material considerations do not outweigh the adverse visual impact of the development

**Recommendation:** Refused

- 1 The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 and Policy 14 of NPF4 in that it would constitute a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. Other material considerations do not outweigh the adverse visual impact of the development

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

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Maureen Lewis  
11A Roxburghe Drive  
Hawick  
Scottish Borders  
TD9 7QP

**Please ask  
for:** Stuart Small  
01835 825055



**Our Ref:** 23/01424/FUL

**Your Ref:**

**E-Mail:** stuart.small@scotborders.gov.uk

**Date:** 11th January 2024

Dear Sir/Madam

**PLANNING APPLICATION AT 11A Roxburghe Drive Hawick Scottish Borders TD9 7QP**

**PROPOSED DEVELOPMENT:** Erection of fence (retrospective)

**APPLICANT:** Maureen Lewis

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at  
<https://eplanning.scotborders.gov.uk/online-applications/>.

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 23/01424/FUL**

**To : Maureen Lewis 11A Roxburghe Drive Hawick Scottish Borders TD9 7QP**

With reference to your application validated on **15th November 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Erection of fence (retrospective)**

**at : 11A Roxburghe Drive Hawick Scottish Borders TD9 7QP**

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

**Dated 11th January 2024  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**



**APPLICATION REFERENCE : 23/01424/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
Location Plan	Location Plan	Refused
Block Plan	Proposed Block Plan	Refused
Block Plan	Proposed Block Plan	Refused

**REASON FOR REFUSAL**

- 1 The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 and Policy 14 of NPF4 in that it would constitute a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. Other material considerations do not outweigh the adverse visual impact of the development.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

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

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**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

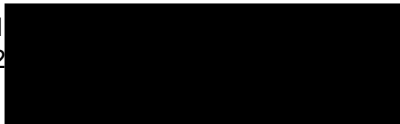
**IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

Name Maureen Lewis  
 Address 11A ROXBURGHE DRIVE Hawick  
 Postcode TD9 7QP

Contact Telephone 1  
 Contact Telephone 2  
 E-mail\*



**Agent (if any)**

Name  
 Address

Postcode  
 Contact Telephone 1  
 Contact Telephone 2  
 E-mail\*

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

Yes No

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

Planning authority SCOTTISH BORDERS COUNCIL

Planning authority's application reference number 23/01424full

Site address 11A ROXBURGHE DRIVE

Description of proposed development

TO ERRECT FENCE AROUND DRYING AREA TO THE DOUTH WEST OF THE PROPERTY

Date of application NOVEMBER 2023

Date of decision (if any) 11TH JANUARY 2024

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

**Nature of application**

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

**Reasons for seeking review** (tick one box)

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

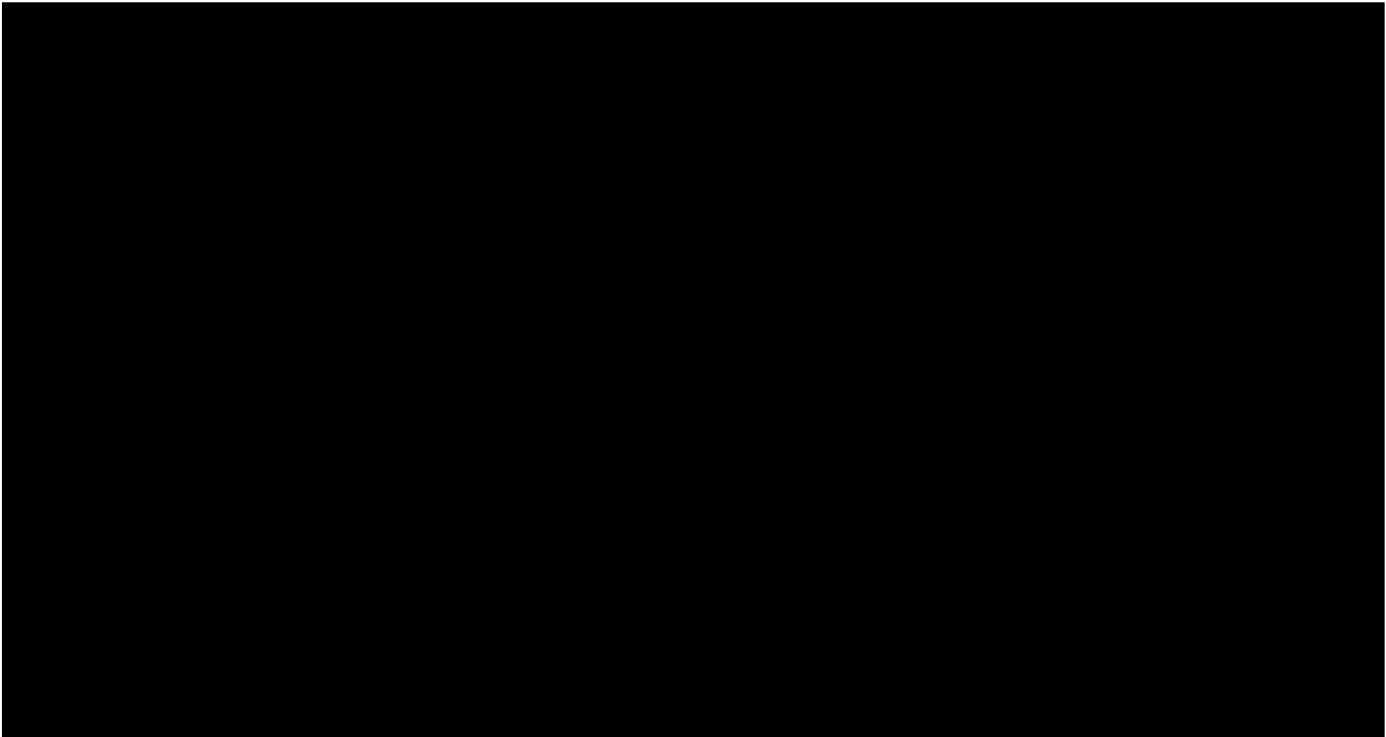
If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

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

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

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



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

Yes  No

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

**List of documents and evidence**

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

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

**Checklist**

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

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

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

**Declaration**

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

Signed

Date

24/01/24



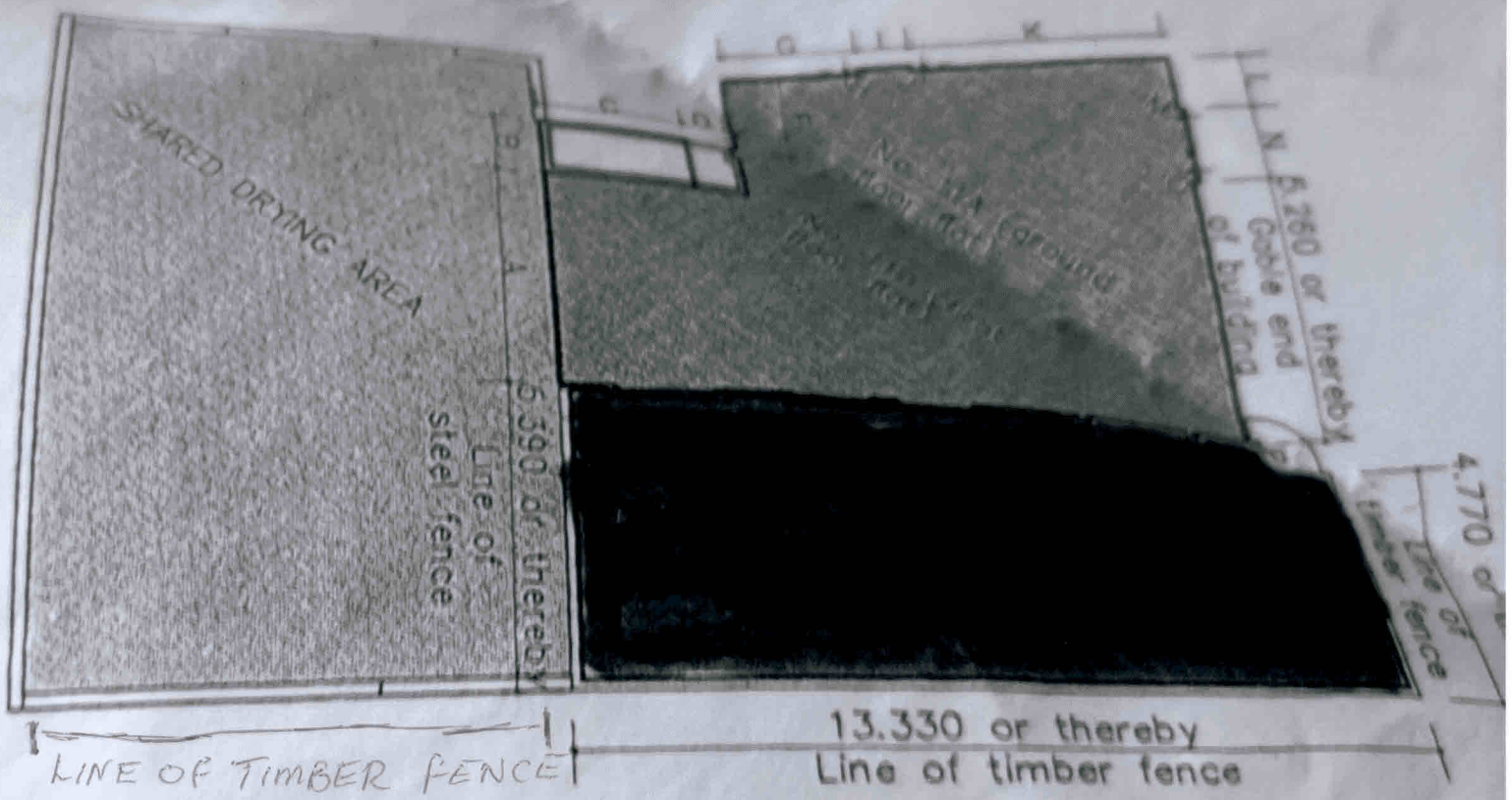
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**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



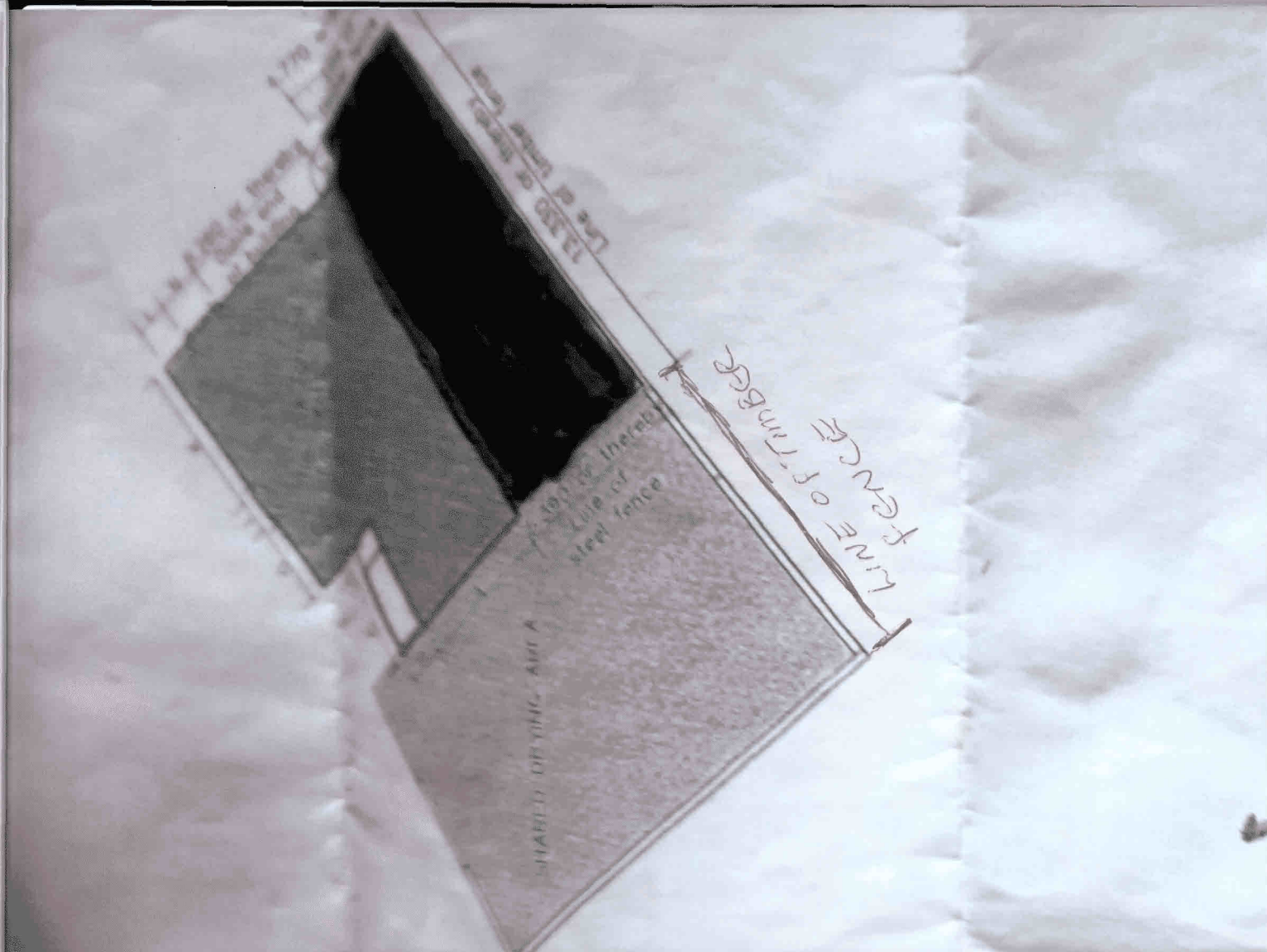


23/01424/FUL  
11/01/2024

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



23/01424/FUL  
11/01/2024

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

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**From:** Gavin Watson [REDACTED]  
**Sent:** 01 December 2023 11:10  
**To:** Planning & Regulatory Services  
**Subject:** 23/01424/FUL

CAUTION: External Email

Objec~~o~~n

I gavin watson do formal-object to the fence 1. The height is too high 2. No gate between fences 3. Over 8 foot , 1 meter away from the bus stop 4.cuts out the light from lights at night , very dangerous 5. My tenants at 11b has to walk all the way round , and is disabled. Doesn't feel safe 6. Knocked down fences and built onto my wall with the stair case 7. She built the fence without permission in the first place 8. She built her fence onto the front fence which also doesn't have permission .

Sent from best phone in the world

---

**From:** Gavin Watson [REDACTED]  
**Sent:** 04 December 2023 11:21  
**To:** Planning & Regulatory Services  
**Subject:** Fwd: 23/01424/FUL

CAUTION: External Email

Sent from best phone in the world

Begin forwarded message:

**From:** Gavin Watson [REDACTED]  
**Date:** 1 December 2023 at 10:09:44 pm AEDT  
**To:** prs@scotborders.gov.uk  
**Subject:** 23/01424/FUL

Objection

I gavin watson do formal-object to the fence

1. The height is too high
2. No gate between fences
3. Over 8 foot ,1 meter away from the bus stop
- 4.cuts out the light from lights at night , very dangerous
5. My tenants at 11b has to walk all the way round , and is disabled. Doesn't feel safe
6. Knocked down fences and built onto my wall with the stair case
7. She built the fence without permission in the first place
8. She built her fence onto the front fence which also doesn't have permission .

Sent from best phone in the world



**Local Review Body – List of Policies**  
**15<sup>th</sup> April 2024**

**Local Review Reference:** 24/00005/RREF

**Planning Application Reference:** 23/01424/FUL

**Development Proposal:** Erection of fence (retrospective)

**Location:** 11A Roxburghe Drive Hawick Scottish Borders TD9 7QP

**Applicant:** Maureen Lewis

**National Planning Framework 4**

Policy 1: Tackling the Climate and Nature Crises

Policy 14: Design, Quality and Place

Policy 16: Quality homes

Policy 23: Health and safety

**Scottish Borders Local Development Plan (2016)**

PMD2: Quality standards

HD3: Protection of Residential Amenity

**Other Material Considerations**

SBC Supplementary Planning Guidance on:

- Designing out crime in the Scottish Borders 2007
- Householder Development 2006 (Privacy and Sunlight Guide)
- Placemaking and Design 2010

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Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100658814-001

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

### Applicant or Agent Details

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

Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ferguson Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Kieran"/>	Building Name:	<input type="text" value="First Floor"/>
Last Name: *	<input type="text" value="McFarlane"/>	Building Number:	<input type="text" value="38"/>
Telephone Number: *	<input type="text" value="01313858741"/>	Address 1 (Street): *	<input type="text" value="Thistle Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="EH2 1EN"/>
Email Address: *	<input type="text" value="kieran@fergusonplanning.co.uk"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Shiel House"/>
First Name: *	<input type="text" value="M"/>	Building Number: <input type="text" value="54"/>
Last Name: *	<input type="text" value="Campbell"/>	Address 1 (Street): * <input type="text" value="Island Street"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="TD1 1NU"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="kieran@fergusonplanning.co.uk"/>	

## Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land west of Pirnhaugh, Innerleithen"/>
---

Northing	<input type="text" value="636416"/>	Easting	<input type="text" value="333545"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Commercial storage facility comprising 30 no. storage containers with associated works

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please refer to the submitted Local Review Statement.

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

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Notice of Review Form; CD1 Local Review Statement; CD2 Supporting Planning Statement; CD3 L(-1)101 Location Plan; CD4 L(-1)102 Existing Site Block Plan; CD5 L(-1)151 Proposed Site Block Plan; CD6 L(-3)351 Proposed Site Section; CD7 Irvine Plant Correspondence; CD8 Report of Handling 23/01003/FUL; CD9 Decision Notice 23/01003/FUL; CD10 Application Form 23/01003/FUL; and CD11 Flood Officer's email relating to 21/00987/FUL.

## Application Details

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

23/01003/FUL

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

03/07/2023

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

14/11/2023

## 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? \*

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr Kieran McFarlane

Declaration Date: 26/01/2024

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## Proposal Details

Proposal Name	100658814
Proposal Description	Storage containers appeal
Address	
Local Authority	Scottish Borders Council
Application Online Reference	100658814-001

## Application Status

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

## Attachment Details

Notice of Review	System	A4
CD1 LOCAL REVIEW STATEMENT	Attached	A4
CD2 PLANNING STATEMENT	Attached	A4
CD3 SITE LOCATION	Attached	A3
CD4 EXISTING SITE BLOCK PLAN	Attached	A3
CD5 PROPOSED SITE BLOCK PLAN	Attached	A3
CD6 PROPOSED SITE SECTION	Attached	A3
CD7 IRVINE PLANT CORRESPONDENCE	Attached	A4
CD8 REPORT OF HANDLING 23_01003_FUL	Attached	A4
CD9 DECISION NOTICE 23_01003_FUL	Attached	A4
CD10 APPLICATION FORM 23_01003_FUL	Attached	A4
CD11 FLOOD OFFICERS RESPONSE TO 21_00987_FUL	Attached	A4
CD12 CURRENT AND HISTORIC IMAGES	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

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

LAND WEST OF PIRNHAUGH, INNERLEITHEN, EH44 6JX  
MR MURRAY CAMPBELL

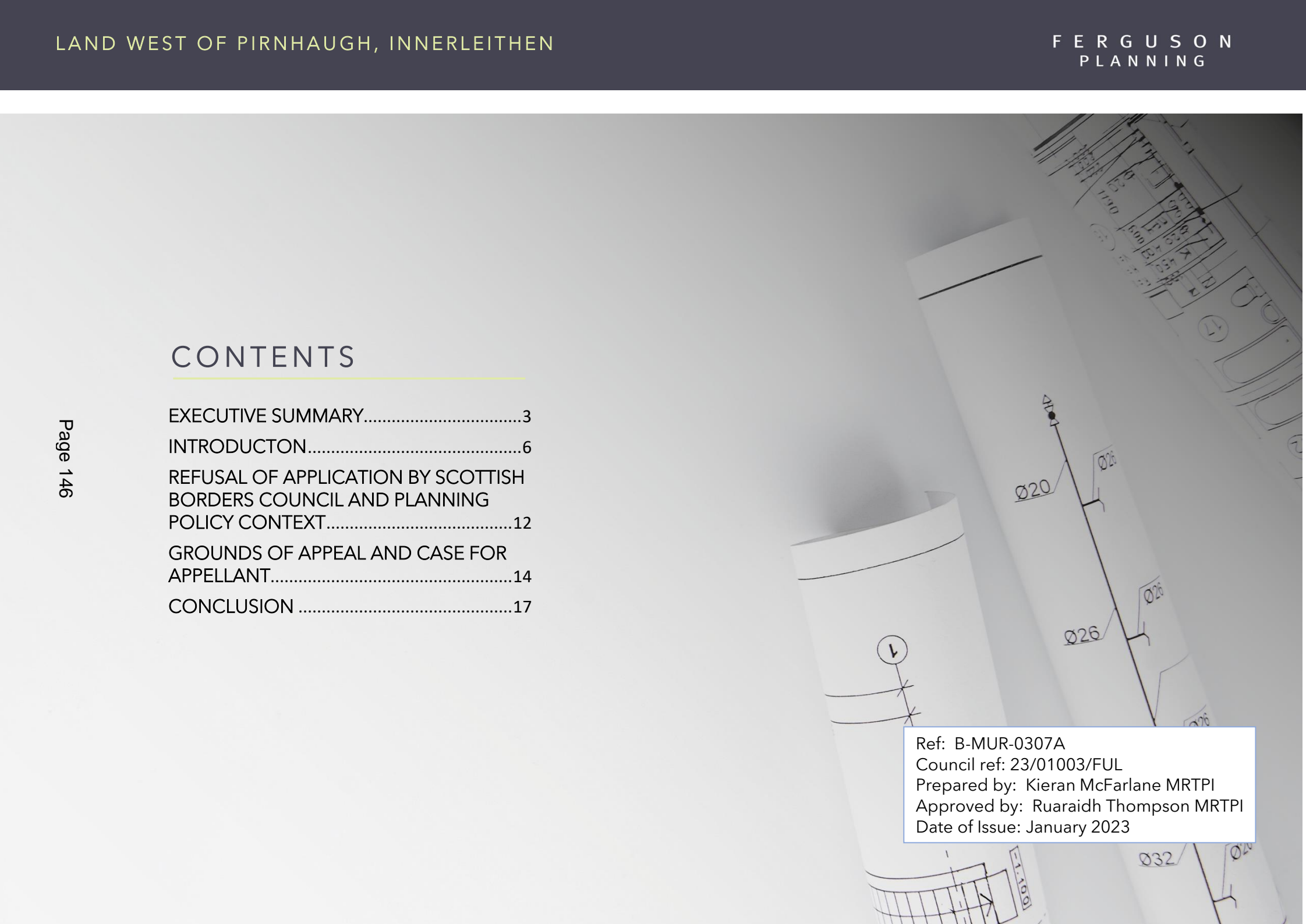
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JANUARY 2024

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Ref: B-MUR-0307A  
Council ref: 23/01003/FUL  
Prepared by: Kieran McFarlane MRTPI  
Approved by: Ruairaidh Thompson MRTPI  
Date of Issue: January 2023

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

LAND WEST OF PIRNHAUGH, INNERLEITHEN  
EXECUTIVE SUMMARY

## EXECUTIVE SUMMARY

This Statement is submitted on behalf of Mr Murray Campbell (the Appellant) against the decision by Scottish Borders Council to refuse Planning Permission for a commercial storage facility comprising 30 no. storage containers with associated works at Former Gas Works, Princess Street, Innerleithen on 14<sup>th</sup> November 2023 (reference 23/01003/FUL). All Core Documents (CD) are referenced in Appendix 1.

The Appellant is seeking Planning Permission for a commercial storage facility comprising 30 no. storage containers together with associated works on a vacant brownfield site at land west of Pirnhaugh, Innerleithen.

The application site comprises of an existing hard surface which benefits from a security fence topped with barbed wire. The land levels are laid flat into a useable yard.

The site is accessed from an existing private way adjacent to the north-east of the site. The private way extends approximately 55 metres south-east of Princes Street and is wide enough for two vehicles to pass.

During the course of the Application's determination, the following consultee responses were received from Council Officers and external consultees:

- Roads - No objection
- Flood Officer -Objection
- SEPA - objection in principle
- Contamination - No objection

### Reason for Refusal

In the Report of Handling (dated 13th November), the principle of the proposed development was agreed and factors relating to amenity, ecology, visual impact, road and pedestrian safety, contamination and services were found to be acceptable (or could be agreed through condition) and in accordance with the Policies of NPF4 and SBLDP. The proposals were found to be in accordance with Policies PMD5 and ED5 of the Local Development Plan and Policy 9 of NPF4.

The application was refused on concerns only relating to Flood Risk, therefore the grounds of the Appellant's appeal will respond to relevant policies that provide guidance on flooding and directly related matters.

One reason was cited for the refusal of the Application, this stated.

*"The development would be contrary to Policy IS8 of the Local Development Plan 2016 and Policy 22 of National Planning Framework 4 in that it would be sited within a flood risk area and would potentially lead to increased flood risk affecting surrounding properties, thus putting the safety of persons at risk, and risking damage to property. Furthermore, the proposal would, by having such flood implications, fail to account for and adapt to climate change risks, to the detriment of neighbouring properties and public safety, thus conflicting with Policies 1 and 2 of National Planning Framework 4. Other material considerations do not outweigh these policy conflicts and the resulting harm that would potentially arise from the development."*

It is the position of the Appellant, as set out within this statement that the proposed development would not constitute a high-risk development that is vulnerable to flooding nor would it materially increase the probability of flooding elsewhere. The proposal represents a use on a brownfield site that would be of equal vulnerability to flooding as the existing use. Therefore, the proposal is in compliance with Policy IS8 of the SBLDP and part (iii) of NPF4 Policy 22. The proposed development would not increase the risk of surface water flooding any further than the current situation, nor reduce the functional flood plain given the existing hardstanding onsite. The proposed development would therefore also not conflict with Policies 1 and 2 of NPF4.

Page 149 The appointed Planning Officer sets out in the Report of Handling that the proposed development would not represent a public safety risk and instead is fundamentally a commercial risk taken by the Appellant.

The committee, having considered the detail contained within the Planning Application package, together with the information set out herein, are respectfully requested to allow the Notice of Review and grant Planning Permission.

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

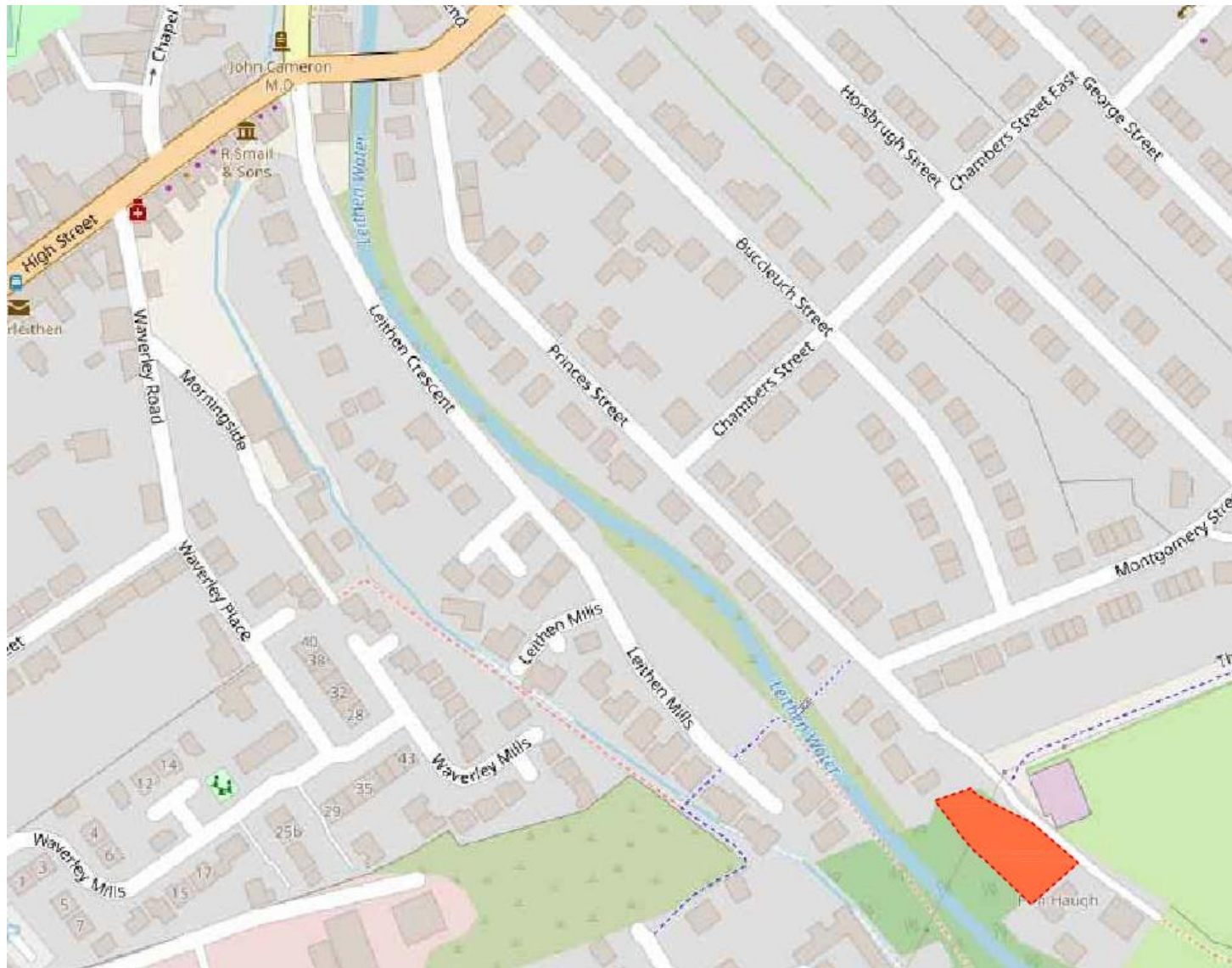
LAND WEST OF PIRNHAUGH, INNERLEITHEN  
INTRODUCTON

## INTRODUCTION

- Page 151
- 1.1. This Statement supports a Notice of Review of the delegated decision by Scottish Borders Council to refuse to grant Planning Permission for a commercial storage facility comprising 30 no. storage containers together with associated works on land west of Pirnhaugh, Innerleithen.
  - 1.2. The application site comprises of an existing hard surface which benefits from a security fence topped with barbed wire. Site levels are laid flat into a useable yard. A portion of the north of the site is fenced off separately. The site is currently vacant and is regarded as being brownfield land.
  - 1.3. The site lies in the south portion of Innerleithen. The site stands opposite the Electricity Distribution Site to the north-east. The Pirnhaugh View residential parcel lies a short distance to the south-east. The main residential area of Innerleithen extends to the north-west along Princes Street, visible in **Fig.1**. The Leithen Water flows past the site to the south-west circa 25 metres distance.
  - 1.4. The site is accessed from an existing private way adjacent to the north-east of the site. The private way extends approximately 55 metres south-east of Princes Street and is wide enough for two vehicles to pass. In their consultation response to the planning application, the Roads Planning Service expressed their ability to support the proposal.
  - 1.5. The site lies inside the Development Boundary defined for Innerleithen. The site does not sit in any Conservation Area. There are no Listed Buildings on-site or anywhere within a 200-metre radius of the site.
  - 1.6. There are no environmental or ecological designations that cover the site. The Leithen Water is covered by a Special Area of Conservation, which sits fully beyond the site not closer than 25 metres. The Site of Special Scientific Interest (SSSI) designation that covers the River Tweed sits within 275 metres of the site.
  - 1.7. The site has evidently been developed previously. The hardstanding that remains in situ existed historically and was associated with the previous gas works on site. The local extract of the 1955 Ordnance Survey Map has been identified that shows cylindrical development on-site, immediately south of the (at that time) active railway, visible in **Fig.2**.
  - 1.8. The proposal is for the erection of a commercial storage facility comprising 30 no. storage containers together with associated works on land west of Pirnhaugh, Innerleithen.
  - 1.9. This centres on the formation of a commercial yard fronted by storage containers to the north-east and south-west within the existing and pre-established boundaries of the site, as seen in **Fig.3**. Storage containers of standard dimensions will be placed upon concrete bases and let out for the use of small businesses. While the site benefits from security fencing with a locked gate, each individual container would also be locked separately.
  - 1.10. Useable space in the interior of the yard shall provide for parking, turning, and loading. While occupiers shall have reasonable use of their unit, activities beyond storage and loading shall be restricted to those ancillary and necessary to the main business - occupiers will not be permitted to conduct their primary operations throughout the day from a storage container on-site.

- 1.11. Access to the site shall be provided for using the existing arrangements along the private way adjacent to the north-east. It is anticipated that the majority of traffic shall be accounted for in the morning (0800 - 0900) and evening (1600 - 1700), with the traffic volume in the morning being the higher of the two. Altogether little impact will be created on the private way particularly outside the morning peak. It is expected that the scenario in which all containers are accessed on the same day will not occur. The level of development proposed is too low for the site to become an active hub which requires daily access for all occupiers.
- 1.12. The market targeted by the proposal is small businesses with a requirement for small scale storage on a secure site. It is expected that this will largely attract tradesmen, small sole trader (work from home) businesses, and other small businesses with a requirement to own or use additional equipment which isn't often used (e.g. shops, beauty therapists, groundworks firms etc.). It is considered that the proposal shall draw the majority of its customers from Peeblesshire (especially Innerleithen, Walkerburn, and Peebles).
- 1.13. Economically, the objective of the proposal is to enable local businesses to continue trading successfully by having access to conveniently located and competitively priced storage capacity. In this regard, the proposal could be understood as primarily aimed at supporting businesses to maintain existing employment with creating additional employment an important secondary aim.
- 1.14. The remainder of this Statement considers the site context and relevant planning policy, before evaluating the accordance of the appeal proposal with the National Planning Framework 4, the Local Development Plan and other material considerations.





**Fig 1:** Extract from MDC-0148-L(-1)101 Site Location Plan.  
(Source: MacKenzie Design Company Architecture).

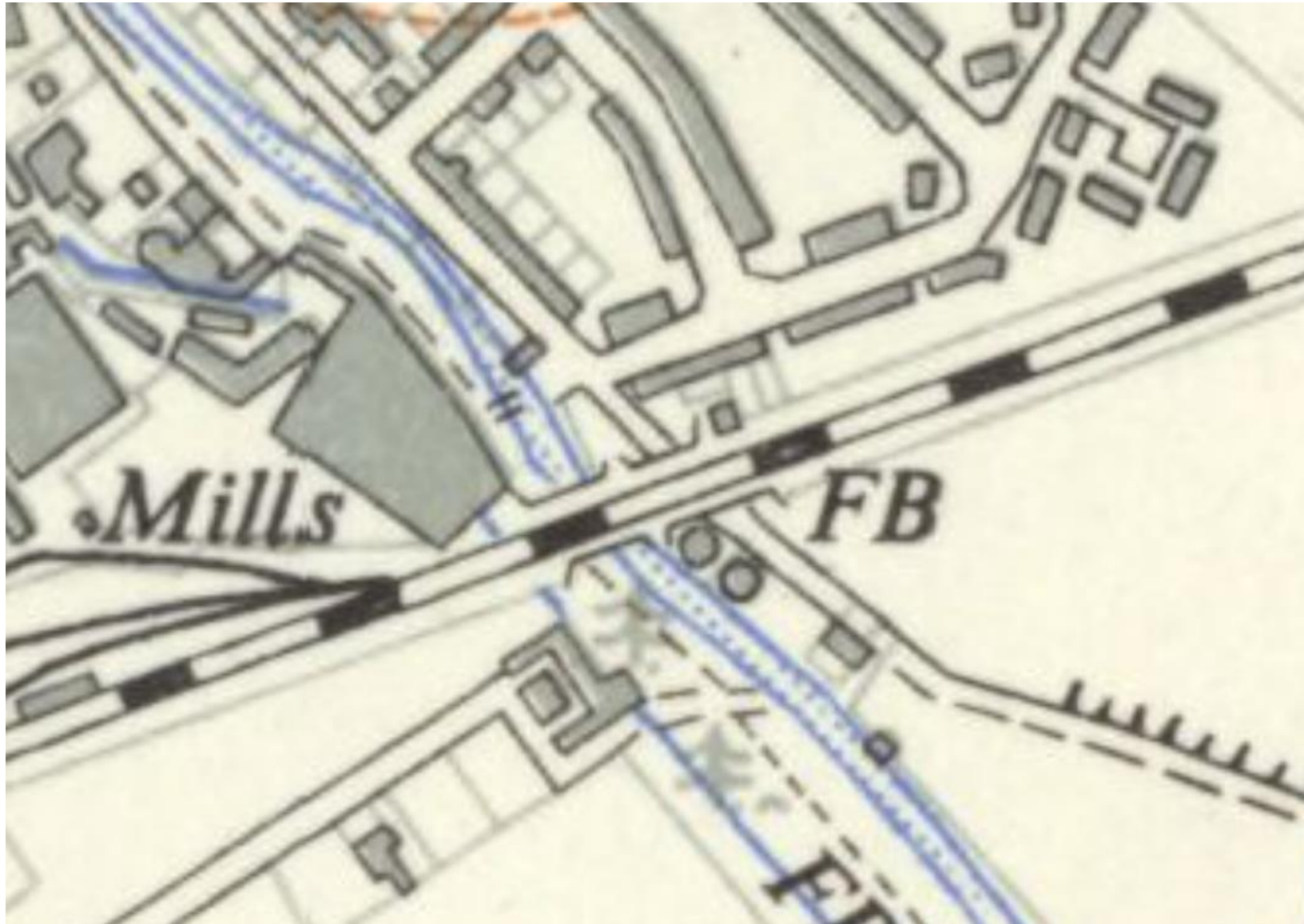
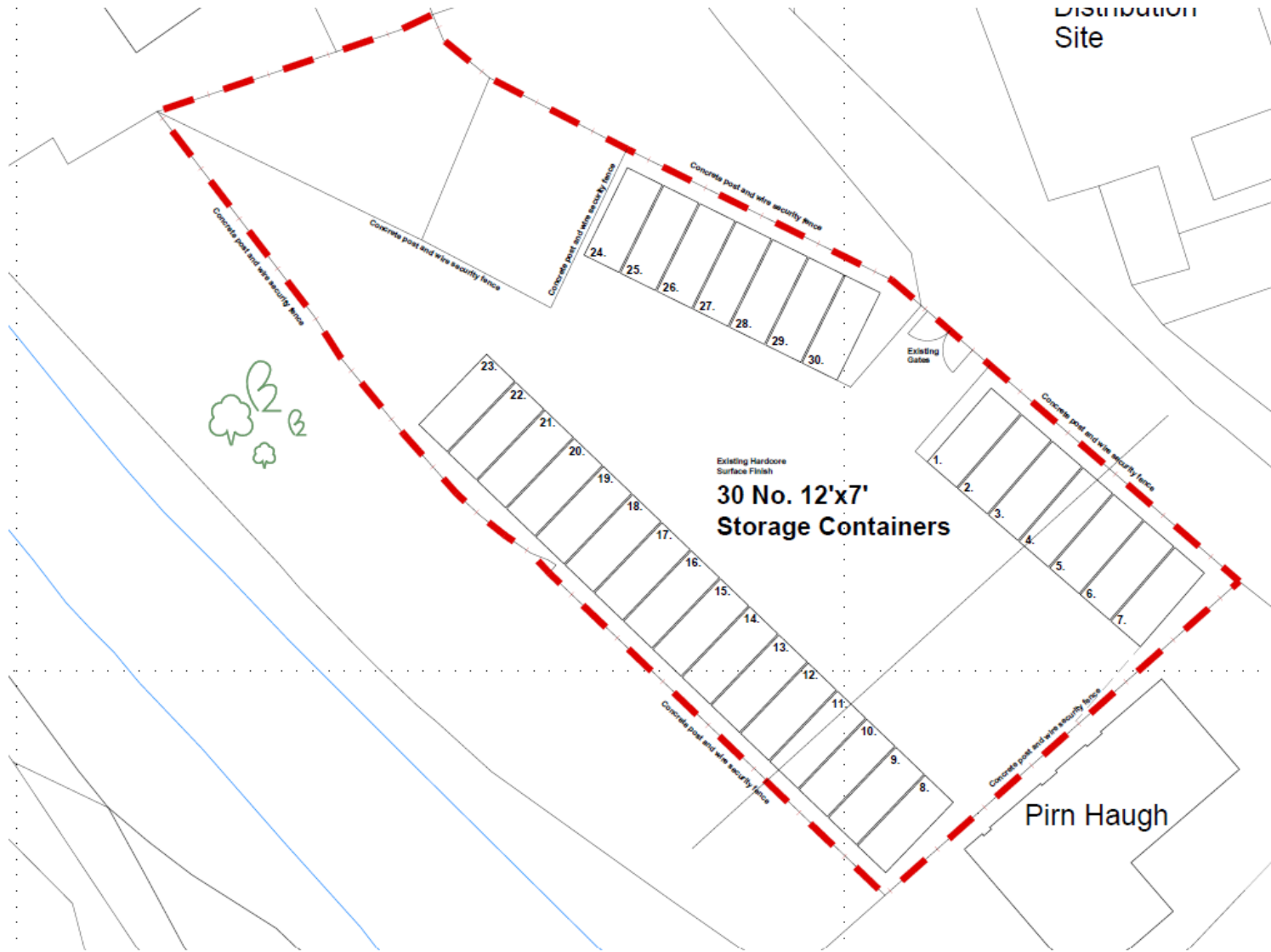


Fig 2: Local extract from Ordnance Survey Map 1955.



**Fig 3:** Extract from MDC-0148-L(-1)151 Site Block Plan.  
(Source: MacKenzie Design Company Architecture).

LAND WEST OF PIRNHAUGH, INNERLEITHEN  
REFUSAL OF APPLICATION BY SCOTTISH  
BORDERS COUNCIL AND PLANNING  
POLICY CONTEXT

## REFUSAL OF APPLIATION BY COUNCIL AND PLANNING POLICY CONTEXT

- 2.1 Planning Application 23/01003/FUL was refused on 14<sup>th</sup> November 2023. The Decision Notice (CD9) cited one reason for refusal, as set out below:

***“The development would be contrary to Policy IS8 of the Local Development Plan 2016 and Policy 22 of National Planning Framework 4 in that it would be sited within a flood risk area and would potentially lead to increased flood risk affecting surrounding properties, thus putting the safety of persons at risk, and risking damage to property. Furthermore, the proposal would, by having such flood implications, fail to account for and adapt to climate change risks, to the detriment of neighbouring properties and public safety, thus conflicting with Policies 1 and 2 of National Planning Framework 4. Other material considerations do not outweigh these policy conflicts and the resulting harm that would potentially arise from the development.”***

### Local Development Plan

- 2.2 Policy IS8 of the Scottish Borders Local Development Plan (SBLDP) details the circumstances in which new houses will be considered acceptable. The relevant part of Policy IS8 is copied below:

*“Within certain defined risk categories, particularly where the risk is greater than 0.5% annual flooding probability or 1 in 200 year flood risk, some forms of development will generally not be acceptable. These include:*

- a) *Development comprising essential civil infrastructure such as hospitals, fire stations, emergency depots etc., schools, care homes, ground-based electrical and telecommunications*

- equipment unless subject to appropriate long term flood risk management strategy;*  
b) *Additional built development in undeveloped and sparsely developed areas.*

### National Planning Framework 4

- 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.
- 2.4 *Policy 1: Tackling the climate and nature crises* of National Planning Framework 4 (NPF4) sets out that when considering all development proposals, significant weight will be given to the global climate and nature crises.
- 2.5 *Policy 2: Climate mitigation and adaption* seeks to encourage, promote and facilitate development that minimises emissions and adapt to the current and future impacts of climate change.
- 2.6 *Policy 22: Flood risk and water management* intent is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. The policy sets out that proposals at risk of flooding will only be supported where they are for the redevelopment of an existing site for an equal or less vulnerable use.
- 2.7 These policies are the pertinent material consideration in the determination of the appeal proposal, as established within the reason for refusal within the Council’s Decision Notice (CD9).

LAND WEST OF PIRNHAUGH, INNERLEITHEN  
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 as set out below. It is the submission of the Appellant that the proposal accords with the relevant adopted policy of National Planning Framework 4, the Local Development Plan and that there are no material considerations which justify the refusal of the application.

3.2 In the Report of Handling (dated 13<sup>th</sup> November), the principle of the proposed development was agreed and factors relating to amenity, ecology, visual impact, road and pedestrian safety, contamination and services were found to be acceptable (or could be agreed through condition) and in accordance with the Policies of NPF4 and SBLDP.

3.3 The appointed Officer in their report stated: *"The proposed use of the site would generally be supported by Policies PMD5 and ED5 of the Local Development Plan 2016, and Policy 9 of National Planning Framework 4, in general principle."*

3.4 The application was refused on concerns solely related to Flood Risk, therefore the grounds of appeal will relate to the relevant policies as noted in the reason for refusal, which are:

- NPF4 Policy 1
- NPF4 Policy 2
- NPF4 Policy 22
- Scottish Borders LDP Policy IS8

3.5 During the course of the applications determination, the following consultee responses were received from Council Officers and external consultees:

- Roads - No objection
- Flood Officer - Objection
- SEPA - Objection in principle
- Contamination - No objection

### 3.6 Grounds of Appeal: The decision to refuse planning permission is challenged on the basis that:

- **The proposed development would not constitute a high-risk development that is vulnerable to flooding nor would it materially increase the probability of flooding elsewhere, so therefore the proposal accords with the relevant part of Policy IS8 of the SBLDP.**
- **NPF4 Policy 22 (iii) allows for the redevelopment of an existing site, for an equal or less vulnerable use. The proposal represents a use on a brownfield site that would be of equal vulnerability to flooding as the existing in accordance with this policy.**
- **The proposed development would stand on top of the existing hardstanding which would not be increased in area and therefore would not increase the risk of surface water flooding any further than the current situation. The proposed development would therefore not conflict with Policies 1 and 2 of NPF4.**

3.7 The site is a former gas works, and as such is considered to be brownfield in nature. The proposals do not seek to increase the amount of hardstanding on the site and will make use of the existing, which has been present on the site for a significant time.

3.8 There are no new buildings proposed, and as the containers are not fixed to the ground, there are no foundations required. The

containers will be moveable and will stand on top of the hardstanding; therefore they would not increase the risk of surface water flooding any further than the current situation, nor reduce the functional flood plain. The proposals are therefore considered to not represent a risk to public safety.

3.9 The Appellant's position remains that the proposal is not a use that is vulnerable to flooding. No one would reside on-site and the site would not be anyone's regular place of work, and would instead be used for irregular and quick pick up / drop offs. The site would not be used to store equipment or other goods required for the response to a flooding event. The Appellant is prepared to accept a condition requiring that goods required for the response to a flood event cannot be stored on-site, including reflecting this in tenants' contracts and informing interested parties in writing before a lease is agreed.

3.10 The "Policy Intent" set out in relation to Policy 9 of NPF4 states that "reuse of brownfield, vacant, and derelict land" will be encouraged, promoted, and facilitated. On this basis we do not agree with SEPA that a precautionary approach is appropriate or even consistent with adopted policy. This context is significantly strengthened by the fact that the proposal does not represent a public safety risk.

3.11 Rather it is considered that the proposal accords with adopted local and national planning policy (including flooding) and represents sustainable development that reuses a brownfield site to provide commercial storage space without creating a public safety risk. While it is accepted that the development is not risk-free; the Appellant accepts it is their own commercial risk for which neither SEPA nor the Council are responsible.

3.12 The view that the proposed development doesn't represent a public safety issue was also supported by the Planning Officer who in their decision stated: "It is accepted that the siting of storage containers within this site is, fundamentally a commercial risk taken both by the

owner and the users of the containers. Provided the containers are affixed to the ground, and the commercial risk is understood, then its vulnerability is not considered determinative."

3.13 We wish to highlight a Planning Permission (21/00987/FUL) for a similar development that was granted in Peebles. The Flood Officer in this instance describes the site as being at risk of a similar flood event (0.5% annual risk) and offered no objection and instead suggested advice that the work is undertaken at the Appellant's commercial risk. The flood officer in this case, suggested that the containers were either pinned to the ground or interlocked together to prevent them being washed downstream (email on portal of 1 Oct 2021). The Appellant would also consider this option if this alleviated the Flood Officers concerns.

3.14 It is therefore considered that the proposed development would not constitute a high-risk development that is vulnerable to flooding nor would it materially increase the probability of flooding elsewhere. The proposal represents a use on a brownfield site that would be of equal vulnerability to flooding as the existing use. Therefore, the proposal is in compliance with Policy IS8 of the SBLDP and part (iii) of NPF4 Policy 22. The proposed development would not increase the risk of surface water flooding any further than the current situation, nor reduce the functional flood plain given the existing hardstanding onsite. The proposed development would therefore not conflict with Policies 1 and 2 of NPF4.



LAND WEST OF PIRNHAUGH, INNERLEITHEN  
CONCLUSION

## CONCLUSION

- 4.1 The Notice of Review, supported by this Statement, respectfully requests that the Council overturns the decision to refuse Planning Permission for Application 23/01003/FUL and grant consent for the erection of a commercial storage facility comprising 30 no. storage containers with associated works at the Former Gas Works, Princes Street, Innerleithen.
- 4.2 The application site comprises of an existing hard surface which benefits from a security fence topped with barbed wire. It is a brownfield site having formally accommodated a gas works. The land levels are laid flat into a useable yard.
- 4.3 The site is accessed from an existing private way adjacent to the north-east of the site. The private way extends approximately 55 metres south-east of Princes Street and is wide enough for two vehicles to pass.
- 4.4 The proposed containers will be accommodated on the existing hardstanding so will therefore not require any additional foundations. The proposed use is not considered to be high-risk as it will not require anyone to reside on site and visits would likely be infrequent and quick.
- 4.5 It is considered that the proposed development would not constitute a high-risk development that is vulnerable to flooding nor would it materially increase the probability of flooding elsewhere. The proposal represents a use on a brownfield site that would be of equal vulnerability to flooding as the existing use. Therefore, the proposal is in compliance with Policy IS8 of the SBLDP and part (iii) of NPF4 Policy 22. The proposed development would not increase the risk of surface water flooding any further than the current situation, nor reduce the functional flood plain given the existing hardstanding onsite. The proposed development would therefore not conflict with Policies 1 and 2 of NPF4.
- 4.6 The Committee is respectfully requested to allow the appeal and grant planning permission.

## Appendix 1 - CORE DOCUMENTS

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

- Notice of Review Form;
- CD1 Appeal Statement;
- CD2 Supporting Planning Statement;
- CD3 L(-1)101 Location Plan;
- CD4 L(-1)102 Existing Site Block Plan;
- CD5 L(-1)151 Proposed Site Block Plan;
- CD6 L(-3)351 Proposed Site Section;
- CD7 Irvine Plant Correspondence;
- CD8 Report of Handling 23/01003/FUL;
- CD9 Decision Notice 23/01003/FUL;
- CD10 Application Form 23/01003/FUL;
- CD11 Flood Officer's email relating to 21/00987/FUL; and
- CD12 Current and Historic Images.

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

LAND WEST OF PIRNHAUGH, INNERLEITHEN, EH44 6JX

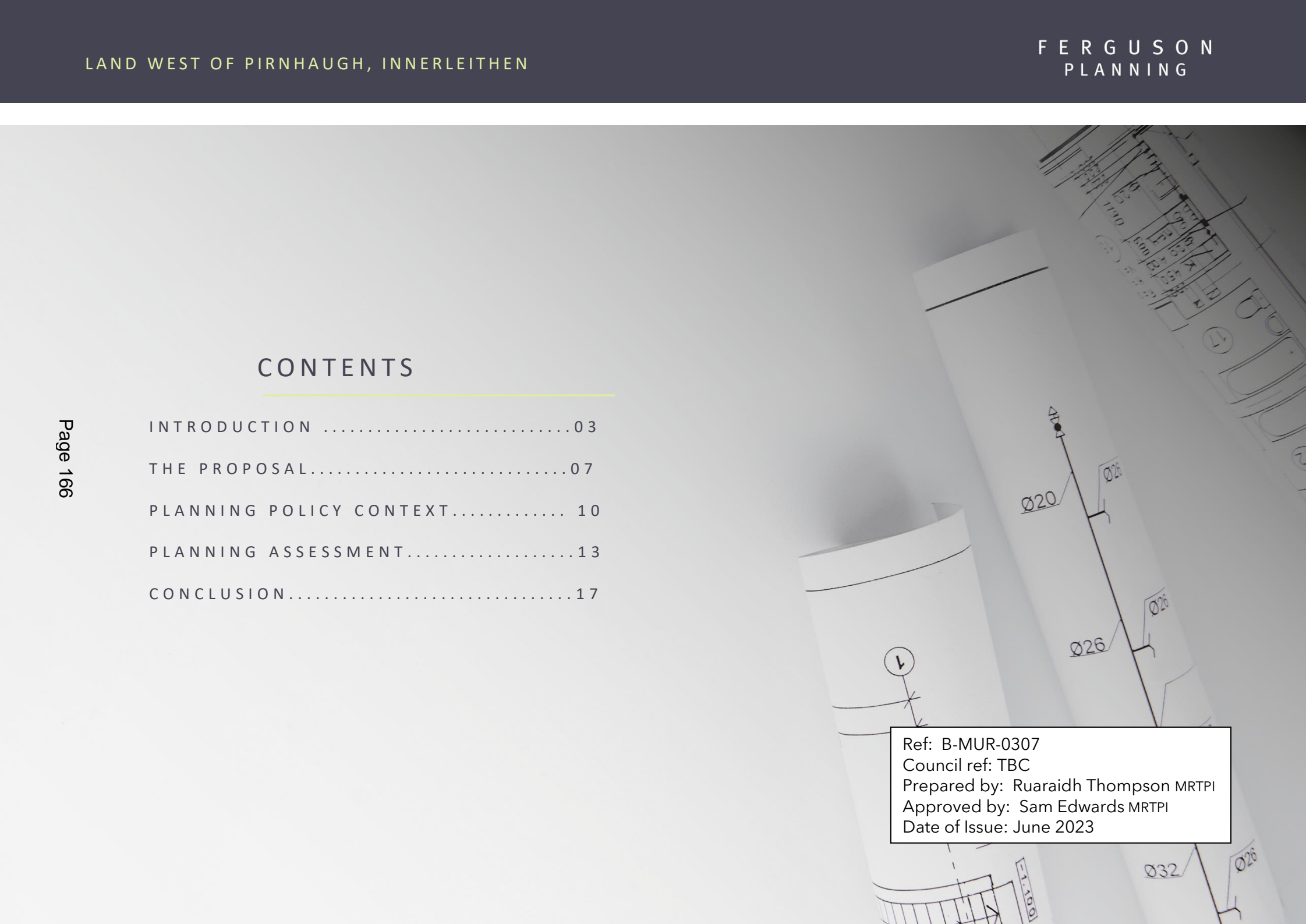
MURRAY CAMPBELL

JUNE 2023

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Council ref: TBC  
Prepared by: Ruaraidh Thompson MRTPI  
Approved by: Sam Edwards MRTPI  
Date of Issue: June 2023

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

LAND WEST OF PIRNHAUGH, INNERLEITHEN

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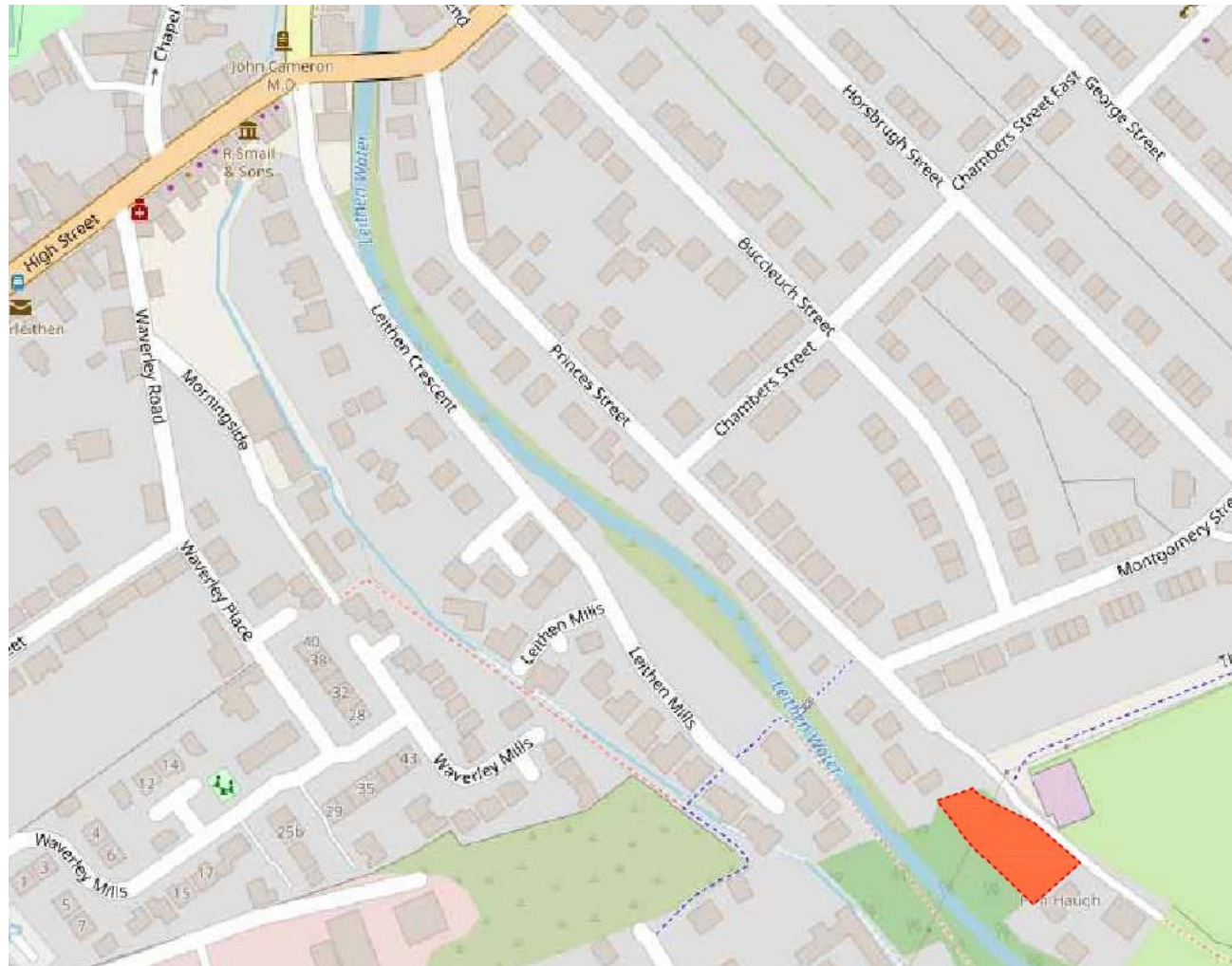
INTRODUCTION

## INTRODUCTION

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- 1.1 This Planning Statement, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of the Applicant – Mr Murray Campbell. The Statement supports an Application for Planning Permission for a commercial storage facility comprising 30 no. storage containers together with associated works on land west of Pirnhaugh, Innerleithen.
- 1.2 The application site comprises existing hard surface which benefits from a security fence topped with barbed wire. Land levels are laid flat into useable yard. A portion of the north of the site is fenced off separately. The site is currently vacant.
- 1.3 The site lies in the south portion of Innerleithen. The site stands opposite the Electricity Distribution Site to the north-east. The Pirnhaugh View residential parcel lies a short distance to the south-east. The main residential area of Innerleithen extends to the north-west along Princes Street, visible in **Fig.1**. The Leithen Water flows past the site to the south-west circa 25 metres distant.
- 1.4 The site is accessed from an existing private way adjacent to the north-east of the site. The private way extends approximately 55 metres south-east of Princes Street and is wide enough for two vehicles to pass.
- 1.5 The site lies inside the Development Boundary defined for Innerleithen. The site does not sit in any Conservation Area. There are no Listed Buildings on-site or anywhere within a 200 metre radius of the site.
- 1.6 There are no environmental or ecological designations that cover the site. The Leithen Water is covered by a Special Area of Conservation, which sits fully beyond the site not closer than 25 metres. The Site of Special Scientific Interest (SSSI) designation that covers the River Tweed sits within 275 metres of the site.
- 1.7 The site has clearly been developed previously. It is believed that the site was previously in use as a wastewater treatment works. The local extract of the 1955 Ordnance Survey Map has been identified that shows cylindrical development on-site, immediately south of the (at that time) active railway, visible in **Fig.2**.





**Fig 1:** Extract from MDC-0148-L(-1)101 Site Location Plan.  
(Source: MacKenzie Design Company Architecture).

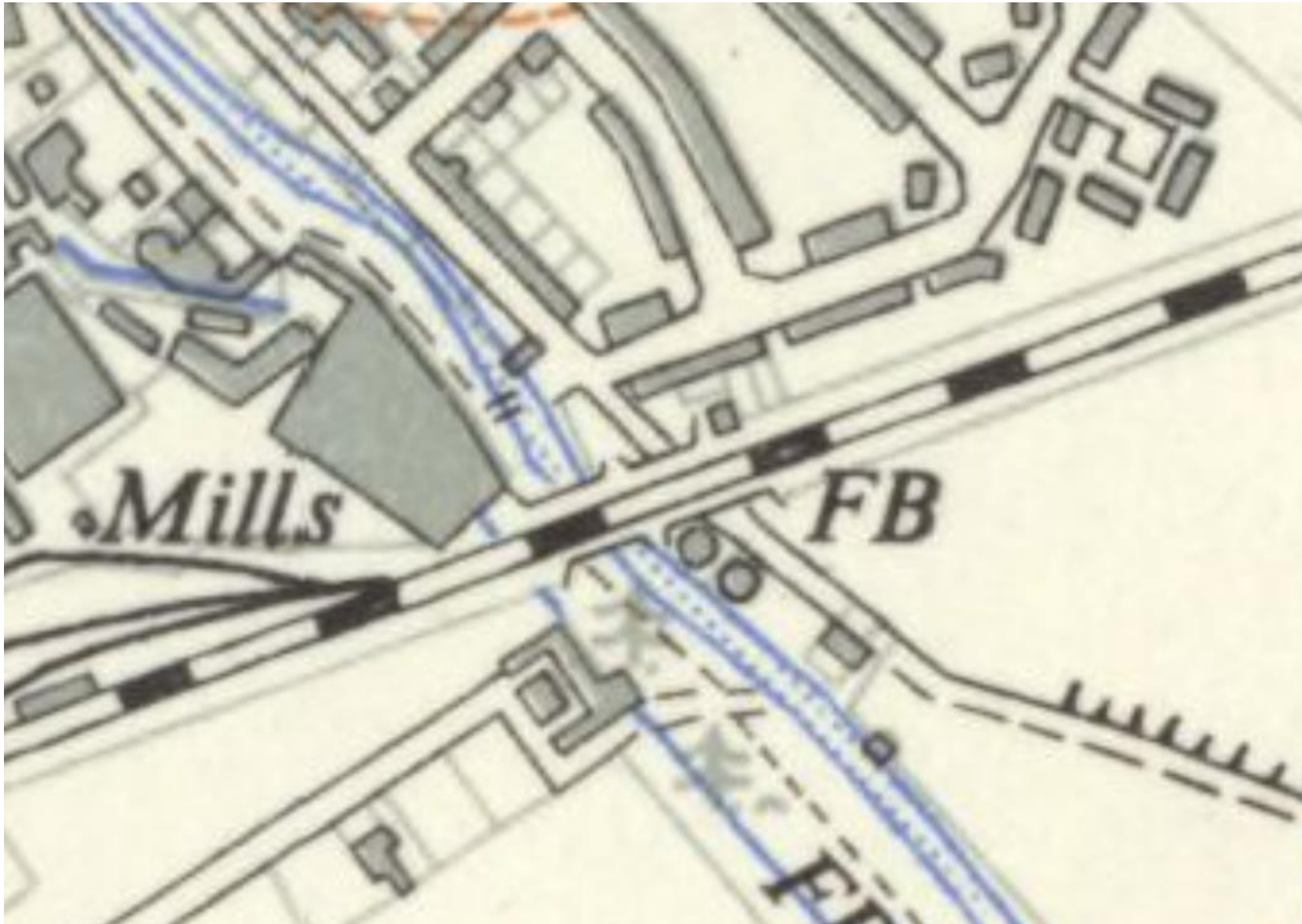


Fig 2: Local extract from Ordnance Survey Map 1955.

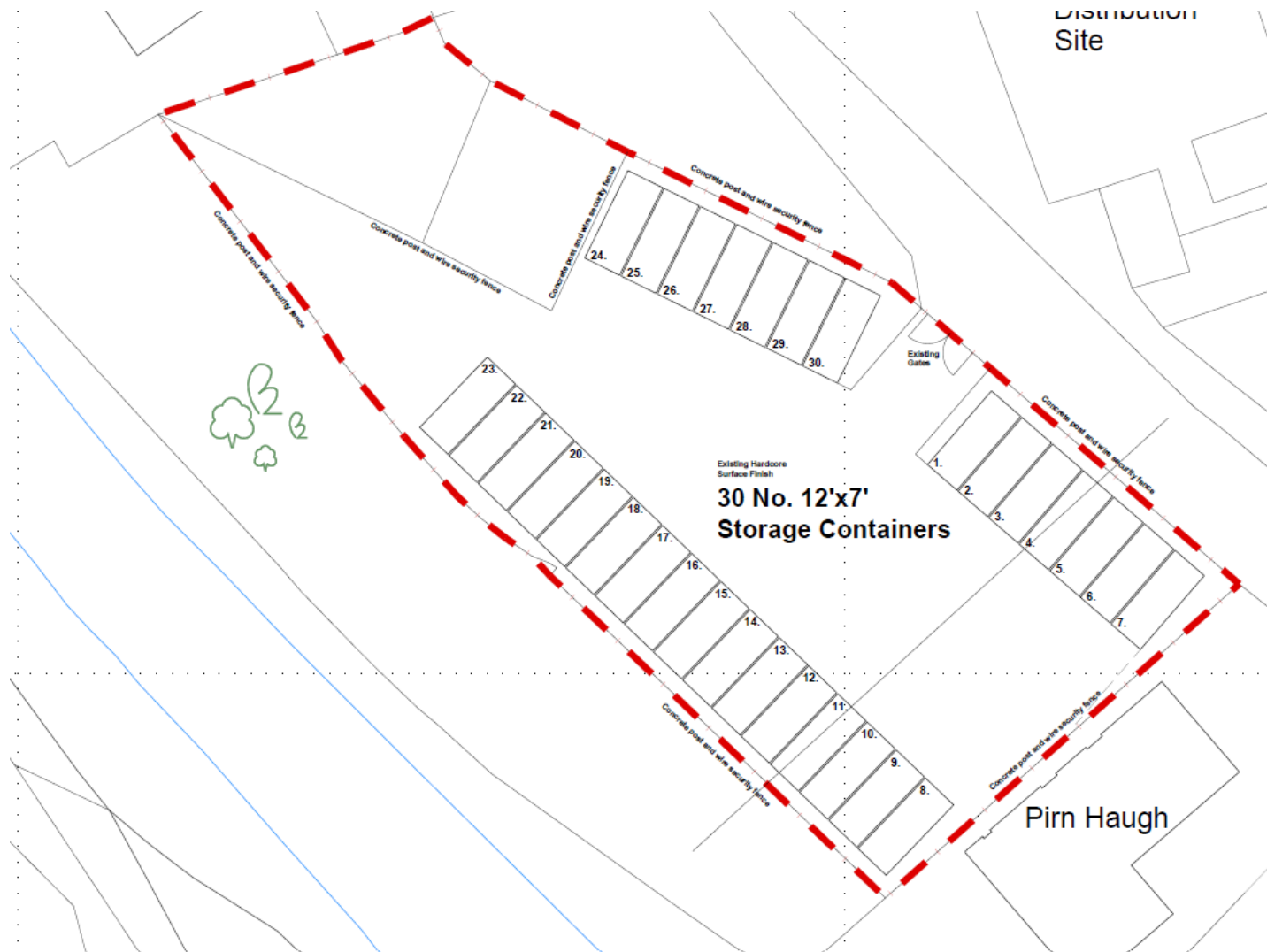
LAND WEST OF PIRNHAUGH, INNERLEITHEN

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## THE PROPOSAL

## THE PROPOSAL

- 2.1 The proposal is for erection of a commercial storage facility comprising 30 no. storage containers together with associated works on land west of Pirnhaugh, Innerleithen.
- 2.2 The proposal centres on formation of a commercial yard fronted by storage containers to the north-east and south-west within the existing and pre-established boundaries of the site, as seen in **Fig.3**. Storage containers of standard dimensions will be placed upon concrete bases and let out for the use of small businesses. While the site benefits from security fencing with a locked gate, each individual container would also be locked separately.
- 2.3 Useable space in the interior of the yard shall provide for parking, turning, and loading. While occupiers shall have reasonable use of their unit, activities beyond storage and loading shall be restricted to those ancillary and necessary to the main business – occupiers will not be permitted to conduct their primary operations throughout the day from a storage container on-site.
- 2.4 Access to the site shall be provided for using the existing arrangements along the private way adjacent to the north-east. It is anticipated that the majority of traffic shall be accounted for in the morning (0800 – 0900) and evening (1600 – 1700), with the traffic volume in the morning being the higher of the two. Altogether little impact will be created on the private way particularly outside the morning peak. It is expected that the scenario in which all containers are accessed on the same day will not occur. The level of development proposed is too low for the site to become an active hub which requires daily access for all occupiers.
- 2.5 The market targeted by the proposal is small businesses with a requirement for small scale storage on a secure site. It is expected that this will largely attract tradesmen, small sole trader (work from home) businesses, and other small businesses with a requirement to own or use additional equipment which isn't often used (e.g. shops, beauty therapists, groundworks firms etc.). It is considered that the proposal shall draw the majority of its customers from Peeblesshire (especially Innerleithen, Walkerburn, and Peebles).
- 2.6 Economically, the objective of the proposal is to enable local businesses to continue trading successfully by having access to conveniently located and competitively priced storage capacity. In this regard, although this may remove a final hurdle to expansion and hiring more staff in some cases, the proposal could be understood as primarily aimed at supporting businesses to maintain existing employment with creating additional employment an important secondary aim.



**Fig 3:** Extract from MDC-0148-L(-1)151 Site Block Plan.  
(Source: MacKenzie Design Company Architecture).

LAND WEST OF PIRNHAUGH, INNERLEITHEN

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PLANNING POLICY CONTEXT

## PLANNING POLICY CONTEXT

- 3.1 This section provides an overview of key planning policies 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 policies 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 adopted in February 2023. The document addresses national planning policy and the Government’s approach to achieving a net zero sustainable Scotland by 2045. While Policies 1, 2, 3, 13, 14, & 15 have relevance to the proposal, it is considered that Policies 9 & 26 are particularly pertinent.
- 3.4 **Policy 26** Business and Industry addresses employment development across the country. The Policy states that *“development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.”*

- 3.5 **Policy 9** Brownfield, Vacant and Derelict Land and Empty Buildings sets out the government’s strategy for reuse of brownfield sites. The Policy contains support for *“development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.”*

### SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN (2016)

- 3.6 Local planning policy relevant to the proposal is contained within the Scottish Borders Local Development Plan (2016).

### Policy PMD5: Infill Development

- 3.7 The Policy permits *“development on non-allocated, infill, or windfall sites, including the re-use of buildings within Development Boundaries as shown on proposals maps will be approved where the following criteria are satisfied:*
- a) where relevant, it does not conflict with the established land use of the area; and*
  - b) it does not detract from the character and amenity of the surrounding area; and*
  - c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or ‘town and village cramming’; and*
  - d) it respects the scale, form, design, materials, and density in context of its surroundings; and*

- e) *adequate access and servicing can be achieved, particularly taking account of water drainage, and schools capacity; and*
- f) *it does not result in any significant loss of daylight, sunlight, or privacy to adjoining properties as a result of overshadowing or overlooking.*

3.8 *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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P L A N N I N G

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LAND WEST OF PIRNHAUGH, INNERLEITHEN

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PLANNING ASSESSMENT

## PLANNING ASSESSMENT

- 4.1 The application site lies inside the Development Boundary defined for Innerleithen. The site comprises a hard surface which is laid level. The proposal represents new employment development within the existing urban area of Innerleithen. Therefore, Policy PMD5 is pertinent to the proposal.
- 4.2 The site does not lie within the existing town centre or employment areas of Innerleithen. However, the surrounding area is not densely developed residential units. The Pirnhaugh View residential parcel contains the only existing dwellings that sit beyond Princes Street. The space between between Princes Street and Pirnhaugh View extends to approximately 90 metres, in which the existing electricity substation stands opposite the site. The proposal is similar in character to the electricity substation as it would not be anyone’s normal place of work and would be used largely for storage. Therefore, the proposal would not conflict with local land uses and satisfies criterion a) of Policy PMD5.
- 4.3 The contribution of the application site to local character at present is a brownfield, hard surfaced site which is enclosed in a substantial security fence. It is considered that this represents a poor-quality contribution. The existing character of the site would largely be retained as the site will still be security fenced and hard surfaced. It is considered that the proposal would represent a minor improvement to local character as the site would no longer be disused and would have a small number of daily users. Additionally, this would offer limited natural surveillance benefits.
- 4.4 The proposal would not detract from the character of the local area and is considered to satisfy criterion b) of Policy PMD5.
- 4.5 The proposal represents an increase in the economic infrastructure of Innerleithen. While the impact on social infrastructure is less clear, it is considered that the most likely effect will be one of improvement as it will help to support the number of small businesses in the town (business community) and contribute to local socioeconomic resilience. The proposal is consistent with criterion c) of Policy PMD5.
- 4.6 The proposal is considered to satisfy criterion d) of Policy PMD5; the heights, lengths, and widths of all structures on-site shall stand less substantial than those of existing buildings to both the north-west (Princes Street) and south-east (Pirnhaugh), the development is contained within the existing and pre-established boundaries of the site, and the density of development will be lower than at either Pirnhaugh View or Princes Street and commensurate with the electricity substation opposite.
- 4.7 It is considered that the proposal provides for adequate access and doesn’t require access to other utilities (criterion e). The proposal would have no impact on the privacy of nearby dwellings or their access to either sunlight or daylight (criterion f).

- 4.8 NPF4 places great importance on maximising brownfield development opportunities at the expense of other development. The proposal represents the reuse of a long vacant brownfield site within the existing urban area of Innerleithen. The proposal is sustainable in its nature as it will command letting income from prospective occupiers (economic), financing itself, and will directly support existing small businesses in the local area (social). Therefore, the proposal is considered to accord with Policy 9 of NPF4.
- 4.9 The proposal represents business development within an existing urban area. While the local area contains non-residential development, this doesn't really define the character of the area. As set out above the proposal represents no prejudice to the function or character of the local area, as required by Policy 26 of NPF4. As the proposal would not prejudice the character of the area and represents business development in the urban area, it is considered to accord with Policy 26.
- 4.10 Policy PMD5 outlines support for "*development on non-allocated, infill, or windfall sites, including the re-use of buildings within Development Boundaries*". The proposal represents employment development within the Development Boundary defined for Innerleithen. As the proposal lies within the Development Boundary defined for Innerleithen and accords with the relevant adopted criteria of the Policy, the principle of development is considered to be acceptable in accordance with Policy PMD5. The acceptability of the principle of development is further strengthened by Policy 9 & 26 of NPF4.
- 4.11 The proposal would not generate a large volume of traffic. At 30 no. storage containers the level of development proposed is not considered to be significant. Further it is inevitable that some of the containers will be used for longer term storage (i.e. storage of fitted shop parts, historic business records etc.) to which access on a daily or weekly basis shall not be required.
- 4.12 The vehicles that do access the site will tend to arrive and leave between 0800 and 0900 in the morning. While most will return, likely between 1600 and 1700 in the afternoon, some will not. The impact on traffic volumes generally, and in the 0800 to 0900 and 1700 to 1800 peaks specifically, will be very slight. In the PM peak, this aspect of the impact is likely to equate to one or two more trips daily.
- 4.13 All parking, turning, and loading shall be accommodated within the boundaries of the site. It is considered that the proposal is acceptable in parking and access terms.
- 4.14 The limited scale of development is considered not to represent a significant risk to amenity. Firstly, no industrial or chemical processes shall be undertaken on-site. The proposal is for commercial storage (Class 6) without Class 5 Uses. Therefore, the only possible amenity risk is from the movement of vehicles.
- 4.15 The proposed opening hours of the facility are 0800 – 1700. This will ensure no arrivals before 0800 and final departure after 1700. Use of the facility is likely to be primarily Monday to Friday but will be available at weekends. It is considered that the proposal represents a less significant amenity risk than the electricity substation as SP Energy Networks retain unlimited rights of access as operationally required. The proposal is predicated upon a far more limited level of use.

- 4.16 The proposal does not represent a significant risk to residential amenity and is considered to be acceptable in amenity terms.
- 4.17 It is noted that flood risk has previously been identified on the Leithen Water. The extent of this risk is understood to affect most of Innerleithen and all of the town centre. It is our understanding that the nature of the risk is generally low in that it is unlikely to have debilitating effect.
- 4.18 The proposal does not include any additional hardstanding on-site, paving or erected masonry, concrete, columns (steel or otherwise). Therefore, the proposal would not increase flood risk to any use or building.
- 4.19 Further storage containers are considered not to be vulnerable to flood risk. The storage containers and their contents do not need to be accessed every day. The contents of containers will largely be in longer term storage, access to which can be deferred in event of flooding. Deferring access to the storage containers will not create a threat to public safety, in the way that preventing access to dwellings, a GP surgery, or Fire Station would create a threat to public safety. Indeed, the proposal appears to be significantly less vulnerable to flooding than the electricity substation opposite and would benefit from measures to keep the substation accessible in an emergency period.
- 4.20 The Applicant is willing to contractually require prospective occupiers to agree not to access their units when advised not to by SEPA Floodline (and/or any replacement or successor service). The proposal is considered not to represent an unacceptable adverse flood risk.

LAND WEST OF PIRNHAUGH, INNERLEITHEN

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## CONCLUSION

## CONCLUSION

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- 5.1 Ferguson Planning has been appointed by the Applicant to submit an Application for Planning Permission in Principle for a commercial storage facility comprising 30 no. storage containers together with associated works on land west of Pirnhaugh, Innerleithen.
- 5.2 The proposal represents employment development upon a site which lies within the Development Boundary and existing urban area of Innerleithen. The proposal supports local businesses and meets a pre-existing need locally. Delivery of the proposal would support jobs and assist existing businesses to invest in the local area. Therefore, the principle of development of the erection of a new dwelling upon the site is considered to be acceptable in accordance with Policy PMD5.
- 5.3 The existing vehicle access is to be retained to serve the proposal. The existing access is substantial in construction and proportions and is considered to provide for safe and adequate access. The impact of traffic volumes locally is considered not to be significant. The proposed development is considered to be acceptable in access and parking terms.
- 5.4 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 P L A N N I N G

## GALASHIELS

Shiel House  
54 Island Street  
Galashiels TD1 1NU

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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

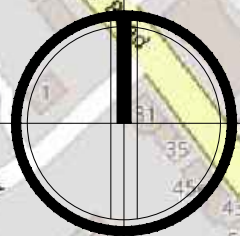
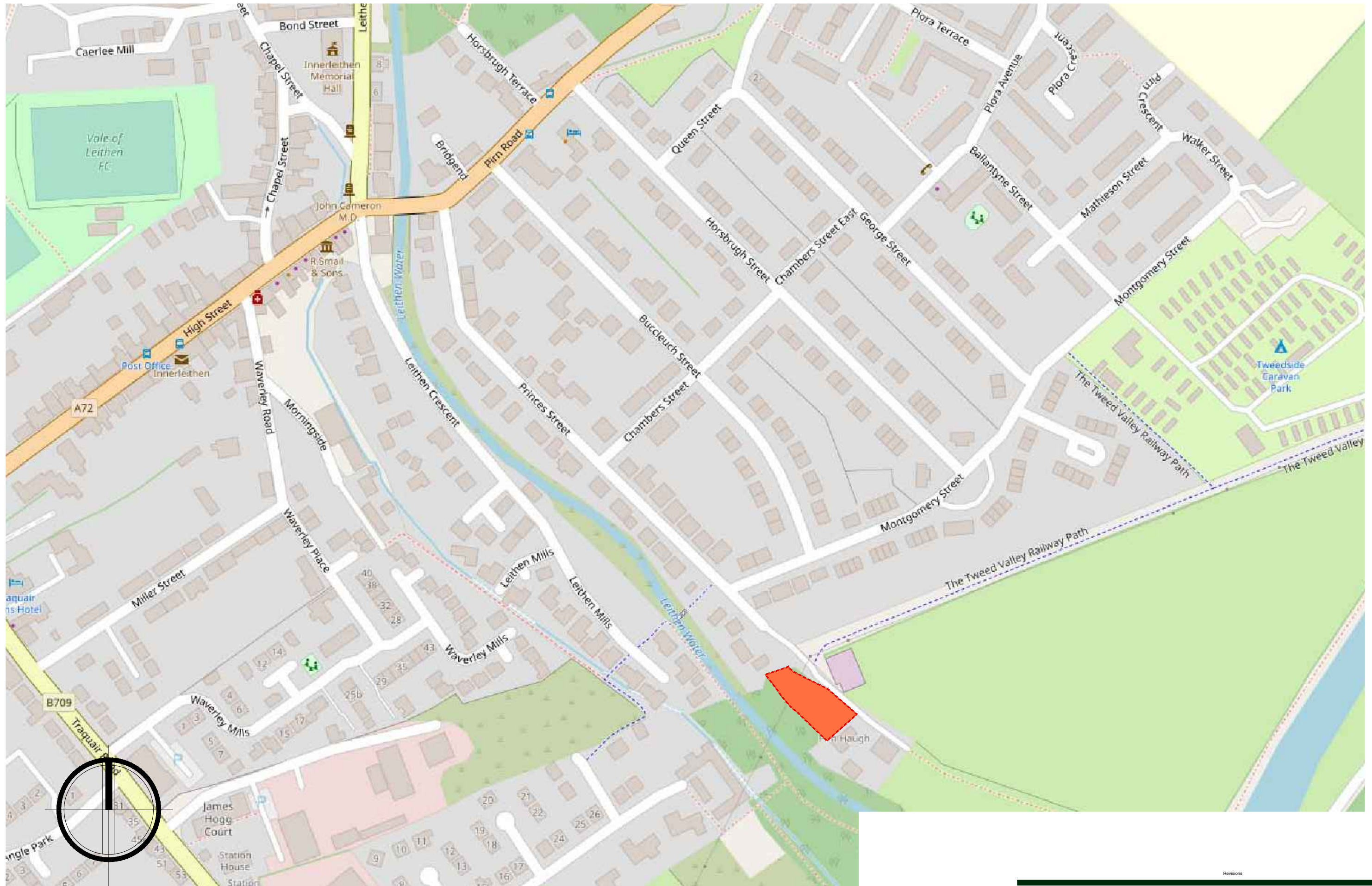
E: [tim@fergusonplanning.co.uk](mailto:tim@fergusonplanning.co.uk)

[WWW.FERGUSONPLANNING.CO.UK](http://WWW.FERGUSONPLANNING.CO.UK)

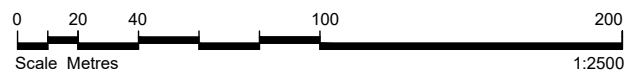


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Site Location Plan



**MDC**  
MACKENZIE DESIGN COMPANY  
ARCHITECTURE

client: Mr Murray Campbell  
project: Proposed Self Storage Facility  
Old Gasworks, Princes Street, Innerleithen  
title: Site Location Plan

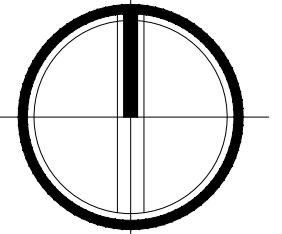
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t 01896 833944      www.mdc.scot  
13 Leeburn View, Cardrona, Peeblesshire, EH45 9LS

scale: 1:2500    size: A3    date: May23    drawn: jpm    project no: MDC-0148    drawing no: L(-1)101

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KOWALDRAIN

Electricity  
Distribution  
Site



Concrete post and wire security fence

Concrete post and wire security fence

Concrete post and wire security fence

Concrete post and wire security fence

Existing Gates

Concrete post and wire security fence

Existing Hardcore  
Surface Finish

Concrete post and wire security fence

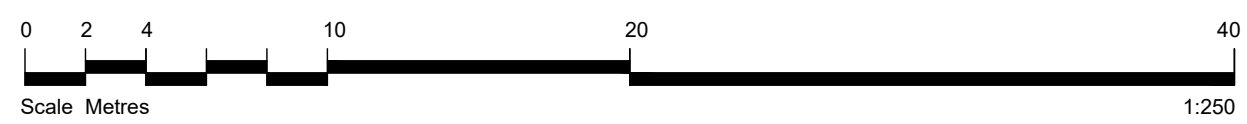
Concrete post and wire security fence

Pirn Haugh

North View  
Pirinhaugh

Page 187

# Site Block Plan



Revisions

**MDC**  
MACKENZIE DESIGN COMPANY  
ARCHITECTURE

client Mr Murray Campbell  
project Proposed Self Storage Facility  
Old Gasworks, Princes Street, Innerleithen  
title Existing  
Site Block Plan

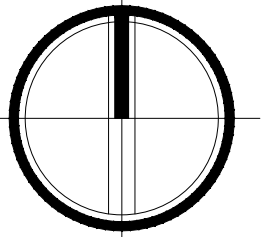
m 07496 800002 john@mdc.scot  
t 01896 833944 www.mdc.scot

scale 1:250 size A3 date May'23 jpm project no. MDC-0148 drawing no. L(-1)102

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Rowanbank

Electricity  
Distribution  
Site



Page 189

Concrete post and wire security fence

Concrete post and wire security fence

Concrete post and wire security fence

Concrete post and wire security fence

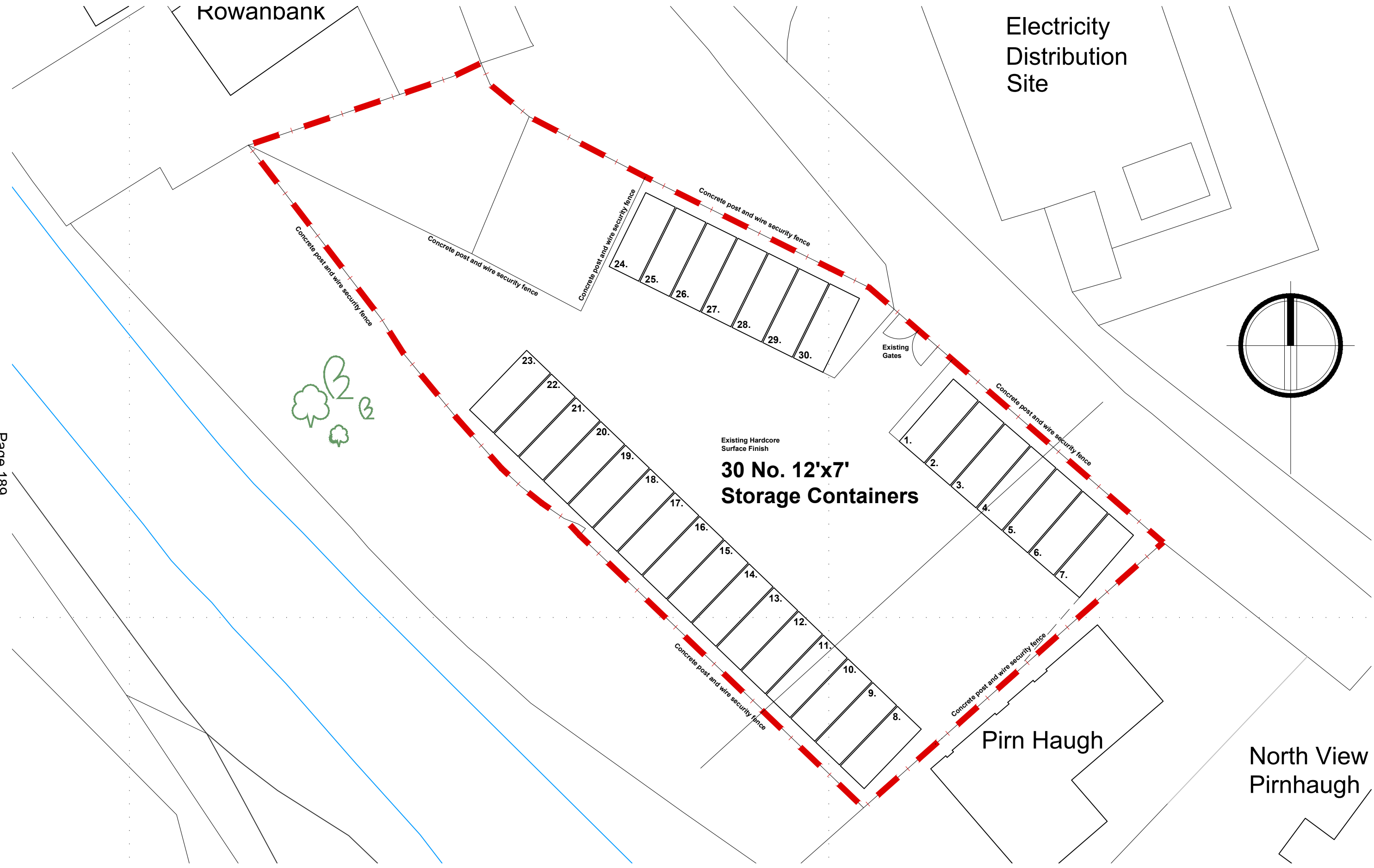
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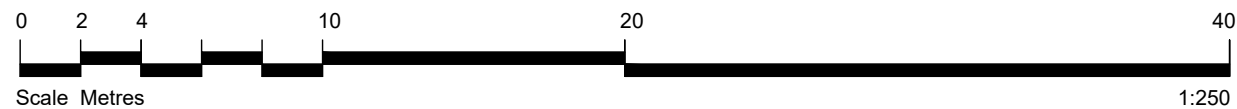
Concrete post and wire security fence

Concrete post and wire security fence

Existing Hardcore  
Surface Finish  
**30 No. 12'x7'  
Storage Containers**



# Site Block Plan



**MDC**  
MACKENZIE DESIGN COMPANY  
ARCHITECTURE

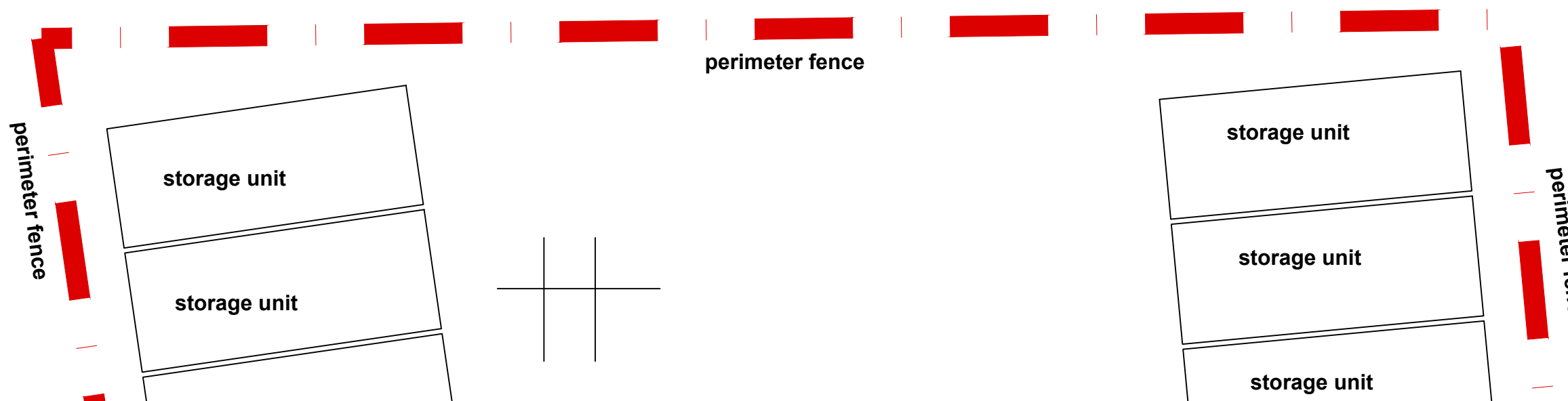
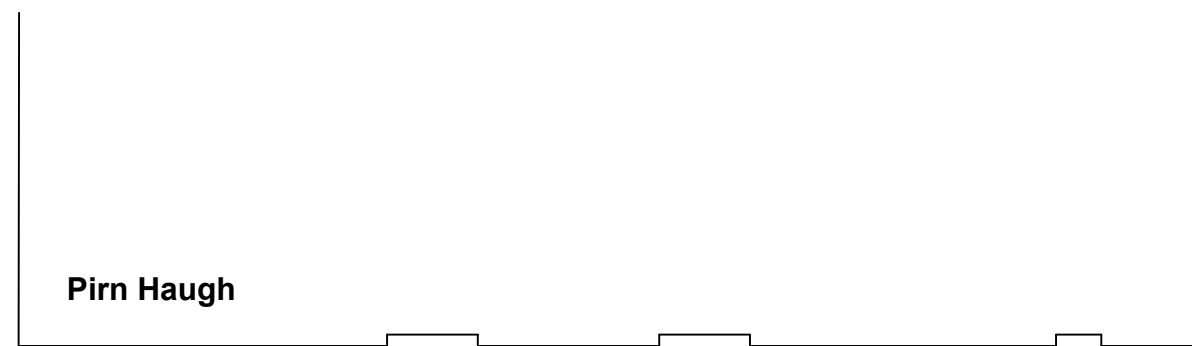
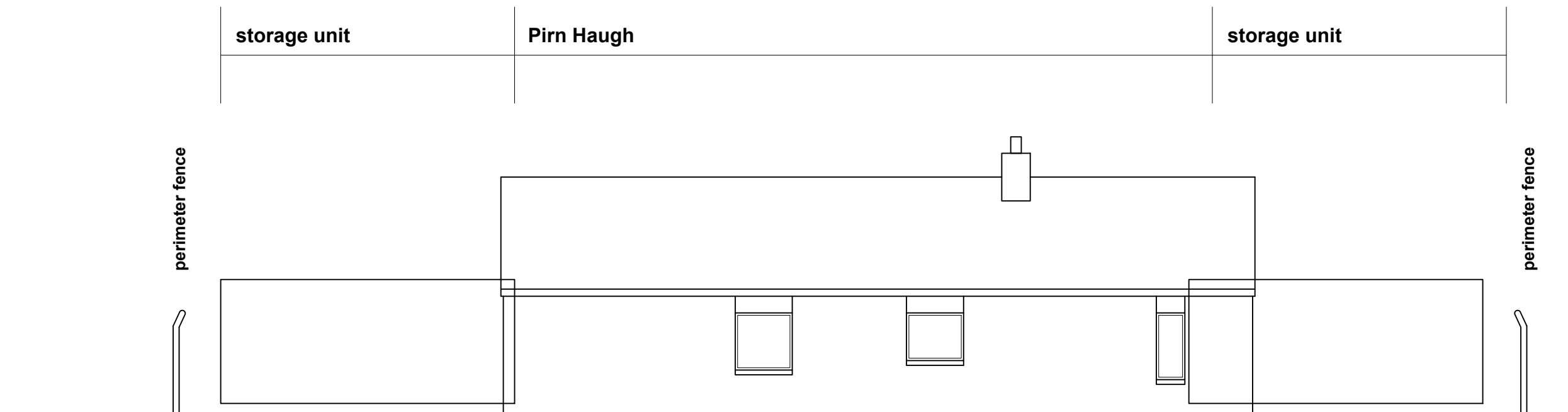
client: Mr Murray Campbell  
project: Proposed Self Storage Facility  
Old Gasworks, Princes Street, Innerleithen  
title: Proposed Site Block Plan

m 07496 800002 john@mdc.scot  
t 01896 833944 www.mdc.scot

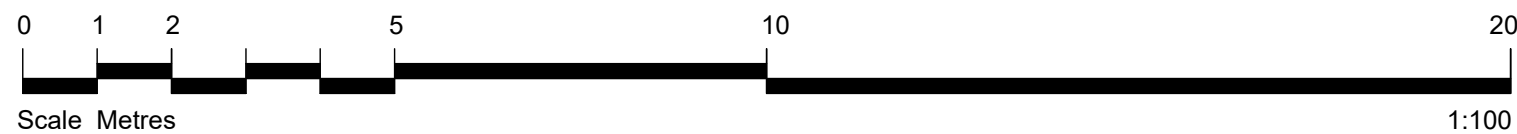
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Revisions

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# Site Section



**MDC**  
**MACKENZIE DESIGN COMPANY**  
**ARCHITECTURE**

client: Mr Murray Campbell  
 project: Proposed Self Storage Facility  
 Old Gasworks, Princes Street, Innerleithen  
 title: Proposed Site Section

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 13 Leeburn View, Cardrona, Peeblesshire, EH45 9LS

scale: 1:100 size: A3 date: May'23 jpm project no.: MDC-0148 L(-3)351 drawing no.:

Revisions

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WHITEBRIDGE PARK  
KINGSMEADOWS ROAD  
PEEBLES  
EH45 9DH  
TEL:07714101440  
EMAIL:irvineplantltd@gmail.com

To whom it may concern.

As Irvine Plant Ltd were the contractors carrying out works at the old gas works in Innerleithen for Murray Campbell, we would like to confirm that the site had an existing hardcore base which was over grown with scrub. The scrub was mulched down where weed prevention membrane was laid and a fresh layer of hardcore was compacted to top off existing.

Yours sincerely

Ewan Irvine

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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 :** 23/01003/FUL

**APPLICANT :** Mr M Campbell

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Commercial storage facility comprising 30 no. storage containers with associated works

**LOCATION:** Former Gas Works  
Princes Street  
Innerleithen  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
L(-1)101	Location Plan	Refused
L(-1)102	Existing Site Plan	Refused
L(-1)151	Proposed Site Plan	Refused
L(-3)351	Proposed Sections	Refused

**NUMBER OF REPRESENTATIONS: 6**

**SUMMARY OF REPRESENTATIONS:**

Key issues raised in public representations are, in summary:

- o The site has never been a water treatment site but held two large gasometers
- o The land was cleared for hardstanding
- o The surrounding area is now residential
- o There has been an increase in vacant industrial premises and units recently. Innerleithen has several industrial units and areas that are underused
- o Road and pedestrian safety concerns on a designated walking route, including from increase in heavy traffic, traffic nuisance and risk of damage. The route was not designed for commercial use. If granted, conditions should limit the use of the containers and restrict vehicles
- o Water run-off since the groundworks were undertaken
- o Potential contamination
- o Effect on local bat populations
- o Confirmation the containers are for domestic storage and not workshops/industrial use would not be unreasonable

Consultations

Community Council: No reply

Roads Planning Service: Raised concerns initially regarding the traffic to be generated and queried how hours of operation would be policed; how limiting the use to low noise and traffic generation would be policed; and, what land the applicants have control over so any improvements can be carried out. Following the submission of a response from the applicant's agent, the RPS subsequently advised that the additional information addressed the issues they had previously raised. Therefore, they confirm support for the proposal.

Economic Development Service: No reply

Access Officer: No reply

Flood Officer: The site is at risk in a 1 in 200 year event according to SEPA mapping. Council flood modelling provides a more accurate assessment and its modelling outputs for this area show the southern half of the site at risk of flooding. The proposed land use is a Least Vulnerable Use under SEPA guidance. However, the concern with such a proposal is the loss of functional flood plain and displacement of flood water. Should the applicant wish to develop the full site, this would raise an objection from the Flood team without a flood risk assessment showing the development has a negligible impact on flood risk. Should the number of containers be reduced and confined to the northern half of the site, then the Flood Officer would be able to look more favourably on the proposal. As matters stand, they make a holding objection.

SEPA: Object in principle because the development may put people or property at risk of flooding which is contrary to national planning policy. A precautionary approach is required in line with National Planning Framework Policy 22 by avoiding flood risk areas. New development should be located outwith flood risk areas. Development should cause no reduction in floodplain capacity. They note the site is a former gas works, but this is an historic use, so they consider the site to be vacant. The site does not, therefore, fall within exceptions in Policy 22a and avoidance of flood risk is required. The majority of the site is at risk of flooding based on SEPA's mapping. There is a risk of flooding from the Leithen Water. The site is approximately 300m upstream of the confluence of the Leithen Water and River Tweed and may be at risk of flooding from the River Tweed.

Flood studies for the Council show flood extents for a range of return periods. Approximately half the site is shown to be inundated in a 1 in 200 year + climate change event. In addition, the site is shown to be surrounded by flooding in smaller return periods. The climate change event for the flood studies has a 33% uplift. SEPA's current climate change guidance is a 59% uplift. The resultant climate change flow from the Leithen Water would be greater than the assessed flow for a 1 in 1000 year scenario. This means the extents of flood risk would be larger than the 1 in 1000 year extent shown in the Leithen Water Fluvial Flood Map. In addition, the flood study used a 1 in 30 year event as the downstream boundary. If they felt it appropriate to request further modelling, they would request the sensitivity analysis is done on the downstream boundary. Based on information available, the site is within a flood risk area and the proposal is contrary to NPF4. Any updated modelling is likely to show more or all of the site in the flood risk area of the Leithen Water. SEPA object in principle as the development is expected to put people or property at risk of flooding.

Contaminated Land Officer: The former land use is potentially contaminative. Recommends a condition requiring a site investigation and risk assessment, including remediation and verification

#### **PLANNING CONSIDERATIONS AND POLICIES:**

National Planning Framework 4

Policies 1, 2, 3, 4, 9, 12, 13, 22, 23, 26

Local Development Plan 2016

PMD1, PMD2, PMD5, ED2, ED5, HD3, EP1, ED2, EP3, IS5, IS7, IS8 IS9, IS13

Local Development Plan 2016

SPGS Sustainable Urban Drainage Systems 2020; Waste Management 2015

**Recommendation by** - Carlos Clarke (Lead Planning Officer) on 13th November 2023

Site and application description

The site is a former gasworks on which the application proposes 30 storage containers, for the purposes of Class 6 storage use by local businesses. It is an existing hard surfaced and fenced yard (the hard surfacing having been renewed recently having previously becoming disused and overgrown) and is accessed via a shared vehicular and pedestrian access leading from Princes Street.

Policy principle

The proposed use of the site would generally be supported by Policies PMD5 and ED5 of the Local Development Plan 2016, and Policy 9 of National Planning Framework 4, in general principle. Detailed site considerations are accounted for further in this assessment.

However, Policy ED2 of the LDP and Policy 26 of NPF4 require that Class 6 uses on non-allocated employment sites justify the need for the location; significant economic/employment benefit; demonstrate no suitable allocated alternative sites in the LDP or Employment Land Audit; and that they can co-exist with existing uses, ensuring the nature and scale of activity will be compatible with the surrounding area. The latter amenity considerations are covered below under 'Land use conflict/amenity'.

As regards alternative sites, needs and benefits, the applicant responded to the policies' requirements in these regards. They advise that consideration was given to other sites allocated in the LDP and identified in the Employment Land Audit, and their conclusion that none are suitable for the proposed development is accepted. The proposal itself will not generate employment but will benefit local businesses who may then provide greater employment opportunities. The applicant has advised of businesses who are actively interested in using the proposed storage space and contended that using an allocated site for such purposes would most likely not generate employment like permanent buildings on the same sites would. Fundamentally, it is accepted that this proposal would reuse an underused brownfield site; would not require use of allocated employment land floorspace that would likely generate employment opportunities more directly; and would provide an amenity that would be attractive to many small business operators to use. It is not considered the proposal would, therefore, conflict with the requirements of Policies ED2 of the LDP or 26 of the NPF.

Flood risk

As noted in consultation responses from SEPA and our Flood Officer (who both object to the application), flood modelling identifies the southerly half at risk in a 1 in 200 plus climate change event. Policy IS8 of the LDP seeks to discourage developments from areas at risk of flooding; ensure no increase in risk of flooding to other sites; and, where considering developments on flood risk areas, that a flood risk assessment informs a decision. This proposal does not avoid a flood risk area and is not supported by a flood risk assessment. Further to that, it will potentially increase the risk of flooding elsewhere. The proposal does not, therefore, satisfy Policy IS8.

Policy 22 of NPF4 is the more significant policy consideration (given its more recent adoption), and this further requires that developments avoid flood risk areas unless meeting the policy's criteria. This proposal does not meet such criteria. Though the proposed use is within the 'least vulnerable category', the current site has a 'nil' use since its previous use was long since abandoned. In any case, the proposal would potentially lead to flooding for other properties, and regardless of the vulnerability of the proposed development, this proposal does not satisfy Policy 22 as a result.

It is accepted that the siting of storage containers within this site is, fundamentally a commercial risk taken both by the owner and the users of the containers. Provided the containers are affixed to the ground, and the commercial risk is understood, then its vulnerability is not considered determinative. However, siting the containers would lead to loss of floodplain capacity and, therefore, potentially increase flood risk to other properties. The applicant was advised to reduce the extent of development so it is limited to the northern half of the site, but they advise that would result in only 6 to 7 containers, making the use unviable economically. The viability of the development, however, is not a sufficient consideration when weighed against the

potential harm this development could cause to public safety and other properties, which include residential properties, as a result of increased flood risk. In the absence of a flood risk assessment that discounts such concerns, it is considered this proposal would conflict with the above-noted policies and this conflict is overriding. Further to this, Policies 1 and 2 of NPF4 are designed to ensure that climate change is accounted for whereas developing this site, despite the potential increased risk of flooding arising as a result of climate change, would conflict with these policies.

#### Land use conflict/amenity

The use would generate activity from comings and goings of vehicles and persons, though the intention is to restrict operational use to between 8am and 5pm. The applicant has confirmed the site would be locked out with those times with the key not available to users. There would be no business operations carried out on site, the containers being for storage only. Albeit there are residential properties nearby, this arrangement would appear to be compatible with a reasonable level of amenity for those neighbouring properties. Planning conditions could suitably regulate the development to that effect.

The proposals have the potential to adversely affect neighbouring amenity by way of daylight and outlook impacts, though detailed consideration of these (notably on the south-easterly residential neighbour), suggests no significant harm would arise. An updated site section plan slightly adjusts the position of container 8 to suit, albeit the site plan has not been similarly updated. Though the neighbour's window position suggests no harm would arise as regards light loss in any case, a condition should ensure this row of containers is adjusted to reflect the update, as that will minimise risk to outlook.

#### Ecology

The proposed development would not have determinative implications for ecological interests, and there are no mitigation measures required, nor justification for enhancements from this type of use.

#### Visual impact

The containers would be 2.8m high according to the sections and, on this relatively discrete site, their siting would not have adverse visual implications for the public realm, subject to suitable colours and design specifications being used (for which a planning condition can regulate). A temporary consent should also be applied by planning condition, given storage containers are not suitable for permanent retention.

#### Road and pedestrian safety

Concerns regarding traffic generation along the shared access route, which includes core and customary path rights, are understandable, and the Roads Planning Service sought further information from the applicants before drawing a conclusion as regards road safety considerations. However, since their conclusion is that the proposal can be accepted, and no mitigation is required, it is not considered there is any justification for concluding that road or pedestrian safety would be unreasonably compromised.

#### Contamination

A condition can be applied as per the Contaminated Land Officer

#### Services, including surface water drainage

No water or foul drainage services are required. Repairs to the hardstandings, involving overlaid hardcore to 'top off' (as described by the contractor) the repaired hardstandings may have implications for surface water drainage affecting neighbouring land. However, in this case, that is a matter for the site owner to address outside this application, including compliance with General Binding Rules (regulated by SEPA), since this work does not fall within the scope of this application

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

The development would be contrary to Policy IS8 of the Local Development Plan 2016 and Policy 22 of National Planning Framework 4 in that it would be sited within a flood risk area and would potentially lead to

increased flood risk affecting surrounding properties, thus putting the safety of persons at risk, and risking damage to property. Furthermore, the proposal would, by having such flood implications, fail to account for and adapt to climate change risks, to the detriment of neighbouring properties and public safety, thus conflicting with Policies 1 and 2 of National Planning Framework 4. Other material considerations do not outweigh these policy conflicts and the resulting harm that would potentially arise from the development

**Recommendation:** Refused

- 1 The development would be contrary to Policy IS8 of the Local Development Plan 2016 and Policy 22 of National Planning Framework 4 in that it would be sited within a flood risk area and would potentially lead to increased flood risk affecting surrounding properties, thus putting the safety of persons at risk, and risking damage to property. Furthermore, the proposal would, by having such flood implications, fail to account for and adapt to climate change risks, to the detriment of neighbouring properties and public safety, thus conflicting with Policies 1 and 2 of National Planning Framework 4. Other material considerations do not outweigh these policy conflicts and the resulting harm that would potentially arise from the development

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

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Mr M Campbell  
per Ferguson Planning  
54 Island Street  
Galashiels  
Scottish Borders  
TD1 1NU

**Please ask  
for:**  


Carlos Clarke  
01835 826735

**Our Ref:** 23/01003/FUL  
**Your Ref:**

**E-Mail:** cgclarke@scotborders.gov.uk  
**Date:** 15th November 2023

Dear Sir/Madam

**PLANNING APPLICATION AT Former Gas Works Princes Street Innerleithen Scottish Borders**

**PROPOSED DEVELOPMENT: Commercial storage facility comprising 30 no. storage containers with associated works**

**APPLICANT: Mr M Campbell**

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/>.

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 23/01003/FUL**

**To : Mr M Campbell 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 : Commercial storage facility comprising 30 no. storage containers with  
associated works**

**at : Former Gas Works Princes Street Innerleithen Scottish Borders**

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

**Dated 14th November 2023  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 23/01003/FUL**

**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
L(-1)101	Location Plan	Refused
L(-1)102	Existing Site Plan	Refused
L(-1)151	Proposed Site Plan	Refused
L(-3)351	Proposed Sections	Refused

**REASON FOR REFUSAL**

The development would be contrary to Policy IS8 of the Local Development Plan 2016 and Policy 22 of National Planning Framework 4 in that it would be sited within a flood risk area and would potentially lead to increased flood risk affecting surrounding properties, thus putting the safety of persons at risk, and risking damage to property. Furthermore, the proposal would, by having such flood implications, fail to account for and adapt to climate change risks, to the detriment of neighbouring properties and public safety, thus conflicting with Policies 1 and 2 of National Planning Framework 4. Other material considerations do not outweigh these policy conflicts and the resulting harm that would potentially arise from the development.

**SCHEDULE OF CONDITIONS**

- 1 The development would be contrary to Policy IS8 of the Local Development Plan 2016 and Policy 22 of National Planning Framework 4 in that it would be sited within a flood risk area and would potentially lead to increased flood risk affecting surrounding properties, thus putting the safety of persons at risk, and risking damage to property. Furthermore, the proposal would, by having such flood implications, fail to account for and adapt to climate change risks, to the detriment of neighbouring properties and public safety, thus conflicting with Policies 1 and 2 of National Planning Framework 4. Other material considerations do not outweigh these policy conflicts and the resulting harm that would potentially arise from the development.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. To seek a review of the decision, please complete a request for local review form and return it to the Clerk of the Local Review Body, Democratic Services, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

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

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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 100634322-001

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

## Type of Application

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

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

## Description of Proposal

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

Commercial storage facility comprising 30 no. storage containers together with 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  No

(Answer 'No' if there is no change of use.) \*

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	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 Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Shiel House
First Name: *	M	Building Number:	54
Last Name: *	Campbell	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 the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land west of Pirnhaugh, Innerleithen

Northing

636416

Easting

333545

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

1485.00

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)

Vacant land

## Access and Parking

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

Yes  No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

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

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

**Water Supply and Drainage Arrangements**

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

**Assessment of Flood Risk**

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

**Trees**

Are there any trees on or adjacent to the application site? \*  Yes  No

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

**Waste Storage and Collection**

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No



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

The proposal is for business use. Waste and recycle will be managed by businesses that generate it.

## Residential Units Including Conversion

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

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Ferguson Planning

On behalf of: Mr M Campbell

Date: 03/07/2023

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 that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

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

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

Planning Statement

## Declare – For Application to Planning Authority

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

Declaration Name: - Ferguson Planning

Declaration Date: 03/07/2023

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# Consultation Reply

## ASSETS AND INFRASTRUCTURE

**To:** HEAD OF PLANNING AND REGULATORY SERVICE

**FAO:** Ranald Dods

**Your Ref:** 21/00987/FUL

**From:** HEAD OF ASSETS AND INFRASTRUCTURE

**Date:** 08/07/2021

**Contact:** Kieran McKillop

**Ext:** 8096

**Our Ref:** B48/3085

---

**Nature of Proposal:** Change of use of land to site 13no self-storage containers

**Site:** Land North of Brown Bros Ltd, George Street, Peebles

---

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

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

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

Hydraulic modelling was produced in the area which demonstrates that the proposed development lies within a flood envelope. The modelling shows that flooding can occur up to ½ a meter depth in a 1:200 year flood event. This study is anticipated to be more accurate than the indicative mapping although no warranty is given.

I would recommend that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188. It would also be advisable for the applicant to develop an evacuation plan for the building during times of flood warning.

The applicant should be made aware that flooding can occur from other sources including run-off from surrounding land, blocked road drains, surcharging sewers and blocked bridges and culverts.

Whilst I would approve this application on flood terms I would like to ensure that the client is aware that any work undertaken is at your own commercial risk. I would also advise that the storage units and associated fixings are securely anchored to the ground in an approved manner to prevent them being washed away in a flood causing potential damage downstream and blocking culverts and bridges.

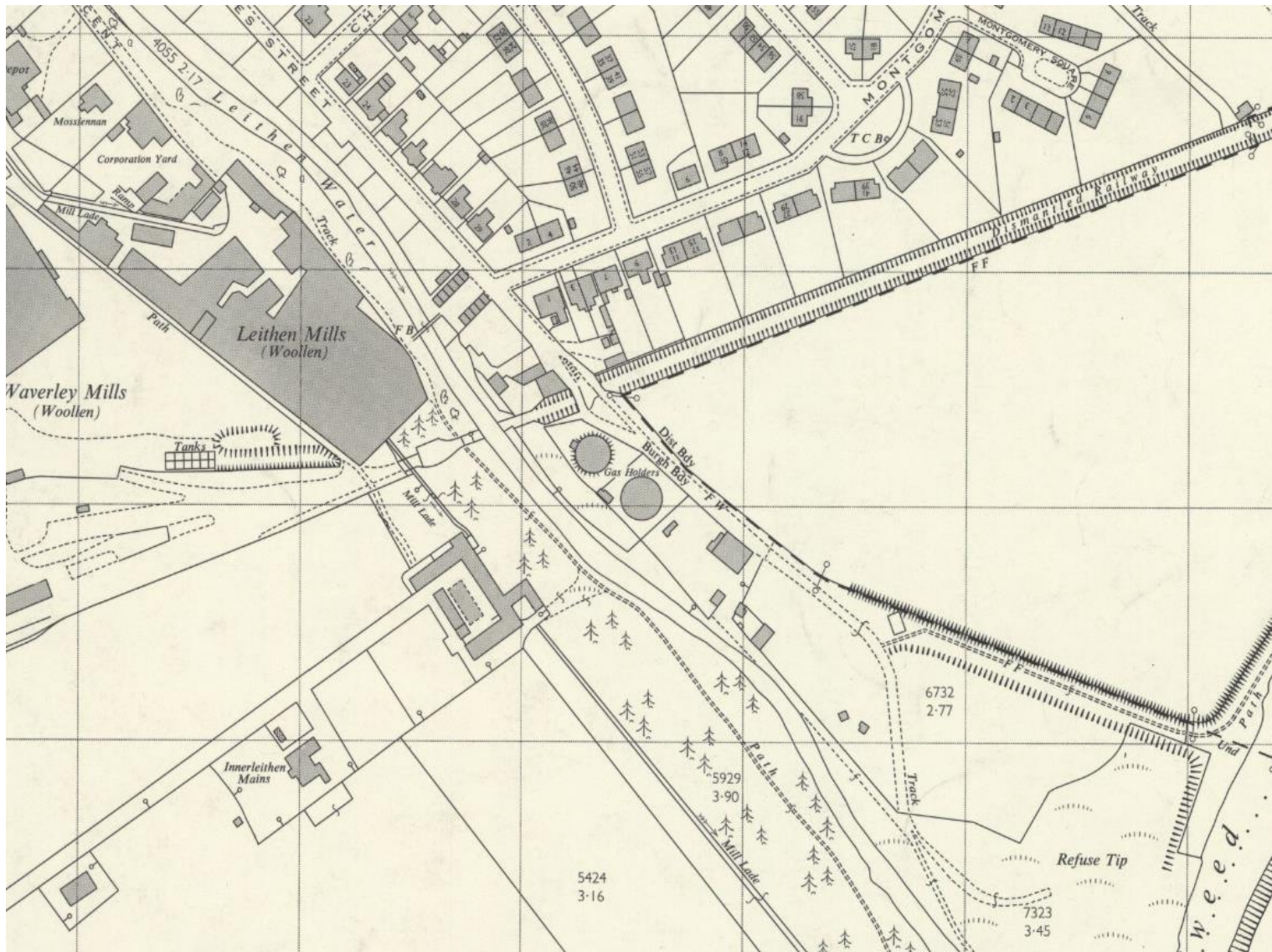
Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Kieran McKillop  
Technician – Flood and Coastal Management

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June 2023  
Agent's Photographs





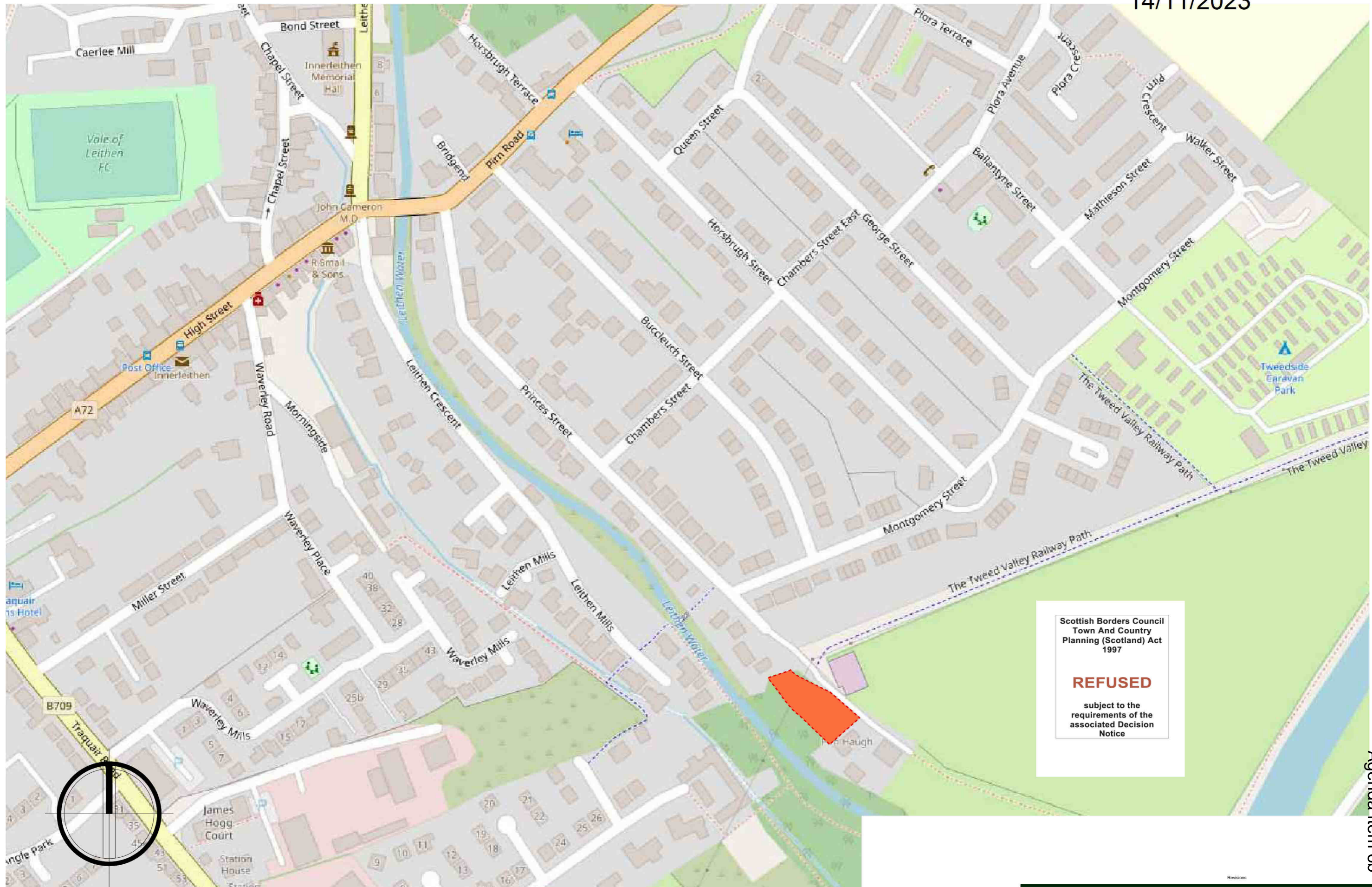
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<https://canmore.org.uk/collection/424506>







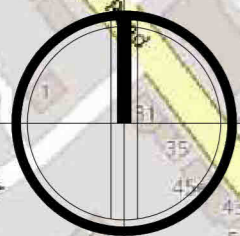
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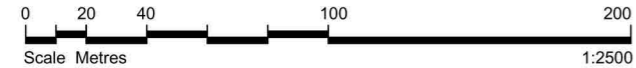
Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



Site Location Plan



**MDC**  
MACKENZIE DESIGN COMPANY  
ARCHITECTURE

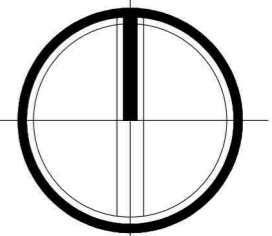
client: Mr Murray Campbell  
project: Proposed Self Storage Facility  
Old Gasworks, Princes Street, Innerleithen  
title: Existing Site Location Plan

m 07496 800002 john@mdc.scot  
t 01896 833944 www.mdc.scot  
13 Leeburn View, Cardrona, Peeblesshire, EH45 9LS

Revisions

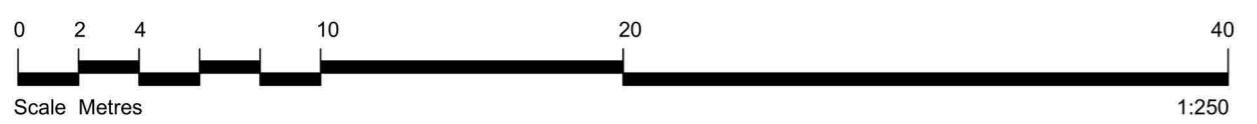
no.	description	date	drawn	project no.	drawing no.
1	Issue for Planning	14/11/2023	jpm	MDC-0148	L(-1)101

Electricity  
Distribution  
Site



Page 220

# Site Block Plan



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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

**MDC**  
MACKENZIE DESIGN COMPANY  
ARCHITECTURE

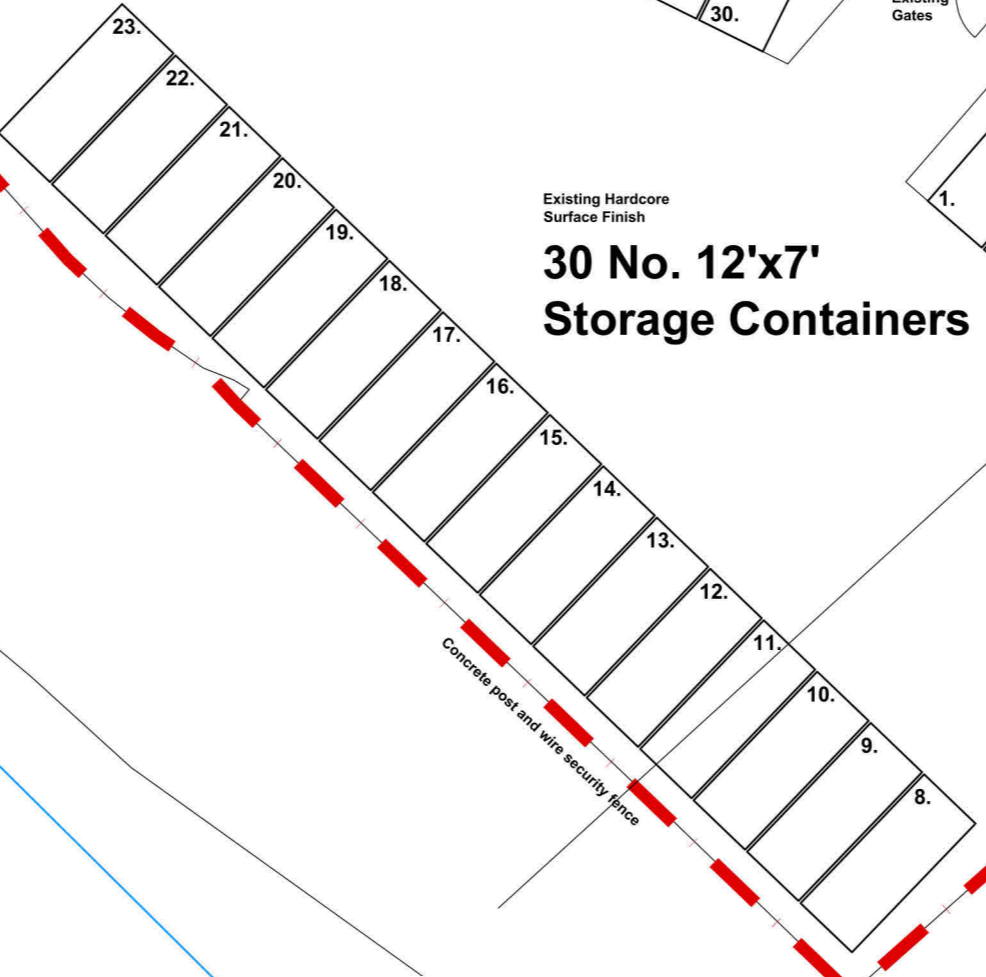
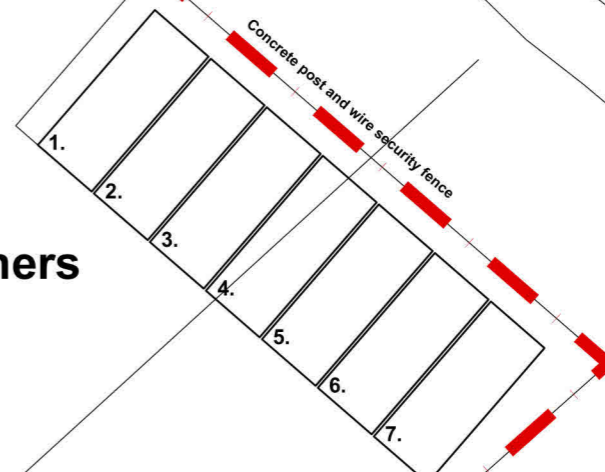
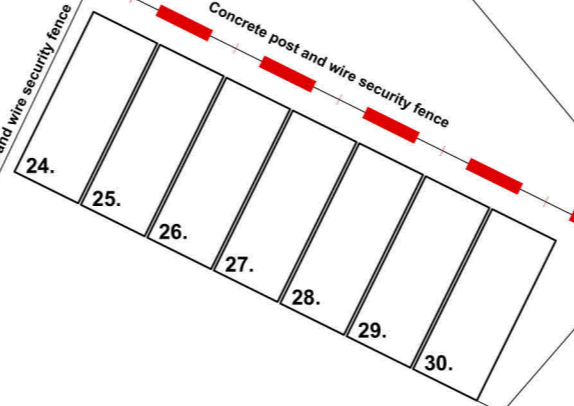
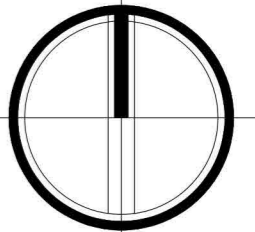
client: Mr Murray Campbell  
project: Proposed Self Storage Facility  
Old Gasworks, Princes Street, Innerleithen  
title: Existing Site Block Plan

m 07496 800002 john@mdc.scot  
t 01896 833944 www.mdc.scot  
13 Leeburn View, Cardrona, Peeblesshire, EH45 9LS

scale: 1:250 size: A3 date: May'23 drawn: jpm project no: MDC-0148 drawing no: L(-1)102

Rowanbank

Electricity  
Distribution  
Site



Existing Hardcore  
Surface Finish  
**30 No. 12'x7'  
Storage Containers**

Pirn Haugh

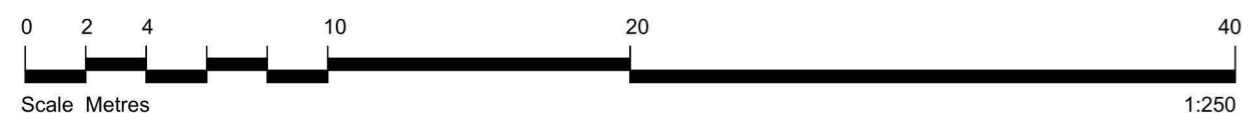
North View  
Pirnhaugh

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

# Site Block Plan

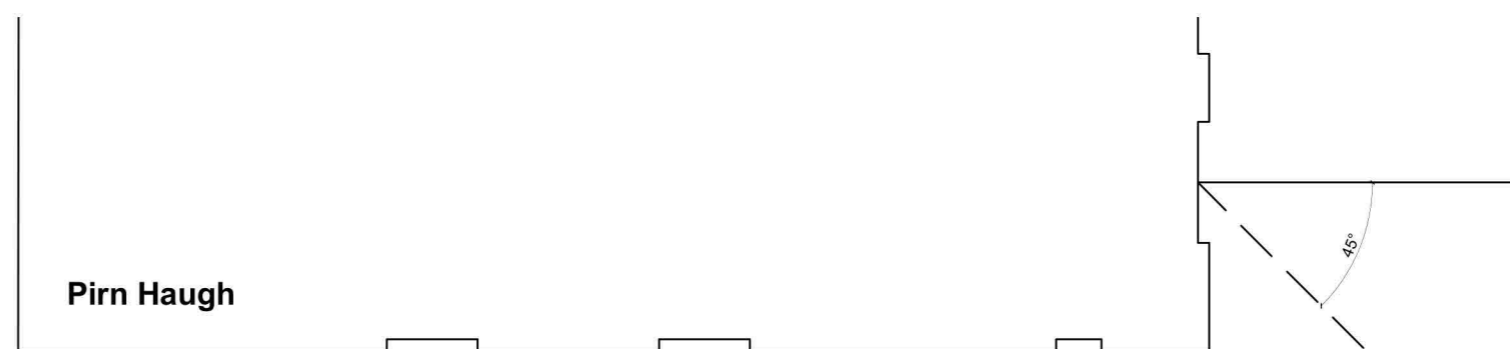
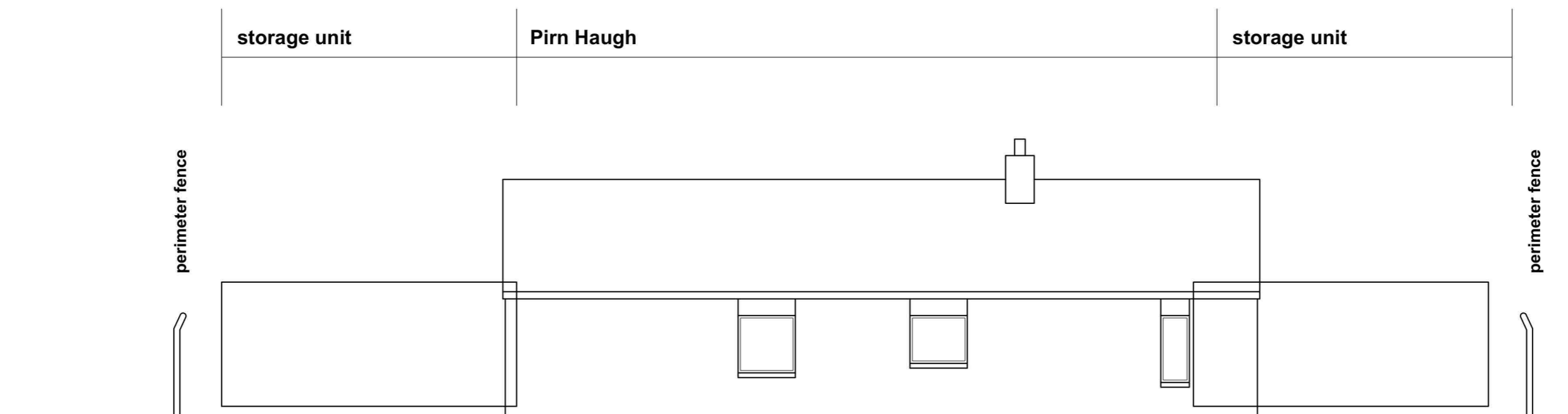


**MDC**  
MACKENZIE DESIGN COMPANY  
ARCHITECTURE

client: Mr Murray Campbell  
project: Proposed Self Storage Facility  
Old Gasworks, Princes Street, Innerleithen  
title: Proposed Site Block Plan

m 07496 800002 john@mdc.scot  
t 01896 833944 www.mdc.scot  
13 Leeburn View, Cardrona, Peeblesshire, EH45 9LS

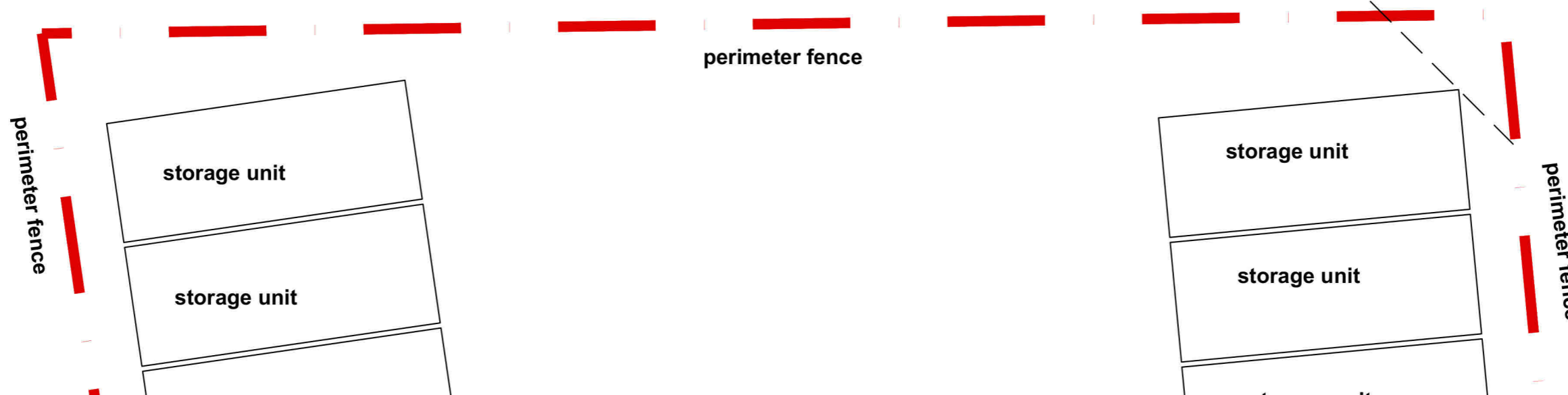
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size: A3  
date: May'23  
drawn: jpm  
project no.: MDC-0148  
drawing no.: L(-1)151



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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



### Site Section



A Window positions indicated in Pirn Haugh  
Revisions Nov '23

**MDC**  
MACKENZIE DESIGN COMPANY  
ARCHITECTURE

m 07496 800002  
t 01896 833944  
13 Leeburn View, Cardrona, Peeblesshire, EH45 9LS

john@mdc.scot  
www.mdc.scot

client: Mr Murray Campbell  
project: Proposed Self Storage Facility  
Old Gasworks, Princes Street, Innerleithen  
title: Proposed Site Section  
scale: 1:100  
size: A3  
date: May'23  
drawn: jpm  
project no.: MDC-0148  
drawing no.: L(-3)351



Mr Forbes Chisholm  
per Gain Planning Services  
122 Scott Street  
Galashiels  
Scottish Borders  
TD1 1DX

**Please ask for:** Ranald Dods  
☎ 01835 825239  
**Our Ref:** 21/00987/FUL  
**Your Ref:**  
**E-Mail:** ranald.dods@scotborders.gov.uk  
**Date:** 20th August 2021

Dear Sir/Madam

**PLANNING APPLICATION AT Land North Of Brown Bros Ltd George Street Peebles  
Scottish Borders**

**PROPOSED DEVELOPMENT: Change of use of land to site 13 no self storage containers**

**APPLICANT: Mr Forbes Chisholm**

Please find attached the decision notice for the above application.

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 21/00987/FUL**

**To : Mr Forbes Chisholm per Gain Planning Services 122 Scott Street Galashiels Scottish Borders TD1 1DX**

With reference to your application validated on **14th June 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Change of use of land to site 13 no self storage containers**

**at : Land North Of Brown Bros Ltd George Street Peebles Scottish Borders**

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

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

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

**Dated 13th August 2021  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**



**APPLICATION REFERENCE : 21/00987/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
1 of 4	Location Plan	Approved
2 of 4	Proposed Block Plan	Approved
3 of 4 [9 sheets]	Other	Approved
4 of 4	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**

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the planning authority.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.
  
- 2 No development shall commence until a drawing showing the exact site layout, number of units and the colour thereof, specified by means of a RAL or BS code, have been submitted to and approved in writing by the planning authority. Once approved, the development shall not be carried out otherwise in complete accordance with the approved details, unless otherwise agreed in writing with the planning authority.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.
  
- 3 No development shall commence until details of the methods used to anchor the units to the ground have been submitted to and approved in writing by the planning authority. Once approved, the development shall not be carried out otherwise in complete accordance with the approved details, unless otherwise agreed in writing with the planning authority.  
Reason: As the site is likely to be subject to flooding, the units must be secured to the ground in order to prevent them being washed away in a flood, thereby potentially causing damage downstream and blocking culverts and bridges.

**FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

- 1 As the storage containers would be located within the flood extent of the Eddleston Water, their use is entirely is at the site operator's own commercial risk.
  
- 2 You are advised to signs up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188 in order to receive flood warnings from SEPA. It would also be advisable to develop an evacuation plan for the site to cover times of flood warning.

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**

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

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

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

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**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 21/00987/FUL

**APPLICANT :** Mr Forbes Chisholm

**AGENT :** Gain Planning Services

**DEVELOPMENT :** Change of use of land to site 13 no self storage containers

**LOCATION:** Land North Of  
Brown Bros Ltd  
George Street  
Peebles  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
1 of 4	Location Plan	Approved
2 of 4	Proposed Block Plan	Approved
3 of 4 [9 sheets]	Other	Approved
4 of 4	Photos	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations were received.

Consultation response received from: Roads - no objection. Whilst the proposal does not offer any formal parking spaces, there are many informal parking opportunities within the site, surrounding land, and nearby roads. The proposal is unlikely to generate a significant number of vehicular movements and is unlikely to negatively affect the surrounding roads; Flood Risk Officer - no objection. Containers should be secured to ground in order to prevent downstream damage. This development would be at the applicant's own commercial risk.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016  
PMD2 - Quality standards  
PMD5 - Infill development  
HD3 - Protection of residential amenity  
EP1 - International nature conservation sites and protected species  
IS8 - Flooding

The site is not strategic, therefore the policies contained within SESplan have not been assessed.

The following council guidance is material:  
Placemaking and design.

**Recommendation by** - Ranald Dods (Planning Officer) on 13th August 2021

The proposal is for a change of use from open space to a storage area and the siting of up to 13 storage containers.

This application has been considered primarily against the relevant policies of the Local Development Plan 2016 and, where material, also against advice contained within the Council's Supplementary Planning Guidance. Due regard has also been given to all other material planning considerations. My conclusion is that the application should be approved for the reason noted below and, where applicable, subject to the recommended schedule of conditions and/or informative notes.

**REASON FOR DECISION :**

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

**Recommendation:** Approved - conditions & informatives

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the planning authority.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.
- 2 No development shall commence until a drawing showing the exact site layout, number of units and the colour thereof, specified by means of a RAL or BS code, have been submitted to and approved in writing by the planning authority. Once approved, the development shall not be carried out otherwise in complete accordance with the approved details, unless otherwise agreed in writing with the planning authority.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.
- 3 No development shall commence until details of the methods used to anchor the units to the ground have been submitted to and approved in writing by the planning authority. Once approved, the development shall not be carried out otherwise in complete accordance with the approved details, unless otherwise agreed in writing with the planning authority.  
Reason: As the site is likely to be subject to flooding, the units must be secured to the ground in order to prevent them being washed away in a flood, thereby potentially causing damage downstream and blocking culverts and bridges.

**Informatives**

It should be noted that:

- 1 As the storage containers would be located within the flood extent of the Eddleston Water, their use is entirely at the site operator's own commercial risk.
- 2 You are advised to sign up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188 in order to receive flood warnings from SEPA. It would also be advisable to develop an evacuation plan for the site to cover times of flood warning.

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

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Mr Geoff Longstaff  
per Aidan Hume Design  
113 Channel Street  
Galashiels  
Scottish Borders  
TD1 1BN

**Please ask for:** Brett Taylor  
X6628  
**Our Ref:** 20/01580/FUL  
**Your Ref:**  
**E-Mail:** brett.taylor@scotborders.gov.uk  
**Date:** 2nd April 2021

Dear Sir/Madam

**PLANNING APPLICATION AT Garden House Linthill Melrose Scottish Borders TD6 9HU**

**PROPOSED DEVELOPMENT:** Erection of garage block

**APPLICANT:** Mr Geoff Longstaff

Please find attached the decision notice for the above application.

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 20/01580/FUL**

**To : Mr Geoff Longstaff per Aidan Hume Design 113 Channel Street Galashiels Scottish Borders TD1 1BN**

With reference to your application validated on **21st December 2020** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Erection of garage block**

**at : Garden House Linthill Melrose Scottish Borders TD6 9HU**

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

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

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

**Dated 24th March 2021  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 20/01580/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
L01 A	Location Plan	Approved
P01 A	Proposed Plans & Elevations	Approved
P02 A	Proposed Site Plan	Approved

**REASON FOR DECISION**

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

**SCHEDULE OF CONDITIONS**

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The building hereby approved shall be used only for private domestic purposes incidental to the principal house (as shown on the approved location plan) and not for commercial or other unrelated purposes.  
Reason: To safeguard the amenity of the area and amenity of neighbouring properties and ensure a development appropriate to the countryside location.

**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**

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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**

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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:

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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  
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Susiephone System – **0800 800 333**

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

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**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 20/01580/FUL  
**APPLICANT :** Mr Geoff Longstaff  
**AGENT :** Aidan Hume Design  
**DEVELOPMENT :** Erection of garage block  
**LOCATION:** Garden House Linthill  
Melrose  
Scottish Borders  
TD6 9HU  
**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
L01 A	Location Plan	Approved
P01 A	Proposed Plans & Elevations	Approved
P02 A	Proposed Site Plan	Approved

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

**Representations**

One letter of support was received in respect of the proposals.

**Consultations**

Roads Planning Officer: No objections to the application.

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2: Quality Standards

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP7: Listed Buildings

EP10: Gardens and Designed Landscapes

EP13: Trees, Woodlands and Hedgerows

HD3: Protection of Residential Amenity

Supplementary Planning Guidance:

Landscape and Development 2008  
Placemaking and design 2010  
Privacy and sunlight guide 2006  
Trees and Development 2008

**Recommendation by** - Brett Taylor (Planning Officer) on 24th March 2021

#### Site description

The application site is in the grounds of Linthill house, at Linthill near Lilliesleaf. The walled garden adjoins the site, which was the site of 20th century outbuildings and vegetable plots.

#### Proposed development

This application is for the erection of a garage block with an apex roof and will measure 13.6m x 6.2m and will be 5.7m in height. The proposed materials will comprise of a slate roof, roughcast render and vertical timber cladding for the walls. The front north-western elevation would comprise of four sets of double doors, with three windows on the rear south-eastern elevation. A staircase leading to a upper loft door is earmarked for the side north-eastern elevation. It would utilise the existing access.

#### Planning history

17 December 2015 - Planning permission granted for the erection of a double garage (15/01301/FUL).

#### Principle

The principle of a garage block to serve the existing residential property is agreeable, provided it is for domestic purposes ancillary to that of the property. The agent has confirmed on the submitted application forms that the building is designed for that purpose and a condition should be imposed to ensure this is the case.

#### Placemaking & Design

Policy PMD2 aims to ensure that all new development is of a high quality and respects the environment in which it is contained. The proposed garage block would be a functional building but it would be relatively hidden by the existing trees and being lower than the adjacent road. It would be approximately positioned on the site of the previously consented double garage and will utilise the existing access and as such I consider this would be an acceptable addition to the area. The materials proposed would be suitable in this context and are typical of materials found on similar structures within the Scottish Borders. In addition, given the relatively remote location of the site which is well-off the public highway and generally invisible to all public views. The proposal will have no detrimental impact on its rural surroundings and as such is considered to comply with Policy PMD2.

#### Neighbouring amenity

Given the location, I consider the development will not harm neighbouring amenity in terms of daylight, sunlight, outlook impacts or potential noise.

#### Cultural and Natural Heritage.

Linthill House, Linthill Stables, and the walled garden at Linthill, are all listed buildings and the site lies within the Linthill Designed Landscape. The proposed garage is not visible from the house, and not prominent from the stable building. It is in terms of the relationship with the adjoining walled garden, I am satisfied that there are no issues in terms of impacts on any listed fabric or listed setting and the surrounding designed landscape. The proposals are considered to comply with policies EP7 and EP10.

#### Ecology

With respect to ecology, I consider the proposals would a negligible impact on ecology and biodiversity of the surrounding area.

#### Roads Planning Service

The Council's Roads Planning Service have no objections to the proposals.

#### Services

The applicant has indicated on the submitted plans that no services are required for this development.

#### Trees

I am satisfied that the proposals are sufficiently distant from the nearby mature trees and therefore complies with policy EP13.

#### Conclusion

The proposed development is considered to comply with the relevant policies outlined in the Scottish Borders Local Development Plan 2016 and adopted supplementary planning guidance. It is recommended that planning permission be granted.

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

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

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

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The building hereby approved shall be used only for private domestic purposes incidental to the principal house (as shown on the approved location plan) and not for commercial or other unrelated purposes.  
Reason: To safeguard the amenity of the area and amenity of neighbouring properties and ensure a development appropriate to the countryside location.

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

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

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

**Application for Planning Permission**

**Reference : 15/01301/FUL**

**To : Mr G Longstaff 3 Thornfield Road Darlington DL3 8TQ**

With reference to your application validated on **27th October 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of detached garage**

**at : Garden House Linthill Melrose Scottish Borders TD6 9HU**

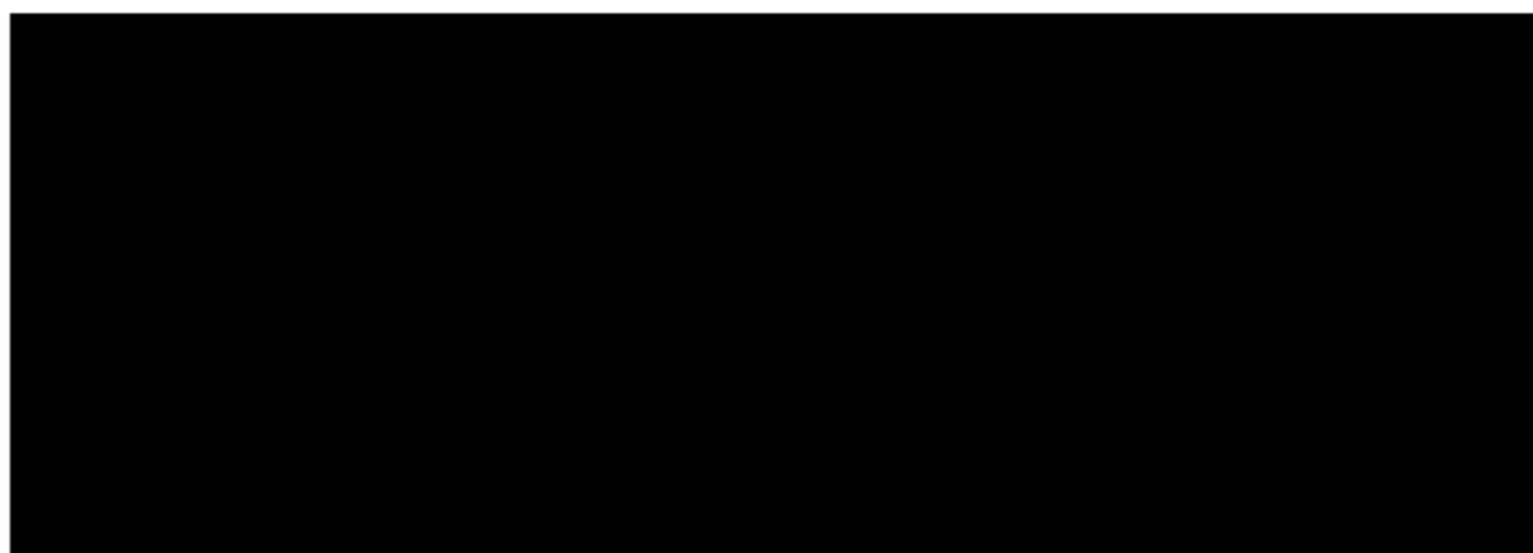
The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- 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 17th December 2015  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 15/01301/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
OS EXTRACT	Location Plan	Approved
ELEVATIONS, FLOOR PLAN AND SITE	Elevations	Approved

**REASON FOR DECISION**

The proposals are considered an acceptable form of development. The proposed garage would comply with policies G1, BE2, BE1, NE4 and H2 of the Scottish Borders Consolidated Local Plan 2011, and with adopted Supplementary Planning Guidance on Householder Development, Trees and Development, and Placemaking and Design.

**SCHEDULE OF CONDITIONS**

- 1 A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
  
- 2 The building hereby approved is to be used for purposes incidental to the principal house, and not used for any commercial or business purposes or use not incidental to the house,  
Reason: To ensure the use of the building is compatible with the surrounding countryside, and neighbouring dwellings.

**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.

**Notice of Initiation of Development**

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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:

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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  
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Susiephone System – **0800 800 333**

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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 :** 15/01301/FUL  
**APPLICANT :** Mr G Longstaff  
**AGENT :**  
**DEVELOPMENT :** Erection of detached garage  
**LOCATION:** Garden House  
Linthill  
Melrose  
Scottish Borders  
TD6 9HU  
**TYPE :** FUL Application  
**REASON FOR DELAY:** No Reason

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>	
OS EXTRACT	Location Plan	Approved	
ELEVATIONS, FLOOR PLAN AND SITE		Elevations	Approved

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

ROADS PLANNING SERVICE: I have no objections to this proposal.

ARCHAEOLOGY OFFICER: There are no known archaeological implications for this proposal.

**PUBLICITY AND REPRESENTATIONS**

The application was publicised by means of the direct postal notification of 7 neighbouring premises. No objections or representations were received.

**PLANNING CONSIDERATIONS AND POLICIES:**

**POLICY CONTEXT**  
Scottish Borders Consolidated Local Plan 2011  
G1, BE2, BE1, H2, NE4

**OTHER PLANNING CONSIDERATIONS:**  
Scottish Borders Council Supplementary Planning Guidance:  
- Householder Development  
- Placemaking and Design  
- Trees and Development

Emerging Local Development Plan  
Scottish Borders Council: Proposed Local Development Plan 2013

**Recommendation by** - Andrew Evans (Planning Officer) on 24th November 2015

**SITE**

The application site is in the grounds of Linthill house. The walled garden adjoins the site, which was the site of 20th century outbuildings and vegetable plots. This application site is understood to have previously been the location of raised beds outwith the walled garden. The walled garden now houses a new build dwelling, straddling the wall. This adjoining land subject to this application now forms garden ground for the new house.

**PROPOSED DEVELOPMENT**

Full planning permission is sought for the erection of a garage block to serve the neighbouring new build dwelling located within the walled garden at Linthill. The application requires to be assessed principally in terms of policies G1, H2 and BE4 of the Consolidated Scottish Borders Local Plan (CSBLP). Policies PMD2, HD3 and EP7 of the proposed Local Development Plan (LDP) are also relevant.

**PLACEMAKING AND DESIGN**

The proposed garage block is sensibly located in landscape terms. The site is lower than the adjacent road. The garage building will read as a subservient addition, adjacent to the walled garden. The proposed building would feature timber cladding. The proposed building would have walls clad externally in vertical larch cladding. The roof would be finished in a zinc sheet, with a standing seam finish. These materials are generally acceptable. A condition would be appropriate to ensure the requirements of policy G1 of the CSBLP and policy PMD2 of the LDP are met. The condition will require submission of sample of the materials to be used.

**HERITAGE CONSIDERATIONS**

Linthill House, Linthill Stables, and the walled garden at Linthill, are all listed buildings. The proposed garage is not visible from the house, and not prominent from the stable building. It is in terms of the relationship with the adjoining walled garden, rather than the stable that detailed consideration of potential impacts is required. I am however satisfied that there are no issues in terms of impacts on any listed fabric or listed setting.

**NEIGHBOURING AMENITY AND PRIVACY**

Policy H2 of the CSBLP and policy HD3 of the LDP seek to protect residential amenity. In addition, the adopted SPG on Householder Development sets out standards for amenity and privacy. The SPG seeks to ensure minimum standards are met. In this case I am satisfied that no issues arise, and the proposals are in complete compliance with policies H2, HD3 and the SPG standards.

**TREES, WOODLAND AND HEDGEROWS**

There are no immediately adjoining trees of significance, albeit there are some very poor quality trees immediately adjoining the site. There are multi stemmed overgrown trees, along the site fence line, which shall require to be removed to enable the development to take place. The loss of these trees poses no concerns. These "Trees" appear to have originally been a hedge line, which has been permitted to grow untrimmed for several decades. It is none the less important that only the agreed trees on the site are removed. The submitted plans are deficient in terms of appropriately identifying the trees for removal. It is therefore appropriate that a condition be imposed, to ensure appropriate confirmation is achieved regarding the trees to be felled. This will ensure compliance with policy BE4 of the CSBLP and policy EP13 of the Local Development Plan. A suitable condition wording is proposed at the end of this report.

**ROAD SAFETY**

The Roads Planning Service was consulted on the application. They advise there are no objections to the proposals. The proposed garage building is considered acceptable in terms of impacts on road safety.

**REASON FOR DECISION :**

The proposals are considered an acceptable form of development. The proposed garage would comply with policies G1, BE2, BE1, NE4 and H2 of the Scottish Borders Consolidated Local Plan 2011, and with adopted Supplementary Planning Guidance on Householder Development, Trees and Development, and Placemaking and Design.

**Recommendation:** Approved subject to conditions

- 1 A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 2 The building hereby approved is to be used for purposes incidental to the principal house, and not used for any commercial or business purposes or use not incidental to the house,  
Reason: To ensure the use of the building is compatible with the surrounding countryside, and neighbouring dwellings.

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

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

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

**Application for Planning Permission**

**Reference : 07/01619/FUL**

**To : Mr And Mrs Shaw Stewart per Hugh Shaw Stewart Flat 6, 27 Stanhope Gardens London SW7 5QX**

With reference to your application validated on **21st August 2007** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse and pergola**

**at : Walled Garden At Linthill Lilliesleaf Scottish Borders**

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

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

**Dated 12th February 2008  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

  
  
.....  
**Head of Planning & Building Standards**

**Application reference : 07/01619/FUL**

**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, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – **0800 800 333**

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 07/01619/FUL  
**APPLICANT :** Mr And Mrs Shaw Stewart  
**AGENT :** Hugh Shaw Stewart  
**DEVELOPMENT :** Erection of dwellinghouse and pergola  
**LOCATION:** Walled Garden At Linthill  
Lilliesleaf  
Scottish Borders  
**TYPE :** FUL Application  
**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
-----------------	------------------	--------------------

**NUMBER OF REPRESENTATIONS:** 0  
**SUMMARY OF REPRESENTATIONS:**

**PLANNING CONSIDERATIONS AND POLICIES:**

**Recommendation by** - ( ) on 12th February 2008

This application for listed building consent and full planning permission relates to a walled garden site, part of the policy grounds of Linthill House.

In terms of housing in the countryside policy, there is an existing building group and sense of place at this location. The walled garden sits close to two of the residential units, a gardener's cottage and a flat which comprises part of a courtyard range of buildings. The main house is the third house within the group and sense of place. A house within the walled garden is therefore acceptable under the housing in the countryside policy.

The proposed house is of contemporary design but relates well to its setting. This design would not suit all locations but being contained within a walled garden and sitting at low level below the surrounding garden wall reduces its visual impact, even when viewed from within the garden. A pre-submission meeting with the Council's Heritage and Design Officer and the Historic Scotland representative "gave the green light" to this design approach. Historic Scotland has officially cleared the applications.

It is considered that the proposals are acceptable.

Recommendation:

I recommend that the applications are approved.

**REASON FOR DECISION :**

**Recommendation:** Approved

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

**PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) (SCOTLAND) ACT 1997**

**Town and Country Planning (Listed Buildings & Buildings in Conservation Areas (Scotland) Regulations 1987**

**Application for Listed Building Consent**

**Reference: 07/01618/LBC**

**To : Mr And Mrs Shaw Stewart per Hugh Shaw Stewart Flat 6, 27 Stanhope Gardens  
London SW7 5QX**

With reference to your application validated on **21st August 2007** for Listed Building Consent under the Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997 for the following development:-


**Proposal : Erection of dwellinghouse incorporating existing garden wall**

**at : Walled Garden At Linthill Lilliesleaf Scottish Borders**

The Scottish Borders Council hereby **grant listed building consent** in accordance with the approved plan(s) and the particulars given in the application.

**Dated 12th February 2008  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

Signed

  
.....  
**Head of Planning & Building Standards**

**Application reference : 07/01618/LBC**

**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:

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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**

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 07/01618/LBC

**APPLICANT :** Mr And Mrs Shaw Stewart

**AGENT :** Hugh Shaw Stewart

**DEVELOPMENT :** Erection of dwellinghouse incorporating existing garden wall

**LOCATION:** Walled Garden At Linthill  
Lilliesleaf  
Scottish Borders

**TYPE :** LBC Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
-----------------	------------------	--------------------

**NUMBER OF REPRESENTATIONS:** 0  
**SUMMARY OF REPRESENTATIONS:**

**PLANNING CONSIDERATIONS AND POLICIES:**

**Recommendation by** - () on 12th February 2008

This application for listed building consent and full planning permission relates to a walled garden site, part of the policy grounds of Linthill House.

In terms of housing in the countryside policy, there is an existing building group and sense of place at this location. The walled garden sits close to two of the residential units, a gardener's cottage and a flat which comprises part of a courtyard range of buildings. The main house is the third house within the group and sense of place. A house within the walled garden is therefore acceptable under the housing in the countryside policy.

The proposed house is of contemporary design but relates well to its setting. This design would not suit all locations but being contained within a walled garden and sitting at low level below the surrounding garden wall reduces its visual impact, even when viewed from within the garden. A pre-submission meeting with the Council's Heritage and Design Officer and the Historic Scotland representative "gave the green light" to this design approach. Historic Scotland has officially cleared the applications.

It is considered that the proposals are acceptable.

Recommendation:

I recommend that the applications are approved.

**REASON FOR DECISION :**

**Recommendation:** Approved

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



E FRASER

SOUTH VIEW

PIRNHAUGH

PRINCESSREET

Innerleithen

EH446JX

27/07/2023

YOUR REF 23/01003/FUL REF Carlos Clark

Dear Sirs / Madams

In reference to the above application for planning consent have no problem with the potential use of the area for storage but have the following concerns mainly in relation to previous permissions and traffic.

1. As part of the planning consent for the conversion from workshops to housing, one of the conditions was no business could be conducted from the property, I would consider confirmation that the containers are only to be used for domestic storage and not as workshops or any form of industry especially where mobile power ie., generators are going to be used is not unreasonable and falls within the rules for planning consent.
2. The road leading to Pirnhaugh is a private road and not adopted from the line of the second house down from the bridge access, the property has right of access over this road as per the title deeds.
3. However, it is a single track and is also part of the cycle path from Peebles to Walkerburn and as such is well used by walkers, cyclists, dog walkers etc., what consideration is to be made for this multiuse area if any, and what conditions are to put in place if any to safeguard the users of this area from the extra traffic accessing the facility. Please note the road can not be widened as the property on either side is private and not available .
4. I would like to point out my concerns for the parking related to the site as stated the road is single track and parking on the verges will cause problems especially for the Farmer who owns the fields to the East And South of the area, parking on the verges will deny him access to these field which at the moment is already tight for his equipment, we have a good relationship with David and his family and they do not deserve problems caused by thoughtless individuals parking wherever they see fit. I would consider parking restricted to within the facility as a must.
5. Due to the nature of the road and the restricted access in Princessreet also the Construction of the road, the unrestricted use of the road for heavy vehicles will cause problems, It is accepted heavy vehicles will be required to access the site to deliver the containers. I would be concerned if there were free access to heavy vehicles both from the point of the cycle path and the formation of the road. I would consider some for of restriction on vehicle size would be appropriate given the above problems.
6. To sum up the access to the property has been formed with the help and advice from the Borders Council roads department and has been formed for domestic use and occasional access by heavier transport eg., David Hamiltons farm equipment and occasional deliveries. The road was never intended to be used for any commercial or busy access.

If planning is granted restrictions and conditions on the use of the containers the types of vehicles to access the site, volume of vehicles and restrictions on parking out with the site would put my mind at rest .Possibly also specified access times if this was practical.

Regards Eddie Fraser

Carlos Clarke  
Planning Department  
Scottish Borders Council

Our Ref: 9728  
Your Ref: 23/01003/FUL

By email only to: [dcconsultees@scotborders.gov.uk](mailto:dcconsultees@scotborders.gov.uk)

SEPA Email Contact:  
[planning.south@sepa.org.uk](mailto:planning.south@sepa.org.uk)

14 August 2023

Dear Carlos Clarke

## **Town and Country Planning (Scotland) Acts**

**23/01003/FUL**

**Commercial storage facility comprising 30 no. ` storage containers with associated works  
Former gas works Princes St Innerleithen**

Thank you for your consultation which was received by SEPA on 06 July 2023 in relation to the above application. We understand the reason for consultation is flooding.

### **Advice for the planning authority**

In line with the advice in the [Transitional Arrangements for National Planning Framework 4 letter](#), issued by the Chief Planner, Fiona Simpson, on 8 February 2023 our position and advice given below is based on NPF4 policy.

We **object in principle** to the application and recommend that planning permission is refused. This is because the proposed development may put people or property at risk of flooding which is contrary to national planning policy. Please note the advice provided below.

If the planning authority proposes to grant planning permission contrary to this advice on flood risk, the [Town and Country Planning \(Notification of Applications\) \(Scotland\) Direction 2009](#)



**Chairman**  
Bob Downes  
**CEO**  
Nicole Paterson

**Angus Smith Building**  
6 Parklands Avenue  
Eurocentral  
Holytown  
North Lanarkshire  
ML1 4WQ  
Tel: 03000 99 66 99  
[www.sepa.org.uk](http://www.sepa.org.uk)

provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

## 1. Flood risk

- 1.1 We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk as a first principle, and this is set out in National Planning Framework 4 (Policy 22).
- 1.2 We therefore **object in principle** to the application and recommend that planning permission should be refused. This is because the proposed development is expected to put people or property at risk of flooding, which is contrary to the duties set out under the Flood Risk Management (Scotland) Act 2009, and the policy principles of National Planning Framework 4.
- 1.3 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.
- 1.4 In line with National Planning Framework 4 (NPF4) Policy 22, a precautionary approach to flood risk should be taken by avoiding development within flood risk areas or areas at risk of flooding (land or built form with an annual probability of being flooded of greater than 0.5% which must include an appropriate allowance for future climate change). As NPF4 intends to strengthen resilience to flood risk by promoting avoidance as a first principle, new development should therefore be located outside of flood risk areas without the need for flood mitigation measures such as land raising. Development should cause no reduction in floodplain capacity.
- 1.5 We note that the site is a former gas works however we have information from the planning authority that this is an historic use, and we therefore consider the site to be vacant. The site therefore does not fall within the criteria for exceptions under NPF4 Policy 22a and avoidance of the flood risk area is required.

- 1.6 The majority of the site is shown to be at risk of flooding based on the SEPA Future Flood Maps. This indicates that there is a risk of flooding from the Leithen Water. The site is approximately 300 metres upstream of the confluence of the Leithen Water and the River Tweed, and therefore may be at risk of flooding from the River Tweed. You can view the SEPA Flood Maps and find out more about them at [Flood Maps | SEPA - Flood Maps | SEPA](#).
- 1.7 Flood studies of the Leithen Water and the River Tweed were carried out by JBA Consulting on behalf of Scottish Borders Council. The reports and flood maps are available to access here: [Downloads - Borders Flood Studies](#).
- 1.8 The Leithen Water Fluvial Flood Map (Do Minimum, November 2017, DM Outlines, S4, P01) shows flood extents for a range of return periods. Approximately half of the site is shown to be inundated in a 1 in 200 year + climate change event. In addition, the site shown to be surrounded by flooding in smaller return periods.
- 1.9 The climate change event assessed for the Borders Flood Studies in 2017 had a flow uplift of 33%. SEPA's current climate change guidance for land use planning requires that larger rivers (with catchment area >50km<sup>2</sup>) should be assessed with a climate change flow uplift of 59% to define the flood risk area. Based on the flow estimates outlined in the Innerleithen Appraisal Report (JBA Consulting, December 2018, S4-P02), the resultant climate change flow for the Leithen Water would be greater than the assessed flow for the 1 in 1000 year scenario in the flood study. This means that the extents of the flood risk area would be larger than the 1 in 1000 year extent shown in the Leithen Water Fluvial Flood Map.
- 1.10 In addition, the assessment of the Leithen Water in the Borders Flood Study used a 1 in 30 year event on the River Tweed as the downstream boundary. If we felt it appropriate to request further modelling to be done for the site, we would request that sensitivity analysis is done on the downstream boundary. The extents of various flood events can be seen in 'Tweed (Peebles to Walkerburn) flood risk outlines' sheet 4 of 5 (River Tweed Fluvial Flood Map, Do Minimum, November 2017, S4, P01).
- 1.11 Based on the information available the site is within a flood risk area and the proposal is therefore contrary to NPF4. Any updated modelling, involving a combination of increasing the climate change uplift to current requirements and increasing the level for the

downstream boundary, is likely to show more or all of the site is in the flood risk area of the Leithen Water. We object in principle to the development as it is expected to put people or property at risk of flooding.

## 2. Other planning matters

2.1 For all other planning matters, please see our [triage framework and standing advice](#) which are available on our website: [www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

### **Advice for the applicant**

## 3. Regulatory advice

3.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: [ELB@sepa.org.uk](mailto:ELB@sepa.org.uk).

If you have queries relating to this letter, please contact us at the email above including our reference number in the email subject.

Yours sincerely

Silvia Cagnoni  
Senior Planning Officer  
Planning Service

Ecopy to: [cgclarke@scotborders.gov.uk](mailto:cgclarke@scotborders.gov.uk);

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications if you did not specifically request advice on flood

risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b>		<b>Contact e-mail/number:</b>	
	EVH - Contaminated Land Officer			
<b>Date of reply</b>	9 <sup>th</sup> August 2023		<b>Consultee reference:</b> 23/02092/PLANCO	
<b>Planning Application Reference</b>	23/01003/FUL		<b>Case Officer:</b> Carlos Clarke	
<b>Applicant</b>	Mr M Campbell			
<b>Agent</b>	Ferguson Planning			
<b>Proposed Development</b>	Commercial storage facility comprising 30 no. storage containers with associated works			
<b>Site Location</b>	Former Gas Works Princes Street Innerleithen Scottish Borders			
<b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b>				
<b>Background and Site description</b>	The above application appears to be proposing the redevelopment of land which was previously operated as part of a gasworks and housed two gasometers. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.			
<b>Key Issues (Bullet points)</b>				
<b>Assessment</b>	<p>It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.</p> <p>Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.</p>			
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>	<p>Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site.</p> <p><b>No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.</b></p> <p>The scheme shall be undertaken by a competent person or persons in accordance</p>			



	<p>with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-</p> <ul style="list-style-type: none"> <li>a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council <b>prior to</b> addressing parts b, c, d, and, e of this condition.</li> </ul> <p>and thereafter</p> <ul style="list-style-type: none"> <li>b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.</li> <li>c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).</li> <li>d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.</li> <li>e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.</li> </ul> <p><b>Written confirmation from the Council</b>, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, <b>shall be required by the Developer before any development hereby approved commences</b>. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.</p> <p>Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.</p>
<p><b>Recommended Informatives</b></p>	

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	Flood & Coastal Management	<b>Contact e-mail/number:</b>
<b>Officer Name and Post:</b>	Paul Grigor Flood Engineer	<a href="mailto:pgrigor@scotborders.gov.uk">pgrigor@scotborders.gov.uk</a> 01835 826663
<b>Date of reply</b>	3 <sup>rd</sup> August 2023	<b>Consultee reference:</b> 3495
<b>Planning Application Reference</b>	23/01003/FUL	<b>Case Officer:</b> Carlos Clarke
<b>Applicant</b>	Mr M Campbell	
<b>Agent</b>	Ferguson Planning	
<b>Proposed Development</b>	Commercial storage facility comprising 30 no. storage containers with associated works	
<b>Site Location</b>	Former Gas Works Princes Street Innerleithen Scottish Borders	
<p><b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b></p>		
<b>Background and Site description</b>		
<b>Key Issues (Bullet points)</b>		
<b>Assessment</b>	<p>In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water &amp; Coastal Hazard Map (Scotland) known as the “third generation flood mapping” prepared by SEPA indicates that part of the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.</p> <p>The Indicative River &amp; Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.</p> <p>Due to copyright restrictions, I cannot copy the map to you. If the applicant wishes to inspect the maps, they are publicly available to view at <a href="https://map.sepa.org.uk/floodmaps">https://map.sepa.org.uk/floodmaps</a>.</p> <p>The Council have undertaken some detailed flood modelling of Innerleithen which provides a more accurate assessment of flood risk. The modelling outputs for this area show the southern half of the site to be at risk from flooding.</p> <p>The proposed land use for storage and distribution is considered a Least Vulnerable Use under the SEPA Flood Risk and Land Use Vulnerability Guidance <a href="https://www.sepa.org.uk/land-use-vulnerability-guidance">Land use vulnerability guidance (sepa.org.uk)</a>. However, the concern with such a proposal is the loss of functional flood plain and the displacement of flood water in the vicinity of residential properties. Should the applicant wish to develop the full site, then this would raise an objection from the Flood team without a Flood Risk Assessment showing the proposed development has a negligible impact on flood risk. Should the number of storage containers be reduced and confined to the northern half of the site, then I would be able to look more favourably upon this proposal.</p>	

	<p>As matters stand, there is a holding objection due to concerns over flood risk.</p> <p>Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.</p>			
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input checked="" type="checkbox"/> <b>Further information required</b>
<b>Recommended Conditions</b>				
<b>Recommended Informatives</b>				

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Roads Planning Service</b>		
<b>Officer Name, Post and Contact Details</b>	<b>Alan Scott Senior Roads Planning Officer</b>		<a href="mailto:ascott@scotborders.gov.uk">ascott@scotborders.gov.uk</a> <b>01835 826640</b>
<b>Date of reply</b>	5 <sup>th</sup> October 2023	<b>Consultee reference:</b>	
<b>Planning Application Reference</b>	23/01003/FUL	<b>Case Officer:</b> Carlos Clarke	
<b>Applicant</b>	Mr M Campbell		
<b>Agent</b>	Ferguson Planning		
<b>Proposed Development</b>	Commercial storage facility		
<b>Site Location</b>	Former gasworks, Princes Street, Innerleithen		
<i><b>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.</b></i>			
<b>Background and Site description</b>			
<b>Key Issues (Bullet points)</b>			
<b>Assessment</b>	I can confirm that the additional information supplied by the applicant has addressed the issues previously raised. As such, I am able to support the proposal.		
<b>Recommendation</b>	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> <b>Do not object</b>	<input type="checkbox"/> Do not object, subject to conditions
			<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>			
<b>Recommended Informatives</b>			

**Signed: DJI**

## Comments for Planning Application 23/01003/FUL

### Application Summary

Application Number: 23/01003/FUL

Address: Former Gas Works Princes Street Innerleithen Scottish Borders

Proposal: Commercial storage facility comprising 30 no. storage containers with associated works

Case Officer: Carlos Clarke

### Customer Details

Name: Mrs Aileen Logan

Address: Yarrow Cottage, 1 Montgomery Street, Innerleithen, Scottish Borders EH44 6JP

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to Residential Amenity
- Inadequate access
- Increased traffic
- Road safety

Comment: I strongly object to this application. The access to the site at the bottom of Princes Street is narrow with no footpath and is not suitable for the amount of heavy traffic which will be generated by this application. It is at the start of the shared path to Walkerburn which is heavily used by pedestrians and cyclists and will cause safety issues. Already this week we have had our garage badly damaged by a lorry using this access. Princes Street is already difficult owing to parked cars and the bend at the top of the street which restricts visibility for oncoming traffic. I do hope common sense will prevail and that this application is refused on safety grounds as well as loss of amenity.

Aileen Logan

# Comments for Planning Application 23/01003/FUL

## Application Summary

Application Number: 23/01003/FUL

Address: Former Gas Works Princes Street Innerleithen Scottish Borders

Proposal: Commercial storage facility comprising 30 no. storage containers with associated works

Case Officer: Carlos Clarke

## Customer Details

Name: Dr Daniel Davis Wood

Address: 54 George Street, Innerleithen, Scottish Borders EH44 6LJ

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Road safety

Comment: This facility would result in an increase in large/heavy vehicles at hours of the day that coincide with children making their way to school. The access road (Princes Street) is on a designated school walking route, which increases the risk to children and their carers on their way to St. Ronan's PS.

[REDACTED]

---

From: Iain Weir [REDACTED]  
Sent: 26 July 2023 21:21  
To: Planning & Regulatory Services  
Subject: Planning Application Objection - 23/01003/FUL

**CAUTION: External Email**

23/01003/FUL - Commercial Storage Facility comprising of 30 no. Storage containers with associated works at Formers Gas Works, Princes Street, Innerleithen.

I wish to formally object to the above planning application for the following reasons:

1. The application submitted states that the area in question was used previously as a water treatment works. This is incorrect and the site was a former gas works that housed two large Gasometers. The ruminants of which I believe to still be in the ground.
2. The land in question has been cleared by the applicant and put to hard ground standing before any application was submitted. Before this was cleared this was an area comprising of trees and shrubbery attracting various wildlife; all of which has now gone.
3. It is unclear what difference this clearing and hardstanding will make to any rainfall and water runoff. The ground is also subject to ground contamination, a report which I was unable to obtain from Scottish Gas Networks (previous owner) as they said it was confidential.
4. The access farm track is not adopted and therefore not suitable for the anticipated increase in traffic flow, as well as the likely commercial vehicle access as anticipated in the submitted plans. It is important to note that this is also a single lane farm track and not wide enough for two vehicles to pass as claimed in the planning application. Traffic trying to manoeuvre in opposite directions would cause one party to have to reverse considerable distances through a busy multi-use pathway, safe routes to school crossing and properties to ensure neighbouring properties driveways were not used.
5. When the former gas works were in use there was an official access road. There was no residential accommodation to the south at the time either. Now that residential accommodations have been built this area should be classified and identified as residential.
6. The current farm access track also forms part of the heavily used multi-use pathway network and is used by increasing numbers of pedestrians and cyclists of all ages and abilities. An increase in vehicular traffic would be dangerous and cause an unnecessary high risk to non-vehicular traffic. Sight lines are heavily obscured for anyone entering onto the access farm track from the multi-use pathway.
7. Princes Street is greatly affected by increased residential vehicle use and parking which makes the majority of the road one-lane. Vehicles already have to reverse a significant distance throughout the day to allow traffic to pass. Reversing is a high-risk manoeuvre even over short distances. The condition of the road surface in Princes Street is also poor with many properties accessing directly to the road (ie no pavement in front of their property).
8. There is a significant "pinch point" at the north end of Princes Street on a corner and where the road narrows.
9. The south side of Princess Street is also crossed as a marked safe route to school. The times identified in the planning application also correspond to the times of the higher movement of school pupils. An increase in traffic would pose an increased danger to school children, a considerable amount being of nursery and primary school age.
10. Granting of this application will also cause nuisance, disturbance and increased dust & muck to a quiet residential area having a negative impact on current & future residents.

11. Innerleithen currently has several industrial units and industrial areas of which are under occupied. For this reason I disagree with the applicants claim that there is a demand of further commercial/industrial need.
12. It is unclear as to how any further works to this area would have on the local bat populations, some of which reside adjacent to the site.

I trust that the above points will be taken into consideration and hope that this application will be declined. It is also hoped that Scottish Borders Council will consider making the site part of a residential area in its zoning.

Iain Weir  
Pirn Haugh  
Princes Street  
Innerleithen  
EH44 6JX



# Comments for Planning Application 23/01003/FUL

## Application Summary

Application Number: 23/01003/FUL

Address: Former Gas Works Princes Street Innerleithen Scottish Borders

Proposal: Commercial storage facility comprising 30 no. storage containers with associated works

Case Officer: Carlos Clarke

## Customer Details

Name: Mr Iain Weir

Address: Pirn Haugh, Princes Street, Innerleithen, Scottish Borders EH44 6JX

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Flood plain risk
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Land affected
- Loss of view
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Road safety
- Value of property

Comment: Further to my already lodged objection I would like to comment further regarding the ground works which have already been undertaken. I read the letter from Irvine Groundwork's which did the works. They have put down hard standing but this is around 8" higher than what was there previously. There is now water run-off onto my land, against my property wall. This has been very noticeable of late with the rain we have been having. This is entirely new since these unsolicited ground works were undertaken. I would encourage this to be taken into consideration especially with the flood risk officer and SEPA comments.

There has been recent damage to a neighbouring property cause by goods vehicles accessing the narrow access lane also. The route still, even although no longer summer, is attracting large numbers of walkers, cyclists and dog-walkers. As a resident these vulnerable road users are not expecting traffic on the access track. With residents parking on-street at the head of the access track, entering and exiting can be challenging for anything larger than a small van and also means

for increased traffic there are no passing places.

There has been an increase in vacant industrial premises and units in the area over the recent months further compounding the over provision of service in the area.

I acknowledge that the applicant has now acknowledged that the area was a site for gas storage and not as they originally claimed in their application. With this in mind the land is also contaminated and a non-disclosure would have been signed prior to the land sale per the sellers policy. I'd encourage a land contamination survey to be undertaken and publicly available as part of any planning application so that any activity won't be detrimental to the environment.

# Comments for Planning Application 23/01003/FUL

## Application Summary

Application Number: 23/01003/FUL

Address: Former Gas Works Princes Street Innerleithen Scottish Borders

Proposal: Commercial storage facility comprising 30 no. storage containers with associated works

Case Officer: Carlos Clarke

## Customer Details

Name: Mrs J Dobson

Address: The Willows, 26A Princes Street, Innerleithen, Scottish Borders EH44 6JU

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Increased traffic

Comment: I object to this planning application

1. Excess traffic
2. The state of the access road to the site and Princes Street is already full of potholes.
3. There is a public walkway and cycle path nearby. Extra traffic leaves the public safety at risk.
4. There is already an industrial estate in Innerleithen which is half empty.

# Comments for Planning Application 23/01003/FUL

## Application Summary

Application Number: 23/01003/FUL

Address: Former Gas Works Princes Street Innerleithen Scottish Borders

Proposal: Commercial storage facility comprising 30 no. storage containers with associated works

Case Officer: Carlos Clarke

## Customer Details

Name: Mr Ross McGinn

Address: Leithen Foot Princes Street, Innerleithen, Scottish Borders EH44 6JX

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Increased traffic
- Noise nuisance

Comment: I wish to submit a formal objection to this application. Firstly, let me correct two factual mistakes in the planning statement by Ferguson Planning. The site has never been a water treatment site but was a site that held two large Gasometers that stored the town gas supply. The site is understood to be still contaminated from that use in the past. Secondly the planning statement states that the unadopted farm track is wide enough for two vehicles to pass. This is not the case for the section nearest to Princes Street.

When this site was last used for gas storage there were no houses south of the application area. The area at Pirnhaugh now has five dwelling houses built in recent years. This area should now be identified as a residential area.

The main concern for residents who will be severely affected by the installation of storage facilities is the likely significant increase in heavy traffic. Princes Street is already more or less a one lane street with a lot of on street parking for the full length. There is a significant 'pinch' point at the corner just before reaching the A72 and regularly vehicles have to reverse a significant distance to allow passage whether coming from the north or the south.

Further, just this week a lorry using the farm track did some substantial damage to the garage of a neighbour that exits onto the very end of the adopted section of Princes Street and highlights residents' concerns.

The access track to the proposal site is also part of the signposted link for the Tweed Valley Railway Path as it progresses east to the Tweed side and Walkerburn. Also, as Princes Street is crossed as part of a 'safe route to school' from the footbridge over Leithen Water to Montgomery Street significant vehicle movements will put children at greater risk here.

Let me state again that I object to this application in that there will be increased traffic nuisance in a residential area further adding to the dust and muck that we already get from an unadopted track alongside a significant risk on Princes Street itself.

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## **Local Review Body – List of Policies 15<sup>th</sup> April 2024**

**Local Review Reference:** 24/00006/RREF

**Planning Application Reference:** 23/01003/FUL

**Development Proposal:** Commercial storage facility comprising 30 no. storage containers with associated works

**Location:** Former Gas Works, Princes Street, Innerleithen

**Applicant:** Mr M Campbell

### **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 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 12: Zero Waste

Policy 13: Sustainable Transport

Policy 22: Flood Risk and Water Management

Policy 23: Health and Safety

Policy 26: Business and Industry

### **Scottish Borders Local Development Plan 2016 (LDP)**

PMD1: Sustainability

PMD2: Quality Standards

PMD5: Infill development

HD3: Protection of Residential Amenity

ED2: Employment Uses Outhwith Business and Industrial Lans

ED5: Regeneration

EP3: Local Biodiversity

IS5: Protection of Access Routes

IS7: Parking Provision and Standards

IS8: Flooding

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

### **Other Material Considerations**

Supplementary Planning Guidance on:

- Sustainable Urban Drainage Systems 2020
- Waste Management 2015

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Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100643963-001

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

### Type of Application

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

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

### Description of Proposal

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

Proposal to replace existing door with new glazed sliding doors in enlarged opening.

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

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

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

The works have already commenced for structural purposes.

### Applicant or Agent Details

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

## Agent Details

Please enter Agent details

Company/Organisation:	Jewitt & Wilkie Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stephan	Building Name:	
Last Name: *	Humphrey-Gaskin	Building Number:	38
Telephone Number: *	01413526929	Address 1 (Street): *	38 New City Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G4 9JT
Email Address: *	stephan@jawarchitects.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Graeme	Building Number:	22
Last Name: *	Wright	Address 1 (Street): *	Taylor Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kilbarchan
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA10 2LS
Fax Number:			
Email Address: *	info@jawarchitects.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

Westruther Parish Church, Westruther, Gordon, TD3 6NS

Northing

649985

Easting

363417

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

829.64

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)

Residential (change of use has been recently approved as per application ref 22/01508/FUL)

## Access and Parking

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

Yes  No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

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

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

**Water Supply and Drainage Arrangements**

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

**Assessment of Flood Risk**

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

**Trees**

Are there any trees on or adjacent to the application site? \*  Yes  No

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

**Waste Storage and Collection**

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

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

This application is for new sliding doors to the South Elevation only. Adequate provision in relation to refuse and recycling will be provided in conjunction with the approved Planning Application (22/01508/FUL)

## Residential Units Including Conversion

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

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Stephan Humphrey-Gaskin

On behalf of: Mr Graeme Wright

Date: 18/09/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

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

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Stephan Humphrey-Gaskin

Declaration Date: 18/09/2023

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Mr Graeme Wright  
per Jewitt & Wilkie Architects  
Callum Forrester  
38 New City Road  
Glasgow  
G4 9JT

**Please ask  
for:**  


Cameron Kirk  
01835 825253

**Our Ref:**

23/01381/FUL

**Your Ref:**

**E-Mail:**

cameron.kirk@scotborders.gov.uk

**Date:**

7th December 2023

Dear Sir/Madam

**PLANNING APPLICATION AT Westruther Parish Church Westruther Scottish Borders**

**PROPOSED DEVELOPMENT: Change of use of church and alterations to form dwellinghouse (revision to planning permission 22/01508/FUL)**

**APPLICANT: Mr Graeme Wright**

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/>.

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 23/01381/FUL**

**To : Mr Graeme Wright per Jewitt & Wilkie Architects Callum Forrester 38 New City  
Road Glasgow G4 9JT**

With reference to your application validated on **19th September 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Change of use of church and alterations to form dwellinghouse (revision to  
planning permission 22/01508/FUL)**

**at : Westruther Parish Church Westruther Scottish Borders**

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

**Dated 5th December 2023  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 23/01381/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
3638_L_100	Location Plan	Refused
3638_P_300_A	Proposed Plans	Refused
3638_P_401	Proposed Sections	Refused
3638_P_500_B	Proposed Elevations	Refused

**REASON FOR REFUSAL**

The proposed development fails to comply with Policy 14: Design, quality and place of National Planning Framework 4 and Policy PMD2: Quality Standards of the Scottish Borders Local Development Plan 2016 in that the scale and design of the proposed sliding doors to the south elevation of the building would have a detrimental impact upon its character and appearance.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

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

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**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 23/01381/FUL

**APPLICANT :** Mr Graeme Wright

**AGENT :** Jewitt & Wilkie Architects

**DEVELOPMENT :** Change of use of church and alterations to form dwellinghouse (revision to planning permission 22/01508/FUL)

**LOCATION:** Westruther Parish Church  
Westruther  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
3638_L_100	Location Plan	Refused
3638_P_300_A	Proposed Plans	Refused
3638_P_401	Proposed Sections	Refused
3638_P_500_B	Proposed Elevations	Refused

**NUMBER OF REPRESENTATIONS: 1**

**SUMMARY OF REPRESENTATIONS:**

One general comment has been received by the Planning Authority. All issues raised have been considered. The letter raises concerns regarding the impact the proposed sliding doors would have on privacy of the neighbouring property's garden ground.

Consultations

Community Council: No response received at the time of writing this report.

**PLANNING CONSIDERATIONS AND POLICIES:**

National Planning Framework 4

Policy 1: Tackling the climate and nature crises  
Policy 2: Climate mitigation and adaption  
Policy 6: Forestry, woodland and trees  
Policy 7: Historic assets and places  
Policy 9: Brownfield, vacant and derelict land and empty buildings  
Policy 13: Sustainable transport  
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

PMD1: Sustainability  
PMD2: Quality Standards  
PMD5: Infill Development  
HD3: Protection of Residential Amenity  
EP8: Archaeology  
EP13: Trees, Woodlands and Hedgerows  
IS2: Developer Contributions  
IS5: Protection of Access Routes  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage  
IS13: Contaminated Land

### Supplementary Planning Guidance

Contaminated Land Inspection Strategy 2001  
Developer Contributions 2011 (updated 2023)  
Placemaking and Design 2010  
Householder Development (Privacy and Sunlight) 2006  
Trees and Development 2008 (updated 2020)  
Waste Management 2015

**Recommendation by** - Cameron Kirk (Assistant Planning Officer) on 4th December 2023

### Site description

The application relates to the former Westruther Parish Church, which is located within the settlement of Westruther. The former church dates back to 1838 and it has been altered over the years. It is of traditional stone and slate construction. It has a churchyard to all sides and there are neighbouring residential properties within the surrounding locality.

### Proposed development

Permission was granted under planning application 22/01508/FUL to convert the former church to a dwellinghouse. This application seeks to amend the design of the fenestration to the south elevation of the proposed dwellinghouse. It is proposed to alter two of the existing windows to the south elevation and form a large opening to install sliding patio doors.

No other changes are proposed to the development under the cover of this planning application.

### Relevant planning history

22/01508/FUL Change of use of church and alterations to form dwellinghouse. Granted 03 February 2023.

23/00109/UNDEV - Enforcement case.

### Assessment

#### Principle

The principle of development is considered to be acceptable by virtue of the consent granted under planning application 22/01508/FUL, which has been implemented. This application merely seeks to change the design of the fenestration to the south elevation of the existing building. The principle of development is considered to be acceptable, subject to further policy consideration below.

#### Layout, design and materials

Under the previous planning application 22/01508/FUL it was proposed to alter two of the existing windows by extending them to floor level to the south elevation. In addition, a large opening would have been created between the two altered windows and bifold doors would have been fitted. The Planning Authority advised the applicant's agent that a large opening to the south elevation would impact upon the existing fenestration of the former church which would be detrimental to its character and appearance.

One of the arched windows to the south elevation had been altered in the past. The sill height of the arched window was raised to allow for a single door opening to be formed below. Although these alterations are not original to the design of the church, they are historic.

In light of the Planning Authority's comments the applicant's agent amended the design accordingly to omit the alterations to the existing windows and formation of a large opening between the two altered windows. Instead, it was agreed that a replacement glazed door would be installed to the existing door to the south elevation.

It was brought to the Council's attention that a large opening had been created to the south elevation of the existing building. The Council's Enforcement Section investigated the matter, and they concluded that the works had been undertaken without the benefit of any planning permission. This application was subsequently submitted to regularise the unauthorised works.

In the supporting statement for the current planning application, the applicant's agent states that the proposed sliding doors are required to improve daylight to the living area of the proposed dwellinghouse. Church conversions are inherently dark by their nature. Whilst it is acknowledged that additional opening may bring additional daylight into the building, it is considered that any opening should be designed in such a way as to not impact upon the character or appearance of the existing building.

The insertion of sliding doors to the south elevation would require the existing windows to be significantly altered. The scale and design of the proposed sliding doors would make little attempt to respect or respond to the existing fenestration to the south elevation of the building. In addition, the proposal would result in the loss of one of the surviving stained glass windows to the south elevation.

Although not listed, the scale and design of the proposed sliding doors to the south elevation of the former church would have a detrimental impact upon the historic character and appearance of this elevation and so they would not be appropriate in this context.

#### Residential amenity

The proposed development has the potential to impact upon the amenity and privacy of neighbouring residential properties, particularly the dwellinghouse to the south, 1 Houndslow Road.

Currently, a low level stone wall forms the mutual boundary to the south between the application site and the neighbouring property, 1 Houndslow Road. The proposed sliding doors to the south elevation would create a degree of overlooking to the rear garden ground of the aforementioned property due to the height of the mutual boundary. They would impact upon the amenity and privacy that the occupants of the property currently enjoy.

The submitted proposed contextual plan and section (drawing no. 3638\_P\_401) indicates that a 1.8 metre high fence would be erected along the south boundary of the application. This would mitigate against any overlooking created by the proposed sliding doors to the neighbouring properties rear garden area. If approved, a condition is recommended to ensure that the fence is erected prior to the occupation of the proposed dwellinghouse.

Overall, it is considered that the proposed development would not unduly impact upon the amenity or privacy of neighbouring residential properties.

#### Other matters

There are no other determinative matters. The changes to the design of the proposed development would not impact upon other matters such as access and parking, services, contaminated land, trees, archaeology, waste, developer contributions or access routes. The conditions attached to the original permission

22/01508/FUL are still relevant to the development and must be adhered to. It would be prudent to attach them to this planning application should permission be granted.

**REASON FOR DECISION :**

The proposed development fails to comply with Policy 14: Design, quality and place of National Planning Framework 4 and Policy PMD2: Quality Standards of the Scottish Borders Local Development Plan 2016 in that the scale and design of the proposed sliding doors to the south elevation of the building would have a detrimental impact upon its character and appearance.

**Recommendation:** Refused

- 1 The proposed development fails to comply with Policy 14: Design, quality and place of National Planning Framework 4 and Policy PMD2: Quality Standards of the Scottish Borders Local Development Plan 2016 in that the scale and design of the proposed sliding doors to the south elevation of the building would have a detrimental impact upon its character and appearance.

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



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From: Jamie Clark [REDACTED]  
Sent: 08 October 2023 20:45  
To: Planning & Regulatory Services  
Cc: Kirk, Cameron  
Subject: Westruther Parish Church 23/01381/FUL

CAUTION: External Email

Dear Planning,

I'm writing in reference to application number 23/01381/FUL, location Westruther Parish Church.

As per the new elevation drawings submitted applying for permitted development to alter the design from what Mr Wright had planning permission to build. I much prefer the design compared to his original submission that was refused. As long as what is referred to in the design that the stonework finish is to match the existing cills and surrounds I think it will look good. As for our privacy, a fence has been referred to which needs to be at least the minimum height as suggested on the drawings as the view from the sliding doors and patio area would look out directly onto our entire back garden.

My main concern is that they are clearly proceeding with the works before permissions have been given and I suspect steels and possibly the sliding door will be installed before said permission is considered. Surely this makes a mockery of the whole planning permission procedure and quite frankly I find it arrogant to say the least. I do worry about what else will be done that they have not got permission for.

I will attach a photograph taken from my garden of the works so far.

Kind regards

Jamie Clark

1 Houndslow Road

Westruther

TD3 6NS  
[REDACTED]





**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 Graeme Wright  
Address 22 Taylor Avenue, Kilbarchan

Postcode PA10 2LS

Contact Telephone 1  
Contact Telephone 2  
E-mail\* info@jawarchitects.co.uk

**Agent (if any)**

Name Jewitt and Wilkie Architects  
Address 38 New City Road, Glasgow

Postcode G4 9JT

Contact Telephone 1 0141 352 6929  
Contact Telephone 2  
E-mail\* info@jawarchitects.co.uk

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

Yes No

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

Planning authority Scottish Borders

Planning authority's application reference number 23/01381/FUL

Site address Westruther Parish Church, Westruther

Description of proposed development

Change of use of church and alterations to form dwellinghouse (revision to planning permission 22/01508/FUL to form patio door in south elevation rear wall)

Date of application 18/09/23

Date of decision (if any) 07/12/23

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

**Nature of application**

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

**Reasons for seeking review** (tick one box)

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

**Review procedure**

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

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

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

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

Site inspection is requested to ensure members gain full understanding of site context and relationship to surrounding area.

**Site inspection**

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

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

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

**Statement**

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

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

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

Reasons for notice of review and all matters to be raised outlined in accompanying document "Westruther Review Statement Planning Application Ref- 2301381FUL- rev b"

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

Yes  No

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

**List of documents and evidence**

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

Westruther Review Statement Planning Application Ref- 2301381FUL- rev b  
Patio Conservation Plan  
3638\_P\_100 Existing Floor Plans  
3638\_P\_102 Existing Elevations  
3638\_P\_300\_A Proposed Floor Plans (approved)  
3638\_P\_300\_A Proposed Floor Plans  
3638\_P\_401 Proposed Contextual Plan and Section  
3638\_P\_500\_A Proposed Elevations (approved)  
3638\_P\_500\_B Proposed Elevations

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:

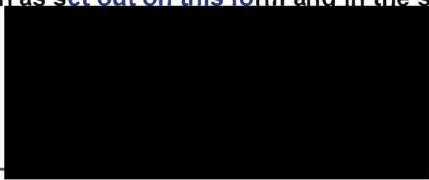
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

[ 5th FEBRUARY 2024 ]

STATEMENT IN SUPPORT OF  
REQUEST TO REVIEW THE REFUSAL  
BY SCOTTISH BORDERS COUNCIL OF  
PLANNING APPLICATION REFERENCE  
23/01381/FUL

ANDREW BENNIE  
PLANNING LIMITED

STATEMENT IN SUPPORT OF  
REQUEST TO REVIEW THE REFUSAL  
BY SCOTTISH BORDERS COUNCIL OF  
PLANNING APPLICATION REFERENCE  
23/01381/FUL

3 Abbots Court  
Dullatur  
G68 0AP

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February 2024

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## **CONTENTS**

- 1.0 Introduction
- 2.0 Proposals Subject to Review
- 3.0 Reasons for Requesting Review
- 4.0 Review Procedure
- 5.0 Grounds of Review
- 6.0 Summary

## **1.0 INTRODUCTION**

- 1.1 This Statement has been prepared by Andrew Bennie Planning Limited on behalf of Mr G Wright in support of his request that the Planning Authority, under the provisions of Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 Review the decision of the Appointed Person to refuse planning permission in respect of planning application reference 22/0067/PPP.
  
- 1.2 This Statement should be read in conjunction with the matters set out within the completed Notice of Review Form.

## **2.0 PROPOSALS SUBJECT TO REVIEW**

- 2.1 Under the terms of the planning application which forms the basis of this Request to Review, full planning permission was sought for change of use of church and alterations to form dwelling house, this development representing a revision to the development of the Site, as granted under the terms of planning permission reference 22/01508/FUL.
- 2.2 Under the terms of this earlier application, full planning permission was granted for the conversion of the former Westruther Parish Church to form a single dwelling house.
- 2.3 Under the application which forms the basis of this Request to Review, the appellant sought to amend the details of the southern elevation of the approved design for the dwelling house by way of the formation of a new opening in the wall to allow for the creation of sliding patio doors.
- 2.4 This proposed design change also involves alterations to two of the existing windows in the southern elevation, these alterations involving lifting the sills heights of the windows to accommodate the new opening.
- 2.5 The building which forms the basis of this application is not listed and is not located within, with it being of further note that the elevation within which the proposed patio doors would be located is sited to the rear of the building and in a position which is not visible from any publically accessible locations.
- 2.6 Full details of the proposals which form the basis of this Request to Review are provided within the documentation which supports this submission.

### **3.0 REASONS FOR REQUESTING THE REVIEW**

- 3.1 On the basis of the Grounds of Review, which are set out within Section 5.0 of this Statement, it is submitted that the Appointed Person has failed to provide sufficient reason to reasonably justify the refusal of this planning application when considered against the relevant provisions of the development plan.
- 3.2 It is submitted that the application proposals can be both fully and reasonably justified against the relevant provisions of the development plan.
- 3.3 Consequently, this Review is put forward on the basis of the unreasonable and unjustifiable grounds for the refusal of the planning application in question.

#### **4.0 REVIEW PROCEDURE**

- 4.1 In addition to consideration of those matters, which are set out within the Notice of Review Form and this Statement, it is requested that the Local Review Body also carry out an inspection of the Site prior to their consideration and determination of this Review.
  
- 4.2 A site visit is considered to be appropriate in this case as it represents the best means of ensuring that the members of the Local Review Body can gain a full and appropriate understanding of the appeal site and its relationship to the surrounding area, all of which serve to demonstrate and support the case in favour of this Request to Review.

## 5.0 GROUNDS OF REVIEW

5.1 The application which forms the basis of this Request to Review was refused planning permission by Notice dated 7<sup>th</sup> December 2023, with the single stated reason for the refusal of the application being as follows:

***"The proposed development fails to comply with Policy 14: Design, quality and place of National Planning Framework 4 and Policy PMD2: Quality Standards of the Scottish Borders Local Development Plan 2016 in that the scale and design of the proposed sliding doors to the south elevation of the building would have a detrimental impact upon its character and appearance.***

5.2 A full copy of the Decision Notice on this application is provided within the list of documents lodged in support of this Request to Review.

5.3 In the first instance it is worth noting that the Report of Handling that has been prepared in respect of this application does not provide a clear or definitive account of which aspects of the above noted policies the proposed development is considered to offend against and as such provides little guidance as regards which elements of these policies are of principle relevance to the decision that was taken on the application.

5.4 Consequently, we set out below an assessment of the proposals against those aspects of the policies which are considered to be of material relevance to the assessment of the acceptability of the proposed development.

5.5 Policy 14 "Design, quality and place" of National Planning Framework 4 advises that:

*a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.*

*b) Development proposals will be supported where they are consistent with the six qualities of successful places:*

***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.

*Further details on delivering the six qualities of successful places are set out in Annex D.*

c) *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.*

- 5.6 Given the specific terms of this Policy, it is considered that the first two aspects of part c) thereof are of principle relevance to the assessment of this proposed development.
- 5.7 The element of the proposed development which is the sole source of concern is the proposed sliding patio door opening.
- 5.8 In "simple" design terms, there is little that can be done to change the detailing of this aspect of the development other than amend the opening method, as could be achieved through the use of bi-fold doors.
- 5.9 Proper design considerations however go beyond the simple question of the appearance of the patio doors and must take into account also how design influences the use and functionality of the building.
- 5.10 In this instance, natural daylight to the interior of the building is by way of the original stained glass lancet windows which are located within the two side elevations of the building.

- 5.11 The nature of these windows is such that they allow only a limited amount of daylight to penetrate the main living area within the proposed dwelling house, and as such significantly impacts upon the quality and ultimate useability of this internal space.
- 5.12 The "design" response to ensuring that the proposed dwelling house is provided within an appropriate level of internal daylighting is to either increase the size of the existing windows or to create a new glazed opening.
- 5.13 Increasing the size of the existing windows would clearly have an impact upon these features of the original building and unless an alternative thereto could not be identified, this would be the least preferred option.
- 5.14 The creation of the new patio door opening impacts on only two of the original windows (by way of increasing their sill height to accommodate the new opening) and allows for the retention of most of the windows in their original form.
- 5.15 The proposed installation of the patio doors only affects the lower portion of these two windows, with the majority of the original window openings, and importantly their stained glass, to be retained. The proposed retention of the stained glass by the appellant, on a voluntary basis, is an important consideration with it being noted that in other recent developments approved by the Council, such as the conversion, to residential use, of a former church at Burnmouth original features such as stained glass windows have been lost as part of the approved works.
- 5.16 It is also noteworthy that under the presently approved scheme for the conversion of the former church, the ground floor accommodation has no visual connection to the external garden/amenity areas, with the only means of direct access to these areas being by way of the small dorrway approved as part of the earlier planning permission (this door opening being subsumed within the patio door opening proposed under the application which forms the basis of this Request to Review).
- 5.17 The lack of an appropriate visual connection to the outside of the property impacts adversely upon the level of amenity that the residents of the property will enjoy and also significantly reduces the passive security aspects associated with the occupation of the dwelling house.
- 5.18 Consequently, the introduction of the proposed patio door is considered to be an appropriate and wholly reasonable design response to the conversion of the former church and in this regard the proposals are compliant with this aspect of Policy 14 of NPF 4.



- 5.19 The second relevant aspect of part c) of the policy concerns the question of whether the proposals would be detrimental to the amenity of the surrounding area.
- 5.20 It is of importance to note that this aspect of the policy does not address the impact of any works upon the host building itself, rather it addresses only the question of the impact of works upon the amenity of the "*surrounding*" area.
- 5.21 The reason for the refusal of the application has failed to understand or take into account distinction when noting the "*...the proposed sliding doors to the south elevation of the building would have a detrimental impact upon **its** character and appearance.*"
- 5.22 The use of the word "it's" clearly refers to the building and hence demonstrates clearly that this aspect of Policy 14 has been misapplied and cannot reasonably be used to support the refusal of the application.
- 5.23 When assessing the impact of these works upon the amenity of the surrounding area, it is submitted that as the elevation within which the new opening would be located is at the rear of the building and in a location that it not readily or easily viewed from any publicly accessible location, it cannot be reasonably or justifiably claimed that the proposals will have an adverse effect on the amenity of the surrounding area. The fact that the new opening can be seen by 1 or 2 adjacent private properties does not change this judgement noting that case law supports that standpoint that the preservation of a private view cannot, in and of itself, be held to be in the wider public interest.
- 5.24 **On the basis of the foregoing it is respectfully submitted that the proposed development can be fully and reasonably justified against the relevant provisions of Policy 14 of NPF 4.**
- 5.25 Turning now to Policy PMD 2 of the adopted Local Development Plan, it is considered that only the Placemaking & Design section of the policy is of relevance to the assessment of the proposed development, noting further that not all of parts h) – n) of this section of the policy are of relevance in this regard.
- 5.26 For the sake of completeness, all of these parts of the policy are addressed below.

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

5.27 This aspect of the policy is not considered to be directly applicable to the assessment of this proposed development. This having been noted, the issue of over-riding importance in this case is that the proposed development will secure the long-term future of the original building and will allow for the creation of a new residential unit which is afforded an appropriate level of internal daylighting/amenity.

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

5.28 Only the final part of this aspect of the policy is of relevance to the assessment of the proposed development. In assessment this consideration, it is significant to note that the host building is neither listed nor located within a Conservation Area and as such is not subject to any specific architectural/heritage considerations.

5.29 The simple rectangular plan form of the building is replicated within the horizontal emphasis of the new opening and in this regard, this aspect of the overall development is in keeping with the general character of the original building.

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

5.30 The materials to be used as part of this proposed development are wholly acceptable within the context of the approved development proposals which relate to the site.

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

5.31 For the reasons set out above in respect of Policy 14 of NPF 4, it is considered that the proposed development both respects and will have no impact on the character of the of the surrounding area.

5.32 Furthermore, it is noted that the presence of patio doors within non-principle elevations of other existing dwelling houses within the village is relatively common place.

*l) It can be satisfactorily accommodated on the site.*

5.33 This consideration is of no material relevance to the assessment of the proposed development.

*m) It provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings.*

5.34 This consideration is of no material relevance to the assessment of the proposed development.

*n) It incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.*

5.35 This consideration is of no material relevance to the assessment of the proposed development.

5.36 **On the basis of the considerations set out above, it is submitted that the proposed development can be fully and reasonably justified against the relevant provisions of Policy PMD 2 of the adopted Local Development Plan.**

## 6.0 SUMMARY

- 6.1 It is our respectful submission that the Council, via the Appointed Person has failed to provide sufficient information to support and justify the stated reasons for the refusal of this planning application.
- 6.2 It is submitted that in terms of the relevant provisions of NPF 4 and the adopted Local Development Plan, the proposed development can be fully and reasonably justified against the various policies which have been referenced within the stated reason for the refusal of the application.
- 6.3 **Considering all of those matters set out above, I would respectfully request that the Local Review Body uphold this Review and in so doing, grant planning permission pursuant to planning application reference 23/01381/FUL.**

**Proposed New Patio Window Opening to the Former Westruther Parish Church, Westruther, TD3 6NS, Scottish Borders for Mr. & Mrs. G. Wright.**  
**Design justification for the formation of new patio doors in the south elevation.**

**Introduction.**

Mr. & Mrs Wright acquired the former church building in the summer of 2022 with the intention of carrying out a residential conversion. A Planning application was submitted in September 2022 and was granted on 3rd February 2023, reference 22/01508/FUL. A Building Warrant was applied for and granted on 10th May 2023 reference 23/00118/CONALT, with works commencing immediately.

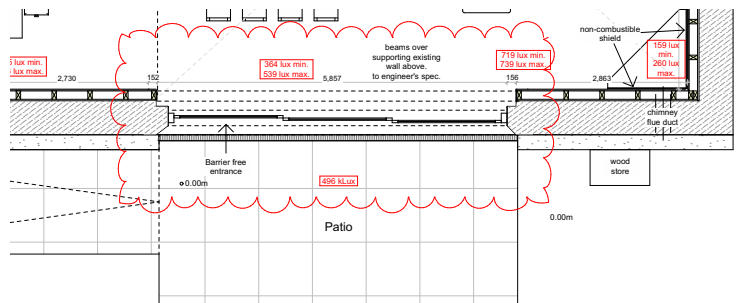
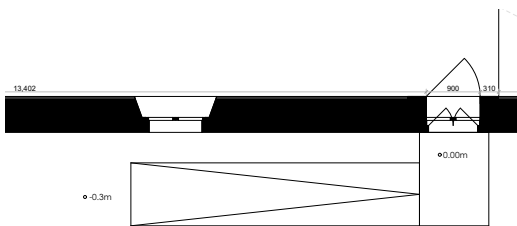
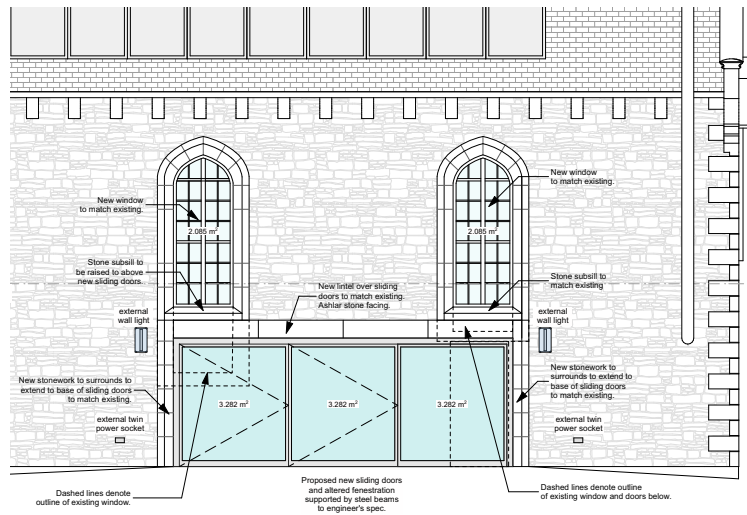
The original submission to Borders Council Planning in the planning application showed the enlargement of the windows to the southern elevation, which was not deemed appropriate by the Planning Case Officer and were omitted.

**Building History.**

Westruther Parish Church was built in 1838 by John Smith to replace the nearby Old Kirk, which was converted into a burial vault dating to 1649. The building was subsequently altered in 1752, abandoned in 1840 and is now subject to residential conversion.

**Current Scenario.**

Mr. & Mrs. Wright commenced the building works to their property in May 2023, requiring the full strip out of the building, new floor, wall and ceiling finishes to achieve the thermal requirements of the Technical Standards. It became evident that the combination of windows to the north, south and eastern elements were insufficient to achieve lighting levels more than 739 Lux on an average day. This was exacerbated by the windows to the east being stained glass. Other than the two windows to the southern elevation, no direct natural light beyond morning periods from the east would illuminate the interior of the principle living room/kitchen. Similarly, there is no view from any part of the ground floor due to the height of the existing window cills. Mr. & Mrs. Wright considered the installation of the patio doors to be classified as “permitted development”.



2 Existing Plan & Elevation in location of Proposed alterations.

1 Proposed alterations - Plan & Elevation.

## **Building Description.**

A simple neo-Gothic rectangular form with whinstone rubble walls, dressed stone window mouldings, entrance portico and belfry at the west gable, dismantled in the 1960's for structural reasons, leaving only the corbelled base. Triple light gothic window arches at east and west gables, 4No. gothic timber framed windows to the north, reflected in the south, however, with a single upper storey window for the choir gallery. Stone parapet gables with finial at east, corbelled brackets at the eaves and dressed sandstone quoins to each corner sitting on a bevelled dressed stone plinth. Slated roof with no guttering and dressed stone eaves on corbels. The arts and crafts stained windows date from 1896, 1900 and a modern replacement of 1966. A simple bell and bracket arrangement with chain-pull has been fixed at high level to the extreme west of the south facing gable. The building is not listed.

The ground floor has an entrance lobby, vestry with fireplace and recessed storage cupboard, under stair storage/meter cupboard, main hall (pews removed), stone stairs and door to the mezzanine choir gallery, with tiered flooring (pews removed) and fixed organ. A lobby to the main church hall has been added. The building has been stripped of all ecclesiastical features and is left with a dado timber panelled wall, plaster finished above, expressed truss soffit and coomed timber ceiling. A curved haunched soffit to the choir gallery, with panelled timber balustrade, exposed suspended timber floor with stone covered heating trench. A single, high level carved marble memorial plaque exists on the south internal wall adjacent to the mezzanine. There are no water services, or foul/surface water drainage facilities within the building; only electricity.

Externally, the building is contained within a coped whinstone wall, 600mm low level to the north and west and approximately 1,800mm to the east and south. It has double wrought iron (modern replacement) gates, with substantial stone gateposts to the west. Within the grounds there is a carved Celtic cross on a stepped plinth war memorial. To the south and east perimeter boundaries there are established trees, with a yew tree to the south west corner, all in various conditions of health. A section of wall to the south west corner has bowed due to root undermining and requires to be rebuilt. The ground to the north and west is grass covered and well maintained, however, to the east and south, the grounds are overgrown. A layby in the road to the west provides an unofficial parking place for the church.

## **Location.**

Westruther is situated on the B6465, 5 miles from the village of Lauder within the Lammermuir Hills, with access to the A68 trunk road between Edinburgh and Melrose.

## **Reasons for the Patio Door Installation.**

A return to church/community use was highly unlikely, given that the previous diminished congregation had vacated and merged with another in the vicinity. The applicant purchased the church from the Church of Scotland with a view to carrying out a residential change of use, to install a water supply, foul drainage, create bedrooms, bathrooms and a kitchen and living room. One of the ground floor bedrooms to be specifically for the use of a disabled person and to have a wet-room with appropriate activity spaces.

Without the patio doors, the large living room was seen as being very dark. This was a consequence of having a total window opening area of 31.6 sqm and a floor area of 179 sqm of which three sections of window (on the eastern gable) were stained glass, further reducing the extent of natural light into the building.

Note a handheld digital light meter was used to detect the existing Lux levels in different positions, of which the maximum and minimum values have been noted on the Proposed plan in red. The device used was the *URCERI MT-912 Light Meter*, which has the following specification:

1. Illuminance measuring range: 0~200kLux, 0~20kFc
2. Resolution: <1000:0.1; > 1000:1
3. Accuracy:  $\pm 3\%$  rdg  $\pm 8$ dgts (<10,000Lux),  $\pm 4\%$  rdg  $\pm 10$ dgts (>10,000Lux)

4. Temperature measuring range: -20°C ~ 70°C / -4°F ~ 158°F
5. Temperature measuring accuracy: ±1.5°C/2.7°C
6. Spectral response: CIE photopic (CIE human eye response curve)
7. Spectral accuracy: CIE V(λ) function (f1' ≤ 6%, f2' ≤ 2%)
8. Sampling rate: 2 times per second
9. Photo detector: Silicon photo-diode with spectral response filter.
10. Power supply: 3 x 1.5V AAA batteries
11. Battery life: At least 60 hours
12. Dimensions (L\*W\*H): 174.5\*56\*30.5mm

Further details can be made available upon request.

Due to the high cill height of the windows the visual connection between the private amenity space to the southern yard space was none-existent, whilst the physical link was limited to an existing door to the private south facing yard space. This prevented any visual amenity from anywhere within the building to the surrounding garden space. Such an arrangement would therefore work both ways and would reduce the active benefits of using this space. From a security point of view, the lack of connection to the side garden space allowed an unsupervised space, which could give rise to unauthorised access and undetected attendance.

### **Design Philosophy.**

Whilst not a listed building, or in a conservation area, a similar conservation-led approach was taken to preserve and enhance the character and setting of a socially, culturally, architecturally and historically significant building. On this basis, the impact of the installation of the patio doors was assessed against the significance to the building as a whole.

Areas of external significance: all aspects of the public elevations to the north and west were deemed to be of architectural significance, with two modern interventions to the south elevation of a repositioned bell housing and an emergency escape door.

### **Elements of Significance.**

The justification of an intervention upon a listed building is generally assessed by its significance upon the building, or the impact upon the significance of the building in the first place. Westruther church is not listed, is not within a conservation area, however, the analysis process has been followed accordingly.

The building has an important presence to the streetscape within Westruther, where the north and west elevations are prominent to the village. To the south, the view is restricted to a single oblique view from the north gable of No.1 Houndslaw Road and No.3 Kirkpark. This elevation has 4No. vertical simple two radii arched windows, with a smaller arched window at high level to the choir balcony.

### **Assessment of Significance Criteria.**

The Burra Charter provides the following definition of cultural significance: Cultural Significance means aesthetic, historical, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.

The following assessment of the heritage value of the former Westruther Church is based on an analysis of the historical development of the village and building, including tangible documentary and physical evidence, as well as intangible historical and social associations.

In order to establish parameters for an appropriate future use, and the extent and design of any future works to Westruther Church, it is necessary to list and define the heritage value of the elements of the building. This list forms the basis for policies which should be met in order to ensure appropriate conservation of the buildings and their landscape context.

An assessment of the significance of various elements should also help a designer to make the best of the architectural qualities in the buildings.

Grading of the individual elements of the site is based on the contribution each element makes to

each component of significance, (i.e. historic, archaeological, architectural and aesthetic, landscape, social and spiritual and ecological) whether it be at a local (within Westruther), regional (the Borders Region), national (Scotland) or international level.

The elements of the building and site are graded according to the following criteria:

- **Elements of Considerable Significance**  
A building or element of importance within Scotland, or a good example of a particular period, style or type with a high degree of intact original fabric that contributes substantially to the importance of the building or site overall.
- **Elements of Moderate Significance**  
A building or element of local, within Westruther/Borders, importance, or an element that contributes to, but is not a key element to the importance of the building or site overall.
- **Neutral Elements of Significance**  
An element which neither contributes, nor detracts from the importance of the building or area overall.
- **Negative or Intrusive Elements**  
A building or element which detracts from the overall significance of the building or site overall. The following definitions as used for the assessment of significance have been extracted and modified from the Burra Charter Guidelines – Cultural Significance and other sources
- **Social Significance**  
Social value represents the strong or special association of the site with a recognisable community or cultural group for social, spiritual or cultural reasons.
- **Architectural and Aesthetic Significance**  
The importance of the structure in terms of its contribution to an understanding of the architectural development of the site and in a broader architectural context locally, regionally or nationally. Aesthetic value includes aspects of sensory perception such as consideration of the form, scale, colour, texture and material of the fabric; the smells and sounds associated with the character of the place and its use.
- **Archaeological Significance**  
The potential for the site to yield information that will contribute to an understanding of our cultural and natural history. The archaeological research value of a site will depend on the importance of the data involved, on its rarity, quality or representative nature, and on the degree to which the site may contribute further substantial information.
- **Ecological Significance**  
This encompasses the various aspects of ecological importance within the site, including rarity and any special features, representative value, diversity and pattern, integrity, size and viability of an ecosystem.

#### **Architectural Significant Plans and Elevations**

The following floor plans and elevations highlight the areas within the property that are deemed to be architecturally significant.

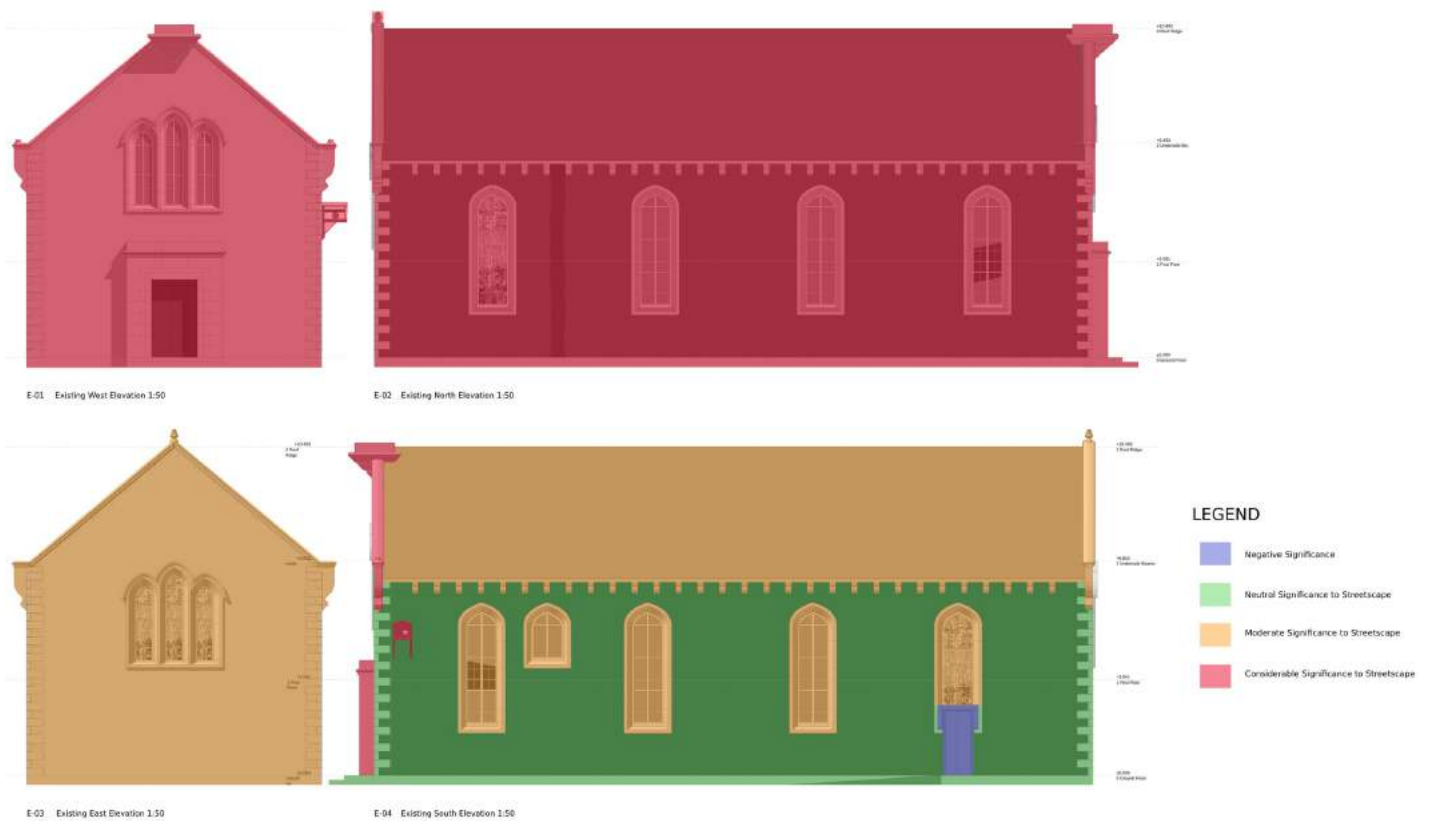
Westruther Church contributes to the significance of the village through its character, massing and scale, with principal elevations facing north and west as the building sits on the corner of two road intersections. Views to the eastern elevation are restricted due to the proximity to the site boundary and presence of mature trees, whilst views to the southern elevation are limited to the two properties forming a boundary to the application site. Little has changed to the principle elevation other than repair, re-painting and the removal of a boiler house and flue. Little physical



change has been carried out within the interior of the building, other than the creation of a lobby to the main church hall.

It can be concluded that the significant elevations to the north and west are significant to the village-scape of Westruther and remain unaffected by the works. The less significant elevation to the east is unaffected, whilst the least significant elevation in terms of views onto and from, have the low level intervention of the patio doors.

Mitigation of the intervention to the southern elevation involves the continuation of the ashlar stone jamb mouldings and installation of the stone lintel above the patios. This represents a modern intervention which enables a connection between the living room and the rear patio space.



*3 Levels of Significance of the Existing Elevations.*

**Cultural Significance.**

The proposed patios doors do not impact the cultural significance of the building.

**Social Significance.**

The proposed patio doors do not impact the social significance of the building.

**Ecological Significance.**

The proposed patio doors do not impact the ecological significance of the building.

**Architectural Significance.**

The southern elevation is considered to be of significance, however, of moderate significance in terms of its architectural value and of low significance to the streetscape of Westruther. The proposed intervention to the southern elevation are neutralised by the continuation of the ashlar moulded jambs and the ashlar stone lintel.

**Archaeological Significance.**

No reported finds within the study area are known about and is out with the scope of this study.

**Environmental Significance.**

No reported finds within the study area are known about and is out with the scope of this study.

**Conclusions and Recommendations**

There is no doubt or debate that the former Westruther Church is a combination of considerable/modest architectural, historic, cultural, ecclesiastical and social significance, merit of retention.

However, it could be argued that as a result of the redundancy and change of use, there were inevitable interventions to make the building work in its new role as a family home.

The following Key Features in particular should be protected, respected and retained, in line with Conservation Good Practice.

- The overall significant areas of building composition should not be detracted from.
- Roof, gable and principle elevational compositions.
- Main entrance doors.
- Stained glass windows.
- Bell bracket.
- Other miscellaneous elements of historical interest.

Features that are considered of less importance, to be upgraded, or to receive interventions:

- Internal walls.
- Extension of mezzanine floor.
- Suspended modern light fittings.
- Modern sanitary fittings.
- Modern kitchen fittings.
- Increased daylighting to principle room

**The Design.**

The client brief was to create a 5No. bedroom family dwelling, all with en-suite facilities, storage, heating, kitchen, dining and living room areas. Part of the brief was to create a fully accessible bedroom and wet room to enable independent living for a disabled person. One factor that required consideration was the treatment of the emergency escape door and to explore the possibility of opening up more window area in the private, south facing elevation to bring more daylight into the double storey void and enable easier access to a private garden area.

**Elevational Intervention.**

Options to lower the sills to the narrow arched windows within the south facing elevation of the living room area were considered. This had previously been carried out with an unsympathetic emergency escape door linked to an external steel ramp, resulting in the removal of the dressed stone sill to the window.

A different solution to remove any impression other than the new opening was pursued. An unashamed modern intervention, removing the whinstone section between two arches, creates a balanced glazed opening, symmetrical with the order of windows. Careful dressing of the stone mouldings to the windows at the intersection of the new opening and the original was an important consideration to create a detail to confirm the quality of the intervention.

All existing stained-glass windows to be repaired/preserved, with panel above existing main hall escape door to be relocated internally and back lit above the new feature patio doors. Replacement of this window to match the non-stained-glass windows within the building.

**Contextual Relationship.**

Aspect from the proposed patio to the boundary is restricted by an existing stone wall. Beyond the wall is a LPG gas tank to which the neighbour has created a fence and planting screen from his property to this installation. There is therefore no overlooking from the patio to the neighbour’s garden due to the existing screening. A further fence is proposed to raise the boundary screen to 1.8m through a timber boarded fence within the applicant’s property to reinforce the screening.



*4 Obstructed views from left-, centre- and right-hand sides of the proposed sliding door position.*

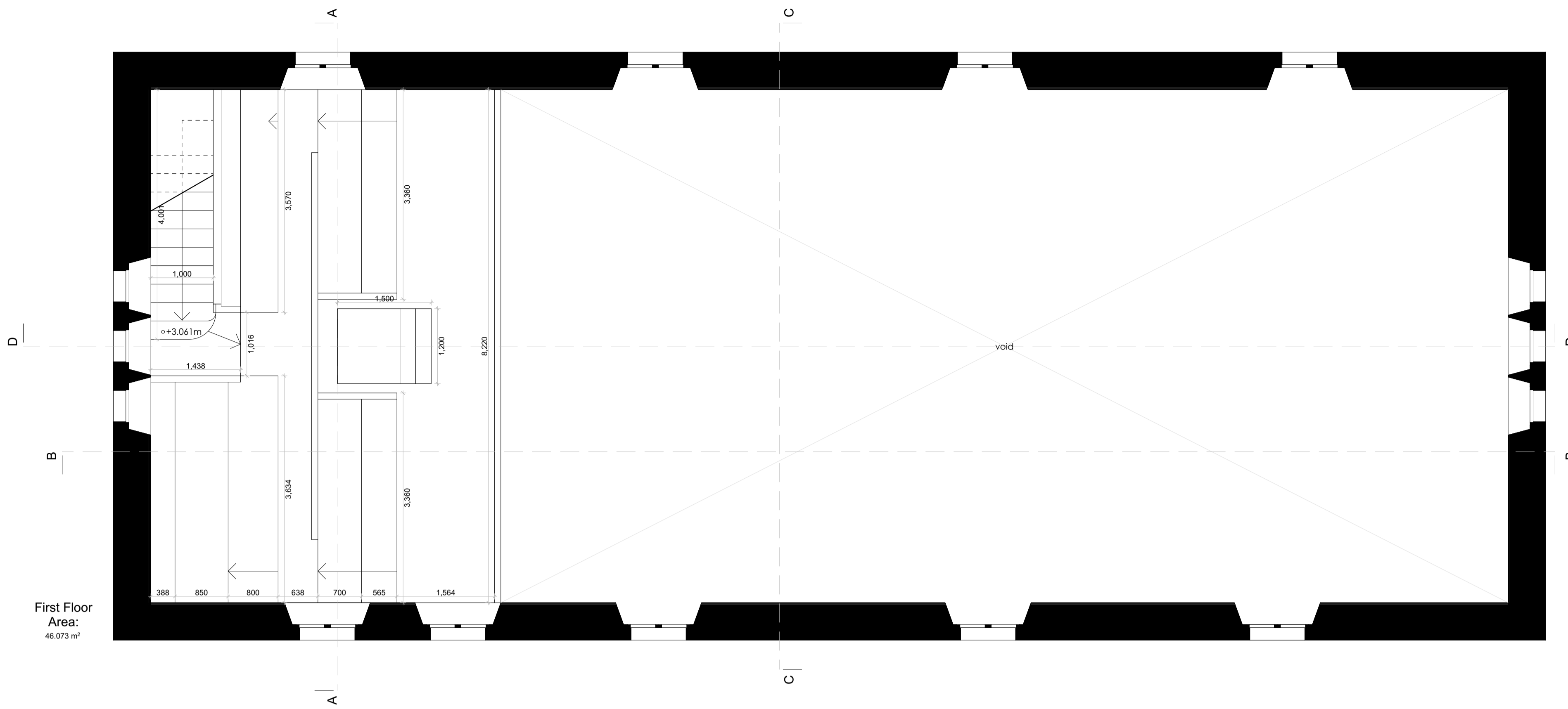
**Conclusion.**

The proposal to convert the former church into a residential property will ensure the future of the building. Whilst a modest building in style, it provides a valuable and significant architectural and streetscape contribution to the village of Westruther. Interventions have been confined to the rebuilding of a damaged wall to create a driveway and a private garden enclosure, with an opening in the southern elevation to enable more light into the proposed living room area. Solar photovoltaic panels are proposed to the south facing roof to reduce the building’s carbon footprint. Internally, the volume of the former church hall has been maintained by the double storey kitchen, dining and living room space, with 5No. bedrooms, of which one would be fully disabled accessible. The thermal efficiency of the building would be significantly improved with new floor, wall and roof insulation.

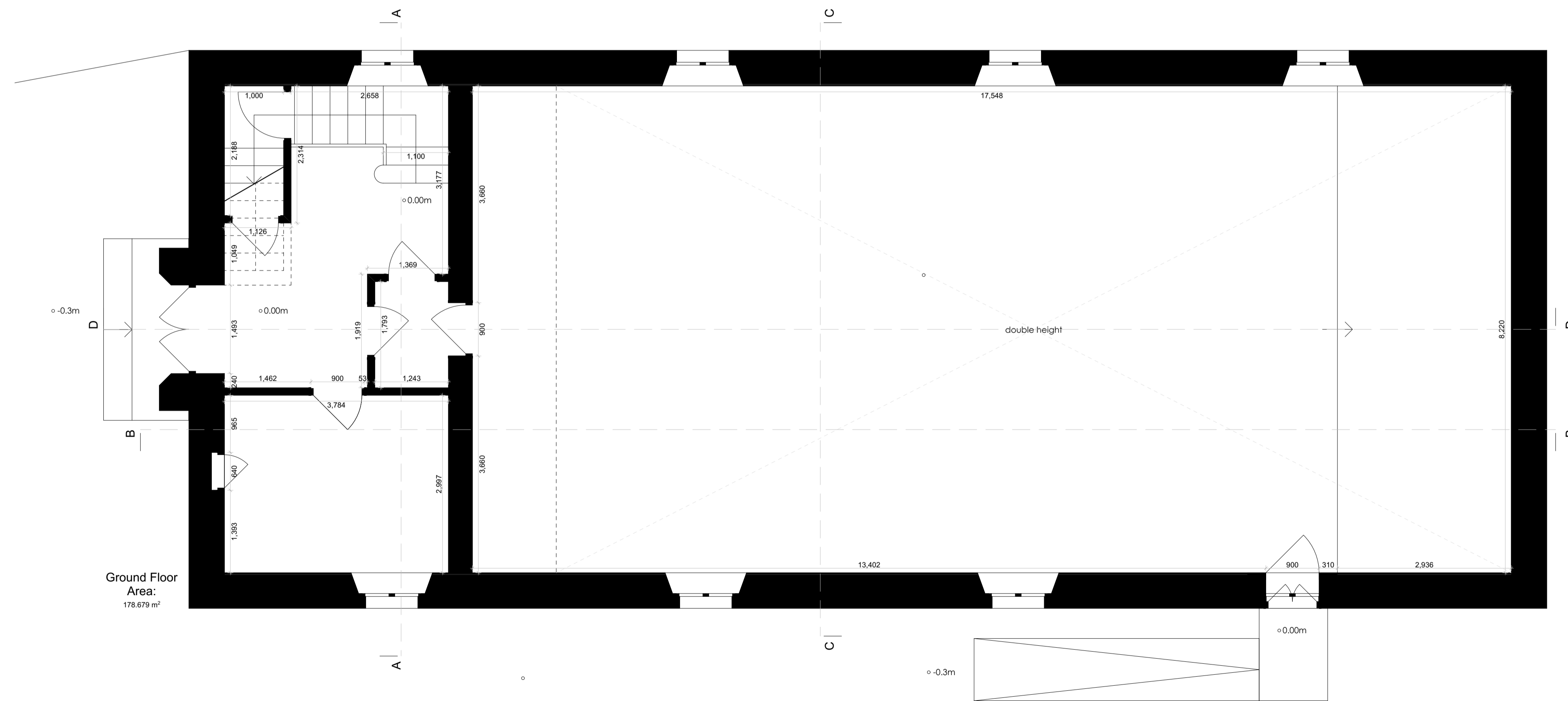
The lack of a view at ground floor, the poor levels of daylighting through small aperture windows and a requirement to connect the ground floor directly to residential amenity, which would also improve security. The property is neither listed, or in a conservation area and has no issues associated with privacy, or overlooking. Under normal circumstances, had the building enjoyed a previous residential consent, the proposals to install the patio doors would have come under permitted development and not required planning consent.

The proposals serve to vastly improve the visual, spatial and daylight amenity to the property without impacting upon the significance to the Village of Westruther.

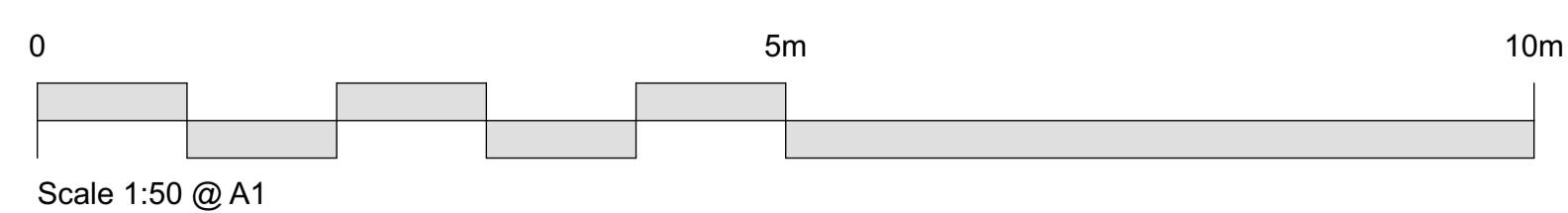
Jewitt & Wilkie Architects 38 New City Road, Glasgow  
G4 9JT.



1. Existing First Floor Plan 1:50



0. Existing Ground Floor Plan 1:50



Total Internal Area : 224.752 m<sup>2</sup>

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JOB TITLE  
Westruther Church  
for  
Mr. & Mrs. G. Wright

DRAWING TITLE  
Existing Floor Plans

SCALE: 1:50      DATE: 28.09.22  
DRAWN BY: CF      CHECKED BY: JJ  
DRAWING NO:      REV:

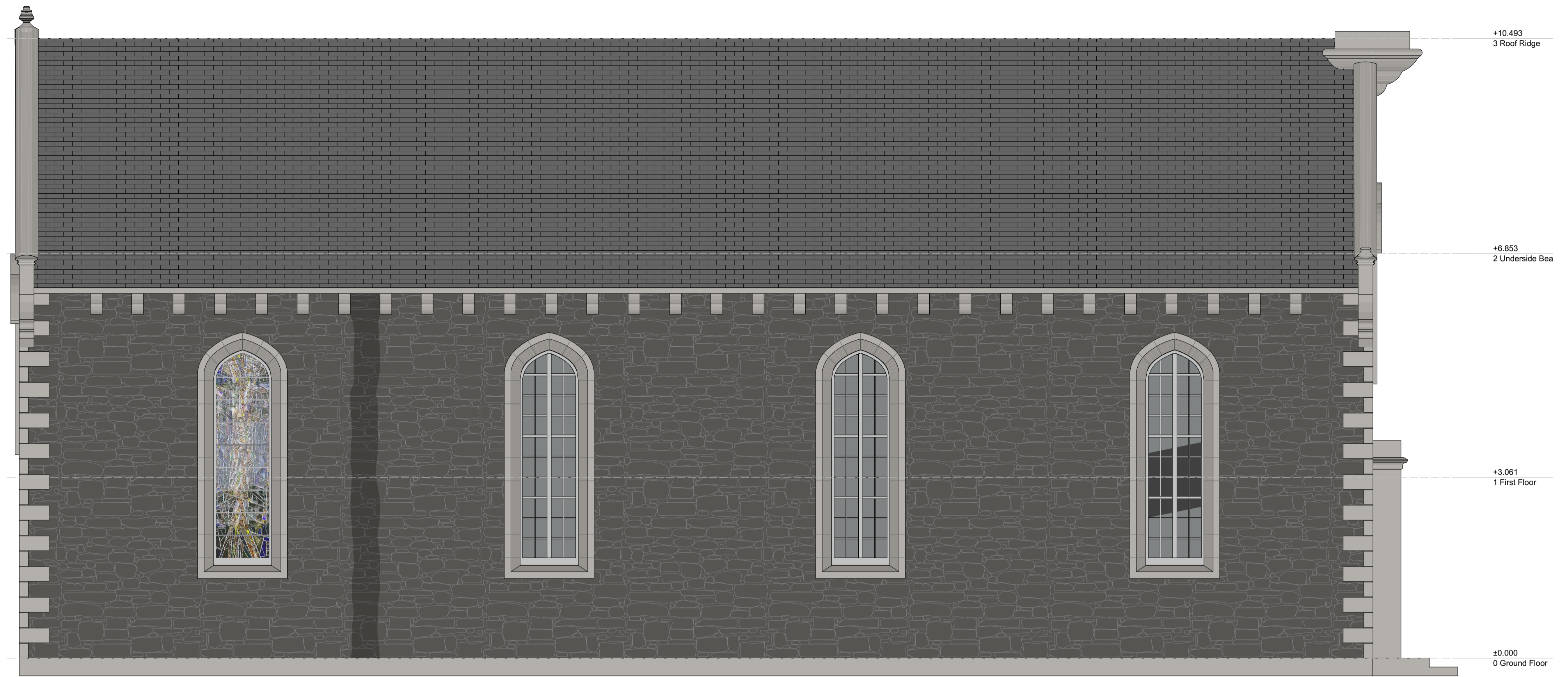
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PLANNING APPLICATION

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E-01 Existing West Elevation 1:50 1:50

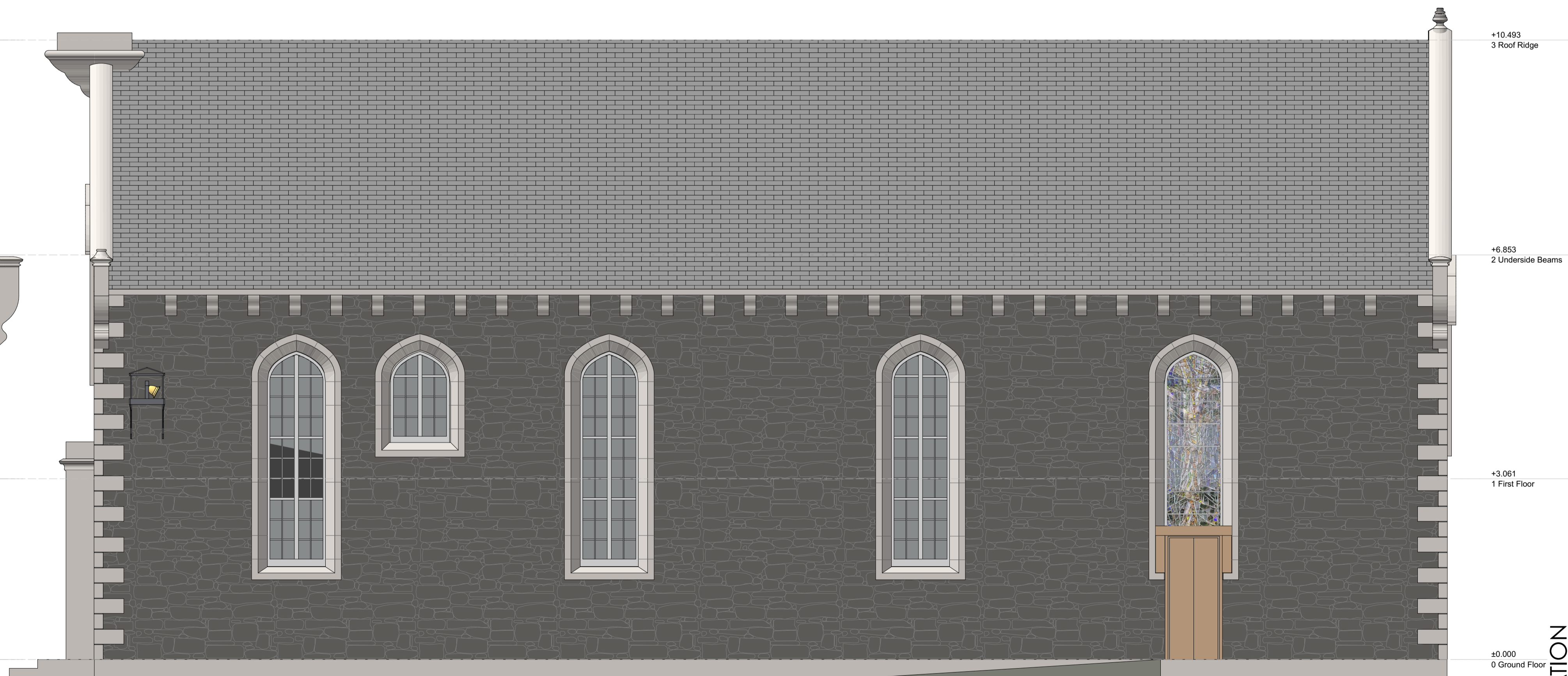


E-02 Existing North Elevation 1:50 1:50

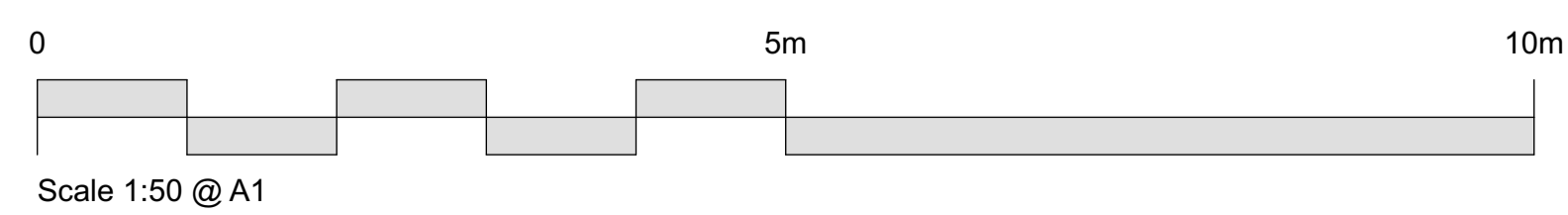
Page 327



E-03 Existing East Elevation 1:50 1:50



E-04 Existing South Elevation 1:50 1:50



REVISIONS

Do not scale. All dimensions to be checked on site prior to commencement of work.

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www.jwarchitects.co.uk

JOB TITLE  
Westruther Church  
for  
Mr. & Mrs. G. Wright

DRAWING TITLE  
Existing Elevations

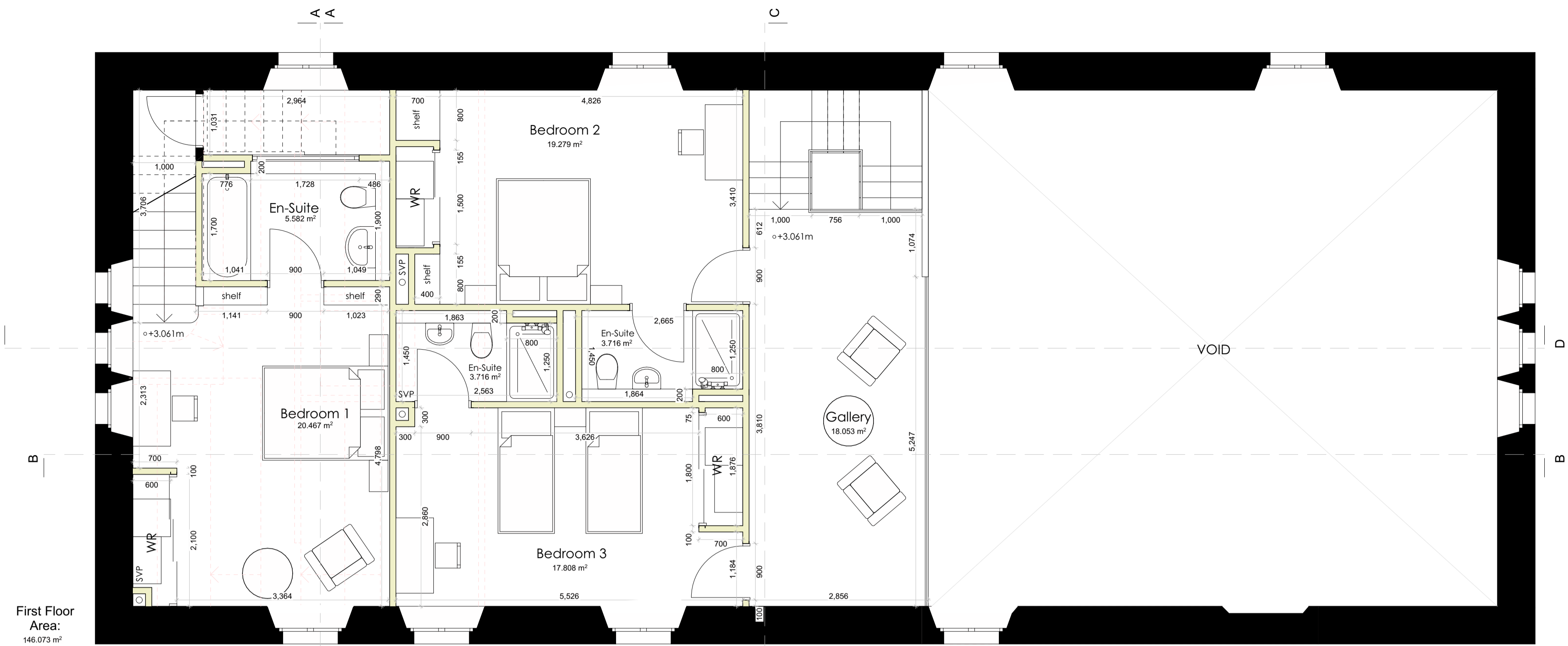
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DRAWING NO: REV:

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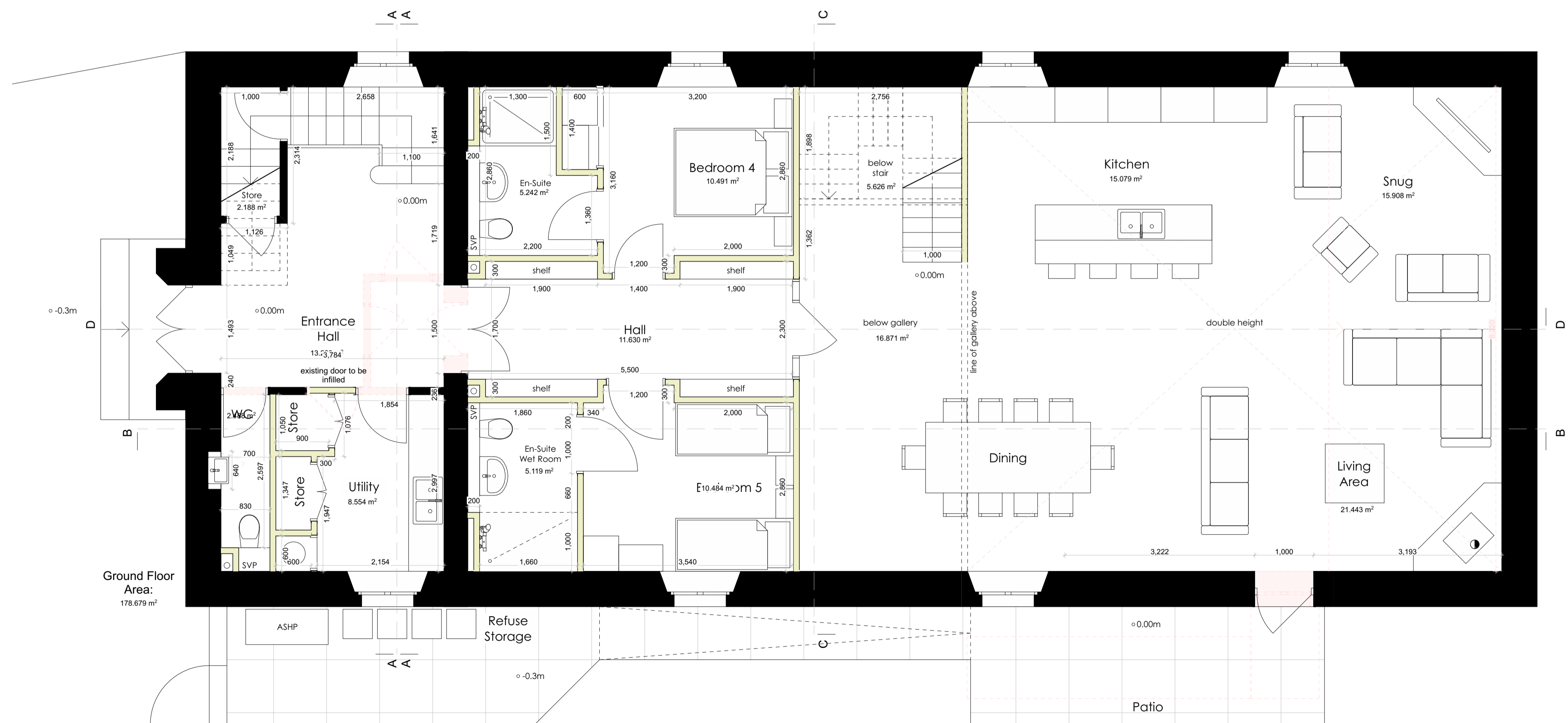
PLANNING APPLICATION

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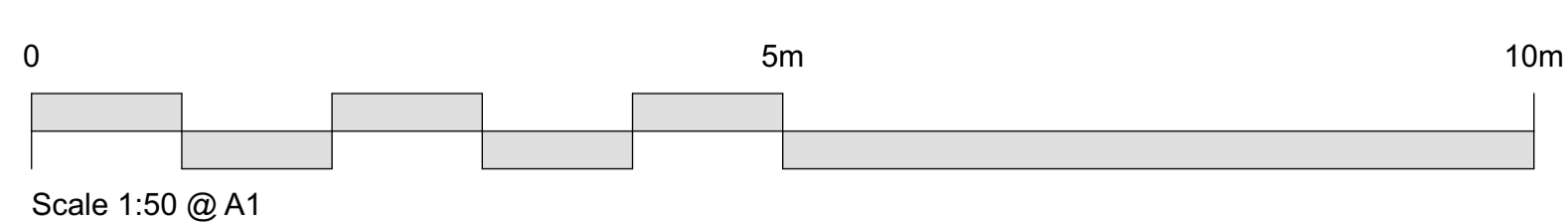




1. Proposed First Floor 1:50



0. Proposed Ground Floor 1:50



Total Internal Area : 282.835 m<sup>2</sup>

PLANNING APPLICATION

A. Bi-fold door removed. New glazed door to replace existing accessible entrance. 11.01.22. CF

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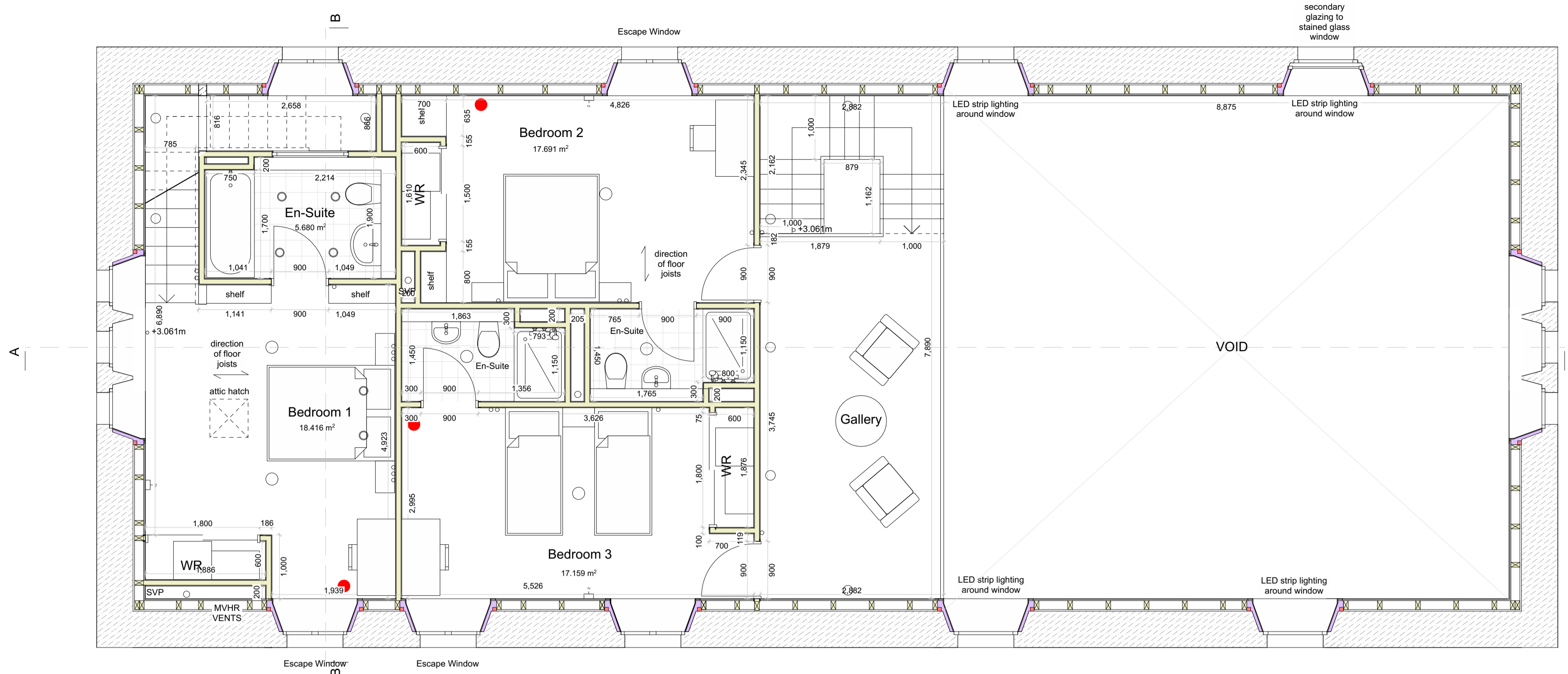
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Westruther Church  
for  
Mr. & Mrs. G. Wright

DRAWING TITLE  
Proposed Floor Plans

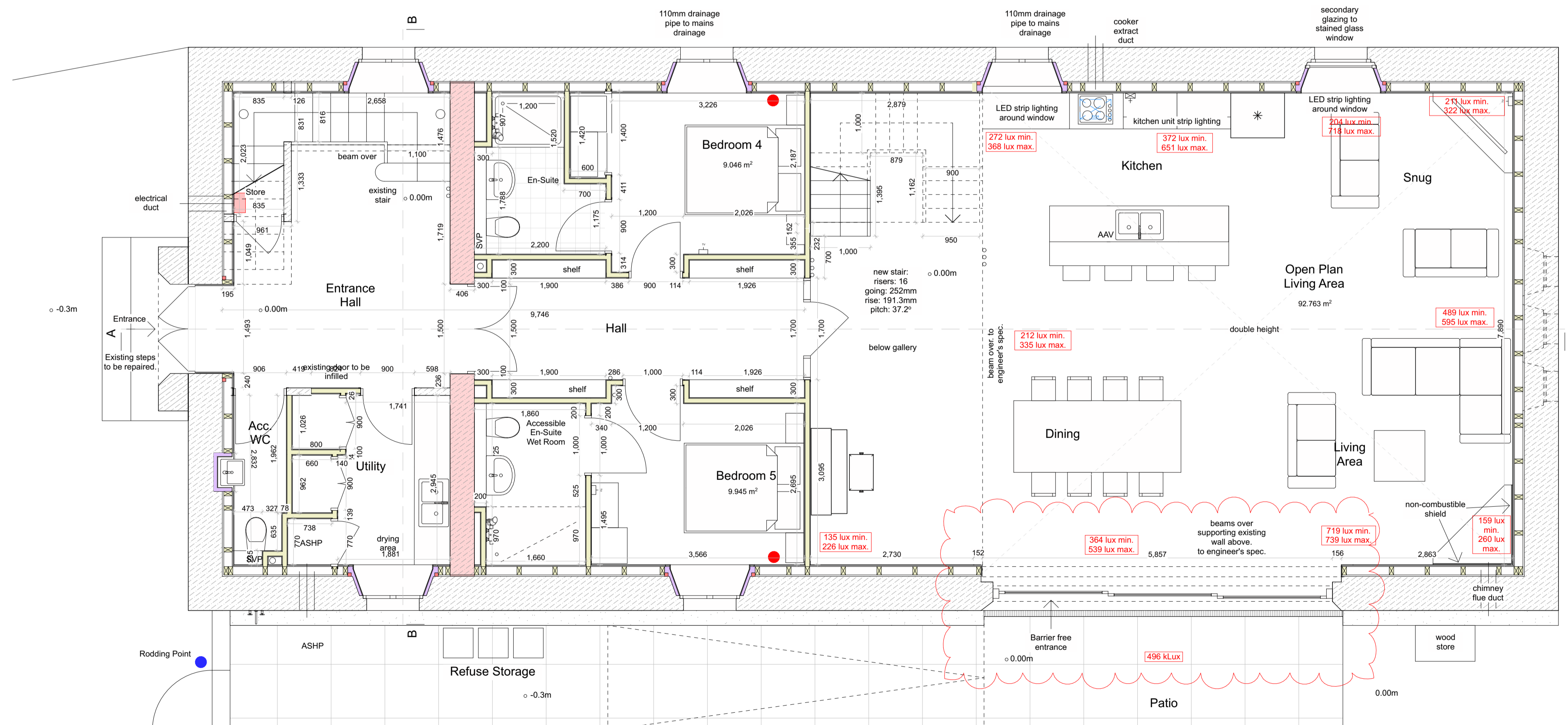
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1. Proposed First Floor 1:50

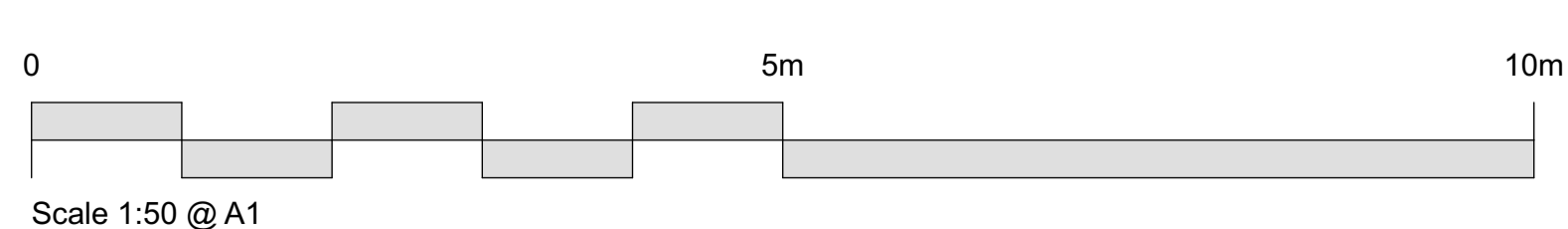


0. Proposed Ground Floor 1:50

**Key**

... lux min.  
.... lux max.

Min. and max. light meter readings (in lux) as taken at noon, 05/09/2023



Total Internal Area : 282.835 m²

A - Light meter readings added to open plan part of floor plan in relation to newly proposed sliding doors. 05.09.23 - SHG

REVISED

Do not scale. All dimensions to be checked on site prior to commencement of work.

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PLANNING APPLICATION

JOB TITLE

**Westruther Church for Mr. & Mrs. G. Wright**

DRAWING TITLE

**Proposed Floor Plans**

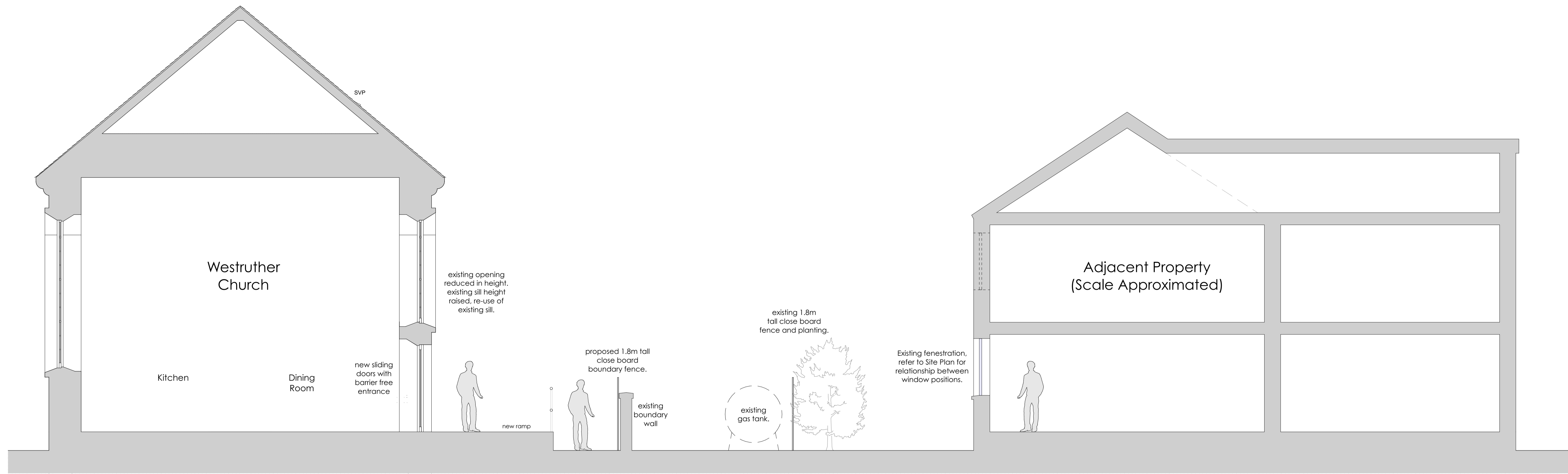
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DRAWING NO: REV:

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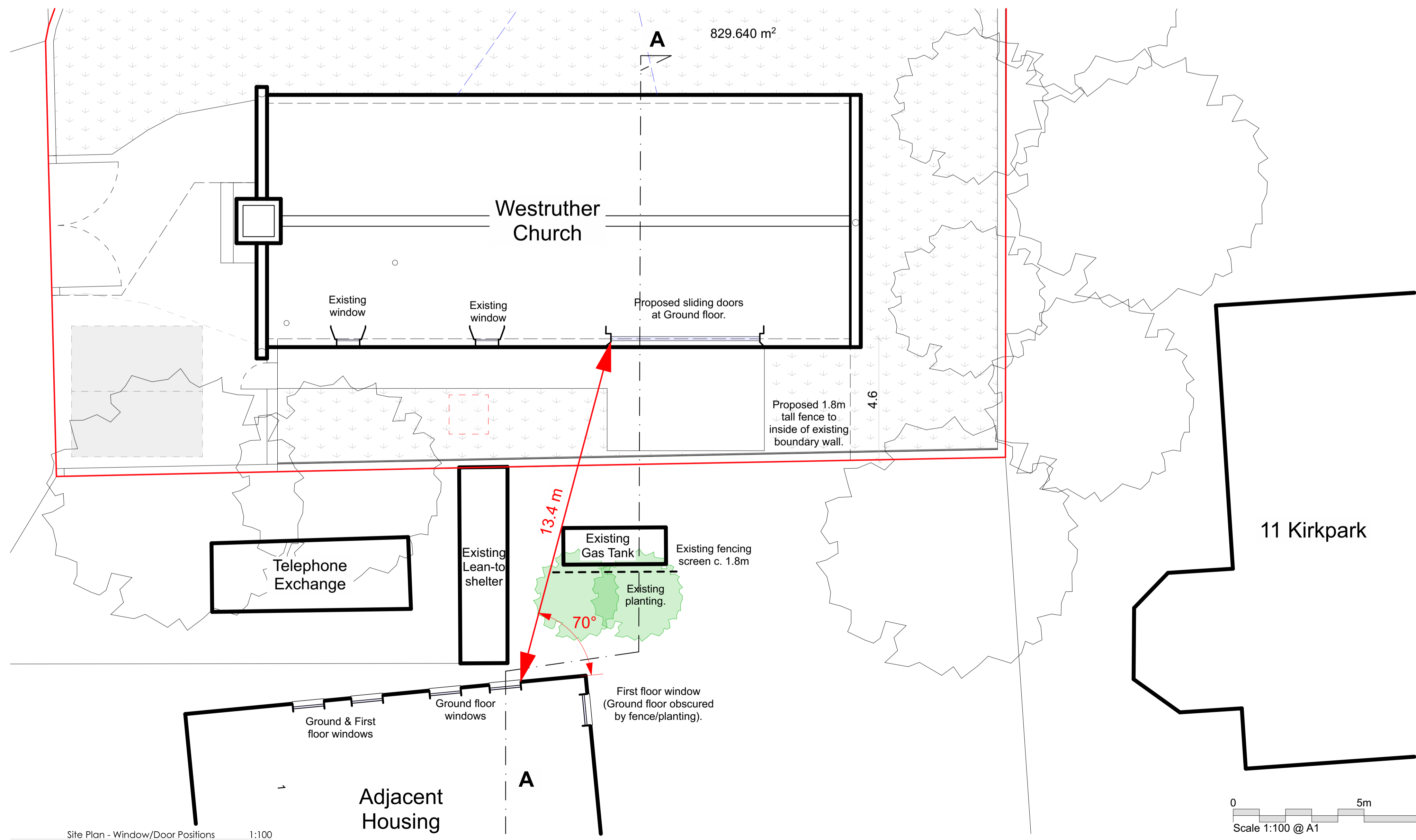
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Long Section A-A Proposed Section with Adjoining Property 1:50

Scale 1:50 @ A1

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Scale 1:100 @ A1



View over boundary wall. Note obstructions - existing gas tank, trees and fencing screen.

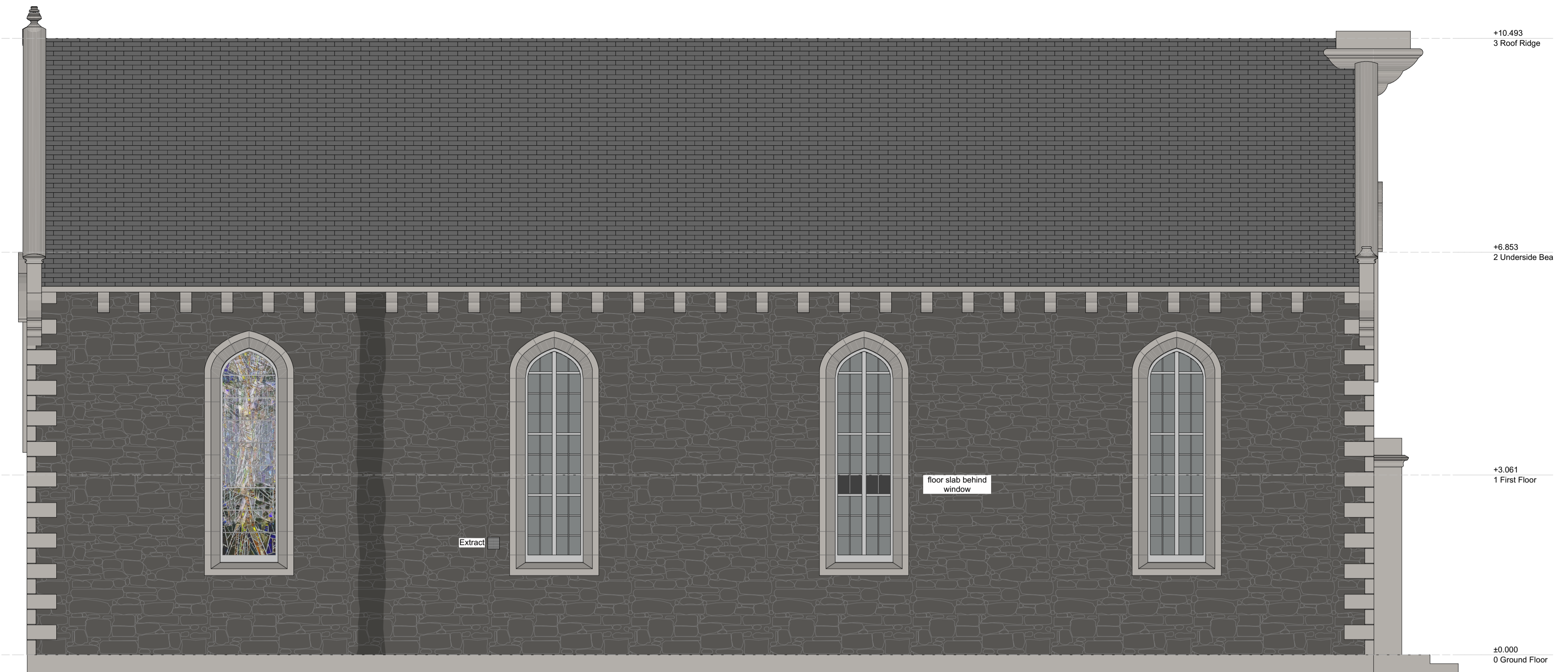
PLANNING APPLICATION

<p>REVISIONS</p> <p><small>Do not scale. All dimensions to be checked on site prior to commencement of work.</small></p> <p><b>Jewitt and Wilkie architects</b></p> <p>38 New City Road Glasgow - G4 9JT 0141 332 6929 info@jwaarchitects.co.uk www.jwaarchitects.co.uk</p>	
<p>JOB TITLE</p> <p><b>Westruther Church for Mr. &amp; Mrs. G. Wright</b></p>	
<p>DRAWING TITLE</p> <p><b>Proposed Contextual Plan &amp; Section</b></p>	
<p>SCALE: 1:50, 1:100</p>	<p>DATE: 06.09.23</p>
<p>DRAWN BY: SHG</p>	<p>CHECKED BY: JJ</p>
<p>DRAWING NO:</p>	<p>REV:</p>
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E-01 Proposed West Elevation 1:50

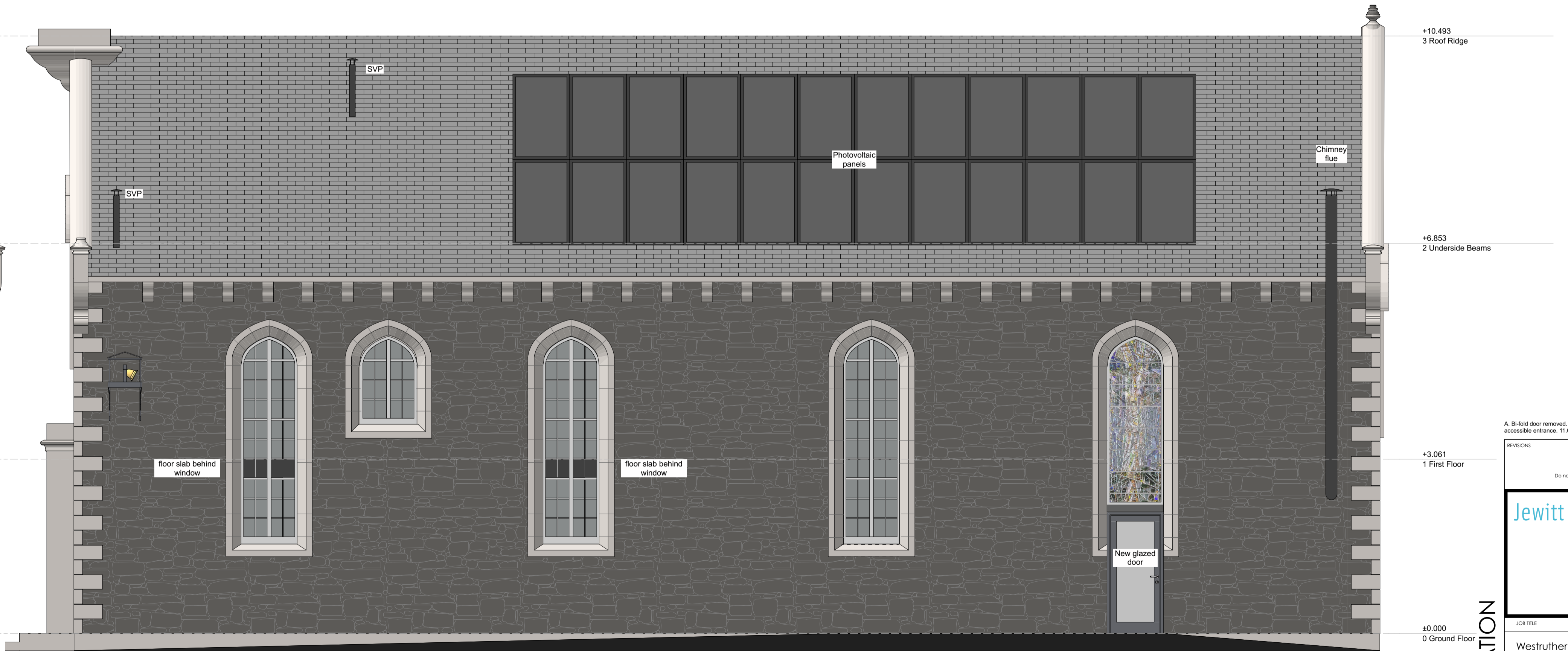


E-02 Proposed North Elevation 1:50

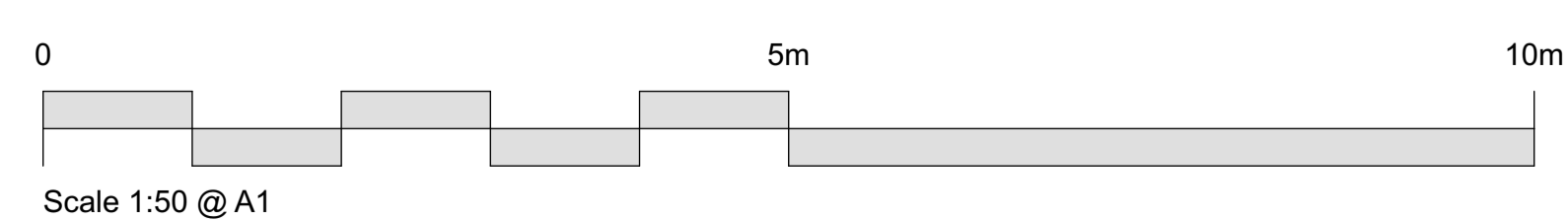
Page 335



E-03 Proposed East Elevation 1:50



E-09 Proposed South Elevation 1:50



A. Bi-fold door removed. New glazed door to replace existing accessible entrance. 11.01.22. CF

REVISIONS

Do not scale. All dimensions to be checked on site prior to commencement of work.

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**PLANNING APPLICATION**

JOB TITLE  
Westruther Church  
for  
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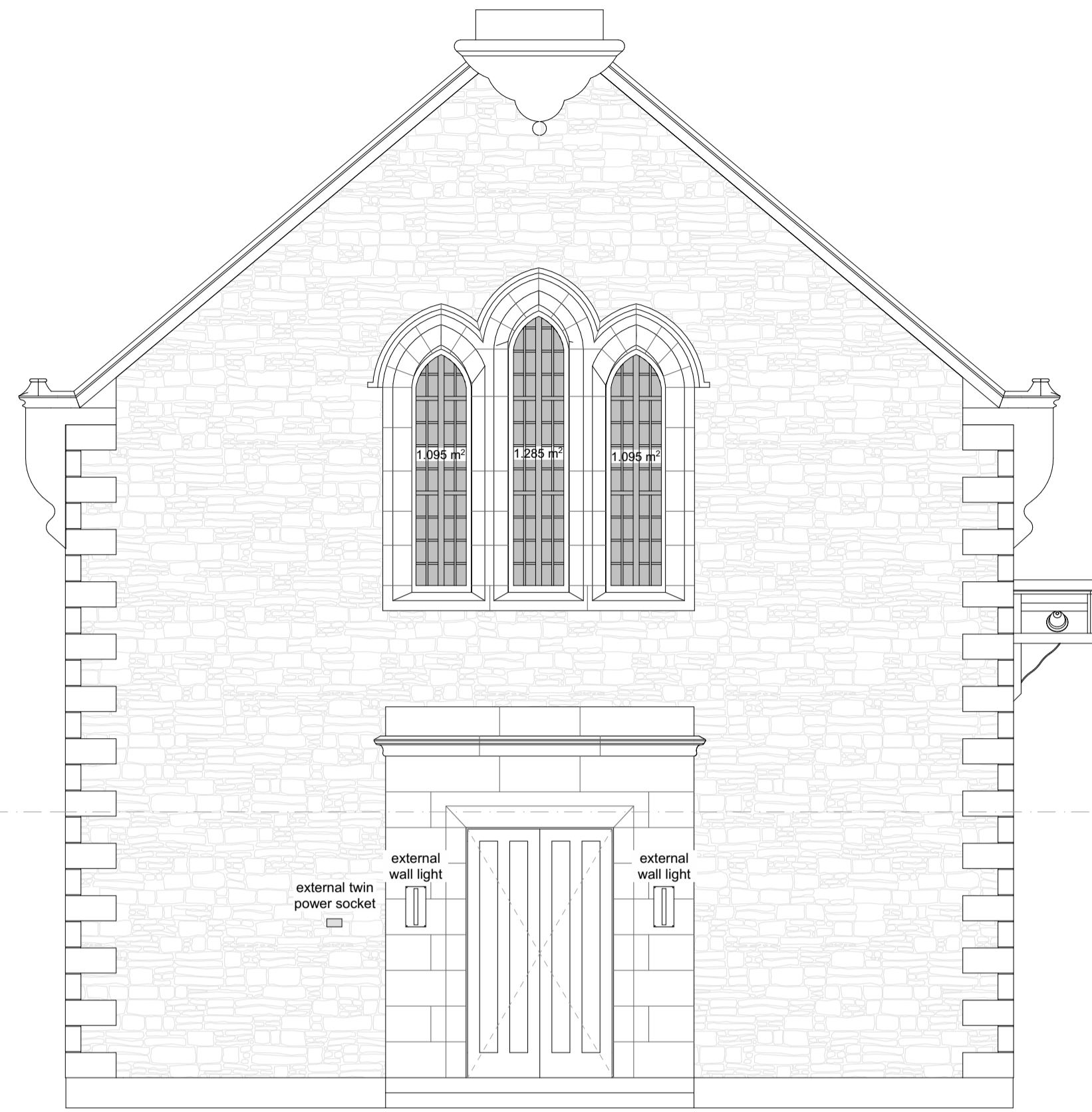
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Proposed Elevations

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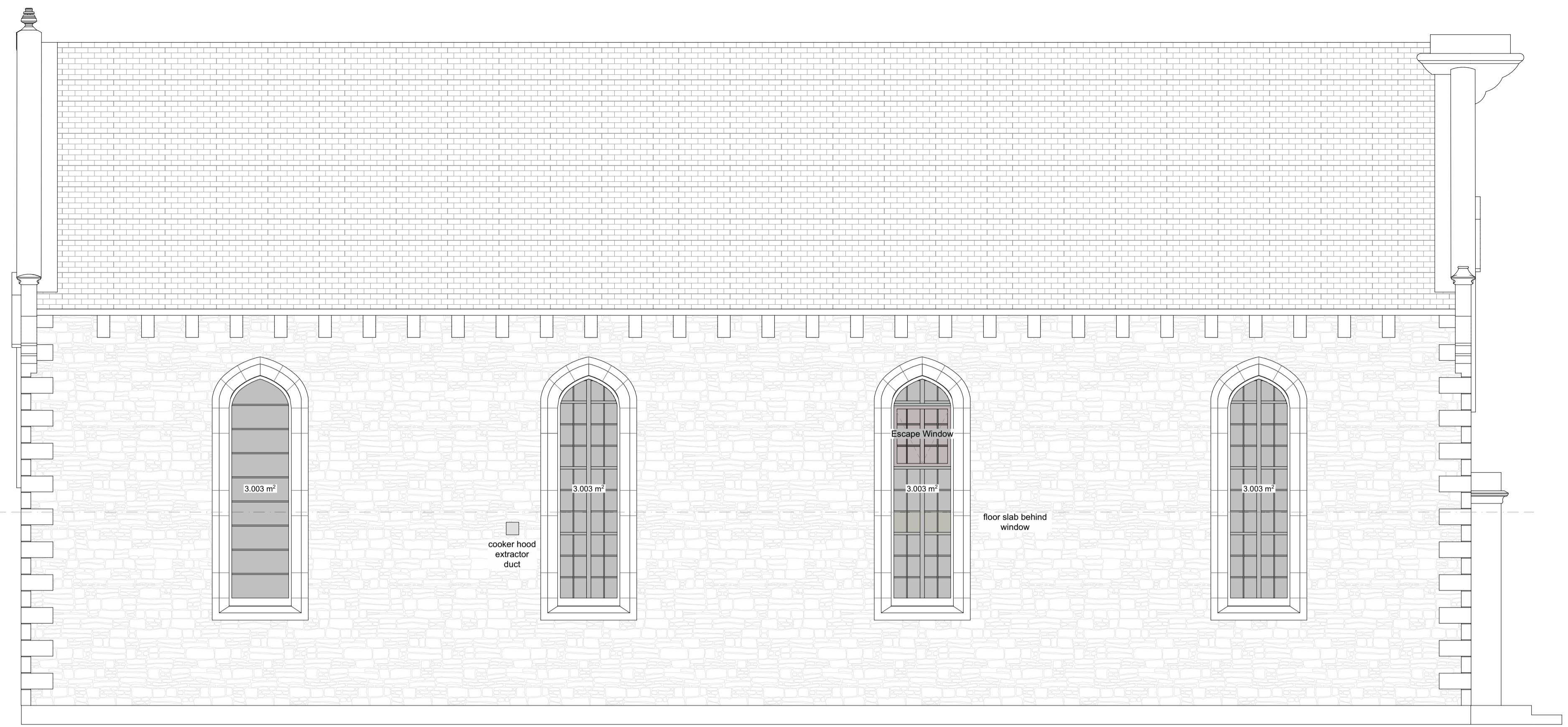
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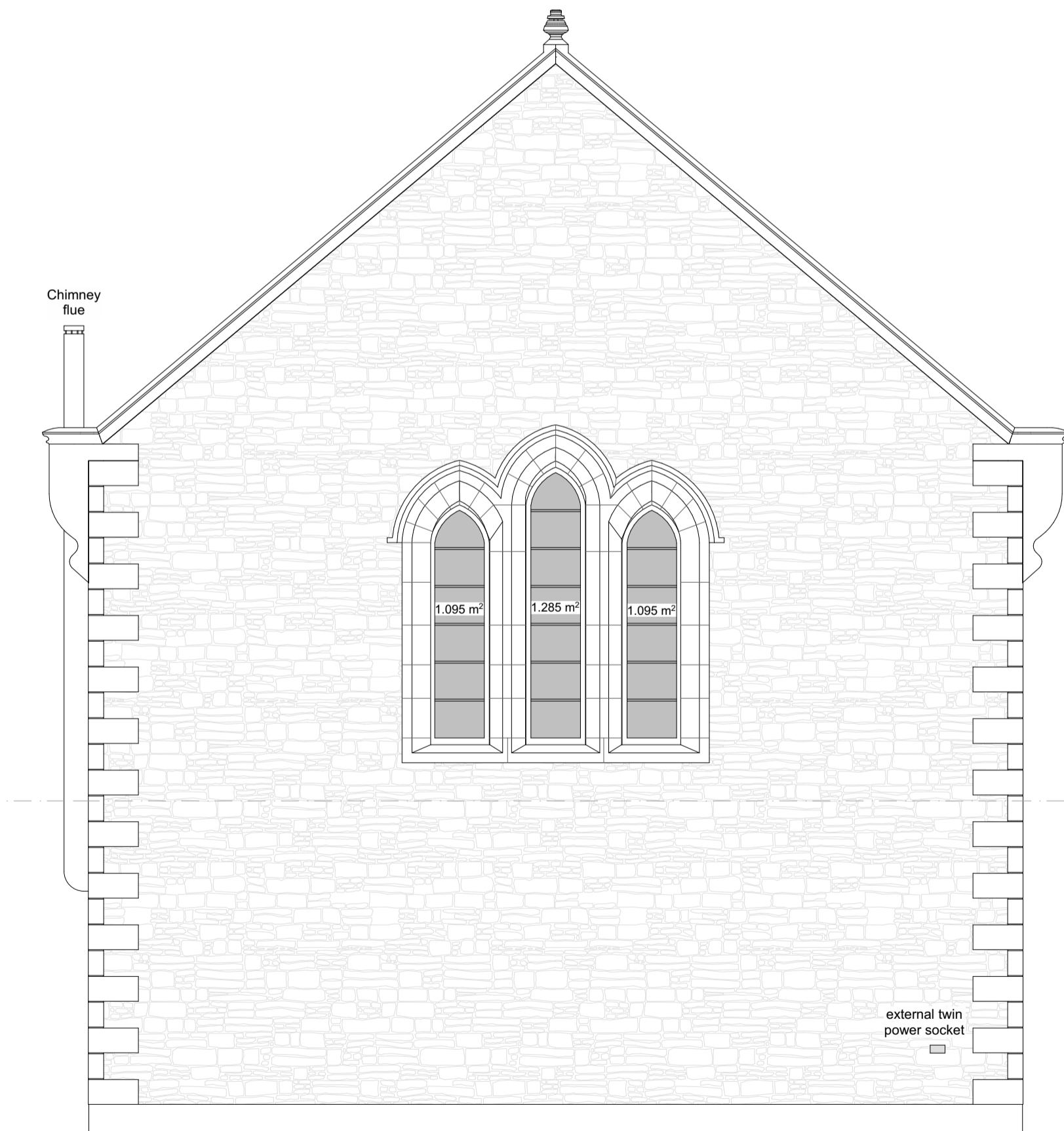




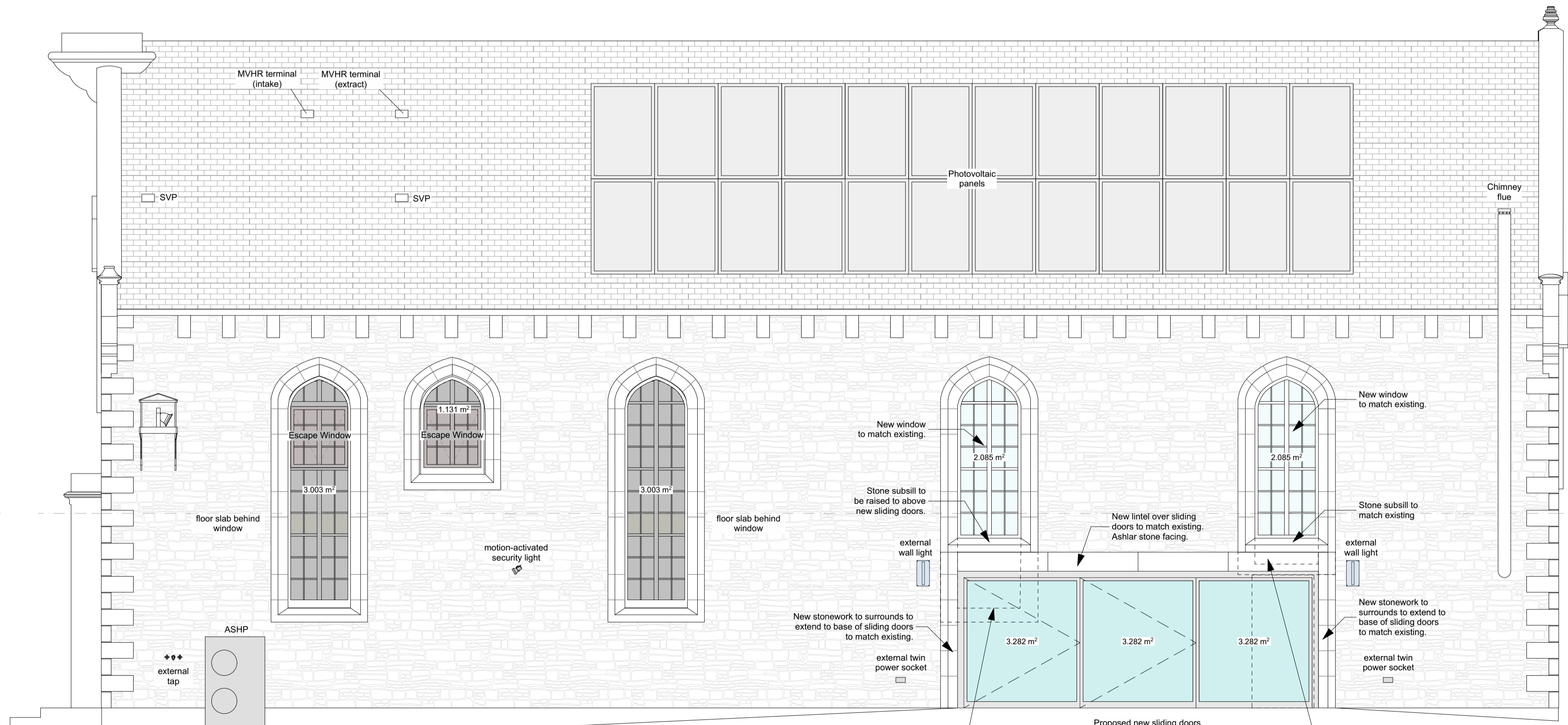
Proposed West Elevation 1:50



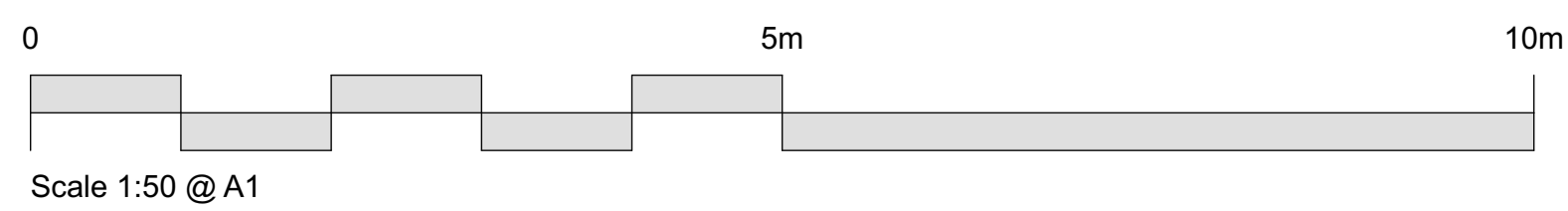
Proposed North Elevation 1:50



Proposed West Elevation 1:50



Proposed South Elevation 1:50



Fenestration Areas:			
	Existing	Proposed	Change
North Elevation	12.0 m <sup>2</sup>	12.0 m <sup>2</sup>	No change
East Elevation	3.5 m <sup>2</sup>	3.5 m <sup>2</sup>	No change
South Elevation	12.6 m <sup>2</sup>	21.2 m <sup>2</sup>	+ 8.6 m <sup>2</sup>

Alterations:  
 - Left window reduced from 3.0 m<sup>2</sup> to 2.1 m<sup>2</sup>  
 - Right window reduced from 2.5 m<sup>2</sup> to 2.1 m<sup>2</sup>  
 - Solid door replaced with wider glazed sliding doors total 9.8 m<sup>2</sup>.

	Existing	Proposed	Change
West Elevation	3.5 m <sup>2</sup>	3.5 m <sup>2</sup>	No change

B - Addition of rear sliding doors at Ground floor with existing window opening sill height raised with new windows. Stonework, where new, to match existing. 06.09.23 - SHG

Do not scale. All dimensions to be checked on site prior to commencement of work.

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PLANNING APPLICATION

JOB TITLE  
**Westruther Church for Mr. & Mrs. G. Wright**

DRAWING TITLE  
**Proposed Elevations**

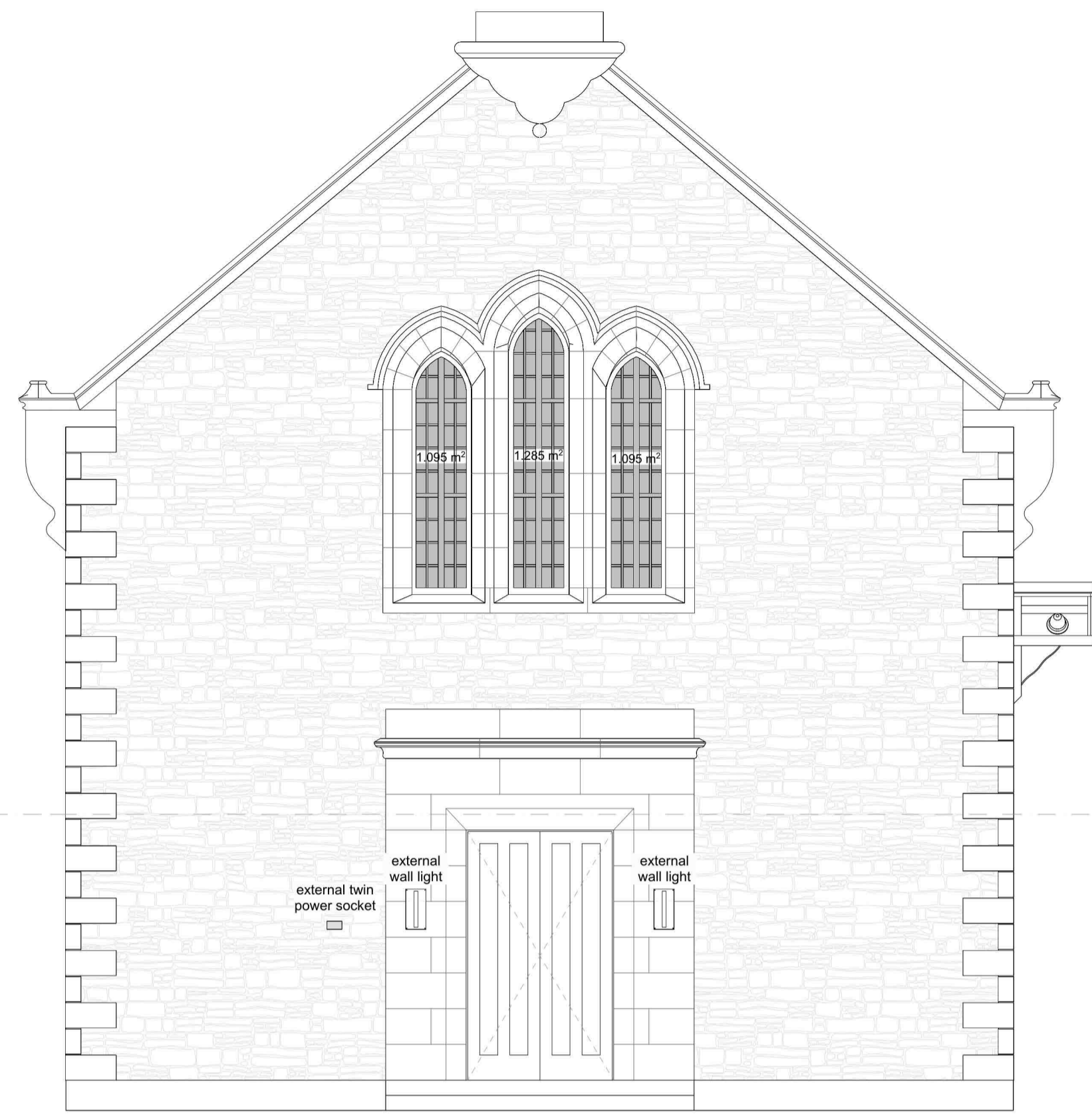
SCALE: 1:50 DATE: 28.09.22  
 DRAWN BY: CF CHECKED BY: JJ  
 DRAWING NO: REV:

**3638\_P\_500\_B**

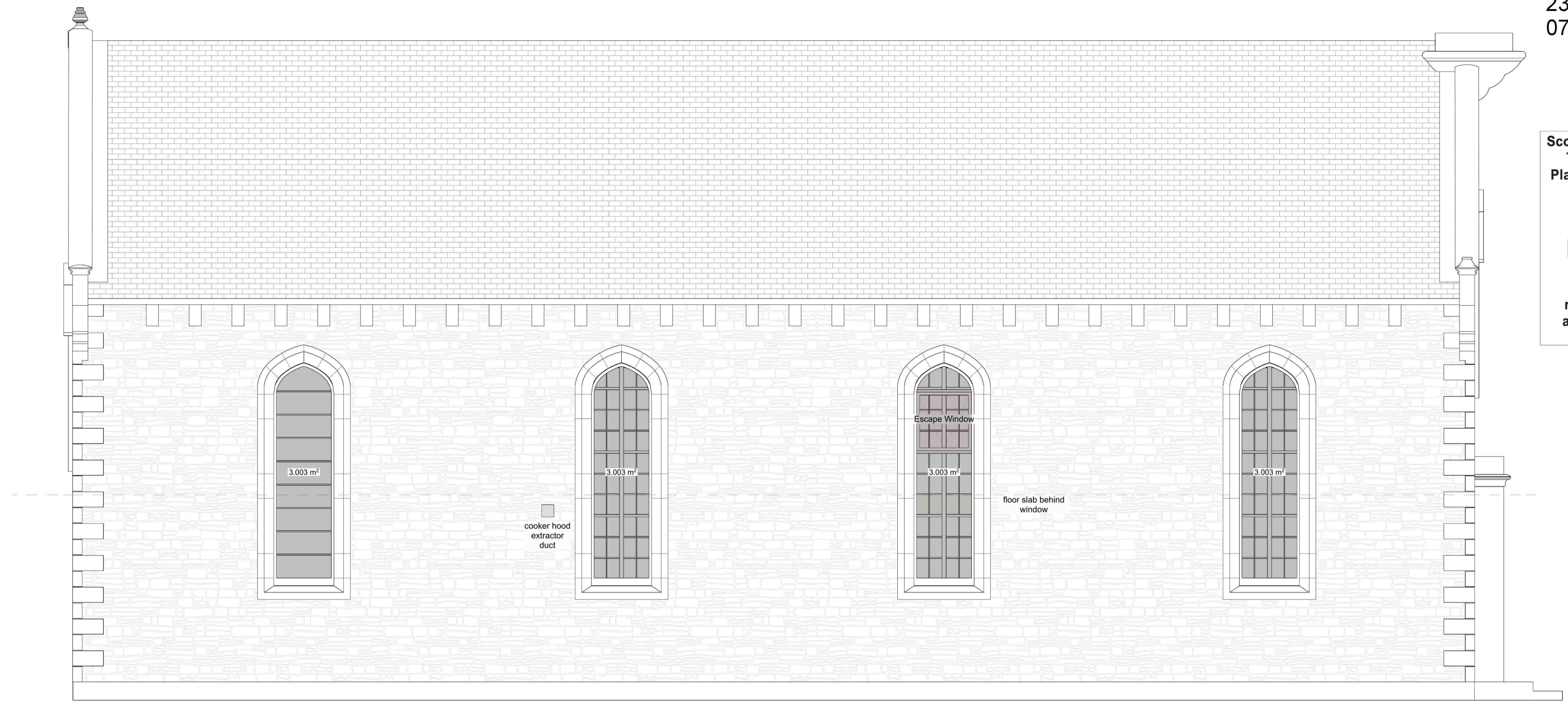
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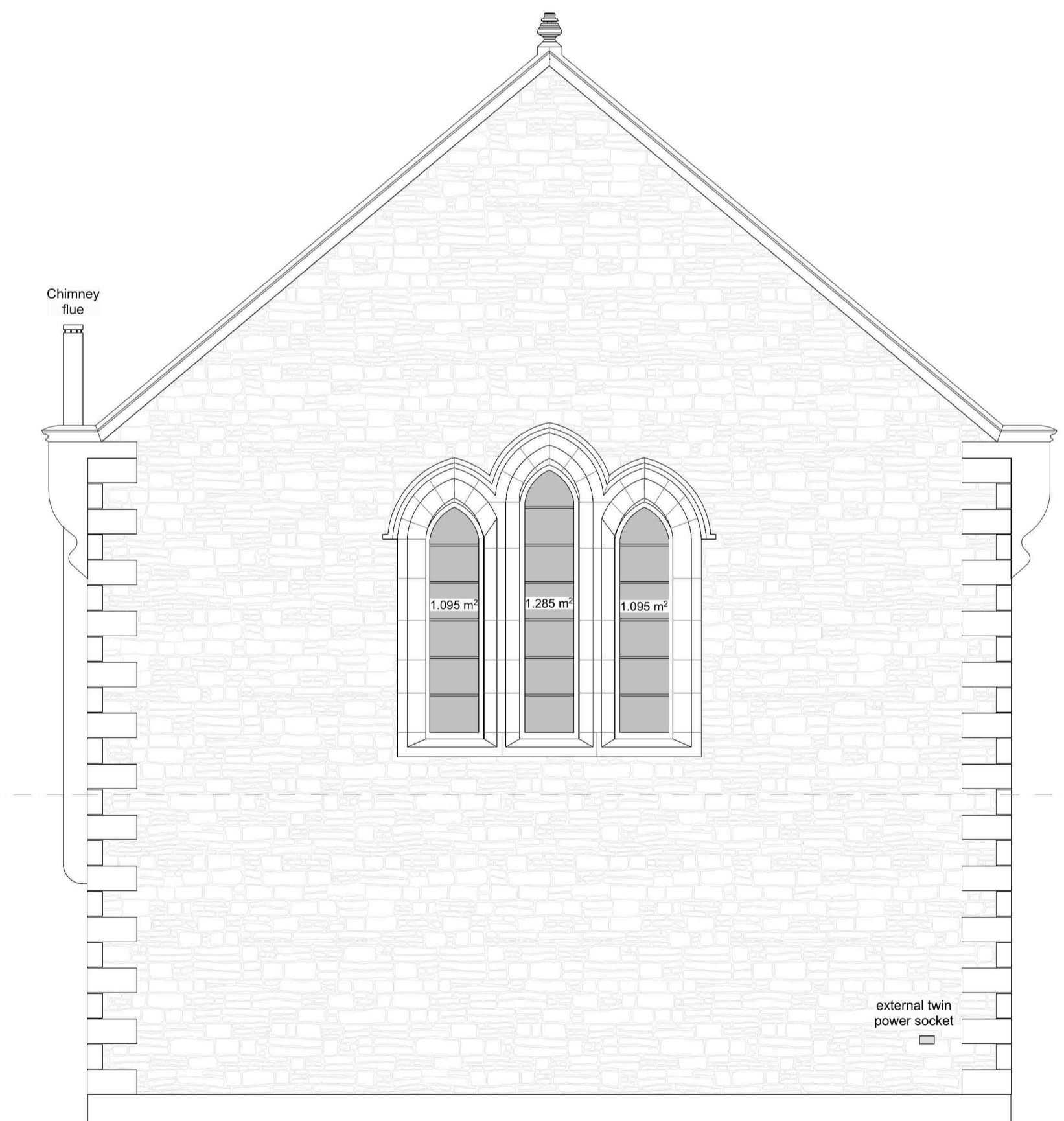
subject to the  
requirements of the  
associated Decision  
Notice



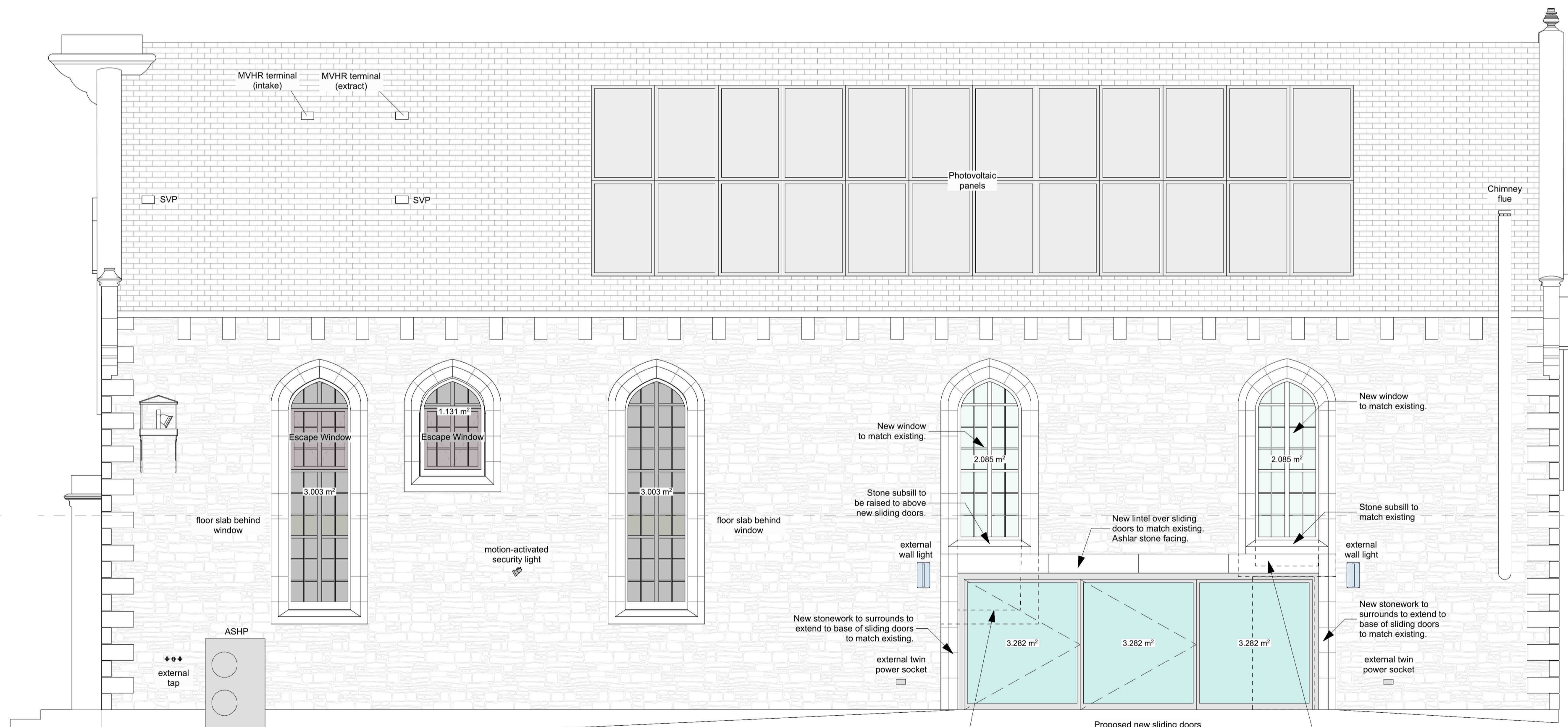
Proposed West Elevation 1:50



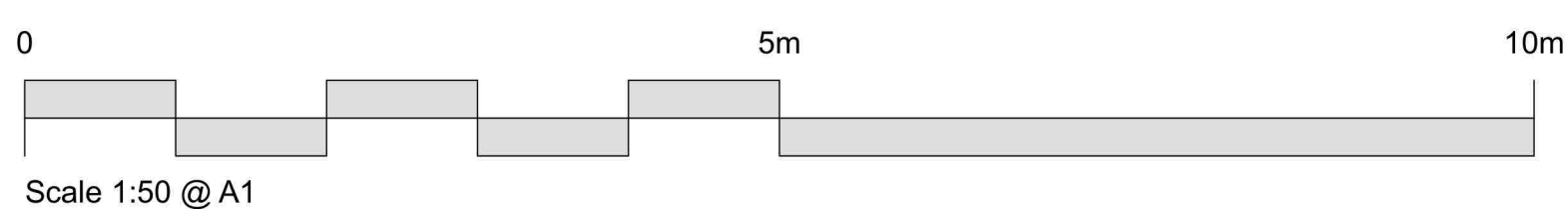
Proposed North Elevation 1:50



Proposed West Elevation 1:50



Proposed South Elevation 1:50



	Existing	Proposed	Change
<b>North Elevation</b>	12.0 m <sup>2</sup>	12.0 m <sup>2</sup>	No change
<b>East Elevation</b>	3.5 m <sup>2</sup>	3.5 m <sup>2</sup>	No change
<b>South Elevation</b>	12.6 m <sup>2</sup>	21.2 m <sup>2</sup>	+ 8.6 m <sup>2</sup>
<b>West Elevation</b>	3.5 m <sup>2</sup>	3.5 m <sup>2</sup>	No change

Alterations:  
 - Left window reduced from 3.0 m<sup>2</sup> to 2.1 m<sup>2</sup>  
 - Right window reduced from 2.5 m<sup>2</sup> to 2.1 m<sup>2</sup>  
 - Solid door replaced with wider glazed sliding doors total 9.8 m<sup>2</sup>.

B - Addition of rear sliding doors at Ground floor with existing window opening sill height raised with new windows. Stonework, where new, to match existing. 06.09.23 - SHG

Do not scale. All dimensions to be checked on site prior to commencement of work.

**Jewitt and Wilkie architects**

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**PLANNING APPLICATION**

Agenda Item 7b

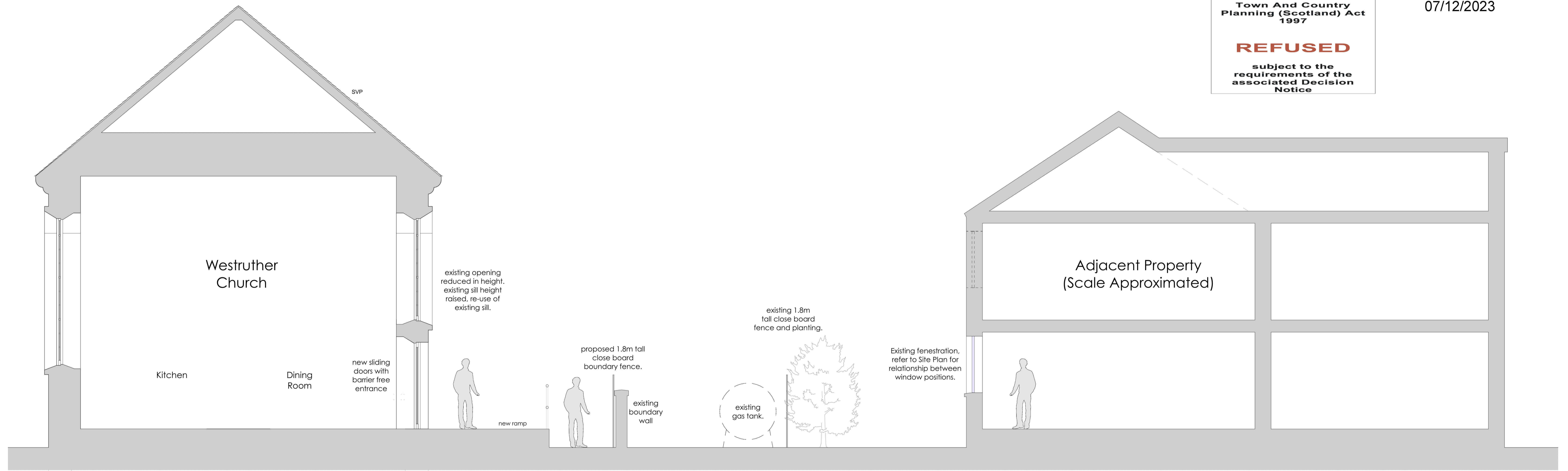
JOB TITLE  
**Westruther Church for Mr. & Mrs. G. Wright**

DRAWING TITLE  
**Proposed Elevations**

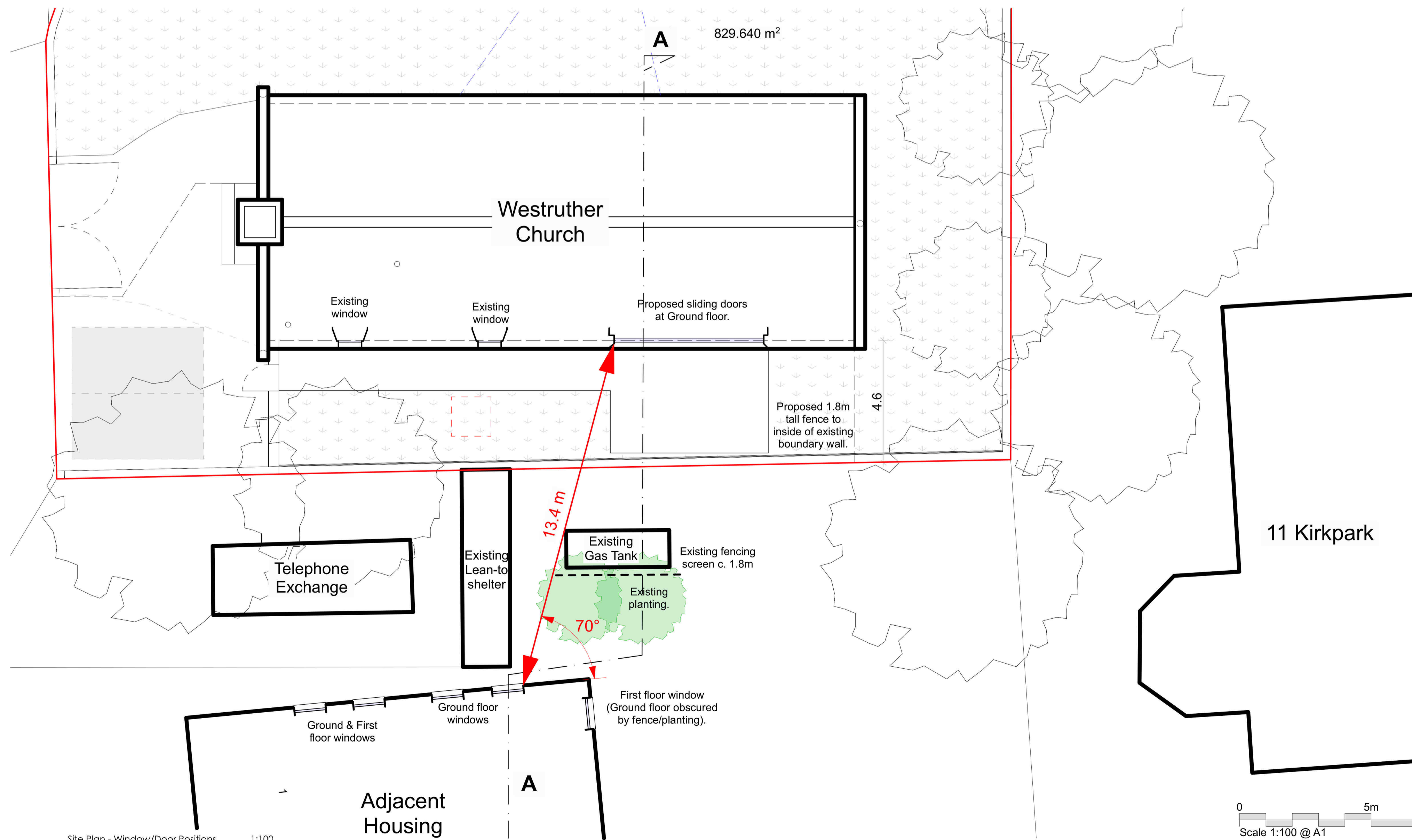
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 DRAWING NO: REV:

**3638\_P\_500\_B**

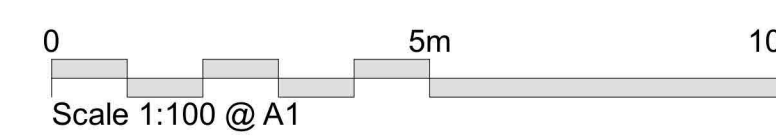
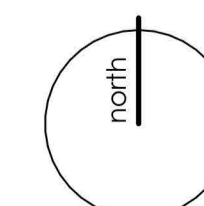
**REFUSED**  
subject to the  
requirements of the  
associated Decision  
Notice



Long Section A-A Proposed Section with Adjoining Property 1:50



View over boundary wall.  
Note obstructions - existing gas tank, trees and fencing screen.



REVISIONS

Do not scale. All dimensions to be checked on site prior to commencement of work.

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JOB TITLE  
**Westruther Church**  
for  
**Mr. & Mrs. G. Wright**

DRAWING TITLE  
**Proposed Contextual Plan & Section**

SCALE: 1:50, 1:100 DATE: 06.09.23  
DRAWN BY: SHG CHECKED BY: JJ  
DRAWING NO: REV:

**3638\_P\_401**

PLANNING APPLICATION

**REFUSED**

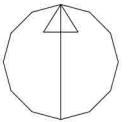
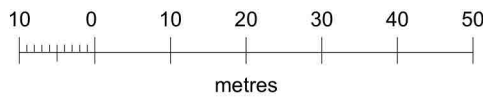
subject to the  
requirements of the  
associated Decision  
Notice

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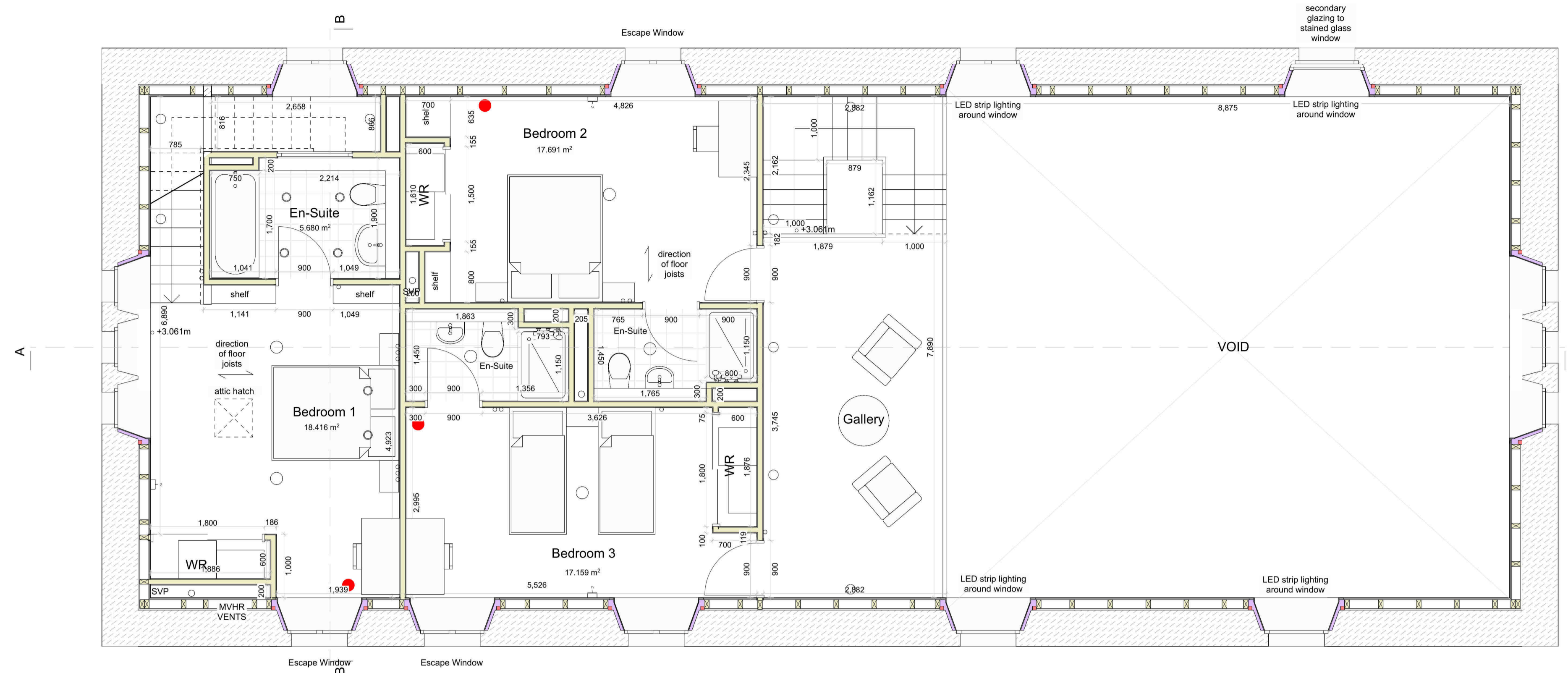


DRAWING TITLE	<p><b>Jewitt and Wilkie</b> architects</p> <p>38 New City Road Glasgow - G4 9JT 0141 352 6929</p> <p>info@jawarchitects.co.uk www.jawarchitects.co.uk</p>		<p>Do not scale. All dimensions to be checked on site prior to commencement of work</p> <p>SCALE: 1:1000      DATE: 28.09.22</p>
Location Plan			<p>DRAWN BY: CF      CHECKED BY: JJ</p>
<p>JOB TITLE</p> <p>Westruther Church for Mr. &amp; Mrs. G. Wright</p>	<p>Page 341</p>	<p>DRAWING NO:      REV:</p> <p><b>3638_L_100</b></p>	

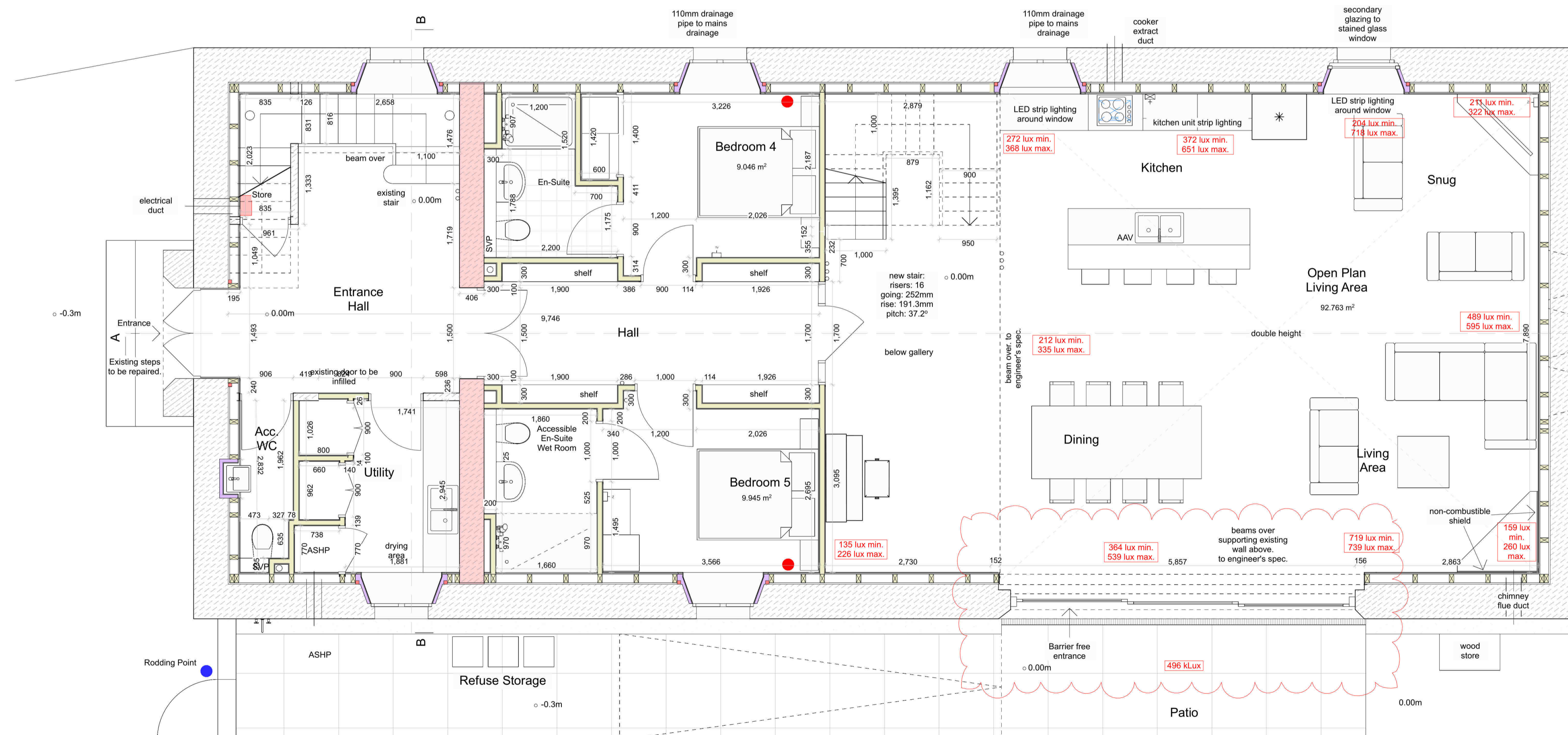
**Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997**

**REFUSED**

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

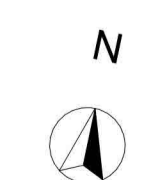
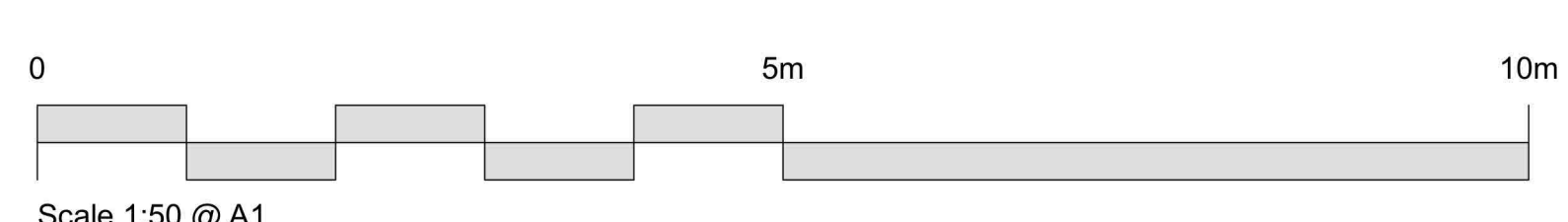


1. Proposed First Floor 1:50



**Key**  
... lux min. Min. and max. light meter readings (in lux) as taken at noon, 05/09/2023  
... lux max.

0. Proposed Ground Floor 1:50



Total Internal Area : 282.835 m²

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**PLANNING APPLICATION**

JOB TITLE  
**Westruther Church  
for  
Mr. & Mrs. G. Wright**

DRAWING TITLE  
**Proposed Floor Plans**

SCALE: 1:50 DATE: 28.09.22  
DRAWN BY: CF CHECKED BY: JJ  
DRAWING NO: REV:  
**3638\_P\_300\_A**



Mr Graeme Wright  
per Jewitt And Wilkie Architects  
Dundas Court  
38 New City Road  
Glasgow  
G4 9JT

**Please ask for:** Cameron Kirk  
☎ 01835 825253  
**Our Ref:** 22/01508/FUL  
**Your Ref:**  
**E-Mail:** cameron.kirk@scotborders.gov.uk  
**Date:** 3rd February 2023

Dear Sir/Madam

**PLANNING APPLICATION AT Westruther Parish Church Westruther Scottish Borders**

**PROPOSED DEVELOPMENT:** Change of use of church and alterations to form dwellinghouse

**APPLICANT:** Mr Graeme Wright

Please find attached the decision notice for the above application.

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 22/01508/FUL**

**To : Mr Graeme Wright per Jewitt And Wilkie Architects Dundas Court 38 New City Road Glasgow  
G4 9JT**

With reference to your application validated on **5th October 2022** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Change of use of church and alterations to form dwellinghouse**

**at : Westruther Parish Church Westruther Scottish Borders**

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 3rd February 2023  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**



**APPLICATION REFERENCE : 22/01508/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
3638_L_100	Location Plan	Approved
3638_P_201	Proposed Site Plan	Approved
3638_P_200	Proposed Block Plan	Approved
3638_P_300_A	Proposed Plans	Approved
3638_P_500_A	Proposed Elevations	Approved
3638_P_301	Proposed Roof Plan	Approved

**REASON FOR DECISION**

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

**SCHEDULE OF CONDITIONS**

- 1 The development hereby permitted shall 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.
  
- 2 Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.  
The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-
  - a. A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.  
and thereafter
  - b. Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
  - c. Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
  - d. Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
  - e. Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

- 3 The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply, unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.
- 4 Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means, unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.
- 5 The dwellinghouse hereby approved shall not be occupied unless parking for two vehicles, excluding any garages, has been provided within the curtilage of the dwellinghouse. Thereafter, the parking provision provided shall be permanently retained and maintained as such.  
Reason: To ensure the dwellinghouse is served by adequate parking at all times.
- 6 The proposed chimney flue to be installed to the south elevation, as shown on the approved drawing (drawing no. 3638\_P\_500\_A, dated 28/09/2022) shall be black in colour and non-reflective, unless otherwise agreed in writing by the Planning Authority.  
Reason: In the interests of the appearance of the development and the visual amenities of the area.
- 7 Any noise emitted by the air source heat pump will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from the air source heat pump should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.  
Reason: To protect the residential amenity of nearby properties.

#### **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:**

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> 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](mailto: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 <https://www.sgn.co.uk/damage-prevention>

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.

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

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

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 22/01508/FUL  
**APPLICANT :** Mr Graeme Wright  
**AGENT :** Jewitt And Wilkie Architects  
**DEVELOPMENT :** Change of use of church and alterations to form dwellinghouse  
**LOCATION:** Westruther Parish Church  
Westruther  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
3638_L_100	Location Plan	Approved
3638_P_201	Proposed Site Plan	Approved
3638_P_200	Proposed Block Plan	Approved
3638_P_300_A	Proposed Plans	Approved
3638_P_500_A	Proposed Elevations	Approved
3638_P_301	Proposed Roof Plan	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations have been received.

Consultations

Access Officer: No response received at the time of writing this report.

Archaeology Officer: No objection. They advise that the church and churchyard is of limited archaeological interest. No archaeological conditions or informatives are thought necessary.

Community Council: No response received at the time of writing this report.

Contaminated Land Officer: No objection. The planning application appears relates to the conversion of a church to a dwellinghouse. There is previous imagery indicating the presence of a possible boiler house to the north elevation. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. They recommend that a condition be attached should permission be granted.

Education and Lifelong Learning: No response received at the time of writing this report.

Roads Planning Service: No objection. The application site has space available within it for parking and there is also access to on-street parking at the front of the church.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016

PMD1: Sustainability  
PMD2: Quality Standards  
PMD5: Infill Development  
HD3: Protection of Residential Amenity  
EP8: Archaeology  
EP13: Trees, Woodlands and Hedgerows  
IS2: Developer Contributions  
IS5: Protection of Access Routes  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage  
IS13: Contaminated Land

Supplementary Planning Guidance

Contaminated Land Inspection Strategy 2001  
Developer Contributions 2011 (updated 2022)  
Placemaking and Design 2010  
Householder Development (Privacy and Sunlight) 2006  
Trees and Development 2008 (updated 2020)  
Waste Management 2015

**Recommendation by** - Cameron Kirk (Assistant Planning Officer) on 2nd February 2023

Site description

The application relates to Westruther Parish Church, which is located within the settlement of Westruther. The church is vacant after it was closed by the Church of Scotland due to a declining congregation. The church dates back to 1838 and it has been altered over the years. The building is of traditional stone and slate construction. It has a churchyard to all sides. There are trees to the east and south boundaries of the application site.

Proposed development

Planning permission is sought to convert the church to a dwellinghouse. The proposed development would include some alterations to the south elevation of the building, such as, a new flue to serve the proposed stove, replacing the existing timber door with a glazed door, the installation of an air source heat pump and the installation of soil vent pipes and PV panels to the roof plane.

The existing gates to the churchyard would be utilised and they would provide vehicular access to a new parking area to be formed to the south west corner of the application site, which would provide parking for two vehicles.

The proposed development would be connected to the public water supply and public drainage network.

Relevant planning history

There is no recent planning history for the application site.

Assessment

Principle

The application site lies within the development boundary for the settlement of Westruther. In order to establish the principle of development it must be assessed against Policy PMD5. Policy PMD5 states development on non-allocated, infill and windfall sites, including the re-use of buildings within development boundaries as shown on the proposal maps will be approved where the criteria outlined in Policy PMD5 is satisfied.

The proposed development is for the conversion of Westruther Parish Church to a dwellinghouse. The church is vacant after it was closed by the Church of Scotland due to a declining congregation. The immediate area characterised predominantly by residential properties. The proposed development would not conflict with the established land use of the area. The proposed development is not considered to lead to over development or "town and village cramming". The proposal would provide a viable use for the building that would secure its future and stop it from falling into a state of disrepair.

In light of the above, it is considered that the proposed development complies with the relevant criteria outlined in Policy PMD5, subject to further policy considerations below.

#### Layout, design and materials

Policy PMD2 aims to ensure that all new development is of a high quality and respects the environment in which it is contained. The proposed development, for the most part, would retain the character and appearance of the exterior of the church.

Some alterations are proposed to the south elevation of the building which includes a new flue to serve the proposed stove, replacing the existing timber door with a glazed door, the installation of an air source heat pump and the installation of soil vent pipes and PV panels to the roof plane. It would be most appropriate for the flue to be black in colour to ensure that it does not attract undue attention.

The south elevation not readily visible from the street scene and the alterations proposed are fairly minor in scale and they would not appear overly conspicuous. Overall, the proposed development would be of an appropriate scale, character and appearance which would relate well to the existing building and the surrounding context.

#### Residential amenity

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity and privacy. An air source heat pump would be installed to the south elevation of the building. This has the potential to generate a degree of noise, although it is not thought that it would have a significant adverse impact on the neighbouring properties. It would be prudent to attach a noise condition to safeguard the amenity of neighbouring residential properties.

Overall, the proposed development would not have a significant adverse impact upon the amenity or privacy to neighbouring residential properties.

#### Services

The proposed development would be connected to the public water supply and public drainage network which is appropriate as the application site lies within the settlement of Westruther.

#### Contaminated land

The Council's Contaminated Land Officer was consulted on the application. They advise that there is previous imagery indicating the presence of a possible boiler house to the north elevation of the church. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. They recommend that a condition be attached should permission be granted.

#### Access and parking

The existing gates to the churchyard would be utilised and they would provide vehicular access to a new parking area to be formed to the south west corner of the application site. Parking for two vehicles would be provided within the application site.

Roads Planning Service was consulted on the application. They raise no concerns regarding the proposed arrangement.

#### Trees

There are some trees located within and adjacent to the east and south boundaries of the application site. Most of the trees would be retained as part of the proposal. A mature yew tree to the south west corner of the application site would be felled as it has suffered from years of neglect and its roots are impacting upon structural integrity of the boundary wall. The loss of this tree can be accepted considering its condition and the impact it is having on the boundary wall.

#### Waste

An area for refuse storage would be created to the south elevation of the building. The location identified is acceptable.

#### Archaeology

The Council's Archaeology Officer was consulted on the application. They advise that the church and churchyard is of limited archaeological interest. Therefore, no archaeological conditions or informatives are thought necessary.

#### Developer contributions

Policy IS2 aims to ensure that the cost of new or additional infrastructure required for new development is met by the developer. Developer contributions are sought towards education and lifelong learning, specifically Westruther Primary School and Earlston High School. The applicants have agreed to enter into a Section 69 Legal Agreement to secure the developer contributions sought by the Council.

#### Access routes

A core path (council ref no. GOWE/80R/4) is located on the public road to the north of the application site. The proposed development would not inhibit the use of this core path.

#### Conclusion

In consideration of the above, the proposed development is considered to comply with the relevant policies contained within the Scottish Borders Local Development Plan 2016. It is recommended that the application be granted.

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

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

#### **Recommendation:** Approved - conditions & Legal Agreement

- 1 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.



- 2 Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.
- The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-
- a. A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.
  - and thereafter
  - b. Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
  - c. Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
  - d. Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
  - e. Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.
- Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.
- Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.
- 3 The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply, unless otherwise agreed in writing by the Planning Authority.
- Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.
- 4 Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means, unless otherwise agreed in writing by the Planning Authority.
- Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.
- 5 The dwellinghouse hereby approved shall not be occupied unless parking for two vehicles, excluding any garages, has been provided within the curtilage of the dwellinghouse. Thereafter, the parking provision provided shall be permanently retained and maintained as such.
- Reason: To ensure the dwellinghouse is served by adequate parking at all times.
- 6 The proposed chimney flue to be installed to the south elevation, as shown on the approved drawing (drawing no. 3638\_P\_500\_A, dated 28/09/2022) shall be black in colour and non-reflective, unless otherwise agreed in writing by the Planning Authority.
- Reason: In the interests of the appearance of the development and the visual amenities of the area.
- 7 Any noise emitted by the air source heat pump will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from the air source heat pump should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: To protect the residential amenity of nearby properties.

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



## **Local Review Body – List of Policies** **15<sup>th</sup> April 2024**

**Local Review Reference:** 24/00007/RREF

**Planning Application Reference:** 23/01381/FUL

**Development Proposal:** Change of use of church and alterations to form dwellinghouse (revision to planning permission 22/01508/FUL)

**Location:** Westruther Parish Church, Westruther

**Applicant:** Mr Graeme Wright

### **National Planning Framework 4**

Policy 1: Tackling the climate and nature crises  
Policy 2: Climate mitigation and adaption  
Policy 6: Forestry, woodland and trees  
Policy 7: Historic assets and places  
Policy 9: Brownfield, vacant and derelict land and empty buildings  
Policy 13: Sustainable transport  
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 (LDP)**

PMD1: Sustainability  
PMD2: Quality Standards  
PMD5: Infill Development  
HD3: Protection of Residential Amenity  
EP8: Archaeology  
EP13: Trees, Woodlands and Hedgerows  
IS2: Developer Contributions  
IS5: Protection of Access Routes  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage  
IS13: Contaminated Land

### **Other Material Considerations:**

SBC Supplementary Planning Guidance on;

- Contaminated Land Inspection Strategy 2001
- Developer Contributions 2011 (updated 2023)
- Placemaking and Design 2010
- Householder Development (Privacy and Sunlight) 2006
- Trees and Development 2008 (updated 2020)
- Waste Management 2015

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Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100624045-003

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

### Applicant or Agent Details

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

Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ferguson Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Kieran"/>	Building Name:	<input type="text" value="First Floor"/>
Last Name: *	<input type="text" value="McFarlane"/>	Building Number:	<input type="text" value="38"/>
Telephone Number: *	<input type="text" value="01313858741"/>	Address 1 (Street): *	<input type="text" value="Thistle Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="EH2 1EN"/>
Email Address: *	<input type="text" value="kieran@fergusonplanning.co.uk"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="C/o agent"/>
First Name: *	<input type="text" value="Geoff"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Longstaff"/>	Address 1 (Street): *	<input type="text" value="C/o Agent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="C/o Agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="C/o Agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="kieran@fergusonplanning.co.uk"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="GARDEN HOUSE LINTHILL"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="MELROSE"/>
Post Code:	<input type="text" value="TD6 9HU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="626205"/>	Easting	<input type="text" value="354607"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Replacement roof to glasshouse

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please read Statement of Case and Design Statement.

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

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

CD1 Appeal Statement; CD2 Location Plan; CD3 Site Plan; CD4 Design Statement (Architectural Commentary); CD5 Extralight Shingle Roofing Sheet; CD6 Existing Roof Plan 1; CD7 Existing Roof Plan 2; CD8 Existing Roof Plan 3; CD9 Photo 1; CD10 Photo 2; CD11 Photo 3; CD12 Application Form 23/00647/FUL; CD13 Report of Handling 23/00647/FUL; CD14 Decision Notice 23/00647/FUL; CD15 Heritage and Design Consultation Response.

## Application Details

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

23/00647/FUL

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

25/04/2023

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

14/11/2023

## 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

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

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To understand the context of the Listed Building and its environment.

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

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

Yes  No

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

Yes  No

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

None.



## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## Declare – Notice of Review

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

Declaration Name: Mr Kieran McFarlane

Declaration Date: 13/02/2024

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## Proposal Details

Proposal Name	100624045
Proposal Description	Linthall walled garden glass house
Address	GARDEN HOUSE LINTHILL, MELROSE, TD6 9HU
Local Authority	Scottish Borders Council
Application Online Reference	100624045-003

## Application Status

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

## Attachment Details

Notice of Review	System	A4
CD2 Site Location Plan	Attached	A2
CD3 Site Plan	Attached	A2
CD5 Extralight Shingle Roofing Sheet	Attached	A4
CD7 Existing Roof Plan 2	Attached	A4
CD6 Existing Roof Plan 1	Attached	A4
CD8 Existing Roof Plan 3	Attached	A4
CD10 Photo 2	Attached	Not Applicable
CD9 Photo 1	Attached	Not Applicable
CD11 Photo 3	Attached	Not Applicable
CD12 Application Form	Attached	A4
23_00647_FUL		
CD1 LOCAL REVIEW STATEMENT	Attached	A4
CD4 Design Statement	Attached	A4
CD13 Report of Handling	Attached	A4
23_00647_FUL		
CD14 Decision Notice 23_00647_FUL	Attached	A4
CD15 Heritage and Design	Attached	A4
Consultation Response		
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0

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

GARDEN HOUSE, LINTHILL, MELROSE, SCOTTISH BORDERS

MR GEOFF LONGSTAFF

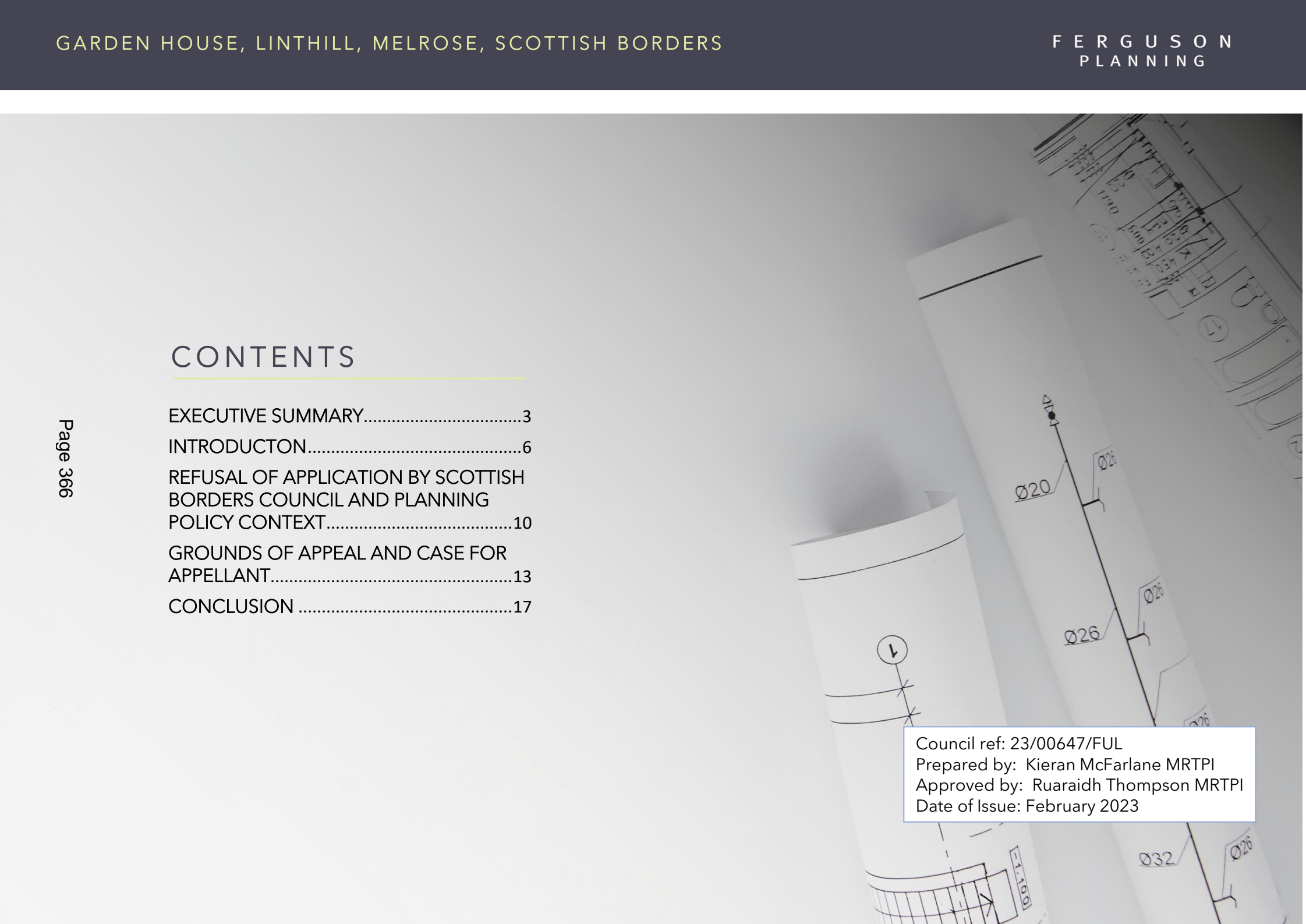
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FEBRUARY 2024

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Council ref: 23/00647/FUL  
Prepared by: Kieran McFarlane MRTPI  
Approved by: Ruairaidh Thompson MRTPI  
Date of Issue: February 2023

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

GARDEN HOUSE, LINTHILL, MELROSE  

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EXECUTIVE SUMMARY

## EXECUTIVE SUMMARY

This Statement is submitted on behalf of Mr Geoff Longstaff (the Appellant) against the decision by Scottish Borders Council to refuse Planning Permission for a replacement roof to the glass house at Garden House, Linthill, Melrose, Scottish Borders, TD6 9HU on 14<sup>th</sup> November 2023 (reference 23/00647/FUL). All Core Documents (CD) are referenced in Appendix 1.

The Appellant is seeking retrospective Listed Building Consent for the replacement roof on the glass house. The building subject to this appeal is a Category B Listed Building that sits within the walled garden at Linthill.

In 2019, the glass house was dismantled and reconstructed, with a link introduced to the adjacent dwelling, which is a more recent addition to the Walled Garden having received consent in 2008. This integrated the glass house as a habitable room of the dwelling. At the time of dismantlement, it was widely accepted that the original glass house was in a deteriorated condition and that the majority of the original, historic fabric was beyond repair. This resulted in the significant loss of the buildings original historic fabric, however the works to the glass house generally sought to match the detailing and character of the original. It has been accepted that Listed Building Consent was not required for these works.

During the course of the Application's determination, the following consultee responses were received from Council Officers and external consultees:

- Heritage and Design Officer - Objection
- Community Council - No reply

- Architectural Heritage Society of Scotland - No reply
- HES - No comments to make
- Scottish Civic Trust - No reply

### Reason for Refusal

One reason was cited for the refusal of the Application, this stated.

*"The proposed development does not preserve the special architectural and historic interest and therefore harms the significance of the listed building. The proposal fails to comply with Policy 7 of the National Planning Framework 4 and Policy EP7 of the Scottish Borders Local Development Plan 2016."*

It is the position of the Appellant, as set out within this statement that in combination of the addition of the contemporary dwelling within the Walled Garden, and loss of the historic fabric of the glass house, this has resulted in a detrimental impact on the significance of the glass house and Walled Garden itself. While special architectural and historic interest in the Listed Building remains, this is however in a limited scope as detailed within the Architectural Commentary Statement

Furthermore, as the glass house is now an integrated part of the dwelling, there is a need to ensure that conditions within the room are habitable and the building is resilient to current and future impacts of climate change. As such, a shingled roof is required on the building to improve heat retention and improved waterproofing.



It is considered that the proposed development is required to ensure a neglected historic building is brought back into a sustainable and productive use and is resilient to current and future impacts of climate change. It is also considered that the existing glass house has already been subject to loss of its historic fabric and experienced harm to its special architectural and historic interest. It is not considered that the introduction of a solid roof brings any further harm to the Listed Building than has already occurred.

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

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

GARDEN HOUSE, LINTHILL, MELROSE  
INTRODUCTON

## INTRODUCTION

- Page 371
- 1.1. This Statement supports an Appeal of the delegated decision by Scottish Borders Council to refuse to grant Planning Permission for a replacement roof on a glasshouse at Garden House, Linthill, Melrose, TD6 9HU.
  - 1.2. The building subject to this appeal is a Category B Listed Building that sits within the walled garden at Linthill.
  - 1.3. Under previous applications (07/01619/FUL and 07/01618/LBC) consent was obtained for the erection of a new dwelling adjacent to the original 19<sup>th</sup> century glasshouse which has now been implemented and is the residence of the Appellant. This dwelling is contemporary both through its material nature and form. It is clad in horizontal larch boarding with aluminum windows, the single storey structure with curved roof sits respectfully below the coping level of the walled garden to form a deferential yet contemporary intervention within the formal historic landscape.
  - 1.4. In 2019, the glass house was dismantled and reconstructed, with a link introduced to the new dwelling, integrating the glass house as a habitable room of the dwelling. At the time of dismantlement, it was widely accepted that the original glass house was in a deteriorated condition and that the majority of the original, historic fabric was beyond repair. This included excessive rot to the original timber structure and broken and fractured panes of glass. The Heritage and Design Officer makes reference to this in their response to the retrospective application (23/00647/FUL), noting that as the works to the glass house generally sought to match the detailing and character of the original, it was accepted that Listed Building Consent was not required for these works.
  - 1.5. The remainder of this Statement considers the buildings context and relevant planning policy, before evaluating the accordance of the appeal proposal with the National Planning Framework 4, the Local Development Plan and other material considerations.

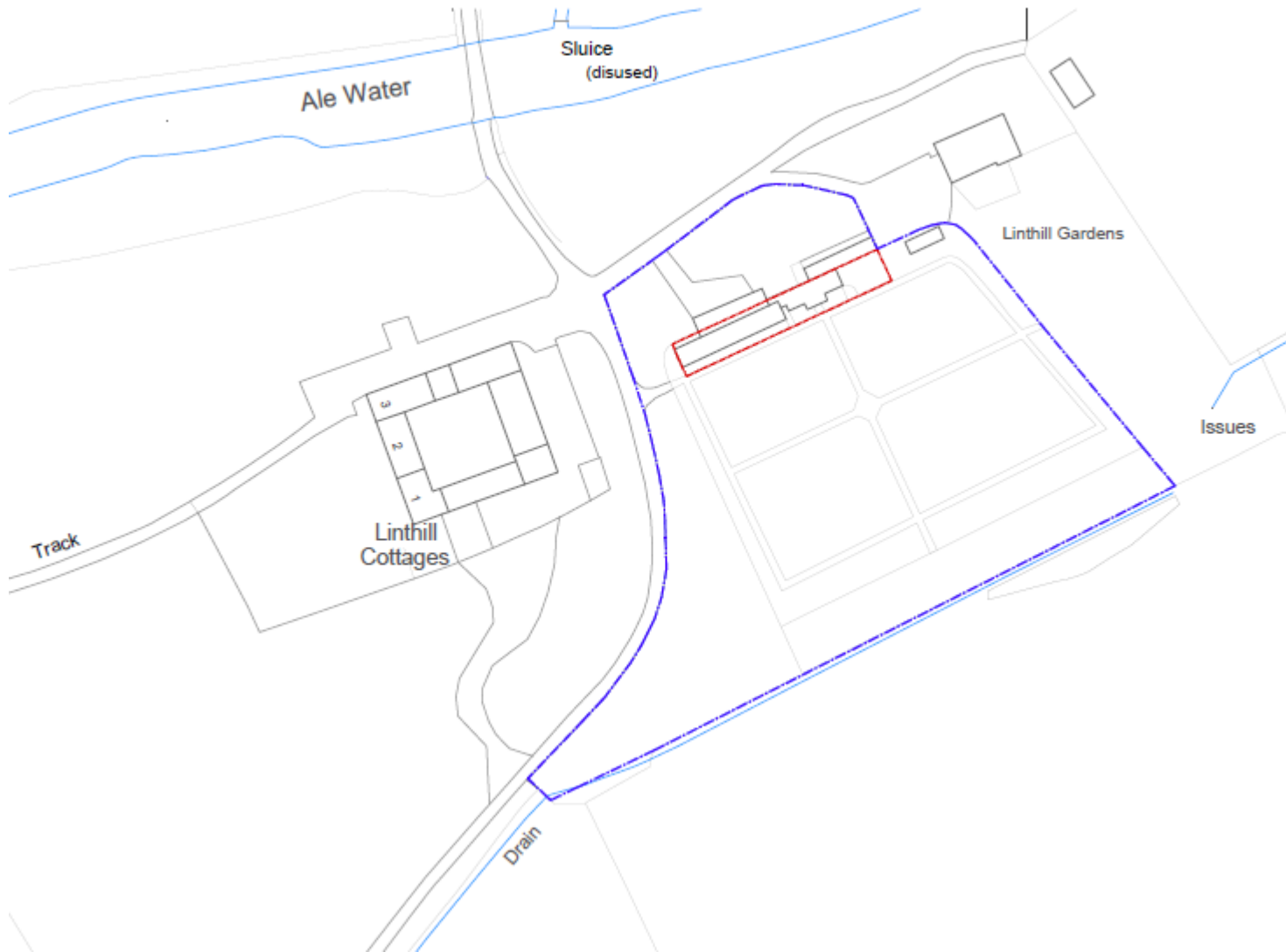


Fig 1: Extract from Site Location Plan

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Fig 2: Elevation Visual

GARDEN HOUSE, LINTHILL, MELROSE  
REFUSAL OF APPLICATION BY SCOTTISH  
BORDERS COUNCIL AND PLANNING  
POLICY CONTEXT

## REFUSAL OF APPLIATION BY COUNCIL AND PLANNING POLICY CONTEXT

- 2.1 An application for Planning Permission (23/00647/FUL) was refused on 14<sup>th</sup> November 2023. The Decision Notice (CD14) cited one reason for refusal, as set out below:

***“The proposed development does not preserve the special architectural and historic interest and therefore harms the significance of the listed building. The proposal fails to comply with Policy 7 of the National Planning Framework 4 and Policy EP7 of the Scottish Borders Local Development Plan 2016.”***

Local Development Plan

- 2.2 **Policy EP7** of the Scottish Borders Local Development Plan (SBLDP) details the circumstances in which proposals that affect Listed Buildings will be considered. The text of *Policy EP7* is copied below:

*“The Council will support development proposals that conserve, protect, and enhance the character, integrity and setting of Listed Buildings.*

*Internal or external alterations and extensions to Listed Buildings, or new developments within their curtilage, must meet the following criteria:*

- a) *Be of the highest quality,*
- b) *Respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design;*
- c) *Maintain, and should preferably enhance, the special architectural or historic quality of the building;*
- d) *Demonstrate an understanding of the building’s significance.*

*All applications for Listed Building Consent or applications affecting the setting of Listed Buildings will be required to be supported by Design Statements.*

*New development that adversely affects the setting of a Listed Building will not be permitted.*

*The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic social or practical reasons. It must be satisfactory demonstrated that every effort has been made to continue the present use or to find a suitable new use.”*

National Planning Framework 4

- 2.3 One of the six overarching spatial principles of NPF4 is to support conserving and recycling assets. This encourages the productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy.

- 2.4 **Policy 7: Historic assets and places** intent is to protect and enhance historic environment assets and places, and to enable positive changes as a catalyst for the regeneration of places. The relevant section (criterion c) of the policy is copied below:

*“Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.”*

- 2.5 These policies are the pertinent material consideration in the determination of the appeal proposal, as established within the reason for refusal within the Council's Decision Notice (CD9).



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

GARDEN HOUSE, LINTHILL, MELROSE  
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 as set out below. It is the submission of the Appellant that the proposal accords with the relevant adopted policy of National Planning Framework 4, the Local Development Plan and that there are no material considerations which justify the refusal of the application.

3.2 The application was refused on concerns solely related to the impact on the Listed Building, therefore the grounds of appeal will relate to the relevant policies as noted in the reason for refusal, which are:

- NPF4 Policy 7
- Scottish Borders LDP Policy EP7

3.3 During the course of the applications determination, the following consultee responses were received from Council Officers and external consultees:

- Heritage and Design Officer - Objection
- Community Council - No reply
- Architectural Heritage Society of Scotland - No reply
- HES - No comments to make
- Scottish Civic Trust - No reply

**3.4 Grounds of Appeal: The decision to refuse planning permission is challenged on the basis that:**

**“Limited special architectural and historic interest in the Listed Building remains, with this retained where possible. The proposed development is required to create habitable**

**conditions in the room and ensure it is resilient to current and future impacts of climate change.”**

3.5 The original glass house was largely dismantled and reconstructed (circa. 2019), with a link added to the dwelling resulting in the glass house forming part of the overall house. Given the works to the glass house generally sought to match the detailing and character of the original, it was acknowledged that Listed Building Consent was not required. This is accepted in the Heritage and Design Officers consultation response to the proposed development.

3.6 It is acknowledged by both the Appellant and the Council that during the recent reconstruction of the glass house, the original materials were in a condition beyond repair, this included excessive rot to the original timber and broken/fractured panes of glass, and ultimately the historic fabric could not be retained. Whilst it was required to remove the historic fabric at the time of the rebuild, the traditional detailing and overall character of the building were largely retained.

3.7 The existing glass house now forms part of the overall dwelling, connected via a link, forming a habitable room in the dwelling. Efforts were made to reuse salvaged materials where possible, this includes the existing base course and the presence of some historic bricks. The introduction of a solid roof is the matter of dispute, with the retrospective planning application refused on the view that it harms the significance of the Listed Building.

3.8 It must be acknowledged that the glass house subject to this appeal is effectively a contemporary construction and it should be conceded that the significance of the wider setting of the walled garden has effectively been reduced in part due to the erection of the dwelling and renovation of the glass house.

- 3.9 It should also be recognised that the integration of the once stand-alone glass house into the existing dwelling has diminished the autonomous nature of the building thus diminishing the importance and character of the building itself. Traditionally built as a lean-to structure within the walled garden with expressed gable ends, it must be recognised that the integration with the more recently constructed dwelling alters how the glass house sits and is perceived within the walled garden.
- 3.10 In addition, the challenges raised by the integration of the reconstructed glass house into the existing dwelling in terms of general maintenance and energy efficiency should be considered as a key matter in the assessment of the proposed development.
- 3.11 The installation of a shingled roof as opposed to the continuation of a glass roof is intended to improve the habitation conditions in the room and increase the energy efficiency of the dwelling as a whole. The shingled roof enhances the rooms capacity to retain heat, repels increased rainfall and mitigates energy loss. This is a large step towards adapting a historic structure to deal with environmental challenges, this is supported by NPF4 Policy 7 which sets out the aim that *“the historic environment is valued, protected and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change”*.
- 3.12 Effort has been made by the Appellant to retain the special architectural character and historic setting of the building where possible, while supporting a neglected historic building being brought back into a sustainable and productive use. This prevented further deterioration or damage to the Listed Building which could have resulted in its total loss. It is considered that the glass house could not have been successfully integrated with the dwelling if a glass roof was retained.

- 3.13 It is therefore that position of the Appellant that the special architectural and historic interest of the glass house has already been significantly reduced through the loss of its historic fabric and as effect of recent and necessary reconstruction works and integration of the once standalone building into the adjacent dwelling. Through the integration of the glass house as part of the dwelling it has become necessary to introduce a shingled roof to ensure the room can be habitable to residents. In line with the outcomes of NPF4 Policy 7, this has ensured a neglected historic building has been brought back into a sustainable and productive use, while ensuring that the historic asset is resilient to current and future impacts of climate change. It is considered that the proposal complies with NPF4 Policy 7.
- 3.14 Policy EP7 of the SBLDP sets out that alterations to Listed Buildings must maintain the special architectural or historic quality of the building. This Statement and the supporting Architectural Commentary Statement has detailed that due to recent repairs/alterations that were not required to obtain Listed Building Consent that the historic fabric and the independent character of the Listed Building were significantly lost. It is the Appellants case that the introduction of the shingled roof does not cause anymore **significant** harm to the Listed Building than has already occurred.
- 3.15 The Proposed Scottish Borders Local Development Plan was submitted to Scottish Ministers on 13<sup>th</sup> December as modified following Examination. Ministers are currently considering the documents and the Planning Authority may not adopt the Proposed LDP before Friday 8<sup>th</sup> March 2024. Given the advanced stage of the Proposed LDP and it’s proximity to adoption, the policies within this plan carry significant weight in the assessment of current proposals. Updated Policy EP7 in the Proposed Plan sets out that development may be acceptable where it is shown to be the only means of retaining a Listed Building and securing its long term future, this is also justified through the environmental benefit gained through ensuring the building as now part of the dwelling is resilient to the

impact of climate change. The proposal is considered to be in compliance with Policy EP7.

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

GARDEN HOUSE, LINTHILL, MELROSE  
CONCLUSION

## CONCLUSION

- 4.1 The Notice of Review, supported by this Statement, respectfully requests that the Council overturns the decision to refuse Planning Permission for Application 23/00647/FUL and grant consent for a replacement roof on the glasshouse at Garden House, Linthill, Melrose, TD6 9HU.
- 4.2 The building subject to this appeal is a Category B Listed Building that sits within the walled garden at Linthill. In 2019, the glass house was dismantled and reconstructed, with a link introduced, integrating the glass house as a habitable room of the existing dwelling, which is a more recent and contemporary addition in the Walled Garden.
- 4.3 At the time of dismantlement, it was widely accepted that the original glass house was in a deteriorated condition and that the majority of the original, historic fabric was beyond repair. The Heritage and Design Officer makes reference to this in their response to the retrospective application (23/00647/FUL), noting that as the works to the glass house generally sought to match the detailing and character of the original, it was accepted that Listed Building Consent was not required for these works.
- 4.4 It is considered that taking into account the addition of the contemporary dwelling within the Walled Garden, and loss of the historic fabric of the glass house, this has resulted in a detrimental impact on the significance of the glass house and Walled Garden itself. Special architectural and historic interest in the Listed Building remains, albeit moderately reduced, however this has been retained where possible through specific parts of reconstruction as detailed in the Architectural Commentary Statement and reuse of salvaged materials for the base course, the red ashlar is legible as are the presence of some historic bricks.

- 4.5 Furthermore, the integration of the glass house into the dwelling has altered the character of the once autonomous nature of the structure itself. As the glass house is now an integrated part of the dwelling, there is a need to ensure that conditions within the room are habitable and the building is resilient to current and future impacts of climate change. As such, a shingled roof is required on the building to improve heat retention and improved waterproofing.
- 4.6 It is considered that the proposed development is required to ensure a neglected historic building is brought back into a sustainable and productive use, that is resilient to current and future impacts of climate change. It is also considered that the existing glass house has already been subject to loss of its historic fabric and experienced harm to its special architectural and historic interest, whilst this has been retained/recreated where possible, it is not considered that the introduction of a shingled roof brings any further harm to the Listed Building. In addition, the proposed development is essential in order to create a resilient and future proofed building that brings a neglected historic building back into active use.
- 4.7 The proposed development is therefore considered to be in accordance with NPF4 Policy 7 and SBLDP Policy EP7. Members are respectfully requested to allow the appeal and Listed Building Consent.

---

## Appendix 1 - CORE DOCUMENTS

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

- Notice of Review Form;
- CD1 Appeal Statement;
- CD2 Location Plan;
- CD3 Site Plan;
- CD4 Design Statement (Architectural Commentary);
- CD5 Extralight Shingle Roofing Sheet;
- CD6 Existing Roof Plan 1
- CD7 Existing Roof Plan 2
- CD8 Existing Roof Plan 3
- CD9 Photo 1
- CD10 Photo 2
- CD11 Photo 3
- CD12 Application Form 23/00647/FUL
- CD13 Report of Handling 23/00647/FUL
- CD14 Decision Notice 23/00647/FUL
- CD15 Heritage and Design Consultation Response

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

## 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

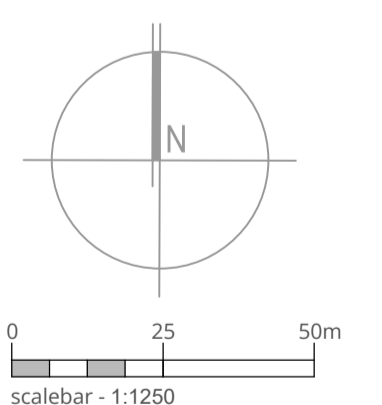
## NORTHERN IRELAND

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

M: 07960 003 358







CAMERONS  
STRACHAN  
YUILL  
ARCHITECTS

client:	On Behalf Of Ferguson Planning		
project:	THE GARDEN HOUSE, LINTHILL MELROSE TD6 9HU		
title:	Location Plan		
status:	PLANNING	drawn:	TT
scale:	1:1250	@ A2	date: APR'23
number:	10355-CSY-XX-XX-D-A-1301		
suitability:		rev:	

BERWICK	9 West Street	TD15 1AS	01289 541 173
DALKETH	98 High Street	EH22 1HZ	0131 663 9735
GALASHIELS	1 Wilderhaugh	TD1 1QJ	01896 753077

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Site Plan  
1:500

**CAMERONS  
STRACHAN  
YUILL  
ARCHITECTS**

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client: On Behalf Of Ferguson Planning

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project: THE GARDEN HOUSE, LINTHILL  
MELROSE TD6 9HU

---

title: Site Plan

---

status: PLANNING drawn: TT

---

scale: 1:500 @ A2 date: APR'23


---

number: 10355-CSY-XX-XX-D-A-1302

---

suitability: rev:

---

 BERWICK 9 West Street TD15 1AS 01289 541 173  
DALKEITH 98 High Street EH22 1HZ 0131 663 9735  
GALASHIELS 1 Wilderhaugh TD1 1QJ 01896 753077

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**Linthill Walled Garden, Lilliesleaf**  
Architectural Commentary  
10380-CSY-Z1-XX-RP-(21)-001



**CONTENTS**

**1.0 Introduction**

**2.0 Planning Context**

**3.0 Commentary on Current Condition**

## 1.0 INTRODUCTON

This document has been prepared on behalf of our client and appellant, Mr. Geoffrey Longstaff, in January 2024.

In outline, the purpose of this document is to form part of the planning appeal, as submitted by their agent, Ferguson Planning, to address the refusal of retrospective applications 23/00647/FUL and 23/00646/LBC, relating to the replacement roof of the reconstructed glass house within Linthill Walled Garden, Lilliesleaf.

This document will provide an architectural commentary on the as-built structure in relation to what would be considered acceptable in relation to the historic context of the walled garden, taking into account the previous comments of Scottish Borders Council's Conservation Officer.

## 2. 0 PLANNING CONTEXT

Listing is the process by which buildings of special architectural or historic interest are protected. The listing of buildings is undertaken by Historic Environment Scotland (HES). A listing applies to the whole of the building or structure named on the listing. Buildings are assigned to one of three categories depending upon their importance.

Buildings are listed because they are considered to have special architectural or historic interest, as set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Listed buildings are rightly provided with statutory protection through the planning system, to ensure that special character and interest are taken into account where changes are proposed.

Linthill Walled Garden is a Category B Listed. Forming part of the wider Linthill Estate, including the Steading, Bridge and Main House, it is considered to be of early 19<sup>th</sup> century origin, appearing in the 1859 Ordnance Survey Map of Roxburghshire as indicated in Fig. 01.

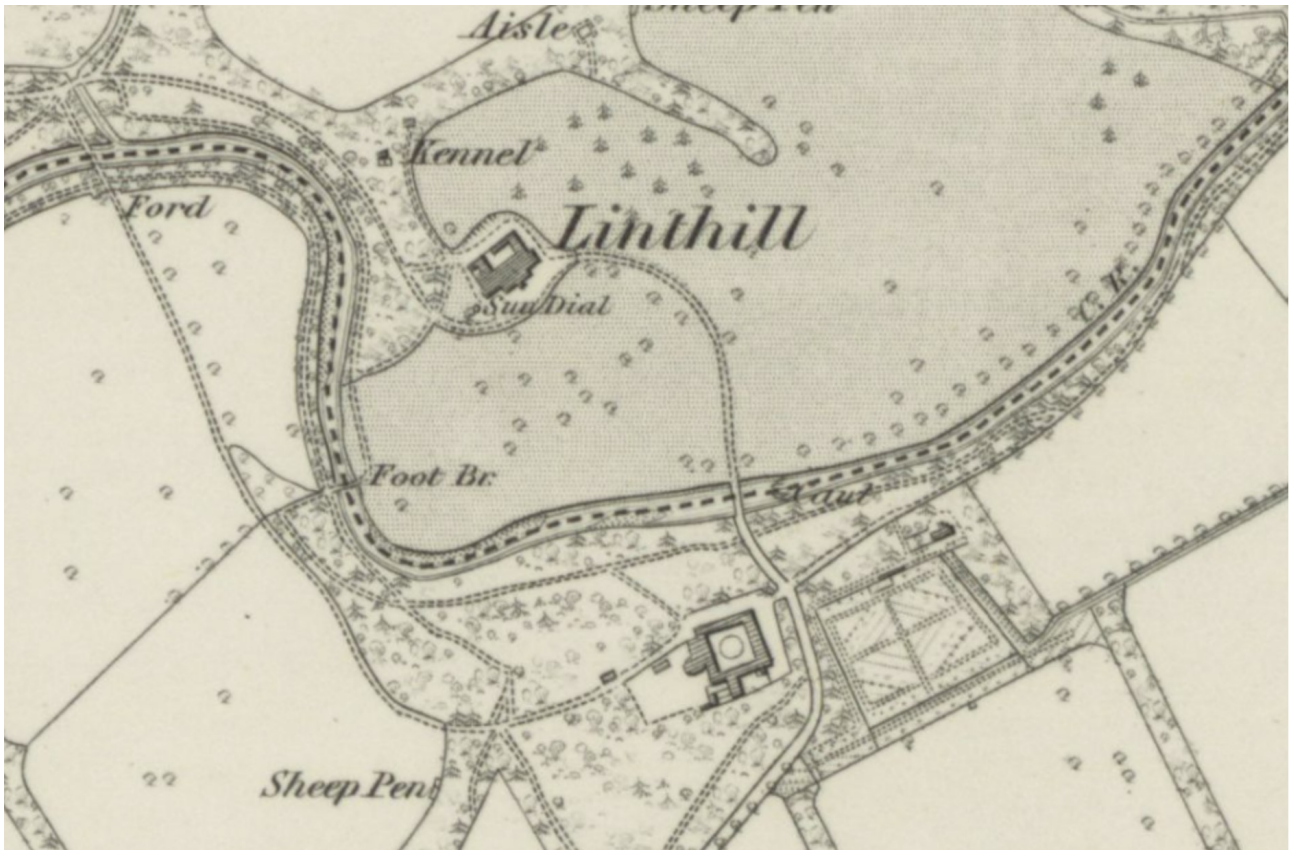


Fig. 01: Ordnance Survey Map of Roxburghshire, 1859



The walled garden is organized in an atypical rectangular plan and characterized by its flat-coped uncoursed rubble walls and red sandstone ashlar portico. A slate-roofed, uncoursed rubble lean-to is located to the north elevation, which also contains the remnants of circular flues.

Under application references 07/01619/FUL and 07/01618/LBC, planning approval and listed building consent were obtained for the erection of a new dwelling adjacent to the original 19<sup>th</sup> century glasshouse. This dwelling, now constructed, is contemporary both through its material nature and form. Clad in horizontal larch boarding with aluminum windows, the single storey structure with curved roof sits respectfully below the coping level of the walled garden to form a deferential yet contemporary intervention within the formal historic landscape.

In 2019, the original 19<sup>th</sup> century glass house was dismantled and reconstructed, and a link added to the new dwelling. At the time of dismantlement, it was widely accepted that the original glass house was in a parlous state and that the majority of the original, historic fabric was beyond repair. This included excessive rot to the original timber structure and broken and fractured panes of glass.

No record appears to exist of any consent required to undertake this work though the conservation officer does make reference to this in their response to the retrospective application 23/00646/LBC, noting that as the works to the glass house generally sought to match the detailing and character of the original, it was accepted that listed building consent was not required for these works.

An image of the original glass house, prior to development, is shown in Fig. 02. Constructed in a painted, timber frame on a brick and red ashlar plinth, the lean-to construction appears to be ventilated at the top with either clips or lead t-sections holding each of the glass panes in place. Whilst much of the detailing around the eaves and fascia is essentially utilitarian, a prominent finial can be seen on the far gable.



Fig.02: Original 19<sup>th</sup> century glasshouse

### 3.0 COMMENTARY ON CURRENT CONDITION

The existing glass house, reconstructed in 2019 and connected to the dwelling via a link, now forms part of the overall dwelling.



Fig 03. Reconstructed Glass House, circa 2019

To the appellant's credit, the existing base course appears to have been reconstructed using salvaged material, where possible. The red ashlar is legible, as are the presence of some historic bricks.

The detailing of the new vertical glazing is consistent with the historic glass house. As can be observed by comparing Figures 02 and 03, the utilitarian, structural joinery details, as would be expected of a building of this nature, such as corner posts and cills, have been largely replicated successfully. Furthermore, a clear effort has been made by the appellant to re-create the slim-profile mullions that give the original elevations such an elegant, vertical emphasis. These hold thin, single sheets of glass that are jointed horizontally using a similar traditional clip/ lead T-section detail as can be seen on the original.

Credit must be given to the appellant in relation to the effort, commissioning of craftsmanship and attention to detail that are evident within these specific parts of the reconstruction. Without such intervention, it is possible that the original glass house would have fallen into such a state of disrepair, whereby it would have to be taken down and, potentially, not reconstructed. Such a loss would have had a significant effect on the historic setting of the walled garden.

In their response to applications 23/00647/FUL and 23/00646/LBC, the conservation officer notes that the implementation of the solid roof to the reconstructed glass house compromises the significance of the walled garden on the basis that the original intention and functionality of the building is lost, with the understanding of the relationship between the structure and the garden somewhat eroded.

However, it should be considered that the dismantlement of the original glass house and loss of the majority of its historic fabric such as glass, structural timbers and any manually operated ventilation system have resulted in the loss of evidential significance of the glass house, therefore affecting the overall significance of the walled garden itself. It is widely recognized that one of the tenets of contemporary conservation practice is to minimize intervention and, if such a level of intervention is accepted and sanctioned by the planning authority, as is the case here, to the point of

reconstruction, it must be acknowledged that the current significance of the wider setting of the walled garden has been somewhat reduced and that the glass house in question is effectively a contemporary construction.

Furthermore, it must be recognized that the accepted proposal to integrate the glass house into the new dwelling in 2019, has affected the perceived, autonomous nature of the structure itself. Traditionally built as lean-to structures with expressed gables to either end, it must be recognized that the connection of the glass house to the contemporary dwelling alters the perception of how the glass house is read in the wider context of the walled garden.

In addition, it should be recognized that the absorption of the reconstructed glass house into the contemporary dwelling, as a habitable room, presents specific challenges to the inhabitants in terms of day-to-day living, maintenance and energy efficiency. It is believed that the implementation of the solid roof was following prolonged and unsuccessful attempts by the appellant to resolve defects in the glazed roof. It must be acknowledged that the day-to-day comfort requirements of a dwelling are vastly different from that of a predominantly glazed historic building designed for horticultural purposes that, in plain terms, is wholly unsuitable for sustained habitation.

One of the key considerations for historic building conservation is its ability to respond to the challenges of climate change. It could be stated that the principle of the solid roof, with its enhanced capacity to retain heat, repel increased rainfall and mitigate energy loss, is a positive gesture towards adapting a historic structure to deal with environmental challenges.

The current roofing material and associated flashings, verges and fascias are formed from felt sheet and upvc respectively. These materials are typically not reflective of the aesthetic quality required when working with a listed building such as Linthill Walled Garden.

It is believed that no attempt was made by the planning authority to reach out to the appellant to discuss the works prior to refusal. We are firm believers that the guardianship of built heritage works most successfully when local authority officers and consultants work collaboratively towards a common goal.

With hindsight, a compromise may be potentially sought whereby a more appropriate, high quality material, such as natural slate with lead flashings, is implemented to the solid roof. This approach, as is willing to be adopted by the appellant, could potentially retain the legibility of the glass house, as desired by the conservation officer, whilst also achieving the levels of thermal comfort and maintenance considerations desired by the appellant.

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This certificate is valid for Building Regulations & associated technical guidance in force on the date of registration and for the regulations in the countries indicated

## Extralight Shingle roofing sheet

### Description of Product

This is an assessment of the Extralight Shingle Roofing system manufactured by Ross Roof Group Ltd. This roofing sheet has been approved for use in Europe following testing in Poland but the product also carries extensive international test data and approval.



### Key Factors Assessed

- Mechanical Resistance & Stability
- Safety in case of Fire
- Safety in Use
- Protection against noise
- Durability serviceability and identification

### Validity

This certificate was first issued on 8<sup>th</sup> March 2016 and is valid until 8<sup>th</sup> March 2020.

Issue Dated 26<sup>th</sup> January 2017

## Scope of Registration

The Extralight Shingle Roofing system has been subjected to international testing bodies and also for use in Europe by the Building Research Institute of Poland: test report no. LM00-00869/14/Z00NM.

The system is internationally compliant for wind loading, moisture penetration, corrosion resistance and surface spread of flame, tests have just been commissioned for specific UK analysis and compliance with BS EN codes.

The system can be installed over a plywood sarking board or over a timber roofing batten arrangement.

## Conditions of Certificate

The roofing sheet must be appropriate for the roof pitch, reference should be made to Tilcor data material for required minimum roof pitches and fixing details and if deemed necessary further checks made direct with the manufacturer.

Name	Panel Length	Length of Cover	Panel Width	Width of Cover	Roof Cover/ Tile	Tiles/M2	Weight/ Tile	Weight/ M2	Min. Roof Pitch degrees
Shingle	1340mm	1250mm	290mm	255mm	0.32	3.2	2.0kg	6.40kg	10

For Scotland purposes:

The specifications and materials referred to have been assessed in accordance with the Building (Scotland) Regulations 2004 and in accordance with the supporting guidance in the Domestic Technical Handbooks which came into force with effect from 1 October 2015.

Where reference is made on a plan or specification document to any Code of Practice, British or European Standard or manufacturer's instruction it shall be construed as a reference to such publication in the form in which it is in force at the date of this Registered Detail.

The materials specified shall be for purposes of this Registered Detail and should not be changed without first gaining approval so to do from Local Authority Building Standards Scotland [LABSS]. Failure to do so will invalidate the Registered Detail.

The Registered Detail shall be valid for a period of 12 months from the date of issue or until otherwise invalidated by formal notice by LABSS. The Registered Detail may be re-validated after 12 months following a request and payment of an annual renewal fee from the Registered Detail Holder.

This Registered Detail should not be regarded as a formal approval under the building warrant process prescribed by the Building (Scotland) Act 2003 enacted from 1 May 2005

This Registered Detail shall contribute to compliance with relevant Mandatory Standards specified under the Building (Scotland) Regulations 2004 as amended when read with the scope, conditions and regulations sections to this Registered Detail.

LABC and LABSS consider that, the Extralight Shingle roofing sheet will meet the functional requirements of the Building Regulations (listed below) if the criteria detailed in this certificate are met;



### The Building Regulations 2010 (as amended) England & Wales

Regulation 7	Materials and workmanship
Comment:	The product is acceptable
AD B	Fire Safety
Note:	The product is acceptable
AD C	Site preparation and resistance to contaminants and moisture
Note:	The product is acceptable



### The Building Regulations 2010 (as amended) England

None presently



### The Building Regulations 2010 (as amended) Wales

None presently



### The Building (Scotland) Regulations 2004 (as amended)

Technical Handbooks Domestic and Non-Domestic

Regulation 8	Durability, workmanship and fitness of materials
0.8.5:	Ways of establishing the fitness of materials
Regulation 9	Building Standards applicable to construction
Note:	Construction shall be carried out so that the work complies with the applicable requirements of schedule 5.
Mandatory	
Standard 1.1	Structure
Note:	The system is acceptable in a new build installation, subject to a structural assessment in a holistic building assessment.
	The system is acceptable when fitted as a replacement roof to an existing building, subject to a structural assessment covering the existing building in a



	holistic building assessment comprising the existing building and new roof.
Mandatory	
Standard 2.1	Compartmentation
Mandatory	
Standard 2.2	Separation
Note:	The system is acceptable provided it is constructed in accordance with the manufacturer's details.
Mandatory	
Standard 2.8	Spread from neighbouring buildings
Note:	The system is acceptable provided it is constructed in accordance with the manufacturer's details.
Mandatory	
Standard 3.10	Precipitation
Note:	The system is acceptable provided it is constructed in accordance with the manufacturer's details and by an accredited contractor.
Mandatory	
Standard 3.15	Condensation
Note:	The risk of interstitial condensation needs to be assessed in each case and condensation control should be in accordance with the recommendations in BS5250: 2002.
Mandatory	
Standard 4.8	Danger from accidents
Note:	Clause 4.8.8 A Clear visible warning sign may require to be provided should any part of the roof be not capable of bearing a concentrated load of 0.9KN on a 130 by 130mm square. The relevant hazard sign from BS 5499: Part 5: 2002 should be used.

## Non-Regulatory Information



### LABC Warranty

The use of the Extralight Shingle roofing sheet has not been assessed to meet the requirements of the LABC Warranty Technical Manual. If you would like to discuss a specific use please make an enquiry to [technical.services@labcwarranty.co.uk](mailto:technical.services@labcwarranty.co.uk)

## Supporting Documentation

ITB Test Report 17th May 2014 and certificate of conformity received from Poland for the testing and compliance with EN 14782:2008

SOI-R Skin Class B Fire Test for compliance with the applicable requirements of: ASTM E108 (2011) "Standard Test Methods for Fire Tests of Roof Coverings."

USA Accelerated Weather test

USA Salt Fog test

Japanese Shingle Water Resistance Test

Japanese Wind Uplift Test

Japanese Stone Coating Test

Japanese Paint Inspection and Testing Association Western Branch Laboratory, test report No. 095364 31st March 2010 Evaluations

Blistering: JIS K 5600-8-2: 2008 designation of degree of blistering

Cracking: JIS K 5600-8-4: 1999 designation of degree of cracking without preferential direction

Flaking: JIS K 5600-8-5: 1999 designation of degree of flaking without preferential direction

Chalking: JIS K 5600-8-6: 1999 Rating of degree of chalking

Change of Colour: JIS K 5600-4-3: 1999 Visual comparison of the colour paints

Tilcor UL Report

UL Fire TFX.R38401 Prepared Roof Covering

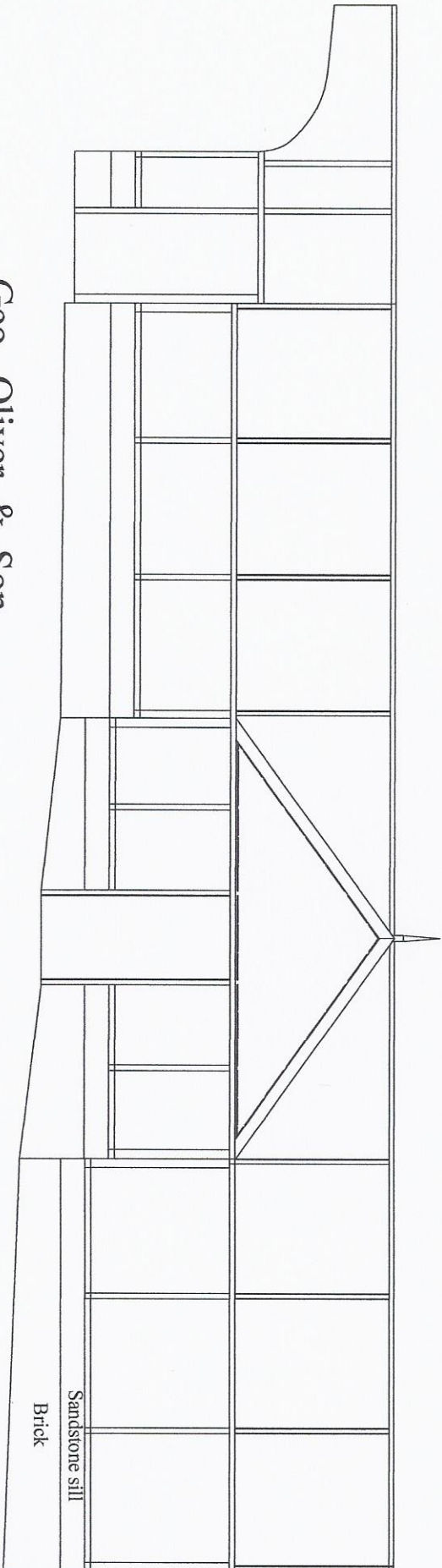
ITB Fire Test English

BRE Test Report: P104549-1000 Issue: 3 Dated 27<sup>th</sup> October 2016

## Contact Information

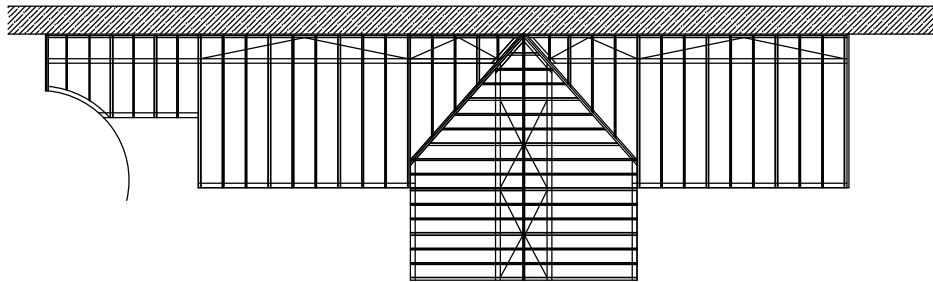
Extralight UK Limited  
Unit 4 Croft Street  
Preston  
Lancashire  
PR1 8ST  
Tel: 01772 802 022  
Email: [sales@extralight.co.uk](mailto:sales@extralight.co.uk)  
Web: [www.extralight.co.uk](http://www.extralight.co.uk)

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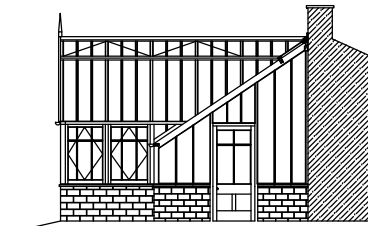


Geo. Oliver & Son  
Joiners  
St. Boswells  
01835 822100  
oliver.stboswells@hotmail.com  
www.stboswells-joiners.com

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Plan View



End Elevation  
Looking towards House



Front Elevation

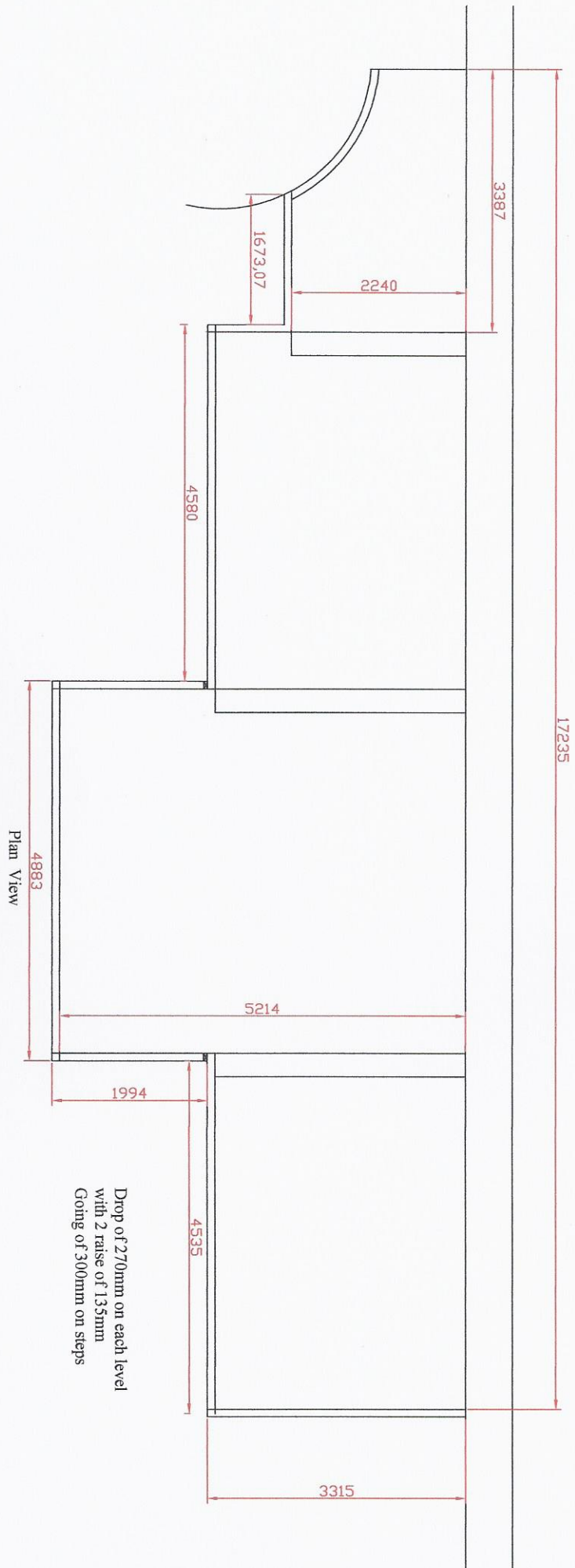
Proposed Cedar Greenhouse  
Linthill  
Mr G Longstaff

Geo. Oliver & Son  
Joiners  
St.Boswells  
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oliver.stboswells@hotmail.com  
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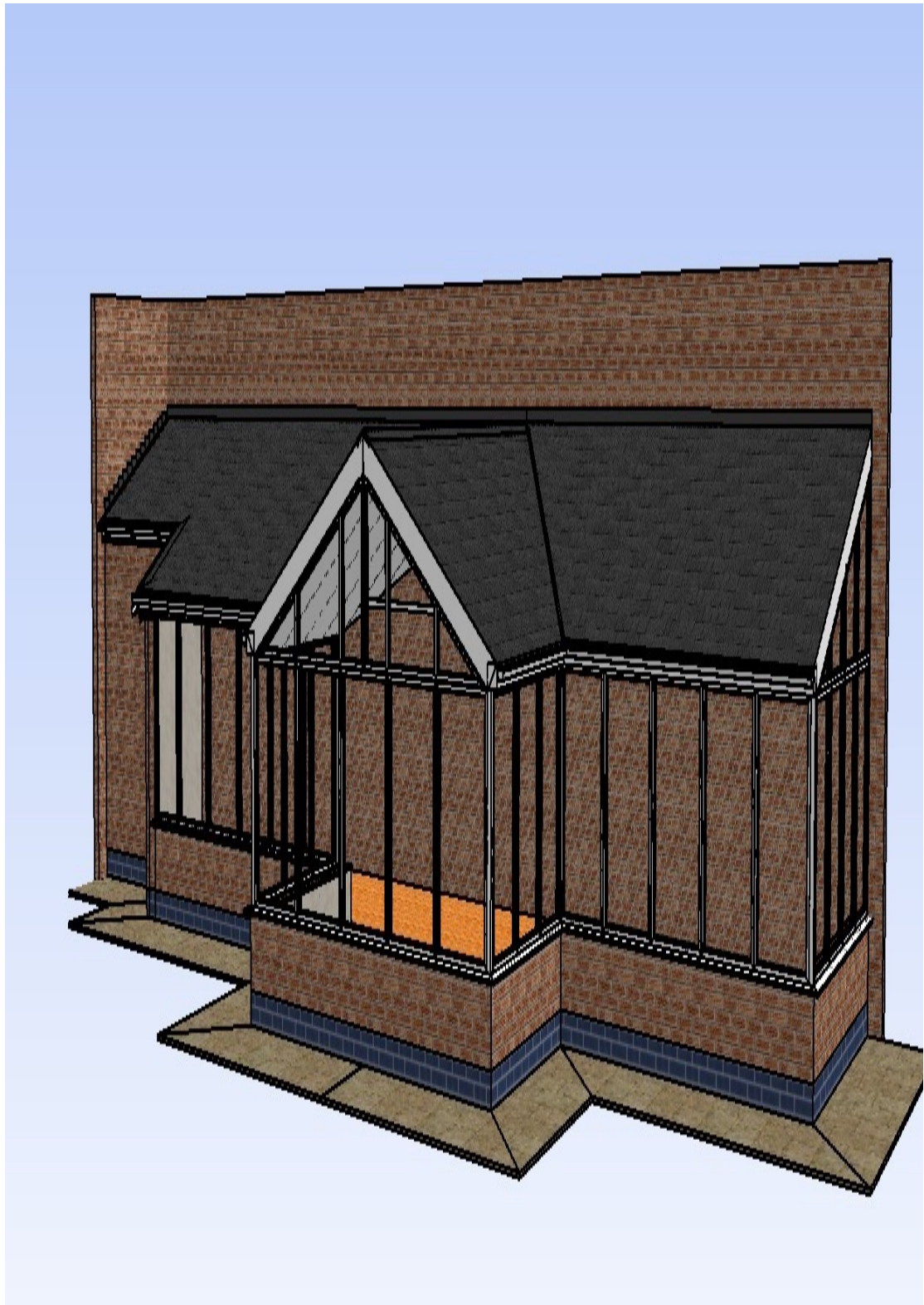
November 2015

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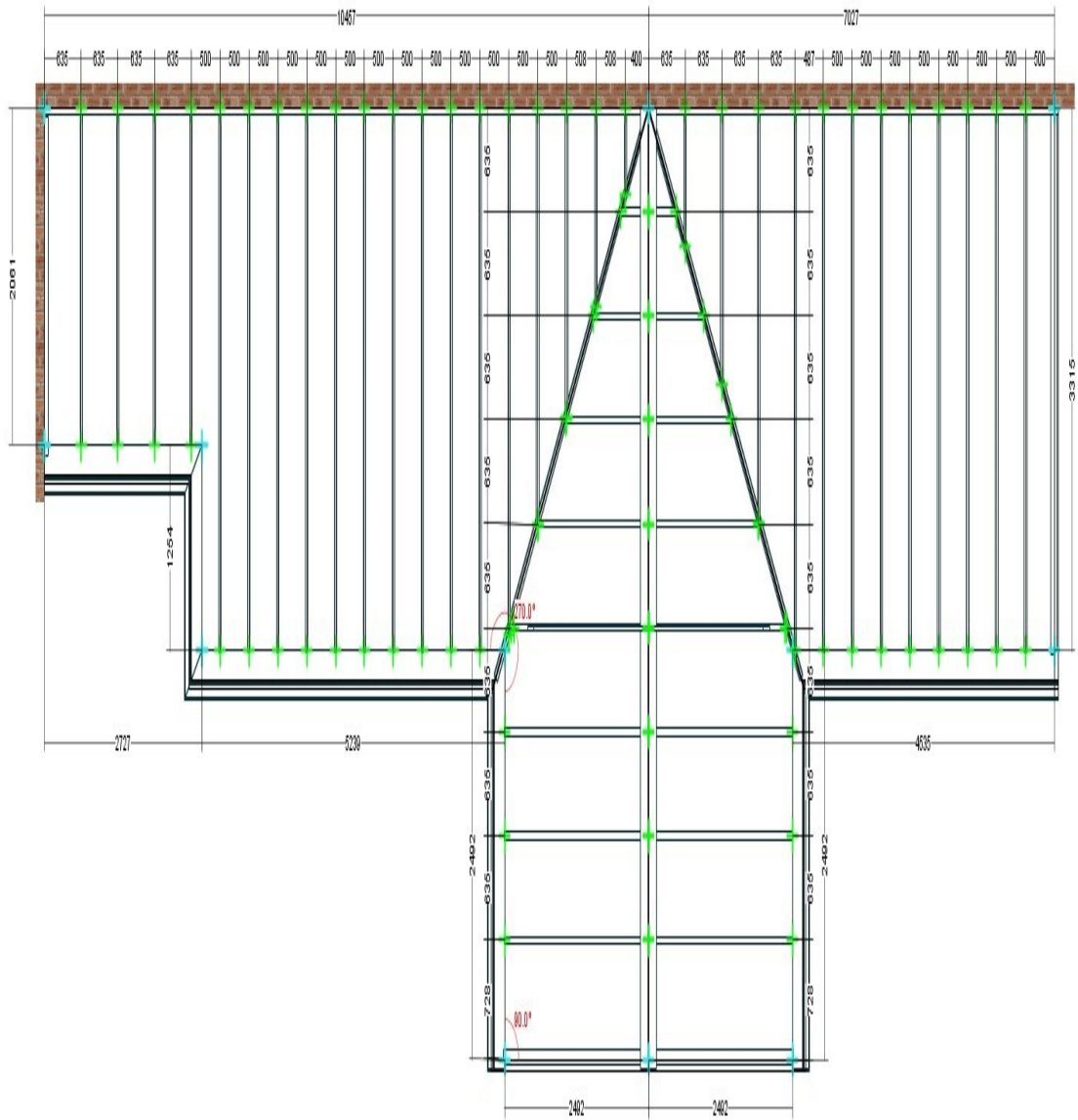




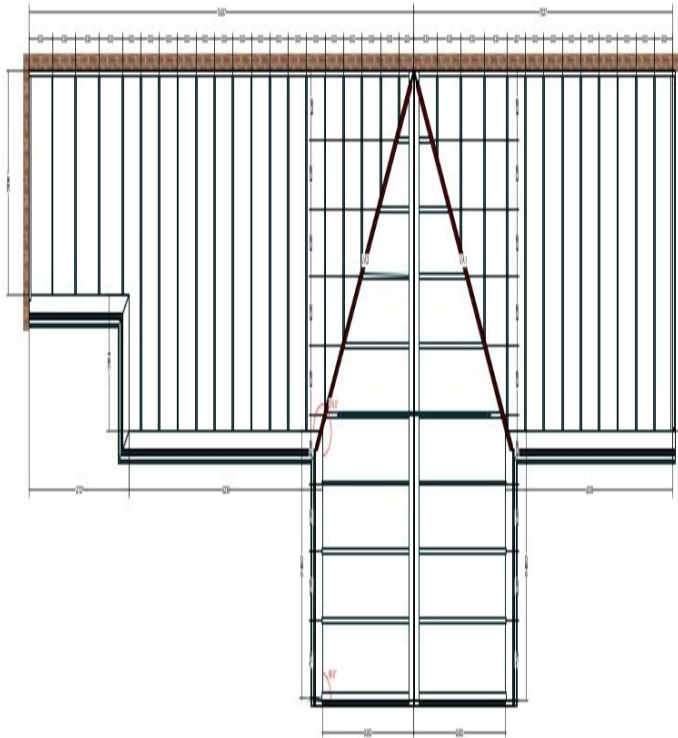
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Roof spec	Supalite Spec 0.15 U Value
Fascia colour	White
Gutter colour	White
Tile type	Extralight
Tile Colour	Charcoal v2
Insulation type	EPS 100mm
Board type	11mm Board
25mm Supalite Plus	Included
Roof weight (approx.)	2633.46 kg
Plasterboard quantity	32
Frame depth	70mm
Top of frame to U/S ridge	1219mm
Top of frame to top of ridge	1406mm
Roof slopes	25.0°, 19.7°, 0.0°

1. All dimensions relating to perimeter are to internal face of supporting frames or face of host building unless otherwise stated.
2. The support structure for this roof must provide the necessary lateral and axial stability in accordance with the relevant British Standards. Guidance if required should be sought from your frame supplier.

### STRUCTURAL REPORT

#### Loading details

Site code	DL170PB
Live load	0.60 kN/m <sup>2</sup>
Dead load	0.56 kN/m <sup>2</sup>

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Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100624045-001

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

## Type of Application

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

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

## Description of Proposal

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

replacement roof on the Glasshouse

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

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

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

unaware of consent being required

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	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: *	anna@fergusonplanning.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	per Agent
First Name: *	Geoff	Building Number:	
Last Name: *	Longstaff	Address 1 (Street): *	Shiel House
Company/Organisation	Ferguson Planning	Address 2:	Shiel House
Telephone Number: *	01896668744	Town/City: *	Galashiels
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	TD1 1NU
Fax Number:			
Email Address: *	anna@fergusonplanning.co.uk		

## Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

GARDEN HOUSE LINTHILL

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

MELROSE

Post Code:

TD6 9HU

Please identify/describe the location of the site or sites

Northing

626205

Easting

354607

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

380.00

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)

Glasshouse

## Access and Parking

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

Yes  No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

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

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

**Water Supply and Drainage Arrangements**

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

**Assessment of Flood Risk**

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

**Trees**

Are there any trees on or adjacent to the application site? \*  Yes  No

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

**Waste Storage and Collection**

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

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

not applicable

## Residential Units Including Conversion

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

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Ferguson Planning

On behalf of: Mr Geoff Longstaff

Date: 25/04/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

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

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

## Declare – For Application to Planning Authority

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

Declaration Name: - Ferguson Planning

Declaration Date: 25/04/2023

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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 :** 23/00647/FUL

**APPLICANT :** Mr Geoff Longstaff

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Replacement roof to glasshouse

**LOCATION:** Garden House Linthill  
Melrose  
Scottish Borders  
TD6 9HU

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
10355-CSY-XX-XX-D-A-1301	Location Plan	Refused
10355-CSY-XX-XX-D-A-1302	Proposed Site Plan	Refused
Drawing 01	Proposed Elevations	Refused
Drawing 02	Proposed Plans	Refused
Drawing 03	Proposed Plans & Elevations	Refused
Drawing 04	Proposed Roof Plan	Refused
Drawing 05	Proposed Roof Plan	Refused
Photo 1	Photos	Refused

**NUMBER OF REPRESENTATIONS: 1**

**SUMMARY OF REPRESENTATIONS:**

Community Council: No reply at time of writing this report

Heritage and Design Officer: Objection due to harm to the listed building (full response published online)

Architectural Heritage Society of Scotland: No reply at time of writing this report

Historic Environment Scotland: No comments to make

Scottish Civic Trust: No reply at time of writing this report

1 objection letter was received raising the following main concerns:

- Other works have been completed without relevant consents
- Works have an adverse impact on the host listed building

1 letter of support was also received on the following basis:

- Works in-keeping with listed building

## **PLANNING CONSIDERATIONS AND POLICIES:**

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

National Planning Framework 4  
Policy 7: Historic Assets and Places  
Policy 14: Design, Quality and Place

Scottish Borders Local Development Plan (2016)  
PMD2 - Quality standards  
EP7 - Listed buildings  
EP8- Archaeology

**Recommendation by** - Alla Hassan (Assistant Planning Officer) on 14th November 2023

The above applications relate to Garden House Linthill in Melrose. This combined report relates to planning permission and listed building consent for the retrospective replacement roof from glasshouse to a solid roof.

The application site is subject to the following site-specific constraints:

- o Category B listed building
  - o In an archaeologically sensitive location
- The site has the following site history:

-15/01301/FUL- Erection of detached garage- Approved

-20/01580/FUL- Erection of garage block- Approved

-07/01619/FUL- Erection of dwellinghouse and pergola

-07/01618/LBC- Erection of dwellinghouse incorporating existing garden wall

The principal consideration in the assessment of the above applications is the potential impact on the significance of the listed building.

As noted above, the Heritage and Design Officer has raised an objection to the replacement roof materials. The original glasshouse was considered vital to the understanding of the original building and how it has functioned, having a positive contribution to its special architectural and historic interest. The original glasshouse structure is thought to have been replaced c2019 but the replacement structure closely reflects the original. However, the deviation from a glass to a solid roof alters the fundamental character of the host listed building and is considered to be harmful to its character and will erode its overall appearance. Furthermore, the detailing of the roof form eg fascias and eaves further accentuates the identified harm.

As such, the proposal cannot be supported.

## **REASON FOR DECISION :**

The proposed development does not preserve the special architectural and historic interest and therefore harms the significance of the listed building. The proposal fails to comply with Policy 7 of the National Planning Framework 4 and Policy EP7 of the Scottish Borders Local Development Plan 2016.

**Recommendation:** Refused

- 1 The proposed development does not preserve the special architectural and historic interest and therefore harms the significance of the listed building. The proposal fails to comply with Policy 7 of the National Planning Framework 4 and Policy EP7 of the Scottish Borders Local Development Plan 2016.

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

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Mr Geoff Longstaff  
per Ferguson Planning  
54 Island Street  
Galashiels  
Scottish Borders  
TD1 1NU

**Please ask  
for:**  


Alla Hassan  
01835 824000 Ext 5931

**Our Ref:**

23/00647/FUL

**Your Ref:**

**E-Mail:**

alla.hassan@scotborders.gov.uk

**Date:**

15th November 2023

Dear Sir/Madam

**PLANNING APPLICATION AT Garden House Linthill Melrose Scottish Borders TD6 9HU**

**PROPOSED DEVELOPMENT: Replacement roof to glasshouse**

**APPLICANT: Mr Geoff Longstaff**

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at  
<https://eplanning.scotborders.gov.uk/online-applications/>.

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 23/00647/FUL**

**To : Mr Geoff Longstaff per Ferguson Planning 54 Island Street Galashiels Scottish  
Borders TD1 1NU**

With reference to your application validated on **19th May 2023** for planning permission under the  
Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Replacement roof to glasshouse**

**at : Garden House Linthill Melrose Scottish Borders TD6 9HU**

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

**Dated 14th November 2023  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 23/00647/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
10355-CSY-XX-XX-D-A-1301	Location Plan	Refused
10355-CSY-XX-XX-D-A-1302	Proposed Site Plan	Refused
Drawing 01	Proposed Elevations	Refused
Drawing 02	Proposed Plans	Refused
Drawing 03	Proposed Plans & Elevations	Refused
Drawing 04	Proposed Roof Plan	Refused
Drawing 05	Proposed Roof Plan	Refused
Photo 1	Photos	Refused

**REASON FOR REFUSAL**

The proposed development does not preserve the special architectural and historic interest and therefore harms the significance of the listed building. The proposal fails to comply with Policy 7 of the National Planning Framework 4 and Policy EP7 of the Scottish Borders Local Development Plan 2016.

**SCHEDULE OF CONDITIONS**

- 1 The proposed development does not preserve the special architectural and historic interest and therefore harms the significance of the listed building. The proposal fails to comply with Policy 7 of the National Planning Framework 4 and Policy EP7 of the Scottish Borders Local Development Plan 2016.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

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

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# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	SR Heritage & Design Officer	
Date of reply	27/06/23	
Planning Application Reference	23/00646/LBC	Case Officer: AH
Proposed Development	Replacement roof to glasshouse	
Site Location	Garden House, Linthill, Melrose, TD6 9HU	
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee and on the basis of the information provided. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>		
Background and Site description	<p>The building in question is a Category B listed building of special architectural and historic interest as a major example of an early 19<sup>th</sup> century walled garden, including flat-coped rubble walls, ashlar portico and brick-based glass house. Permission was granted for a new house within the gardens (now implemented). Subsequent to this, the glass house was largely rebuilt and a link added to the house. Given the works to the glass house generally sought to match the detailing and character of the original, it was accepted that listed building consent was not required for these works.</p>	
Principal Issues (not exhaustive)	<p>The principal legislative and policy considerations from a heritage perspective in this case are;</p> <ul style="list-style-type: none"> <li>• Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the local planning authority to, “<i>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</i>” in considering whether to grant Listed Building Consent.</li> <li>• Section 59 of the Town and Country Planning (Scotland) Act 1997 requires the local planning authority to, “<i>have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses</i>”, in considering whether the grant planning permission affecting a listed building.</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 <a href="#">Historic Environment Scotland’s website</a>.</li> <li>• Policy 7 (c) states that development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting.</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 style="list-style-type: none"> <li>○ HEP4: Changes to specific assets and their context should be managed in a way that protects the historic environment.</li> </ul> </li> </ul>	

	<p>Opportunities for enhancement should be identified where 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.</p> <ul style="list-style-type: none"> <li>• Alterations to Listed Buildings should be of the highest quality, respect the original structure in terms of setting, scale, design and materials, maintain or enhance architectural and historic qualities of the building and demonstrate an understanding of its significance (Local Development Plan Policy EP7).</li> <li>• Design Statements will be required for all applications for listed building consent or applications affecting the setting of Listed Buildings, which should explain and illustrate the design principles and design concepts of the proposals and demonstrate an understanding of the significance of the asset (Policy EP7).</li> </ul> <p>Therefore, the principal considerations from a heritage perspective from this case are;</p> <ul style="list-style-type: none"> <li>• Whether the proposed works would preserve or enhance the special interest of the listed building, including any contribution made by its setting</li> </ul>			
<b>Assessment</b>	<p>Works have been undertaken to replace the roof of the listed glass house with a solid roof.</p> <p>A 19<sup>th</sup> century glass house is characterised through its materiality, design and detailing. The comprehensive use of glass to the walls and roof in particular are fundamental to understanding its original purpose, how the building functioned and to its overall design and detailing. This is therefore a key aspect of its special architectural and historic interest.</p> <p>Replacement of the glass roof with a solid roof fundamentally alters the character of the building, eroding its appearance and our understanding of its historic function. The change from a glass roof to a solid roof is not supported in principle.</p> <p>In addition to the in principle objection to a solid roof above, the material and detailing of the replacement roof does not respect the historic character of the listed building. This includes the fascia/eaves/verge detailing, detailing to the gable, internal roof detailing and the materials used for the roof, fascias and rainwater goods.</p> <p>It is acknowledged that the glass house was largely rebuilt in c.2019. The rebuilding was however undertaken to generally match the original, and retained the character of a glasshouse. Although the fabric that has been removed was not historic, the traditional detailing and overall character of the listed building has still been considerably eroded through installation of the solid roof.</p>			
<b>Recommendation</b>	<input checked="" type="checkbox"/> <b>Object</b>	<input type="checkbox"/> <b>Do not object</b>	<input type="checkbox"/> <b>Do not object, subject to conditions</b>	<input type="checkbox"/> <b>Further information required</b>

<b>Recommended Conditions</b>	
<b>Recommended Informatives</b>	

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# Comments for Planning Application 23/00647/FUL

## Application Summary

Application Number: 23/00647/FUL

Address: Garden House Linthill Melrose Scottish Borders TD6 9HU

Proposal: Replacement roof to glasshouse

Case Officer: Alla Hassan

## Customer Details

Name: Dr Gordon Malcolm

Address: River Cottage Linthill, Melrose, Scottish Borders TD6 9HU

## Comment Details

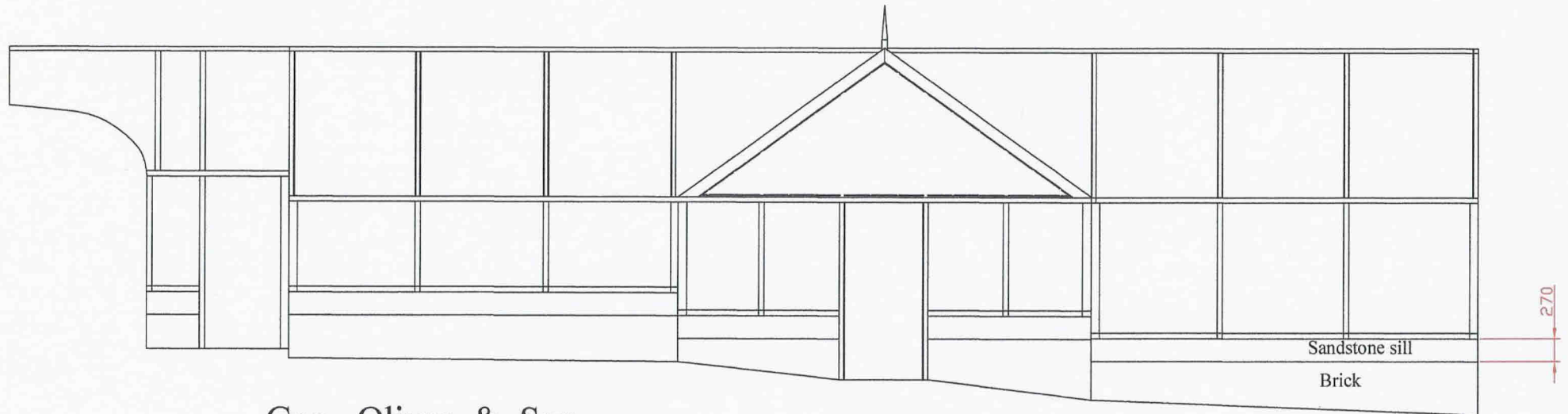
Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am happy to support this proposal as it cannot be seen from my property and seems entirely appropriate for the setting and functional requirements of the roof.

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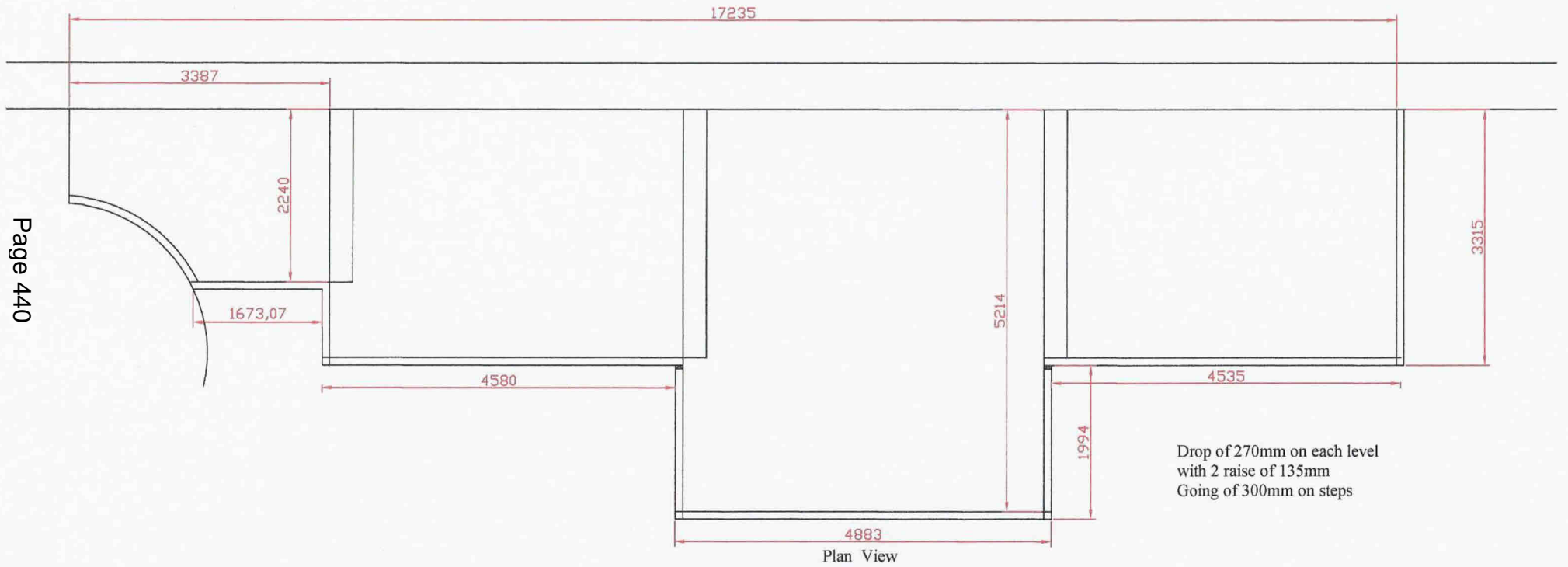


Geo. Oliver & Son  
Joiners  
St.Boswells  
01835 822100  
oliver.stboswells@hotmail.com  
www.stboswells-joiners.com

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

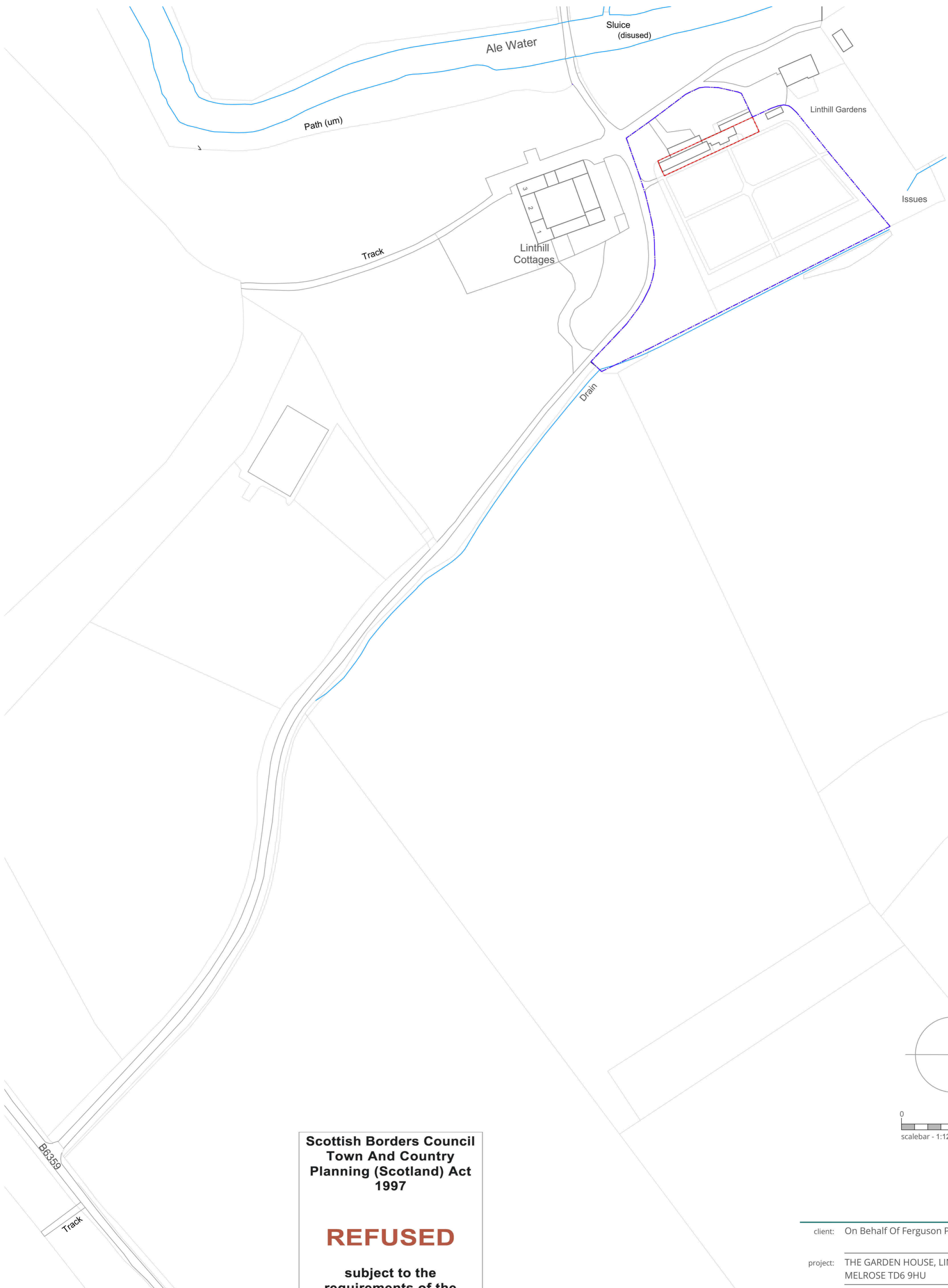


Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

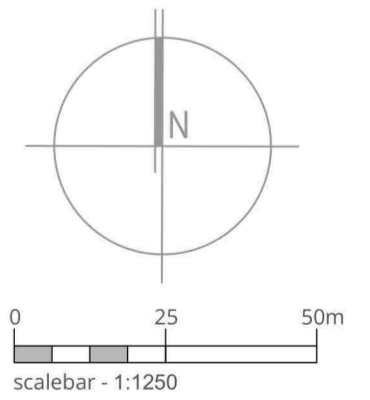




Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



CAMERONS  
STRACHAN  
YUILL  
ARCHITECTS

client: On Behalf Of Ferguson Planning

project: THE GARDEN HOUSE, LINTHILL  
MELROSE TD6 9HU

title: Location Plan

status: PLANNING drawn: TT

scale: 1:1250 @ A2 date: APR'23

number: 10355-CSY-XX-XX-D-A-1301

suitability: rev:

BERWICK	9 West Street	TD15 1AS	01289 541 173
DALKETH	98 High Street	EH22 1HZ	0131 663 9735
GALASHIELS	1 Wilderhaugh	TD1 1QJ	01896 753077

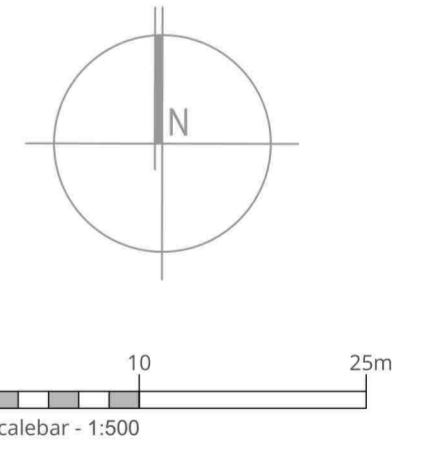


Site Plan  
1:500

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

**REFUSED**

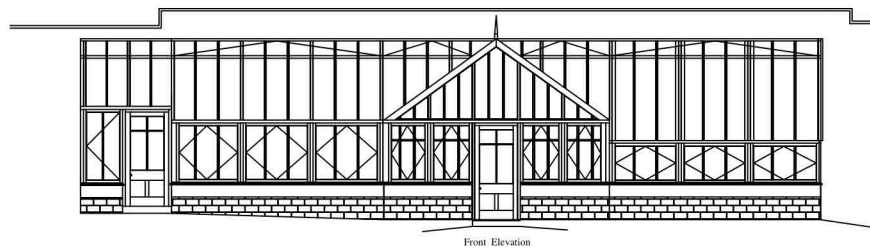
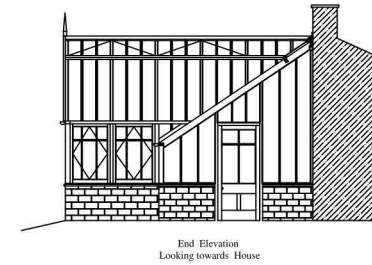
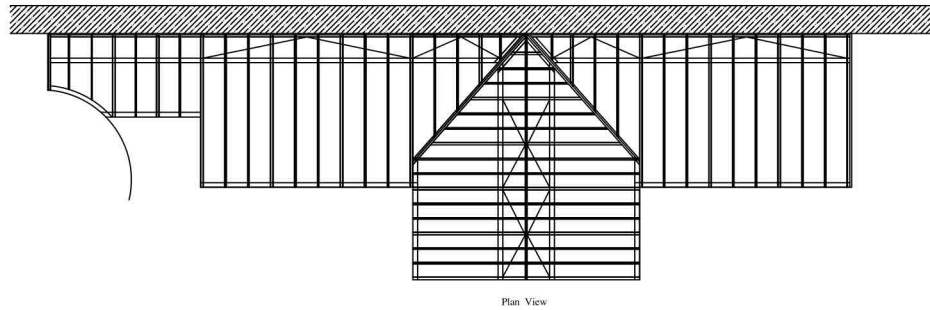
**subject to the  
requirements of the  
associated Decision  
Notice**



**CAMERONS  
STRACHAN  
YUILL  
ARCHITECTS**

client:	On Behalf Of Ferguson Planning		
project:	THE GARDEN HOUSE, LINTHILL MELROSE TD6 9HU		
title:	Site Plan		
status:	PLANNING	drawn:	TT
scale:	1:500	@ A2	date: APR'23
number:	10355-CSY-XX-XX-D-A-1302		
suitability:		rev:	

BERWICK DALKEITH GALASHIELS	9 West Street 98 High Street 1 Wilderhaugh	TD15 1AS EH22 1HZ TD1 1QJ	01289 541 173 0131 663 9735 01896 753077
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Proposed Cedar Greenhouse  
Linthill  
Mr G Longstaff

Geo. Oliver & Son  
Joiners  
St.Boswells  
01835 822100  
oliver.stboswells@hotmail.com  
www.stboswells-joiners.com

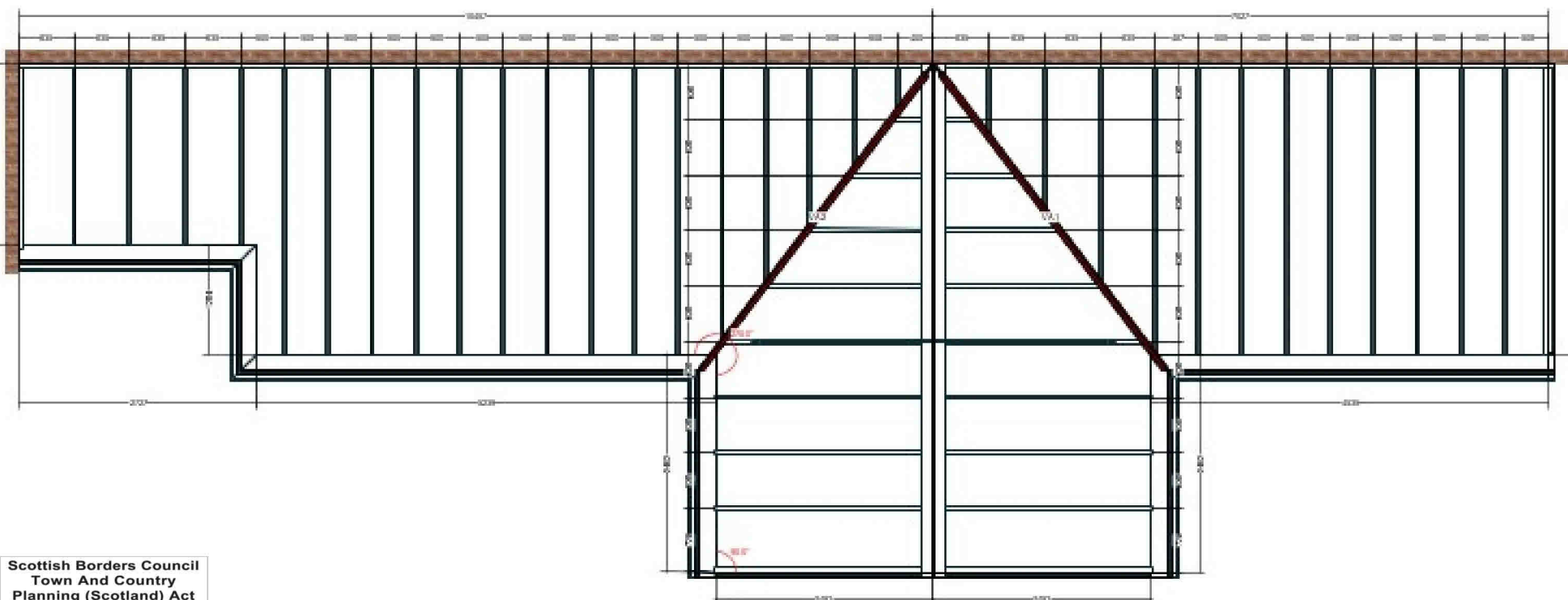
November 2015

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice





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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

Roof spec	Supalite Spec 0.15 U Value
Fascia colour	White
Gutter colour	White
Tile type	Extralight
Tile Colour	Charcoal v2
Insulation type	EPS 100mm
Board type	11mm Board
25mm Supalite Plus	Included
Roof weight (approx.)	2633.46 kg
Plasterboard quantity	32
Frame depth	70mm
Top of frame to U/S ridge	1219mm
Top of frame to top of ridge	1408mm
Roof slopes	25.0°,19.7°,0.0°

1. All dimensions relating to perimeter are to internal face of supporting frames or face of host building unless otherwise stated.
2. The support structure for this roof must provide the necessary lateral and axial stability in accordance with the relevant British Standards. Guidance if required should be sought from your frame supplier.

## STRUCTURAL REPORT

Loading details	
Site code	DL170PB
Live load	0.60 kN/m <sup>2</sup>
Dead load	0.56 kN/m <sup>2</sup>

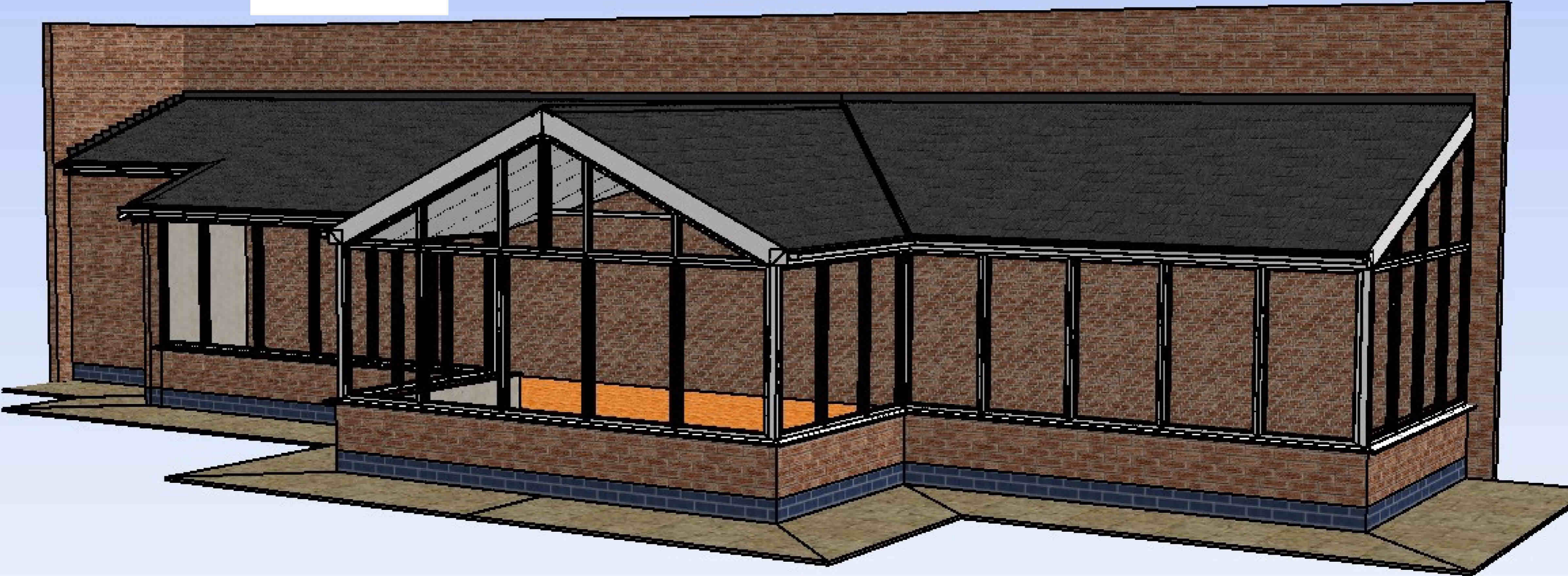
23/00647/FUL  
14/11/2023

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

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FAO : Declan Hall, Clerk to the Local Review Body  
Scottish Borders Council [SBC]

RE: 23/00647/FUL : Appeal under Section 43A[8] regarding a Replacement Roof to Glasshouse

Dear Sir

I received notice from you on 16<sup>th</sup> February 2024 of a review of the decision of SBC to refuse planning permission for the replacement of the glasshouse roof at Garden House, Linthill. I write in response to your notification and to make further representation in support of the development.

I was surprised to receive notification of the refusal of planning permission by SBC on 15 November 2023 regarding the replacement roof for the glasshouse. As the nearest neighbour to Garden House I had written in support of this development, and I would like to repeat and reinforce my support by means of this letter.

Some time after I purchased the adjacent property [River Cottage] in 2014, I met my new neighbours [Mr and Mrs Longstaff ] and became aware of the condition of the glasshouse adjacent to their property [Garden House]. It was in a rather de-lapidated condition, with several elements appearing life-expired to me. At some point – I cannot recall the exact date – they let me know that they planned to completely refurbish the glasshouse and eliminate any potential safety hazard it presented. As the glasshouse itself was invisible to me behind the garden wall about 12 feet high surrounding their property, I had no objection whatsoever to what seemed an entirely sensible and necessary improvement.

I have been told that the original glasshouse dates back perhaps 100 years and was a steam-heated ‘orangery’ of the sort in vogue in the Victorian era. In modern times, it is clear that the original technology is obsolete and the function is no longer appropriate. It seems to me to be entirely appropriate to renew and re-purpose such a life-expired structure within the context of the subsequent construction of Garden House within the original Linthill estate walled garden. Whilst preserving the essence of what was originally built, changes would have to be made to improve habitability and provide modern functionality. In essence the aim should be to allow the recycling and re-use of the facility in a pragmatic way, in sympathy with the original intent but nonetheless with a sensible and realistic design. In my opinion, the development has achieved these aims in a reasonable manner.

A few years ago, the original glasshouse was both redundant and life-expired in terms of its material condition. It was hidden behind a 12 foot high garden wall and could not be viewed by any member of the public without admittance to my neighbours garden through secure gates. I cannot understand how the repaired and modernised structure, and the roof in particular, can be considered to be an unacceptable development; this seems an unreasonable judgement which I do not support. I certainly believe the original decision should be reviewed, perhaps with a visit to the site to view the structure in the context of its surroundings. Furthermore, I am aware that my neighbours have spent considerable time, effort and resources to improve an unsafe and redundant structure in a pragmatic way; any requirement for major change to the current structure seems completely disproportionate to me.

The police are at pains to point out that they can only operate successfully with the support of the general public, and it seems to me that the planning function of SBC is in a similar position. Decisions which cannot be understood by those most affected, and appear to be both unreasonable and disproportionate, should be avoided lest the whole process be brought into disrepute.

For these reasons I urge the Local review Body to reconsider and revise the previous decision regarding 23/00647/FUL and instead grant approval for the development in its current state.

Yours Faithfully

Gordon J. Malcolm [Dr.]  
River Cottage  
Linthill, Lilliesleaf  
Melrose





**Local Review Body – List of Policies**  
**15<sup>th</sup> April 2024**

**Local Review Reference:** 24/00006/RREF

**Planning Application Reference:** 23/00647/FUL

**Development Proposal:** Replacement roof to glasshouse

**Location:** Garden House Linthill, Melrose

**Applicant:** Mr Geoff Longstaff

**National Planning Framework 4**

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 7: Historic Assets and Places

Policy 14: Design, Quality and Place

**Scottish Borders Local Development Plan (2016)**

PMD2: Quality standards

EP7: Listed buildings

EP8: Archaeology

**Proposed Scottish Borders Local Development Plan (2023)**

EP7: Listed Buildings

**Other Material Considerations**

Historic Environment Policy for Scotland

Managing Change in the Historic Environment: Roofs

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