

## **PLANNING CONSULTATION**

On behalf of: Director of Education & Lifelong Learning

From: Head of Property & Facilities Management  
Contact: Marc Bedwell, ext 5242

To: Head of Planning & Building Standards Date: 16 May 2016

Contact: Andrew Evans ☎ 01835 826739 Ref: 15/01552/FUL

### **PLANNING CONSULTATION**

**Name of Applicant:** Mr and Mrs N Ewart

**Agent:** Ericht Planning & Property Consultants

**Nature of Proposal:** Erection of two dwellinghouses

**Site:** Land South Of Primary School West End Denholm Scottish Borders

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### **OBSERVATIONS ON BEHALF OF: Director of Education & Lifelong Learning**

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## **CONSULTATION REPLY**

I refer to your request for Education's view on the impact of this proposed development, which is located within the catchment area for Denholm Primary School and Jedburgh Grammar School

A contribution of £3209 per unit will be sought for the Primary School, making a total contribution of £6418

As a result of fire, Denholm Primary School was rebuilt with additional classroom space to accommodate future developments in the area therefore a contribution is sought towards the costs of providing this extension to the school and to recoup the capital investment made by the council.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index – therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2016.

If you require any further information, please do not hesitate to contact me.

# REGULATORY SERVICES



To: **Development Management Service**  
**FAO Mr Andrew Evans, Council H. Q.**

Date: **27<sup>th</sup> January 2016**

From: **Countryside Access**

Contact: **Susan Kevan**

Ext: **6703**

Ref: **15/1552/FUL**

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**Nature of Proposal:** **Erection of two dwellinghouses**

**Site:** **Land South Of Primary School West End Denholm Scottish Borders**

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## **Countryside Access – Core paths, Promoted paths and Rights of Way.**

There are paths affected by this proposed development. The paths affected are shown on the enclosed map.

Road and path section of Core path 123 is adjacent to the area shown as the site.

It is beyond the post and wire fence marking the edge of the existing grazed field on and near the edge of the site boundary

In addition an adjacent path link is path DENH/78P/1 is part of a promoted route “Denholm Dean and Village” promoted within the Paths around Hawick booklet.

## **Land Reform (Scotland) Act 2003**

There are other tracks in the area that the public would have a ‘right of responsible access’ to under the Land Reform (Scotland) Act 2003. This right also extends to most land and inland water in Scotland.

The route from the public road to the bottom of the steps is part of Core Path 123. This is not confined to one particular part of the road or verge and currently walkers use both sides of the road and verge.

Please note that the Core path 123 beyond this road is rural mainly grass surface in nature and is not generally hard surfaced and includes a long set of steps.

There is not currently a pavement linking the development with the village.

Path users may currently walk along the road verge along the outside of the existing fence-line of the development. This includes the Core path and linking path and road. The development may reduce this possibility and measures to reduce the impact of this to path users should be taken.

## **Tree planting and boundary treatment**

Trees planted along the boundary of the property, while welcome to provide landscape benefit should be chosen and sited to avoid future blockage of the paths due to tree growth into the path area. Thorny plants may eventually grow to create more of a barrier to path users. So selection of species and siting in communication with the planning authority as per the application is welcomed.

This is relevant to all boundaries and particularly so at the upper section of the property where the path is narrow and close to the post and wire fence.

To protect public access rights during and after development.

## AR10 Rights of Way

The development, if it was to be approved, has implications for the ability of the public to exercise rights of access along existing paths. It is essential that these rights are not obstructed by the proposed development and that the public shall continue to enjoy access to the path during and after the development, without risk from machinery, ground disturbance or any other aspect of development works.

The path indicated Core Path 123 and including the path along the top edge of the property between the property and the Primary School grounds and adjacent path link promoted path DENH/78P/1 must be maintained open and free from obstruction in the course of, and after the development. It will not be part of the curtilage of the property.

No fences, gates, stiles or other structures to be built across the route.

**Reason:** To protect general rights of responsible access.

Susan Kevan  
Access Ranger



Map showing Core path 123 and link path DENH/78P/1

## REGULATORY SERVICES



Image of section of promoted path DENH/78P/1 where path is currently narrow and adjacent to post and wire fence.



Image of lower corner of path Core Path 123 adjacent to property (Looking from across the road from property towards Denholm Mill)  
Core Path 123 users currently use both road verges and the road to walk on.



# REGULATORY SERVICES



Image of path Core Path 123 looking down towards road.



Steps on Core path 123 looking from road upwards.  
Existing tree and plant cover affords some level of screening of location of proposed development from the steps.  
Images also show the rural nature of the path.

## PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 11th January 2016

Contact: Andrew Evans ☎ 01835 826739

Ref: 15/01552/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 1st February 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 1st February 2016, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Mr and Mrs N Ewart

**Agent:** Ericht Planning & Property Consultants

**Nature of Proposal:** Erection of two dwellinghouses

**Site:** Land South Of Primary School West End Denholm Scottish Borders

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**OBSERVATIONS OF: Archaeology Officer**

## CONSULTATION REPLY

There are no known archaeological implications for this proposal. However, as the development is near an area of moderate archaeological sensitivity, being located near the medieval village of Denholm, there is nevertheless some potential for encountering previously unknown archaeological desposits.

While a condition seeking mitigation is not recommended, I do recommend the following informative:

### **Archaeology Informative**

There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, stone or bronze objects, beads) of potential antiquity are discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the developer may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

To: **Development Management Service  
FAO Andrew Evans**

Date: **4 Feb 2016**

From: **Roads Planning Service**

Contact: **Paul Grigor**

Ext: **6663**

Ref: **15/01552/FUL**

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**Subject: Erection of two dwellinghouses  
Land South of Primary School, West End, Denholm**

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The principle of two dwellinghouses on this site raised no objection from this department when an outline application was submitted in 2007. I have copied below the previous comments which are largely still applicable to the current proposal.

*I have no objections in principle to this proposal. I shall require parking and turning for a minimum of two vehicles, excluding any garages, to be provided within the curtilage of each property. Provision must be made for service vehicles and the access must be constructed to my specification. The exact location of the access onto the public road serving Denholm Mill must be agreed on site with my representative prior to any detailed application being made. The gradient of the parking and turning area must be not greater than 1 in 18, the gradient of the initial 6m on the access must be not greater than 1 in 18 and the intervening section can be up to 1 in 8. Visibility improvements shall be required to the north to ensure driver visibility is adequate. It should be noted that I would not be able to support any further development within this field as it would require the provision of a public road, which would be inappropriate at this location.*

With regards to the current design, the access should be located further west to allow a greater distance from the junction with the A698. The precise location of the access will need to be agreed and a scheme of details will need to be submitted and agreed in writing. The access should be formed as per the following specification prior to occupation of the first dwelling:

- Access to be a minimum of 5.5 metres wide and formed with 6 metre radii.
- The first 5 metres of the access to be constructed to the following specification "75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1."
- Measures to prevent the flow of surface water onto the public road to be included in the design.

Providing the above points are satisfactorily addressed I will not object to this application.

Given the lack of public footway provision between the site and the village centre via the main road, the obvious route for pedestrians from this site to the village centre avoiding traffic is via the footpath to the west and north of the site. This route is a right of way and may benefit from some improvement works as a result of this application. I would advise that you discuss the matter with the relevant Access Officer with a view to confirming what level of contribution, if any, would be appropriate. Restrictions should be put in place to ensure any planting along the northerly boundary is located so as not to encroach onto the right of way.

I note that there is an objection to this proposal which disputes the extent of the public road verge along the frontage of the site. However, it is the opinion of this department that the public road boundary is the fence line along the boundary of this field.

It should be noted that all work within the public road boundary must be undertaken by a contractor first approved by the Council.

**AJS**

**ENVIRONMENT &  
INFRASTRUCTURE**

- 1 JAN 2016

To \_\_\_\_\_  
Action \_\_\_\_\_  
File \_\_\_\_\_  
Consent/Complaint   
Ref No \_\_\_\_\_

Officer Andrew Evans  
01835 826739  
Our Ref : 15/01552/FUL  
Date : 11th January 2016

**NAME OF APPLICANT:** Mr and Mrs N Ewart  
**NATURE OF PROPOSAL:** Erection of two dwellinghouses  
**SITE:** Land South Of Primary School West End Denholm Scottish Borders

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

**REQUEST FOR OBSERVATIONS OF: Denholm & District Community Council**

Following observations were agreed at the 20 Jan 16 meeting of the D&DCC:

- (1) Access to the site over the verge on Denholm Mill Road would require the acquiescence of the owners of the verge, the residents of Denholm Mill, who had not yet been consulted by the applicants.
- (2) CCs felt there would be a negative impact on visual amenity of the area, and did not agree the visual impact of the development would be in keeping with the village and local farm house, as claimed. Also noted the "white painted" exterior proposed would not be in keeping with nearby buildings.
- (3) CCs observed the proposed dwellings would not fall into the category of "affordable housing".
- (4) Noted the application did not make provision for sustainable drainage of surface water. Concerned that this could mean the applicants "could be in breach of Environmental legislation".
- (5) Observed that application was for "planning permission", although there appeared to be no prior "outline planning permission". The CC would like to be informed whether this was indeed the case, and if so whether this was in keeping with appropriate planning procedures.

Signed:



Reply Date: 29 Jan 2016

**PLEASE RETURN TO [PRS@SCOTBORDERS.GOV.UK](mailto:PRS@SCOTBORDERS.GOV.UK) OR REGULATORY SERVICES, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, MELROSE, TD6 OSA**