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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 100013108-001

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:	Clarendon Planning and Development Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	
Last Name: *	Howel	Building Number:	5a
Telephone Number: *	01312972320	Address 1 (Street): *	Castle Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH1 2DP
Email Address: *	dhowel@clarendonpd.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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="C/O Clarendon"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="5a"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Castle Terrace,"/> <input type="text"/>
Company/Organisation	<input type="text" value="Lothian Estates"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH1 2DP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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

Northing	<input type="text" value="623565"/>	Easting	<input type="text" value="365690"/>
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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)

Erection of three dwelling houses (in principle).

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 Notice of Review Statement and appendices 1-8, all uploaded

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)

Bonjedward Notice of Review Statement Appendix 1 - Application Location Plan Appendix 2 - Application Planning and Design Statement Appendix 3 - Previous Planning Application Committee Report Appendix 4 - Decision Notice 15-01521-PPP Appendix 5 - Case Officer Delegated Report 15-01521-PPP Appendix 6 - Previous Planning Appeal Decision Appendix 7 - SBC Roads Consultation Response Appendix 8 - SBC Landscape Consultation Response

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/01521/PPP

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

23/12/2015

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

23/02/2016

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 David Howel

Declaration Date: 20/05/2016

Notice of Review Supporting Statement

Land at Bonjedward, Scottish Borders

Erection of three dwellinghouses (in principle)

Ref. 15/01521/PPP

On behalf of

Lothian Estates

May 2016



CONTENTS

	Page
1.0 BACKGROUND TO THE APPLICATION	3
1.1 LOCATION, DESCRIPTION & HISTORY	3
1.2 THE DEVELOPMENT PROPOSAL	3
1.3 PLANNING HISTORY	3
1.4 REASON FOR REFUSAL	4
2.0 GROUNDS FOR REVIEW OF THE PLANNING DECISION	5
2.1 NATIONAL PLANNING POLICY CONTEXT	5
2.2 LOCAL PLANNING POLICY – 1ST REASON FOR REFUSAL	6
2.3 LOCAL PLANNING POLICY – 2ND REASON FOR REFUSAL	10
3.0 STATUTORY CONSULTEES & THIRD PARTY REPRESENTATIONS	12
4.0 CONCLUSION	13
APPENDIX 1: Application Location Plan	
APPENDIX 2: Application Planning and Design Statement (including Indicative Design Proposal)	
APPENDIX 3: Previous Planning Application Ref.06/00232/OUT Committee Report	
APPENDIX 4: Decision Notice Ref.15/01521/PPP	
APPENDIX 5: Case Officer Delegated Report Ref.15/01521/PPP	
APPENDIX 6: Planning Appeal Decision Ref.P/PPA/140/414	
APPENDIX 7: SBC Roads Planning Service Consultation Response	
APPENDIX 8: SBC Landscape Architect Consultation Response	

1.0 BACKGROUND TO THE APPLICATION

1.1 Location, Description and History

- 1.1.1 The application site, extending to 1.37 hectares, is located within the hamlet of Bonjedward on the A68, north of Jedburgh. The site itself comprises grazing land and forms a triangular area bound by the A68 to the west, A698 to north, A6090 to east and Bonjedward Garage to the south. Site boundaries comprise existing trees and hedgerow. The application site location plan is included as **Appendix 1**.
- 1.1.2 The site is located within the Bonjedward Building Group (as detailed hereafter) which comprises, as a minimum, 10 No. existing houses/buildings including Jedneuk House and Lodge, The Old Smiddy and Bonjedward Cottages.
- 1.1.3 The application was validated by Scottish Borders Council on 23rd December 2015 and was subsequently refused under delegated powers to the Service Director of Regulatory Services on 23rd February 2016, on the basis of the appointed Case Officer's subjective recommendation.

1.2 The Development Proposal

- 1.2.1 The proposal comprises the erection of three new dwellinghouses (in principle). The application was supported by a **Planning and Design Statement, incorporating an Indicative Design Proposal** (Page 9), with this document included as **Appendix 2**.
- 1.2.2 Whilst the application is in principle, the Indicative Design Proposal set out the scope for three new dwellinghouses to be accommodated in a traditional terraced/linked form to reflect the historic pattern of development on the site whilst providing generous private garden ground. The proposal would provide for a new access from the east (A6090) and landscaping/planting along north and west boundaries to screen the site from the surrounding roads. It is noted the Council's Landscape Officer proposed a different layout form to accommodate the three plots which is addressed below.

1.3 Planning History

- 1.3.1 As detailed in the Planning and Design Statement, the site was subject to a previous application in 2006 (for 7 plots, subsequently reduced to 4 plots) which included the Bonjedward Garage site within the application area. This application was recommended for approval by the Case Officer at the time (please refer to the Committee Report which formed an appendix of the Planning and Design Statement and is included as **Appendix 3**). However, the application was refused by planning committee in 2008 with a subsequent appeal dismissed due to the loss of employment land (the Garage) and the proposed dispersed pattern of housing plots not relating to the building group.
- 1.3.2 The lessons from this previous application were taken on board and the current application excluded the Garage which is retained as an ongoing business. Additionally, the form of proposed development in the current application (although in principle) seeks to reflect traditional historic character. Attention is specifically drawn to Page 8 of the Planning and Design Statement (**Appendix 2**) which illustrates the historic pattern of

development at Bonjedward with the 19th century OS plan indicating a south-east facing building/terrace of cottages which the current application replicates.

1.4 Reason for Refusal

1.4.1 The Decision Notice (contained within Appendix 4) recommended refusal on the basis of the following reasons:

1. ***“The proposal is contrary to Policy D2: Housing in the Countryside of the Scottish Borders Consolidated Local Plan Adopted 2011, Policy HD2: Housing in the Countryside of the Proposed Local Development Plan 2013 and Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 in that the site is not within the recognized building group at Bonjedward and it does not relate well to this group and would therefore not be an appropriate extension to the existing pattern of development. The development would result in sporadic development within the countryside harming the character and appearance of the area.”***
2. ***“The proposal is contrary to Policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and Policy HD3 of the Proposed Local Development Plan 2013 relating to the protection of residential amenity in that siting residential housing adjacent to industrial buildings and three main public roads would have a significant adverse impact on the residential amenity of occupiers of the proposed houses.”***

2.0 GROUNDS FOR REVIEW OF THE PLANNING DECISION

2.1 National Planning Policy Context

- 2.1.1 The applicant, contrary to the Decision Notice, remains of the view that proposals do indeed accord with planning policy at both a national and local level. In particular, following review of the Case Officer's Delegated Report (**Appendix 5**), the applicant would take this opportunity of addressing the above reasons for refusal. However, it is also important to **firstly set the national context** in relation to the proposal in order to inform the review of the planning decision.

Scottish Planning Policy (2014)

- 2.1.2 Scottish Planning Policy (SPP) has introduced a presumption in favour of development that contributes to sustainable development. In particular, Paragraph 28 states that the planning system should ***“support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term”***. It is considered that approval of the proposed houses, with associated conditions, would comprise sustainable development by virtue of adding much needed new housing as a proportionate extension to the established Bonjedward building group which is accessible by public transport to services and amenities in nearby Jedburgh and Kelso.
- 2.1.3 Paragraph 29 of SPP outlines the key related principles which include, ***“supporting good design and the six qualities of successful places”***. These design policy principles are elaborated upon within Paragraphs 41-46, which outline that development should be *distinctive, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond*. In this respect, whilst detailed siting and design would be subject to further approval, the proposal has the capacity to address these key design principles with the proposal allowing for a contextual design, reflecting historic development on the site whilst providing scope for high quality residential amenity through generous garden ground size and landscaping proposals. The plots would have scope for flexible accommodation with the generous garden ground suitable for the rural location, to suit prospective buyers wishing to live in the Borders countryside.
- 2.1.4 Paragraph 75 states that the planning system should ***“encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality”***. In this respect, the Bonjedward site offers flexible plot sizes which can provide scale and scope for home-working in an accessible location, whilst contributing positively to the established community.

Creating Places (2013)

- 2.1.5 The Scottish Government's policy on architecture and place sets out a strong emphasis on place and good design in new development which can have physical, functional, social and environmental value. The Indicative Design Proposal is based upon a review of historic development form at Bonjedward and offers scope to reintroduce a traditional pattern which is right for its context and provides for landscaping enhancements to the site boundaries.

Designing Streets (2010)

2.1.7 The Scottish Government's policy on street design emphasises the importance of place over movement. The Bonjedward proposal provides for a suitably scaled shared access lane from the A6090 to serve the proposed three plots. This approach will also ensure the access lane can remain private and not be subject to over-engineered design required of adopted roads which would be unsuitable and unsympathetic to this rural location.

2.2 Local Planning Policy: First Reason for Refusal (Building Group Definition)

2.2.1 Contrary to the Case Officer's opinion set out in the Committee Report, it is contended that the proposed site clearly forms part of the Bonjedward Building Group. As illustrated on Page 8 of the supporting Planning and Design Statement (**Appendix 2**) and replicated in **Figure 1** below, the site was historically occupied by building/s related to Bonjedward/Jedneuk. Indeed, the site was at the heart of this historic grouping with Jedneuk House, lodge and stables to the south, Bonjedward cottages to the west and the former school to the north-east (now residential). The Bonjedward/Jedneuk building group therefore straddled the main road junction and formed a staging post for north-south and east-west traffic.



Figure 1 - Bonjedward: mid-19th century OS Extract courtesy of ICAHMS at pastmap.org.uk

Figure 1 – Historic Plan showing Bonjedward/Jedneuk building arrangement around road junction

- 2.2.2 This historic context remains in place with the only difference being the building/s on the proposed site are no longer present. The fact that these structures are not present does not alter the site's central position within the context of the wider Bonjedward building group. The aerial photograph on Page 3 of the supporting Planning and Design Statement clearly illustrates this current relationship between the site and wider building group, as replicated below in Figure 2.



Figure 2 – Building Group context with site outlined in red

- 2.2.3 This view was supported by the previous application assessment (Page 5 of **Appendix 3**), where the Case Officer clearly viewed the site as part of the building group, stating:

“it is accepted that the proposal meets the first test of the Housing in the Countryside policy in that there are at least three dwellinghouses within the vicinity. The site sits relatively comfortably within the boundaries of the building group whereby the site forms part of the visual sense of the area of Bonjedward, with Bonjedward Cottages to the west beyond the A68, The Smiddy House to the immediate south, and Jedneuk to the south beyond the A6090. There is also a row of cottages to the north east of the site, beyond the A698. The application site is enclosed on all three sides by roads.”

- 2.2.3 The Case Officer for the current application takes a different view. Firstly, reference is made to the 2009 appeal decision (**Appendix 6**) which provided a brief five paragraph assessment of the previous application with the Reporter viewing the existing roads around the site as a barrier to the remaining building group. This is refuted on the basis that the wider building group and historic context was not clearly outlined in the previous application and the Reporter took a simplistic view in assessing the site on a stand-alone

basis. The decision also pre-dated Scottish Planning Policy's presumption in favour of development that contributes to sustainable development (set out in the 2014 revision to SPP) which brings strong policy support to assess applications on their ability to contribute towards sustainable economic growth on the basis approval would not have a significant adverse impact upon wider policies.

2.2.4 The application was assessed against local planning policy on Pages 4-6 of the supporting Planning and Design Statement but to counter the Case Officer's views set out in the committee report, we would comment as follows.

- **Adopted Local Plan Policy D2 and Proposed LDP Policy HD2** set out the criteria by which housing in the countryside is supported by the Council as appropriate rural development and includes specific criteria relating to Building Groups. It should be noted that the Local Development Plan has now been adopted (as of 12th May 2016) and therefore, **adopted LDP Policy HD2 is now the sole relevant policy**. The Case Officer contends that the application does not meet the criteria as it is an 'outlier' location disparate from any building group and dismisses the significance of the previous existence of housing on the site. However, it is not so much the previous housing on the site but the historical development of Bonjedward/Jedneuk which is considered key to deciding where the building group extends to. Point 1 of this part of the policy requires that sites are well related to an existing group of at least three houses and the historical development clearly illustrates that the site is at the centre of the wider group which should be seen as a whole rather than a collection of small groupings.
- **Supplementary Guidance on New Housing in the Borders Countryside** sets out further detailed criteria. This guidance makes clear that, in relation to identifying whether a building group exists, ***"in all cases, the existence of a sense of place will be the primary consideration"*** (Page 11 of the Guidance). The Case Officer contends that the site is 'isolated from any Building Group' by virtue of the surrounding roads. However, as noted above and illustrated on **Figures 1 & 2** above, Bonjedward/Jedneuk has historically straddled the Jedburgh/Edinburgh/Kelso road junction and its present sense of place is derived from its position on this junction. This **sense of place** is encountered on all approaches;
 - **from the Kelso direction**, the 'Joiner's Cottages' (former school) on the right hand side facing the road junction to Jedburgh and the A68 signifies the start of the wider group with Bonjedward Garage visible in the middle-distance;
 - **from the Jedburgh direction**, the walls and roofs of Jedneuk House and buildings on the right, Bonjedward Cottages on the left and old Smiddy in front create a sense of arriving at a settlement;
 - **from the Edinburgh direction**, the road sweeps around to reveal the Kelso junction and front of the Garage (car wash) on the left and Bonjedward Cottages on the right;

- from the **Sharplaw (west) direction**, the sense of arrival is formed through Bonjedward Cottages before meeting the A68 junction with the old Smiddy and Garage in front.
 - In all directions, the historic nature of this settlement still provides a sense of place as an overall building group rather than isolated houses in the countryside. The consultation response from the Council's Roads Planning service (**Appendix 7**) further illustrates this point, stating, in relation to the A6090, ***"there is a semi-urban feel to the area and several direct accesses are already in existence"***.
- 2.2.3 The Case Officer does not consider Bonjedward to have a sense of place but appears to assess the site on a stand-alone basis rather than its setting within the wider group. This context means that whilst individual boundaries may exist around the various building elements (wall enclosure to Jedneuk House, garden/tree enclosure around the cottages and roads around the proposal site, garage and old Smiddy), the overall sense of place is derived from the overall grouping which is centred on the crossing point of the A68.
- 2.2.4 Additionally, the proposals would ensure that this cannot be deemed to be 'sporadic development', as contended in the refusal reason. The indicative design clearly shows that the immediate site is utilised for the three plots and further extension is not achievable.
- 2.2.5 As noted by the Case Officer, the Council's Landscape Architect does not object to the proposal. As stated in the landscape consultation response (**Appendix 8**), ***"there should be no harm, in landscape and visual terms, in (the site) being developed for residential use at the low density proposed, provided the green boundary structure is maintained and strengthened"***. This approach is taken in the supporting Indicative Design Proposal. The landscape architect then goes on to provide an alternative site layout for the three plots based on a detached layout with additional planting to north-west and north-east corners. As noted above, the reasoning for providing the terraced/linked building form was to reflect traditional form on the site but the applicant notes the recommendation and would seek to agree detailed siting, design and landscaping requirements with the Council at the detailed application stage in line with Placemaking and Design Supplementary Planning Guidance and utilising the site's natural features.
- 2.2.6 The Case Officer raises the issue of coalescence between the site and the Joiner's Cottages to the north-east. This does not appear to be a justifiable argument based on the historic connection between the cottages (formerly the school for the Bonjedward hamlet) and the site (formerly containing housing plus the Smiddy and now the garage). Additionally, the Case Officer highlights the road signage for Bonjedward which again only confirms that, whilst not a defined settlement, there is an established sense of this hamlet being a 'place' which is arrived at and departed from.
- 2.2.7 Overall, it is considered that the proposed site is at the heart of the Bonjedward building group, established historically and still present today, with a sense of place that is characterised by the various building elements surrounding the

A68/A698/A6090 junction. The Council's landscape architect supports the view that there would be no detrimental landscape impact and a suitable layout and landscaping design can be agreed.

2.3 Local Planning Policy: Second Reason for Refusal (Residential Amenity)

2.3.1 The Case Officer's second reason for refusal relates to a perceived negative amenity of future occupiers of the proposed housing due to proximity to existing roads and Bonjedward Garage.

2.3.2. Adopted Local Plan Policy H2 and Proposed LDP Policy HD3 set out the criteria by which development impact upon residential amenity is to be assessed. As with the first reason for refusal, given the adoption of the Local Development Plan on 12th May 2016, it is now just adopted LDP Policy HD3 that is relevant.

2.3.3 In this respect, the policy is based upon two main elements and four sub-categories. Therefore, the proposal can be assessed on this basis:

- a) The proposed development would not result in the loss of any allocated open space.
- b) Development details:
 - i. Scale, form and type of development would be compatible with adjoining area (detailed design to be subject to further approval). In particular, the proposed scale would accord with the 30% increase rule for Building Groups (3 units added to minimum of 10 existing units).
 - ii. The proposed houses would not overlook, or be overlooked by, existing residential properties. The garage is partially screened by existing trees from the site and this boundary could be augmented by additional landscaping. In any case, the siting of the proposed houses would still be subject to detailed approval and there would be scope to provide sufficient set-back from the garage.
 - iii. The proposed houses would not generate unacceptable levels of traffic or noise. The impact of the existing garage and adjoining roads in terms of amenity impact is considered to be negligible. There was no objection from the Council's environmental health officers and there are existing houses in close proximity to both the roads and garage (the Smiddy, Jedneuk Lodge, Bonjedward Cottages) which have existed alongside the garage for a considerable length of time.
 - iv. As noted by the Council's landscape architect, the proposed scale of development could be accommodated without detrimental visual impact upon the landscape or character of the area.

- 2.3.4 Additionally, the Case Officer's point that there is little access to public services or amenities is not correct as an existing bus service connects Bonjedward to Jedburgh, Kelso and Hawick with an existing bus stop located within 200m of the site on the A68 (well within Government advice on accessibility to public transport, being less than 400m from a bus service as per PAN75 Planning for Transport).
- 2.3.5 **Overall, having assessed the proposal against adopted local policy and taking into account responses from statutory consultees, there is no evidence to support the Case Officer's view that future amenity of the proposed houses would be compromised.**

3.0 STATUTORY CONSULTEES & THIRD PARTY REPRESENTATIONS

3.1 In terms of **statutory and local Consultations**, notwithstanding the Case Officer reasoning, **no objections were received from statutory consultees other than the Community Council (addressed below)**. In particular:

- **Roads Planning Service raised no objection** (subject to conditions including a slight amendment to the junction of the A6090/A698 to improve visibility, which are noted and accepted by the applicant, being within their control).
- **Transport Scotland raised no objection** (subject to a condition to ensure no direct vehicular access is taken from the A68 which is acceptable to the applicant).
- **Environmental Health did not comment** on the application.
- **Education and Lifelong Learning raised no objection** and confirmed that no contributions would be sought.
- The Council's **Landscape Architect raised no objection** (subject to a condition requiring enhanced structure planting as outlined on a supporting sketch) and, as detailed above, confirmed that there would be no harm in landscape or visual terms in the site being developed for residential use at the proposed low density.
- **Historic Environment Scotland raised no objection** in relation to any impact upon the nearby Monteviot designed landscape.
- The Council's Development Negotiator confirms contributions are required towards affordable housing (£8,500) which is noted and accepted by the applicant, to be secured via suitable legal agreement
- The Community Council objected on the grounds of the traffic impact derived from a new junction formed to access the proposed housing. In this respect, the Council's Roads Planning Service consultation addresses this point.
- The applicant is not aware of any other local objections.

4.0 CONCLUSION

4.1 The preceding Statement, in conjunction with the appended supporting documentation, demonstrates that the proposal can be assessed positively in terms of local planning policy with further support derived at national level. In particular: -

- National planning policy outlined within SPP supports and encourages appropriate rural development and investment and sets out a presumption in favour of development that contributes towards sustainable development. The proposal accords with these aims by providing high quality new housing as a proportionate extension to the established Bonjedward Building Group which is accessible by public transport to services and amenities in nearby Jedburgh and Kelso. The proposal, whilst in principle, seeks to reflect the historic development pattern of Bonjedward (on a site which was previously developed) and create a proposal suitable for its context (i.e. small-scale, low density with strong landscaping and not requiring an over-engineered adopted road as under 5 units) in line with national policy, Creating Places and Designing Streets. Detailed design would of course be subject to further approval in any case.
- The first reason for refusal is refuted on the basis that the historic development pattern and current physical relationship between buildings demonstrates that the site is at the heart of the established Bonjedward Building Group. The site was previously occupied by housing which sat between Jedneuk to the south, the Smiddy and Bonjedward Cottages to the west and the former school (now cottages) to the north-east. The building group historically formed a staging post at the junction of the Edinburgh-Jedburgh and Jedburgh-Kelso roads and straddled this road junction, rather than its boundaries being defined by these roads. There are a minimum of 10 individual buildings within the immediate group (Jedneuk House and lodge plus the old Smiddy house and 7 properties at Bonjedward Cottages), not including the cottages to the north-east or additional housing on Sharplaw Road to the west. The site is therefore well related to this group and would not increase the group by more than 30%, all in accordance with adopted LDP Policy HD2.
- The Bonjedward building group (of which the site forms part) is clearly defined through a sense of place which is encountered on approaches from all four directions and, as noted by the Council's Roads Planning service, the A6090 (which the site is accessed from) has a 'semi-urban feel' due to the number of individual access points and properties. This is reinforced by the road signage depicting approach and exit from Bonjedward.
- The site would not form sporadic development as the immediate site would not allow for obvious extension and the Council's Landscape Architect confirmed that the proposal would have no landscape or visual harm.
- A previous planning application for the site was considered by the then Case Officer to be within the building group at Bonjedward and the evidence provided as part of the subsequent appeal did not fully outline the site's historic context. Additionally, since the appeal decision in 2009, Scottish Planning Policy has been revised to support economic growth through sustainable development that does not have a significantly detrimental impact upon wider policies. For the reasons set out in this statement, it is considered

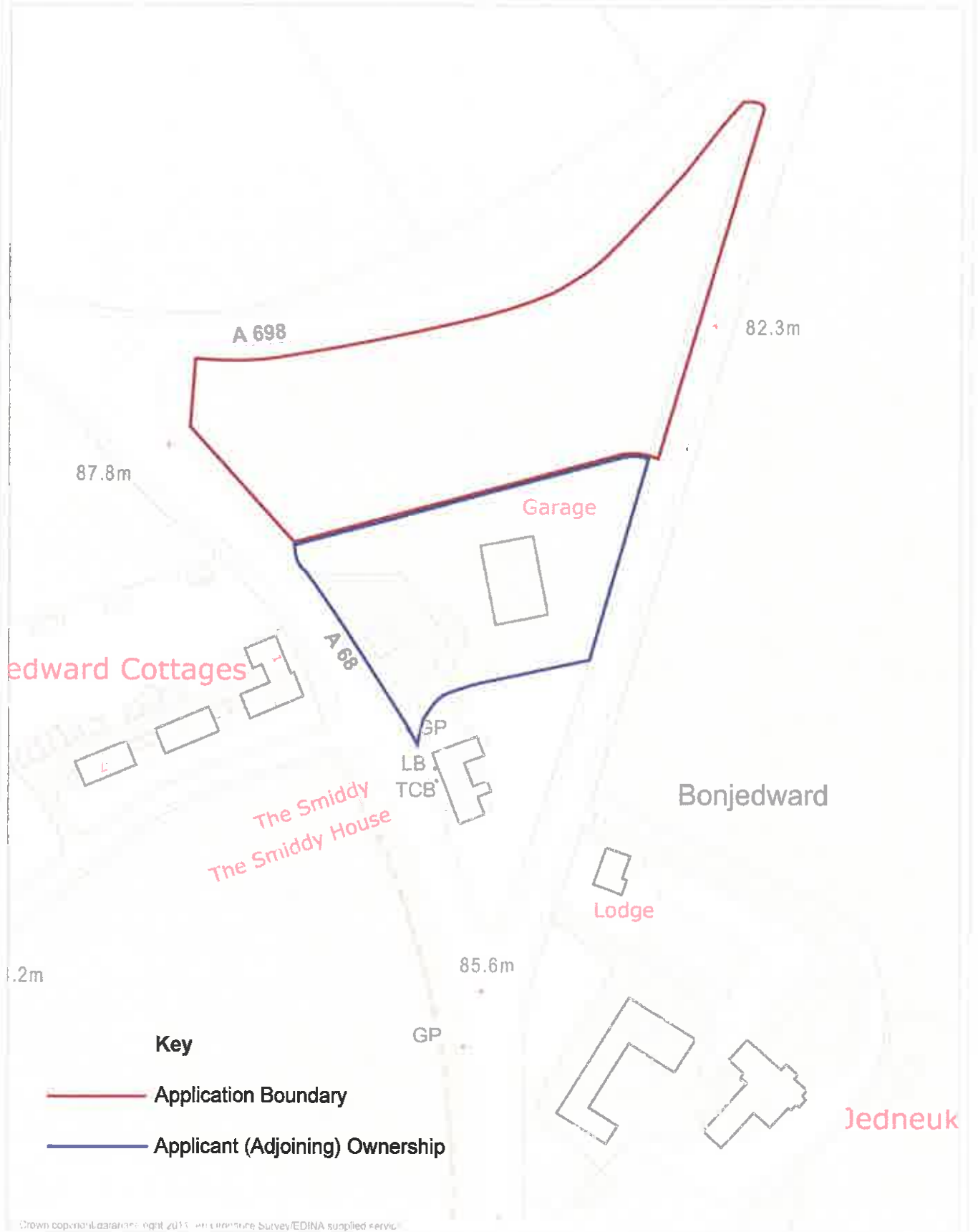
that the current proposal would not have any detrimental impact. This is substantiated by the support from the Council's landscape and transport services in particular.

- The second reason for refusal is also refuted in that there would be no detrimental impact upon future occupiers of the proposed housing due to the proximity of the garage or roads. The proposal accords with adopted LDP Policy HD3 in terms of an assessment of residential amenity and no objections were raised from the Council's Environmental Health service with respect to noise. Existing housing including the old Smiddy and Jedneuk Lodge have existed alongside the garage for a considerable time without detriment.
- There were no statutory or local objections to the application other than the Community Council who objected on traffic impact grounds which are addressed through the Council's Roads Planning service consultation response.

6.2 In closing, on the basis of the evidence provided in this Statement, the applicant considers that the aims and objectives of both national and local policy have been practically applied to this proposal which seeks a proportionate, contextual extension of an existing, accessible building group. The proposal can achieve a design quality that will contribute positively to the Scottish Borders. The applicant notes and accepts proposed conditions required by statutory consultees and can work positively with the Council to deliver detailed siting, design and landscaping in line with national and local design policy.

6.3 On the basis of the foregoing, it is respectfully requested that the submitted Notice of Review be viewed positively by the Local Review Board of Scottish Borders Council with the applicants agreeable to the imposing of appropriate planning conditions, as necessary.

Bonjedward - Location Plan



- Key**
- Application Boundary
 - Applicant (Adjoining) Ownership

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Scale 1:1250





**Bonjedward
Jedburgh**

Prepared by
Clarendon Planning and Development Ltd

On behalf of
Lothian Estates

Planning & Design Statement

December 2015



CONTENTS

BACKGROUND	3
• Description & Location	
• Application Proposal	
• Planning History	
PLANNING POLICY AND ASSESSMENT	4
CONCLUSIONS	6
Appendices	
Appendix 1: Indicative Design Proposal	7
Appendix 2: Previous Planning Application Committee Report (Ref: 06/00232/OUT)	Separate Document

BACKGROUND

Description & Location

The proposed site is situated within the hamlet of Bonjedward, north of Jedburgh. The site is contained within a 'triangle' area of grassland delineated by the A68 to the west, the A698 to north and east and part of the existing building group (and a line of trees) to the south. The site extends to approximately 1.37 acres, as outlined on **Figure 1**.

The site sits within the wider Bonjedward building group which, as a minimum, comprises Jedneuk House, Lodge and stables plus The Old Smiddy and Bonjedward Cottages. These 11 houses/buildings form the heart of the building group notwithstanding additional housing west of Bonjedward and the cottages to the north, which form part of the wider grouping.

Application Proposal

This application seeks Planning Permission in Principle (PPP) for 3 No. dwellinghouses on the aforementioned site, along with associated landscaping and newly formed private access road to serve the new houses. Whilst an 'in principle' application, the proposal is supported by indicative site layout (see **Appendix 1**), representing a potential design solution to complete the building group at Bonjedward.

Planning History

In 2006 a planning application for outline consent was submitted (ref:06/00232/OUT) for 7 No. detached houses. This was subsequently reduced to 4 No. plots. This application was recommended for approval by the case officer but refused by planning committee in 2008 (see **Appendix 2**) and an appeal dismissed in 2009 by the DPEA (PPA-140-414). The application was based upon a wider site incorporating the adjoining garage and proposed 'dispersed' arrangement of detached plots. The reasons for refusal included loss of employment land (the existing garage) and that the proposals for housing did not relate well to an existing building group in the countryside.

The current application site does not include the garage and the point relating to the existing building group was contrary to initial advice and planning officer recommendations.



Figure 1 - Site Location

PLANNING POLICY ASSESSMENT

National Policy Setting

National planning policy provides the overarching context for new development proposals including new housing within the countryside. **Scottish Planning Policy** (Scottish Government, 2014), Paragraph 75 outlines policy principles for rural development, stating that the planning system should, “encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality”. Paragraph 78 states, in terms of delivery, that “in the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide for additional housing requirements”.

Creating Places (June 2013) incorporates the design and place aspirations of **Designing Places** (2001) and is fully integrated with **Scottish Planning Policy (2014)** to place design and place at the heart of planning policy. This is supported by **Designing Streets (2010)**, with the overall emphasis on the creation of places that provide a sense of identity, making best use of resources through sensitive utilisation of existing shelter and built and natural environment features whilst relating new development to local context. This is equally important for small-scale expansions of rural building groups as higher profile urban development and therefore detailed design considerations for Bonjedward should ensure the creation of a well-defined and contextual place.

Development Plan

The site is covered by the **South East Scotland Strategic Development Plan (SESplan)**, approved June 2013) and the **Consolidated Scottish Borders**

Local Plan (2011), incorporating the adopted 2008 Plan). SESplan is subject to additional Supplementary Guidance in relation to housing land allocations which was approved in June 2014. At local level, the Local Plan is being replaced with a new style Local Development Plan (LDP). Scottish Borders Council has completed the Examination of the Proposed LDP and proposed modifications process. The Council is due to consider the Reporter's Report with a view to adoption of the Plan shortly.

Proposed LDP (examination version, 2014)

Due to the advanced stage of the Proposed LDP, the proposal is based upon Scottish Borders' Proposed LDP in which new housing in the countryside is allowable within existing Building Groups on the following grounds set out within Policy HD2:-

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group (within the Plan period), whichever is the greater, associated with existing building groups may be approved provided that:

- o The site is well related to an existing group of at least three houses or buildings currently in residential use or capable of conversion to residential use.
- o Cumulative impact of new development on character of the building group, landscape and amenity of the surrounding area must not create unacceptable adverse impacts.
- o Proposal to be of appropriate scale, siting, design, access and materials and should be sympathetic to the character of the group.

Bonjedward Building Group, as a minimum comprises

Jedneuk House, Lodge and stables (latter being commercial use but with scope for conversion to residential), plus The Old Smiddy and Bonjedward Cottages. These 11 houses/buildings form the heart of the building group notwithstanding additional housing west of Bonjedward and the cottages to the north, which form part of the wider grouping.

Given the scale of the existing building group, the addition of 3 units would not lead to unacceptable cumulative impact. The positioning of the units would reflect historic character (as detailed within **Appendix 1**) and amenity would be protected by existing and proposed landscaping which would be subject to detailed approval.

Similarly, whilst the scale, siting and access is outlined within **Appendix 1**, design and materials would be subject to detailed approval.

Additionally, the Council's Supplementary Guidance on New Housing in the Countryside also notes that development of 5+ unit will require fully adopted roads with this scale generally not viewed favourably and preference for 'lower impact' development that does not require full street lighting and over-engineered solutions. This is also supported by the Government's **Designing Streets Policy**.

Adopted Local Plan

Given that the proposed LDP is yet to be adopted, regard must also be taken of the adopted Local Plan. In terms of this, the proposed site is within an area of designated countryside within the adopted Local Plan but adjacent to an established rural building group at Bonjedward. The relevant policy within the adopted LDP is **Policy D2 – Housing in the Countryside**, as supported

PLANNING POLICY ASSESSMENT

by the Council's 'New Housing in the Borders Countryside' Supplementary Planning Guidance (SPG) (approved 2008).

Part A of Policy D2 relates to Building Groups and states that housing of up to 2 additional dwellings or a 30% increase of the Building Group, whichever is the greater, may be approved, subject to certain criteria.

Criteria No.1 requires that the site is well related to an existing group of at least three houses or buildings currently in residential use or capable of being converted to residential use. In this respect Bonjedward relates well to the existing group through well-defined containment on all sides.

The suitability of the proposed site can be assessed against the Council's SPG which defines a Building Group as being, *"Identifiable by a sense of place which will be contributed to by natural boundaries such as water courses, trees or enclosing landform or man-made boundaries such as existing buildings, roads, plantations or means of enclosure"* (Section 2.b.1, Page 10). The proposal site is clearly defined by its own existing strong physical boundaries which also contain part of the Bonjedward Building Group and as such satisfies this criteria.

Criteria No.2 confirms the threshold for additional units within the Plan period as 2 No. additional dwellings or a 30% increase in addition to the group with which the proposal accords.

Criteria No. 3 states that the cumulative impact of new development on the character of the Building Group and landscape amenity of the surrounding area will be taken into account when determining applications. In this regard, the application is 'in principle' and therefore on the basis that the proposed site is well-related to the existing

buildings, detailed design will address impact on landscape, amenity and character. However, on the basis of the indicative site layout produced for illustrative purposes (Appendix 1), detailed design could address Criteria 3 with conditions attached to any approval in principle able to guide the design. In particular the following key points would be addressed:-

- **Building Positioning:** As detailed within the Section 3.1 of the SPG, *"setting a building against a background of trees is one of the most successful means by which new development can be absorbed into the landscape"*. The indicative proposals set the three dwellinghouses against a backdrop of existing trees and hedgerow, thus framing the Building Group.
- **Building Scale:** The indicative layout details 3 No. linked houses as these are considered to be the most suitable solution in planning terms. The scale would be within the 30% growth policy threshold for building groups, serviced via a private access and oriented to link with existing buildings at Bonjedward and reflect the historic positioning of the buildings on the site.

- **Building Materials:** The indicative proposal is intended to be based on traditional Scottish rural vernacular to link to the existing cottages. Detailed materials treatment can be discussed with the Council at detailed application stage.

- **Energy Efficiency:** The existing woodland creates natural shelter for the houses and gardens whilst the building positioning allows for a significant area of garden ground (and living spaces) to benefit from the natural daylight pattern.

- **Access:** The proposal proposes a new private access road to the east of the site at the A698, adjoining the

A68. The specific design arrangement will be subject to detailed design considerations.

- **Landscape:** The proposal utilises the existing strong landscape boundaries which are augmented with an additional landscape edge. In order to integrate the site in landscape terms, additional planting along the northern/western boundary will be required to augment the existing hedgerow whilst additional landscaping will be required to augment the existing tree 'screen' towards the garage building. Furthermore, the proposed plots would provide large areas of garden ground/small paddocks.

- **Access to Public Transport:** Positively, for a rural location, a local bus service exists at Bonjedward (regular local service linking Jedburgh, Kelso and Hawick) with an existing bus stop on the A68, approximately 200 metres to the west.

The **New Housing in the Borders SPG** provides a checklist of suitable criteria for any particular group to accommodate new houses, to which the site compares favourably, namely:

- The scale of the site allows for the proposed built form to relate to the existing buildings and create attractive plots suited to the rural location.

- The site is strongly contained by existing defensible boundaries, trees and hedgerow thereby creating a defined sense of place within which to accommodate new built form.

- Spacing between existing and proposed units can be designed to ensure the new development relates to the existing built form, rather than isolated or ribbon development.

PLANNING POLICY ASSESSMENT

- Mature trees will form the site boundary to the south-west side of the proposed development.
- There will be no impact on existing intensive livestock units given the presence of existing cottages and the proposed layout and access arrangement in relation to the farm.

The development proposal has been reduced over time (from 7 to 4 and then to 3 units) and given the previous use of the site for housing (as per historic map within **Appendix 1**) it is considered there is an historical basis within which to complete the group, assisted by the strong boundaries of the proposed site and potential for a strong relationship between new development and the existing terrace. This containment also ensures the group will not be able to extend over time out-with a clearly defined space.

The second reason for refusal in the previously submitted application and appeal on loss of employment is not a consideration in the proposal as the garage site is not included.

Overall, it is considered that the proposal meets the requirements of Policy D2 as the site is historically related to the existing Building Group and provides for a well related extension of suitable scale (3 units) and detailed proposals can ensure there is no detrimental impact on surrounding landscape, amenity or character.

The indicative proposals will be subject to further discussion with the Council at detailed application stage and can fully accord with the Council's 'New Housing in the Borders Countryside' Supplementary Planning Guidance.

Conclusion

The preceding Statement, in conjunction with the appended supporting documentation, demonstrates the suitability of the proposal in the context of the site character and location.

The grounds of support specifically relate to the following fundamental factors:

The site accords with Adopted Local Plan Policy D2 criteria (a) in that it is well related to an established Building Group at Bonjedward, both historically and with the existing strong physical containment (which also incorporates part of the existing Building Group).

The proposal accords with Adopted Local Plan Policy D2 criteria (b) in that three new dwellings would be added to an existing group of eleven houses, thereby not breaching the expansion threshold within the Plan period.

The proposal accords with Adopted Local Plan Policy D2 criteria (3) in that the proposal would contribute to the character, landscape and amenity of the existing Building Group and surrounding area rather than detract from, with particular respect to the proposed private access road.

The proposal accords with the Scottish Borders Proposed LDP (examination version, 2014) in which new housing in the countryside is allowable within existing Building Groups in that housing of up to a total of 2 additional dwellings or a 30% increase of the building group (within the Plan period). There would be no adverse cumulative impact on Building Group character (scale, siting and access outlined in Appendix 1) with design and materials subject to detailed approval.

It should be noted that a previous application for four houses was also recommended for approval by Council planning officer (Appendix 2).

The proposal accords with national policy and guidance contained within SPP, Creating Places and Designing Streets in terms of creating a contextual small-scale development with character which can create a place with identity; detailed design can guide the final positioning and design of the proposed buildings in relation to the landscape and access arrangements to ensure a suitably rural setting is maintained, including in respect of appropriate street design.

The proposal accords with the Council's 'New Housing in the Borders Countryside' Supplementary Planning Guidance in terms of the site's containment and relationship to the existing Building Group, with detailed design able to address siting and design considerations to ensure impact on character, landscape and amenity factors is positive.

On the basis of the foregoing, it is respectfully requested that the submitted planning application be supported by Scottish Borders Council.

APPENDIX I - INDICATIVE DESIGN PROPOSAL

SITE & HISTORIC CONTEXT

Bonjedward developed as a hamlet along with Jedneuk Farm, north of Jedburgh, and as the adjoining OS historic plan extract demonstrates, a strong inter-connection between the grouping of buildings developed around this key road junction.

The potential development site is contained within the 'triangle' delineated by the road junction which now forms the A68 and A698. Existing buildings in the mid-nineteenth century are visible on the historic OS extract (Figure 2), including terraced cottages (including on site of present garage) and building/s within the 'triangle' facing south-east towards Jedneuk and relating to the orientation of Bonjedward Cottages.

Existing built form visible around the site include current C Listed buildings comprising The Old Smiddy, Jedneuk House, Lodge and Stables (Lothian Estates office) to the south-east and Bonjedward Cottages to the west.

Further to the north, the old school can be identified (now cottages) and this overall linkage between built form at this location is clear.

Therefore, in planning terms, it is crucial that any new proposed development on the highlighted potential site relates well to its immediate context and historic pattern.

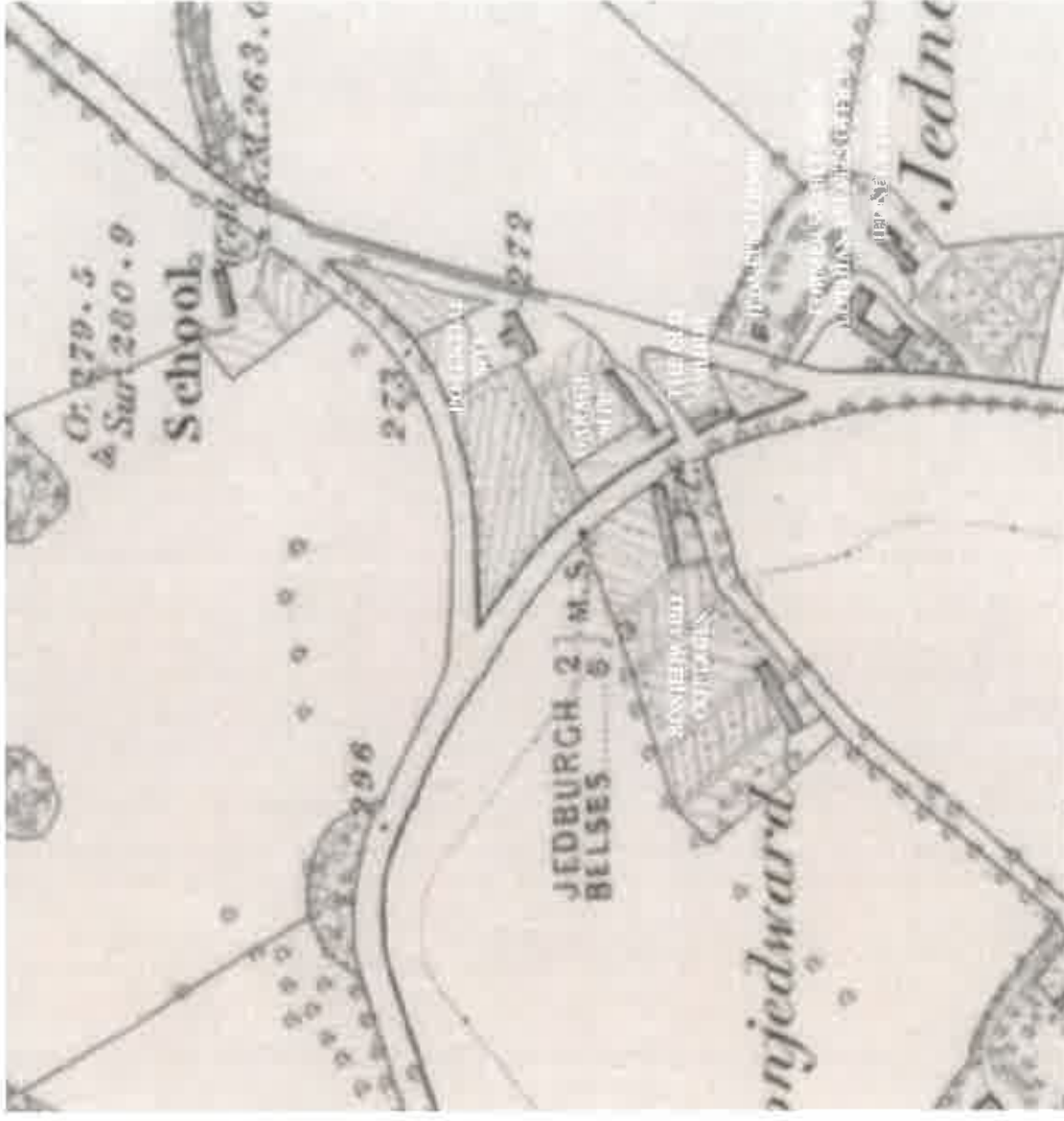


Figure 2 - Bonjedward: mid-19th century OS Extract courtesy of RCAHMS at pastmap.org.uk

INDICATIVE DESIGN PROPOSAL

It is therefore considered that a proposal for 3 No. linked houses would be the most appropriate design solution in planning terms. This scale would be within the '30% growth' policy threshold for Building Groups, serviced via a private access and orientated to link with existing buildings at Bonjedward and reflect the historic positioning of buildings on the site.

Two of the three proposed plots would provide large areas of garden ground/small paddocks offering attractive plots suited to the rural location. Whilst not detached, the desirability of these plots may be further enhanced via the 'detailed' design and how 'linkage' between the plots is handled, post-establishment of the principle of development.

In order to integrate the site in landscape terms, additional planting along the northern / western boundary will be required to augment existing hedgerow whilst additional landscaping may be required to augment the existing tree 'screen' towards the garage building.

An outline layout of how these plots could be integrated is contained on **Figure 3**.



Figure 3 - Bonjedward Building Group with 3 No. proposed new plots

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On behalf of Lothian Estates



SCOTTISH BORDERS COUNCIL

DEVELOPMENT AND BUILDING CONTROL COMMITTEE

21 MAY 2008

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 06/00232/OUT

OFFICER: Karen Hope
WARD: Jedburgh & District East
PROPOSAL: Demolition of garage and erection of seven dwellinghouses

SITE: Bonjedward Garage and surrounding land, Bonjedward, Jedburgh
APPLICANT: Lothian Estates
AGENT: None

SITE DESCRIPTION

The site is a triangular area of ground between the A68, the A698 and the A6090, at Bonjedward just north of Jedburgh. The southern apex of the triangle, which is occupied by 'The Smiddy' and 'The Smiddy House' is excluded from the application site. An existing car wash, which is accessed off the A68, is located within the western boundary of the site. Behind the forecourt there is a large shed and a parking/servicing area which form a garage. Access to this is off the A6090. The northern part of the site is used for grazing. There are a number of established trees on the site. There is a stone wall on the A6090 boundary, and a wall with a hedge above it on the A698. The existing Smiddy and Smiddy House to the immediate south of the site are category C(S) listed buildings as well as no. 1 – 7 (inclusive) Bonjedward Cottages to the west.

PROPOSED DEVELOPMENT

This application originally sought outline planning consent for the erection of seven dwellinghouses on this site. This number has been reduced to four units during the process of the application. Various indicative plans have been submitted with the application. The most recent of which illustrates that a single access would be provided off the A6090 to the west of the site. This would serve the four proposed dwellinghouses as well as the rear of 'The Smiddy House'. The existing car wash would be retained but the garage building within the south eastern boundary of the site would be demolished. A single dwellinghouse, within Plot 1, would be erected within the north western corner of the site, overlooking the A68. A pair of semi-detached properties would be located within the northern boundary of the site, overlooking the A698. A further detached dwellinghouse would be erected within the south eastern part of the site, close to the footprint of the demolished garage, overlooking the A6090. A number of trees within the site would be retained and new planting is also proposed, both within the site and along its boundaries.

PLANNING HISTORY

None.

REPRESENTATION SUMMARY

Two letters of objection have been received. These can be viewed in full on the Council's public access system. The following is a summary of the objections raised:

- To build dwellinghouses here would be like giving planning permission to build on a roundabout and a very dangerous one with many accidents on this area. The proposals would mean the closure of a long established, well supported and valuable business – Bonjedward Garage. The proprietors of the garage would find it difficult to locate suitably advantageous premises and would consequently suffer a potential loss of business.

APPLICANTS' SUPPORTING INFORMATION

Supporting letters have been submitted by the Applicant during the process of the application. It has been advised that, in respect of the house styles and materials, these would be constructed in a similar manner to the existing dwellinghouses in the surrounding area which are of traditional construction, slate roofs, rendered walls, windows with astragals and dormers with the houses being 1.5 storeys incorporating chimneys. It would be the Applicants intention to screen the site with trees to the A68 and the A698 retaining as many of the existing trees as practical with the hedges planted adjacent to the public road on the south side of the A6090 and alongside the entrance roads within the site. The number of proposed dwellinghouses has been reduced from 7 to 4 during the process of the planning application in order to overcome roads issues.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Director of Technical Services (Estates Section): No comments.

Director of Technical Services (Environmental Health): Contamination is expected. The site may require further investigation, and if necessary, remediation, before planning permission is granted.

Director of Technical Services (Roads): It is this Department's policy to restrict the number of new accesses serving dwellings on to principal roads outwith settlement boundaries. However, given that there is an existing business on the site which generates significant traffic, I am willing to consider the proposal in a favourable light. The following conditions must be adhered to should the proposal be considered acceptable in planning terms:

1. There must be no access to the site via the existing car-wash business as indicated on the submitted plan dated Oct. 2007.

Parking and turning for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of each dwelling and retained in perpetuity.

Visitor parking for a minimum of two vehicles must be provided centrally within the development and retained in perpetuity.

A service lay-by to my specification must be provided at the junction with the A6090. The access off the A6090 must be 5.5m wide for a minimum of 6m to allow two vehicles to pass at the access.

The initial 6m of the access must be surfaced to my specification shown below.

A visibility splay of 3.5m x 160m to the south must be provided at the junction with the A6090 and retained in perpetuity. Any planting to be carried out along the rear of

the splay must be a minimum of 500mm back to allow future growth of the planting not to interfere with visibility.

Steps must be taken to prevent surface water from the new access road flowing on to the adjacent public road.

The internal layout of the road must allow for vehicles to pass although this can be confirmed at full planning stage.

Road Spec.

40mm of 14mm size close graded bituminous surface course to BS 4987 laid on
60mm of 20mm size dense binder course (basecourse) to the same BS laid on
350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Statutory Consultees

Crailing, Eckford and Nisbet Community Council: We are not happy with this proposal for the following reasons:

- That it is additional to the Borders plans that we commented on in January, is this the start of a new settlement?;

A development on what is nothing but a large roundabout;

Traffic worries, particularly for residents and more so for children;

With proposed access from the A68 as well as the A6090 it will be impossible to install suitably high fencing for childrens safety;

How many needless job losses on two well established businesses for seven properties that could be put elsewhere.

Historic Scotland: The proposal would see the demolition of the Bonjedward garage. This later 20th Century unlisted building is outwith a conservation area, but sited within a triangular plot of land immediately adjacent to the Monteviot House designed landscape, listed on the Inventory of Gardens and Designed Landscape. There are no scheduled monuments in the immediate area.

It is proposed to build seven new houses within the cleared plot. A footprint layout of the scheme has been sent as part of the application, but elevations of the buildings (including height and materials) is not included. Given that there is a B listed telephone kiosk and various C(S) listed buildings lying to the south and west of the site, your Council should ensure any new build on this site is sympathetic to the rest of the hamlet in terms of design, massing and materials.

Although the proposals do not appear to directly affect the Monteviot landscape, care should be taken to ensure the new buildings blend well into this semi-rural naturalised landscape. For instance we note that a screen planting of mixed native trees as a natural boundary treatment has been proposed. This would certainly be more sympathetic than high urban fencing in this situation and would certainly lessen any impact the development may have on the character of the hamlet.

Jedburgh Community Council: Has concerns about losing thriving industrial premises and asks the applicants to consider keeping the businesses and erecting fewer houses on this site.

Scottish Natural Heritage: We are not aware of any natural heritage interests associated with the development site which would be significantly affected by the proposal. The development does not affect any designated sites and we do not expect to be consulted further. However, since this is an outline application showing

only plot layout and a screen of native planting, we would advise that the design and scale of the proposed dwellinghouses is appropriate to the location and sympathetic to adjacent housing style and scale. We are aware that there are instances where approved planting proposals have not been carried out by a developer. We therefore advise that conditions are attached to a full application should such be approved, in order to effectively secure and ensure any necessary planting scheme.

Transport Scotland: No objections provided the following condition is attached to any consent granted:

1. There shall be no direct vehicular access from the existing garage on the A68 trunk road to the proposed housing development.
Reason: To ensure that the movement of traffic is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

Note:- The dated as received by SBC on 17 October 2007 still details adjacent to the carwash, which is to remain, that "existing carwash entrance used to access four houses". The layout of the carwash and housing development does not reflect this, however, the above condition has been attached to make sure that this does not occur.

Other Consultees

None.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2011

Policy H5 - New Housing in the Countryside - Building Groups
Policy H6 - New Housing in the Countryside - Isolated Housing
Policy N17 - Listed Buildings

Roxburgh Local Plan (1995)

Policy 7 – Additions to Building Groups
Policy 8 – Single Houses in the Countryside
Policy 53 – Preservation of Listed Buildings
Policy 63 – Siting and Design in the Countryside

Scottish Borders Local Plan: Finalised December 2005

Policy BE1 – Listed Buildings
Policy D2 – Housing in the Countryside
Policy G1 – Quality Standards for New Development

OTHER PLANNING CONSIDERATIONS:

- New Housing in the Borders Countryside Policy and Guidance Note 1993 as Amended April 2000 and August 2004.

Historic Scotland Memorandum on Listed Buildings and Conservation Areas 1998.

KEY PLANNING ISSUES:

The main planning issue with this application is whether or not the proposal complies with the terms of the Council's Housing in the Countryside policy. Consideration must also be given as to whether the proposal is acceptable in road safety terms and whether the proposals would have a detrimental impact upon the setting of neighbouring listed buildings.

ASSESSMENT OF APPLICATION:

Planning Policy

This application must be assessed against Policies H5 and H6 of the Approved Structure Plan 2001 – 2011, Policies 7 and 8 of the Roxburgh Local Plan 1995 and Policy D2 of the Scottish Borders Finalised Local Plan 2005. The Council's Housing in the Countryside policy requires the existence of a building group which normally consists of residential buildings comprising at least three dwelling units, including existing buildings capable of conversion to residential use.

It is accepted that the proposal meets the first test of the Housing in the Countryside policy in that there are at least three dwellinghouses within the vicinity. The site sits relatively comfortably within the boundaries of the building group whereby the site forms part of the visual sense of the area of Bonjedward, with Bonjedward Cottages to the west beyond the A68, The Smiddy House to the immediate south, and Jedneuk to the south beyond the A6090. There is also a row of cottages to the north east of the site, beyond the A698. The application site is enclosed on all three sides by roads. The proposals must therefore be judged first against the criteria listed in Policy 7 of the Roxburgh Local Plan 1995.

It is accepted that the proposals would not have an adverse effect on the viability of a farming unit or conflict with the operations of a working farm. Matters relating to the supply of water and drainage would require to be investigated. It is therefore considered that the requirements of criteria 1, 3 and 7 could be met.

Access

Criterion 2 requires that satisfactory access and other roads requirements can be met. The Director of Technical Services (Roads) has raised no objections to the proposals provided various conditions are attached to any consent granted. Transport Scotland has raised no objections provided a condition is attached to any consent granted requiring that there is no direct vehicular access from the existing garage (car wash) on the A68 trunk road to the proposed housing development in order to ensure that the movement of traffic is confined to the permitted means of access thereby lessening the danger to and interference with the free flow traffic on the trunk road. It is therefore considered that the requirements of criterion 2 can be met.

Landscape and Natural Heritage

Criterion 4 requires that there would be no adverse effect on countryside amenity, landscape or nature conservation. The Housing in the Countryside Policy and Guidance Note highlights that it is important to retain existing trees wherever possible both within a site and on its boundaries. Careful consideration would need to be given to the position of any dwellinghouses within the plots to ensure that the existing trees are retained.

Criterion 6 requires appropriate siting, design and materials. These matters would

need to be investigated as part of any future application(s) for reserved matters / full planning consent. It is considered that the indicative site plan makes efforts to ensure that the dwellinghouses are in keeping with the character of the area. It is considered, however, that strong planting should be undertaken within the north eastern and north western corners of the site in order to provide an attractive visual screen. The dwellinghouses should also be located more tightly within the site.

Designed Landscape & Archaeology

Criterion 5 requires that there is no adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland.

It has been established that the proposals have archaeological implications. The site occupies the northern extent of the medieval village of *bunjedbrugtoun*. This village is depicted on maps dating back to the late 16th century. These maps also indicate that a tower house or castle formed part of the village. Any ground disturbance may therefore impact on buried remains associated with the medieval settlement. Structure Plan Policy N16 is clear that where there is reasonable evidence of the existence of an archaeological site that either a predetermination evaluation or appropriate mitigation as part of any planning permission should be carried out. It is therefore recommended that a suitably worded condition should be attached to any consent granted requiring that no development takes place until the applicant has secured the implementation of a programme of archaeological work.

The site is located just outside the boundary of the Monteviot House designed landscape. No objections have been raised by Scottish Natural Heritage and Historic Scotland in respect of the development of the site in principle, although careful consideration will need to be given to the siting and design of the dwellinghouses within the site.

It is accepted that the proposals would not have an adverse impact upon ancient monuments, archaeological sites or upon a garden or designed landscape provided appropriate consideration is given to the design and siting of the proposed dwellinghouses and provided the appropriate archaeological evaluation is undertaken with appropriate mitigation measures.

Setting of Listed Buildings

In considering this application weight must be given to the fact that the neighbouring cottages and the Smiddy are category C(S) listed buildings. There is also a B listed telephone kiosk located to the west of the Smiddy. Policy 53 of the Roxburgh Local Plan 1995 seeks to preserve the setting of listed buildings and Policy BE1 of the Scottish Borders Finalised Local Plan 2005 states that new development which adversely affects the setting of a Listed Building will not be permitted. The setting of these properties is therefore highly sensitive. It is considered that, provided the dwellinghouses are suitably sited and designed there should be no detrimental impact upon the setting of the listed buildings.

Contamination

It is understood, as a result of the previous uses of this site, that it may be contaminated. An assessment of any contamination would be necessary and any appropriate mitigation measures would need to be undertaken. This matter could be addressed by attaching a suitably worded condition to any consent granted.

100% Rule

Policy D2 of the Scottish Borders Finalised Local Plan 2005 allows for the expansion of existing building groups by up to 100% of the existing number of houses during any local plan period, provided suitable sites can be identified in compliance with other parts of the policy and the Housing in the Countryside Policy and Guidance Note. The erection of four dwellinghouses at this location would not exceed 100% of the existing building group.

Developer Contributions

An appropriate contribution towards addressing affordable housing in accordance with Scottish Borders Council's Supplementary Planning Guidance on Affordable Housing would be required for this development. Any decision to approve this application would therefore require to be subject to the conclusion of a Section 75 or alternative agreement securing the appropriate contribution / affordable housing provision. The comments of the Director of Education and Lifelong Learning have been sought in order to ascertain whether or not a financial contribution towards education would be required. It is anticipated that these comments will be presented verbally at Committee.

CONCLUSION

Overall, it is considered that this application meets the requirements of the Council's policies relating to housing in the countryside in principle. Careful consideration would need to be given to the design and siting of the proposed dwellinghouses in order to ensure that the development would not have a detrimental impact upon the setting of the neighbouring listed buildings and the area as a whole.

RECOMMENDATION BY HEAD OF PLANNING AND BUILDING STANDARDS:

I recommend the application is approved subject to a legal agreement addressing an appropriate financial contribution towards affordable housing and possibly education, and the following conditions:

1. Approval of the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. The means of water supply and of both surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced.
Reason: To ensure that the site is adequately serviced.
3. There shall be no direct vehicular access from the existing garage on the A68 trunk road to the proposed housing development.
Reason: To ensure that the movement of traffic is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by the Archaeology Officer and approved by the Local Planning Authority.
Reason: To safeguard a site of archaeological interest.
5. Details of a survey and investigation of the soil conditions of the site, sufficient to identify the nature and extent of any soil contamination, together with a schedule of the methods by which it is proposed to neutralise, seal or remove the contamination substances, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out before any works in connection with this permission are begun.
Reason: To ensure that the site is made safe before works commence.
6. The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with the scheme of details that shall first have been submitted to and approved in writing by the planning authority.
Reason: To ensure the development minimises any environmental impact.
7. Parking and turning for a minimum of two vehicles, excluding any garaging, must be provided within the curtilage of each dwellinghouse and must be retained in perpetuity.
Reason: In the interests of road safety.
8. Visitor parking for a minimum of two vehicles must be provided centrally within the development site before any dwellinghouse is occupied and must be retained in perpetuity.
Reason: In the interests of road safety.
9. A service lay-by must be provided at the junction with the A6090 to the specification of the Local Planning Authority before any dwellinghouse is occupied.
Reason: In the interests of road safety.
10. The access off the A6090 must be 5.5 metres wide for a minimum of 6 metres in length in order to allow two vehicles to pass at the access. The initial 6 metres of the access must be surfaced to the specification of the Local Planning Authority.
Reason: In the interests of road safety.
11. A visibility splay of 3.5m x 160m to the south must be provided at the junction with the A6090 and must be retained in perpetuity. Any planting to be carried out along the rear of the splay must be a minimum of 500mm back to allow future growth of the planting not to interfere with visibility.
Reason: In the interests of road safety.
12. The design of the dwellinghouse to be restricted to a maximum of 1½ storeys only.
Reason: To safeguard the visual amenity of the area and the character of the existing category C(S) listed dwellinghouses within the vicinity of the site.
13. Design statements to be submitted to the satisfaction of the Planning

Authority during the process of reserved matters / full planning applications. These must demonstrate an appropriate form of development, taking references from the neighbouring cottages

Reason: To ensure that the development achieves a consistent and co-ordinated level and form of design.

Informatives

In respect of condition no. 6, it is approved Council policy that "all future developments with a total cumulative floor space of 500m² or more to reduce carbon dioxide emissions (CO₂) by 15% beyond the 2007 Building Regulation carbon dioxide emissions". The full document can be viewed online at <http://www.scotborders.gov.uk/pdf/20328.pdf> . This understanding is in line with approved Scottish Executive planning policy SPP6: Renewable Energy published in March 2007.

In respect of condition no. 10, the initial 6 metres of the access must be surfaced to the following specification:

Road Spec.

40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Steps must be taken to prevent surface water from the new access road flowing on to the adjacent public road. The internal layout of the road must allow for vehicles to pass.

Approved by

Name	Designation
Brian Frater	Head of Planning and Building Standards

"The original version of this report has been signed by the Head of Planning and Building Standards and the signed copy has been retained by the Council."

Author(s)

Name	Designation
Karen Hope	Senior Planning Officer

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 15/01521/PPP

**To : Lothian Estates per Clarendon Planning And Development Limited Per David Howel
5A Castle Terrace Edinburgh EH1 2DP**

With reference to your application validated on **23rd December 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of three dwellinghouses

at : Land North Of Bonjedward Garage Jedburgh Scottish Borders

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

**Dated 23rd February 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 15/01521/PPP**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
Bonjedward – Location Plan	Location Plan	Refused

REASON FOR REFUSAL

- 1 The proposal is contrary to Policy D2: Housing in the Countryside of the Scottish Borders Consolidated Local Plan Adopted 2011, Policy HD2: Housing in the Countryside of the Proposed Local Development Plan 2013 and Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 in that the site is not within the recognised building group at Bonjedward and it does not relate well to this group and would therefore not be an appropriate extension to the existing pattern of development. The development would result in sporadic development within the countryside harming the character and appearance of the area.
- 2 The proposal is contrary to Policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policy HD3 of the Proposed Local Development Plan 2013 relating to the protection of residential amenity in that siting residential housing adjacent to industrial buildings and three main public roads would have a significant adverse impact on the residential amenity of occupiers of the proposed houses.

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 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

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

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01521/PPP
APPLICANT : Lothian Estates
AGENT : Clarendon Planning And Development Limited
DEVELOPMENT : Erection of three dwellinghouses
LOCATION: Land North Of Bonjedward Garage
Jedburgh
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
BONJEDWARD - LOCATION PLAN	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

There are no representations.

CONSULTATIONS:

Historic Environment Scotland: The development may affect Monteviot, included in the Inventory of Gardens and Designed Landscapes in recognition of its national importance. Historic Environment Scotland does not object to this application and we do not have any comments.

Education: This proposal is located within the catchment area for Parkside Primary School and Jedburgh Grammar School. There are no contributions sought for this application.

Transport Scotland: The Director advises that the following condition be attached to any permission the Council may give:

There shall be no direct vehicular access from the A68 nor via the existing garage on the A68 trunk road to the proposed housing development.

Reason: To ensure that the movement of traffic is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

Roads Planning: The entire length of the A6090 is only 257m. Its junctions with the A698 and the A68 to the north and south respectively means that although the road is derestricted in terms of speed limits, traffic is generally not travelling at speeds faster than 40 mph. The application is supported provided:

1. Roadside wall and hedging is adjusted to achieve 2.4m by 120m visibility splays for drivers emerging from the site access;
2. Car turning and a minimum of two parking spaces for each residential unit;
3. Visitor parking would be required: two spaces would suffice;
4. Improvement to junction visibility where the A6090 meets the A698: allowing drivers emerging from the A6090 to be able see to the outside of the bend in the A698 to the west of the junction at a distance of 4.5m back from the carriageway edge at the junction.

Crailing, Eckford and Nisbet Community Council: Objection. Potential traffic safety problems as it highlighted in the representation to the previous application.

Development Negotiator: A Section 69 Agreement would be required to secure £8,500 in respect of an affordable housing commuted sum and this has been agreed by the Agent.

Landscape Architect: There should be no harm, in landscape terms, in the site being developed for residential use at the low density proposed, provided green boundary structures are maintained and strengthened. Three detached dwellings would be better, in landscape terms, within additional woodland planting located in the north west and north east corners. An amended layout based on these principles should be a condition of any approval granted.

APPLICANT'S SUPPORTING INFORMATION:

Planning and Design Statement:

The development would be in accordance with D2 in that:

- o The site is historically related to an established group and has strong physical containment.
- o It is well related in terms of suitable scale, being 3 houses to a group identified as 11 units, within the threshold of a Local Plan period.
- o It would contribute to the character, landscape and amenity of the existing group and surrounding area.
- o It accords with the LDP 2013, in that there would be no adverse cumulative impact on the group.
- o The site benefited from a recommendation for approval by a Council officer in a Committee report in May 2008.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan Adopted 2011

G1: Quality Standards for New Development
 G5: Developer Contributions
 G8: Development Outwith Development Boundaries
 BE1: Listed Buildings
 BE2: Archaeology
 BE3: Gardens and Designed Landscapes
 NE4: Trees, Woodlands and Hedgerows
 H2: Protection of Residential Amenity
 Inf4: Parking Provisions and Standards
 D2: Housing in the Countryside

Proposed Local Development Plan 2013

PMD2: Quality Standards
 PMD4: Development Outwith Development Boundaries
 HD2: Housing in the Countryside
 HD3: Protection of Residential Amenity
 EP7: Listed Buildings
 EP8 Archaeology
 EP10: Gardens and Designed Landscapes
 EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions
IS7: Parking Provision and Standards

Supplementary Planning Guidance:

Placemaking and Design January 2010
New Housing in the Borders Countryside December 2008

Recommendation by - Euan Calvert (Assistant Planning Officer) on 22nd February 2016

This report of handling considers Planning Permission in Principle for the erection of three dwellinghouses in an enclosed grazing paddock extending to 0.56 hectares north of Bonjedward Garage, Jedburgh.

SITE AND LOCATION:

Bonjedward is located 1 mile north of Jedburgh and historically developed as a node on a major arterial junction between Jedburgh, Kelso, Hawick and St Boswells.

This site is a triangular paddock enclosed by three roads, the A68 to the west, the A698 to the north and the A6090 to the east. On the southern section of this "island" is one dwelling (The Smiddy and The Smiddy House) (formerly partially a cafe, 11/00026/FUL) which fronts the A68 and include enclosed private curtilage to the rear bounded by the A6090. Occupying the centre of the "island" is a forecourt and garage premises. The forecourt no longer offers fuel instead operating as a car wash for passing trade on the A68 Trunk Road. To the rear of this forecourt is a large steel portal framed shed operating as a long established vehicle repair garage. The building has a shallow gable pitch clad in concrete sheet and overlapping waney-edge timber boarding. The agricultural-style-d building is surrounded by hardstanding which is currently occupied by an array of disused vehicles. The garage parking and field to the north are both accessed from the A6090 by one vehicular access and separated from the highway by a stone dyke boundary. Enclosing the northern boundary of the forecourt is a wedge of mature trees and a small pond. A post and wire fence and a single line of trees define the northern boundary between the industrial use and agriculture. Agricultural fencing encloses the boundary of this paddock which is laid to permanent grass and surrounded by a mature broken hedgerow. This feature provides a reasonable level of visual containment to the north and eastern boundaries. There is no visual containment from the A68, which is set elevated above the field level.

Historic Character:

The Smiddy and Smiddy House are C Listed Buildings, a telephone box next to the forecourt is category B listed, 1-7 Bonjedward Cottages (sited west of the A68 on the minor road to Bonjedward Townhead) are category C Listed Buildings, Jedneuk House (sited to the east of the A68 and accessed from the A6090) is a category C Listed Building and is sited aside Jedneuk Lodge and former stables (now Lothian Estates office); these are not listed although exhibit traditional character. Joiners Cottage, now two dwellings, occupies a site north of the A698 and is setback from the road (at an angle) by its own entrance drive.

HISTORY:

06/00232/OUT: In May 2008 a report was presented to the Development and Building Control Committee recommending approval of the principle of the demolition of the garage and the erection of four dwellinghouses in this paddock and on the garage/workshop site. This report considered the proposal against Policy D2 of the Finalised Local Plan 2005. Material considerations of the Planning Officer had resulted in significant amendments to the original application received in February 2006. This was for seven dwellinghouses on a larger site and included the demolition of the forecourt for the provision of two cul-de-sacs. Three units (on the garage site) were to be accessed from the A68 whilst four units (in the paddock) would be accessed from the existing garage entrance off the A6090. These indicative submissions hinted at a detached suburban development. This design had clearly been a material consideration as the Planning Officer recommended support for a very different layout and siting. The proposal was reduced to four units served by a single access from the A6090.

The Committee refused the application and a subsequent Appeal to the Scottish Minister was dismissed (PPA/140/414). The Reporter cited policies ED1 and D2. Loss of employment land was contrary to policy ED1 and the proposal was deemed to satisfy none of the Housing in the Countryside Policy criteria. Furthermore, recent guidance issued by the Council (Housing in the Countryside SPG 2008) specifically identified the need to protect countryside for its own sake (protecting character and appearance from unwarranted sporadic development.)

15/00024/PREAPP: Pre application advice was given to the Agent in January 2015 that the Council would not support a development on the basis that the roads surrounding the site formed a boundary, disconnecting it from any building group, contrary to policy D2 of the Local Plan: Housing in the Countryside.

POLICY CONTEXT:

Policy D2/ HD2: Housing in the Countryside

The principle to housing on this site was refused by the Scottish Government Reporter. However, I will consider this proposed alternative number of units and site boundary introduced by this application and the alternative indicative layout and siting referred to in the Planning and Design Statement.

Material considerations will be whether the variations introduced by this application have a bearing on the decision and whether there have been changes to Policy (in the emerging Local Development Plan 2013) which would result in the Council offering support for development.

The Council promotes appropriate rural housing development in village locations, in preference to the open countryside, or associated with existing building groups where this does not adversely affect their character or that of the surrounding area. Policy D2 (A): Building Groups of the Local Plan stipulates that housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

1. The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted,
3. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Plan period.

Policy HD2 provides additional stipulations:

"Where a proposal for new development is to be supported, the proposal should be of appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group."

Policy D2 of the Local Plan identifies other opportunities for housing in the countryside: (B) Dispersed Building Groups; (C) Conversions; (D) Rebuilding; (E) Economic Requirement. Policy HD2 of the Proposed Local Development Plan 2013 introduces replacement dwellinghouses. Having assessed the proposal against these sections of both policies I am comfortable that this proposal would not satisfy any of these other criteria.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 is also relevant.

Policy G1/ PMD2: Quality Standards for New Development

These policies seek all development to be high quality, integrate into landscape surroundings and not negatively impact on existing buildings.

A Planning and Design Statement accompanies this application. This will be considered with regard to the character of the existing building group and the visual amenities of the area. Policy G1 and the Placemaking and Design SPG are material considerations and regard will be had as to whether the proposed layout is appropriate. The site is open to public view from the A68. Consideration is given to whether the proposal is in accordance with vernacular, architectural ornamentation, house alignment and overall form.

Policy NE4/ EP13: Trees, Woodlands and Hedgerows

Boundary treatments are important in order to identify an outer limit to this building group and development must ensure proper effective assimilation with the wider surroundings.

Policy INF4/ IS7: Parking Provision

A previous material consideration has been road safety and again the Roads Planning Officer and Transport Scotland have been consulted.

PROPOSAL:

The applicant seeks Planning Permission in Principle for the erection of three dwellinghouses, indicatively shown as a terrace of three dwellings located to the right of the paddock, aligned with the A698 road to the north, and accessed from a new single drive leading from the A6090. The indicative layout depicts a single building line fronted by a communal drive, with subdivided gardens to rear (allocated by plot number) and extending across the entire greenfield site. An "Augmented" landscape edge is shown by a freehand green line on the north and west boundaries.

The agent has highlighted "Bonjedward Building Group" which they define as the 11 dwellings, not including the Joiner's Cottages (two dwellings) to the north.

ASSESSMENT:

Policy G8/ PMD4: Development Outwith Development Boundaries

No Settlement Boundary is identified for Bonjedward in the current Local Plan or LDP 2013 and development outwith boundaries (and in countryside locations) will only be considered against policy D2/ HD2. The Council does not consider this site to fulfil any "exceptional" criteria contained in policy G8 or PMD4, although it is noted that Policy G8 is principally aimed at managing peri-urban (settlement edge) development and not countryside development per-se. I identify no overriding justification in this policy to support development here rather than at allocated sites (the nearest of which are in Jedburgh).

Policy D2/ HD2: Housing in the Countryside

It is contended that this site is an outlier location, disparate from any building group as defined by policy D2 (A). Criterion 1, in both current and emerging policies, seeks for the site to be well related to an existing building group of at least three houses or buildings currently in residential use or capable of conversion to residential use.

This site is not considered to be part of the wider "Bonjedward Building Group" that the agent identifies in the Planning and Design Statement. The applicant places significant weight on the historical significance of previous housing on the site however, as there is no sign of this feature above ground this fact is irrelevant to this policy decision.

Significant weight must be apportioned to Supplementary Planning Guidance on Placemaking and Design and New Housing in the Borders Countryside in drawing conclusions:

1. Whether a Building Group exists and;

2. Whether housing in the countryside is appropriate at this location.

Location

The SPG on Housing in the Countryside states that the existence of a building group will be identifiable by a sense of place which would be contributed to by natural and man-made boundaries; sites should not normally break into previously undeveloped fields particularly where there exists a definable natural boundary between the existing building group and field. The scale and siting of new development should reflect and respect the character and amenity of the building group and any new development should be located within a reasonable distance of properties within the building group.

Three roads contain this development proposal and I do not identify any change in policy or development occurring in the intervening period (since the Appeal) which would instigate a change from the Council's previous position: the site is isolated from any Building Group. The layout of Bonjedward is defined by the enclosing roads. Isolation is achieved from other dwellinghouses by virtue of these man-made boundaries. No relationship is drawn physically or visually with Joiner's Cottages to the north. Neither does the site physically or visually relate to the residential properties to the south and south west. This disparity is reinforced by the intervening industrial land between the immediate residential neighbours.

The Reporter in 2009 stated that the surrounding roads provide such a strong definition of the triangular site that the existing dwellings would not be seen as creating a recognised building group to which the proposals could be visually associated as an extension. The Council accepts this argument. It is considered that the site is not within or well related to the existing properties within the building group at Bonjedward as it is physically separated from those houses by the public roads and the site is some distance from these houses.

Landscape Edge and Trees/hedgerows

A mature landscape edge forms the northern boundary of the garage and carwash. Whilst the sensitivity of the landscape feature may be low (in that the trees and habitat do not appear with any intrinsic wildlife or habitat importance) I see no overriding reason to sever/ break or leapfrog the containment of this important visual feature by siting housing in this undeveloped field, NE4/ EP13.

The Landscape Architect identifies no harm from the proposal in landscape terms. However, to gain his support, any approval would have to be conditional on additional woodland planting located in the north west and north east corners of the site, set around detached dwellings.

Sense of Place

Sense of place is a material consideration and a development on this site is not considered to be within the area contained by a sense of place. Sense of place is defined as a feeling of appreciation for the distinct character of a locality. The Latin term, 'Genius loci', meaning 'the spirit of the place' is a closely related term founded on the belief that a place has an inherent character and influence that transcends any imposed order.

I do not consider siting residential housing adjacent to an industrial and garage business premises within an "island" isolated by busy roads contributes to appropriate sense of place. The Council seeks to create places with a distinct identity conducive to modern living standards. The mixed use and isolated location of this proposal presents potential real and harmful residential amenity concerns, as outlined below.

Containment

Development of this site would introduce an awkward extension of Bonjedward towards the outlying properties at Joiner's Cottages leading to recourse of present character and amenity. These buildings read as being separate at present and coalescence would adversely impact the landscape and amenity of the surrounding area (policy D2, Criterion 3). I note from my site visit that Transport Scotland have now identified "Bonjedward" with entrance signs however I consider the sign locations and presence to be arbitrary in terms of land use planning.

Layout and Access

This agent seeks to establish the principle of three dwellings and goes to significant length to create an illustrative vision of harmonious design (terraced housing designed to appear with local vernacular with a layout adhering to traditional form and absorbed into an enhanced landscape setting with strong access to public transport). Whilst this is welcomed, it must be treated with caution as the extent to which the Council can regulate layout or design or scale at the Planning Permission in Principle stage is very limited.

As a result I do not consider the site to comply with either the Placemaking and Design SPG or the Housing in the Countryside SPG.

Taking into account the alternative number of units proposed, the alternative site boundary introduced by this application and the alternative indicative layout and siting offered in the Planning and Design Statement I deem this proposal to be contrary to policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policy HD2 of the Proposed Local Development Plan 2013.

Policy G5/IS2: Developer Contributions

The application attracts contributions for affordable housing in the sum of £8,500 and the agent has confirmed their acceptance of a Section 69 Agreement to secure this contribution, should the application be approved.

The Director of Education and Lifelong Learning advises that no contributions are sought for this application towards Jedburgh schools.

Policy H2/HD3: Residential Amenity

There is potential for significant adverse impact and harm to any potential occupants of the proposed houses. Introducing residential accommodation on this "island" would conflict with the neighbouring industrial use in terms of noise and privacy. It is acknowledged that a single dwelling co-exists however this has evolved from historic industrial use as a smithy and forge, serving passing trade. The status quo is accepted in terms of amenity and character of the siting of this Listed Building.

In addition, the main public roads on three sides of the site would cause noise nuisance to occupiers of the proposed houses. Adverse residential amenity is inevitable from supporting a proposal on this isolated site which is defined by strong impenetrable man-made boundaries with little access to public services or amenities.

It is accepted that the proposal would not harm the light or privacy of occupants of existing houses.

Policy BE3/EP10: Gardens and Designed Landscapes

Historic Environment Scotland does not identify any impact on Monteviot House Designed Landscape.

Policy BE1 and BE2/EP7 and EP8: Listed Buildings and Archaeology

The proposal would not adversely affect the setting of the Listed buildings or have an adverse impact upon any ancient monument or archaeological sites.

Policy INF4/IS7: Parking Provision

Transport Scotland offer support provided no direct vehicular access is taken from the A68 nor via the existing garage on the A68 trunk and these issues could be controlled by conditions.

The Roads Planning Service has no objections provided that their requirements regarding access, visibility and parking are met. These can also be controlled by conditions.

Policy Inf4/ IS7 can be appropriately addressed and safety managed by the imposition of suspensive planning conditions on any subsequent application. Road safety can therefore be resolved subject to provision of satisfactory design submissions and undertakings.

Nisbet Crailing and Eckford Community Council has objected to the application on the grounds of traffic safety but as I have highlighted above, the Roads Planning Officer considers that these details could be managed through conditions on a detailed application.

REASON FOR DECISION :

The proposal is contrary to Policy D2: Housing in the Countryside of the Scottish Borders Consolidated Local Plan Adopted 2011, Policy HD2: Housing in the Countryside of the Proposed Local Development Plan and Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 in that the site is not within the recognisable building group at Bonjedward and it does not relate well to this group. The development would result in sporadic development within the countryside harming the character and appearance of the area. In addition, siting residential housing adjacent to industrial buildings within an area enclosed on three sides by main public roads would have a significant adverse impact on the residential amenity of occupiers of the proposed houses.

Recommendation: Refused

- 1 The proposal is contrary to Policy D2: Housing in the Countryside of the Scottish Borders Consolidated Local Plan Adopted 2011, Policy HD2: Housing in the Countryside of the Proposed Local Development Plan 2013 and Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 in that the site is not within the recognised building group at Bonjedward and it does not relate well to this group and would therefore not be an appropriate extension to the existing pattern of development. The development would result in sporadic development within the countryside harming the character and appearance of the area.
- 2 The proposal is contrary to Policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policy HD3 of the Proposed Local Development Plan 2013 relating to the protection of residential amenity in that siting residential housing adjacent to industrial buildings and three main public roads would have a significant adverse impact on the residential amenity of occupiers of the proposed houses.

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

Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



Decision by Roger Wilson, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/140/414
- Site address: Bonjedward (garage and surrounding land), Kelso Road, Jedburgh TD8 6SJ
- Appeal by Lothian Estates against the decision by Scottish Borders Council.
- Application for outline planning permission ref. 06/00232/OUT dated 2 February 2006 refused by notice dated 8 December 2008.
- The development proposed: Demolition of garages and erection of 4 houses.
- Application drawings:
- Date of site visit by Reporter: 23 April 2009

Date of appeal decision: 05 May 2009

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The determining issues in this appeal are the effect of the development on (a) employment use land in the area; and (b) the character and appearance of the area.

(a) Employment

2. The site includes a motor repair garage that currently employs up to 5 people full and part time and the development would entail the removal of this use. Whether the lease to the current tenant proprietor (Robert Smith) is renewed is immaterial to the planning issue here. The loss of this employment use land would be contrary to the Scottish Borders Local Plan (LP) policy ED1, which seeks to protect employment land whether or not it is of strategic importance. On this basis, the development would not accord with this policy.

(b) Character and appearance

3. The site is part of a triangular shaped area defined by the A68 road to the west, the A 698 to the north and the A6090 to the east. Within this triangle, there is a single cottage to the immediate south of the repair garage (The Smiddy: listed) and a vehicle-washing



depot immediately to the west. One of the 4 proposed dwellings would be sited within the garage site, and the remaining 3 would be to the north of the garage in what is currently an open field, surrounded on 3 sides by roads (A68, A698 and A6090), and a post and wire fence with trees interspersed along its length marks the fourth boundary.

4. Bonjedward is outside the settlement of Jedburgh, and thus the proposal is regarded as development in the countryside. There are other cottage groups to the north (Joiners Cottage), to the west (Bonjedward Cottages) and to the south (Bonjedward Lodge) but the surrounding roads provide such a strong definition of the triangular site that these other dwellings would not be seen as creating a recognised building group to which the proposals could be visually associated as an extension. The basic aims of the development plan policies on new housing in the countryside are to protect the countryside for its own sake, and to protect its character and appearance from unwarranted sporadic development. To these ends, it restricts countryside housing to specific situations. By applying those principles in this case, the criteria under Scottish Borders Structure Plan (SP) policy H5 do not apply here. There are no grounds to support the proposal under SP policy H6 because it is not for agricultural support and there is no other justification for the housing. New Housing in the Countryside (2008) is further guidance on the subject and is in line with SP policy H5. Local Plan policy D2 is broadly in line with the SP policy H5 and the associated guidance. The development would meet none of its criteria. That there was previously housing on the site is now of little weight in this decision, because there is no evidence of it above ground.

5. The setting of listed buildings beyond the site would be unaffected, and even The Smiddy would be sufficiently removed from the proposed layout to remain unaffected. Nevertheless, there is no development plan policy support for the scheme and no other material considerations that justify setting this aside.

This is a true and certified copy of the decision issued on 05 May 2009.

ROGER WILSON

Reporter

To: **Development Management Service
FAO Mrs. J. Hayward, Council H. Q.**

Date: **14th Jan. 2016**

From: **Roads Planning Service**

Contact: **A. Scott**

Ext: **6640**

Ref: **15/01521/PPP**

**Subject: Erection of dwellings
Land at Bonjedward, Jedburgh – 15/01521/PPP**

The road on the western boundary of the site is the A68 Trunk Road and the roads on the northern and eastern boundaries of the site are the A698 and A6090 respectively. All of these roads encompassing the 'Bonjedward Triangle' form part of the primary road network. It would normally be best practice to presume against direct private access to derestricted principal roads on the basis that these roads form part of the strategic network, the purpose of which is to provide for the safe and expeditious movement of longer distance through traffic.

Notwithstanding the points made in my first paragraph, the stretch of main road on the eastern boundary of the site is quite unique in terms of derestricted principal roads. The entire length of the A6090 is only 257m. Its junctions with the A698 and the A68 to the north and south respectively means that although the road is derestricted in terms of speed limits, traffic is generally not travelling at speeds faster than 40 mph. Furthermore there is a semi-urban feel to the area and several direct accesses are already in existence.

Taking into account the unique circumstances of the A6090 on the eastern boundary of the site I am prepared to support direct access to it to serve this site for housing on the basis that the site is served by a single access towards the southern end of the A6090 frontage and that the roadside wall and hedging is adjusted to achieve 2.4m by 120m visibility splays for drivers emerging from the site access. As well as a requirement of car turning and a minimum of two parking spaces for each residential unit, some visitor parking would be required for the combined residential development. Two spaces would suffice.

My support is also conditional on the applicant being responsible for an improvement to junction visibility where the A6090 meets the A698. As can be seen from Image 'A' on Page 2 of this consultation reply, visibility to the left is restricted for an emerging driver. A sliver of roadside wall, fencing, hedging and embankment needs to be adjusted to achieve a visibility splay which allows a driver emerging from the A6090 to be able see to the outside of the bend in the A698 to the west of the junction at a distance of 4.5m back from the carriageway edge at the junction. See the red line in Image 'B' on Page 2.



Image 'A'



Image 'B'

In close proximity to the site, the junctions of the A6090 and the A698 with the A68 Trunk Road are not to an ideal standard, but that is a matter for Transport Scotland or their agents to comment on.

In summary I am able to support this application in principle so long as my points raised can be taken on board.

DJI

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 24th December 2015

Contact: Euan Calvert ☎ 01835 826513

Ref: 15/01521/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 14th January 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 14th January 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: Lothian Estates

Agent: Clarendon Planning And Development Limited

Nature of Proposal: Erection of three dwellinghouses

Site: Land Bonjedward Garage Jedburgh Scottish Borders

OBSERVATIONS OF: Landscape Architect, J. Knight following site visit on 28.01.16

CONSULTATION REPLY dated 9 February 2016

It is recognised that a formal recommendation can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Control service in respect of landscape related issues.

Description of the Site

The ground is an area of relatively flat pasture lying between the existin Bonjedward Garage and the A698 road which lies to the north. The site is bounded by a mature roadside hedge. The area is just outside the Monteviot Designed Landscape which ends on the other side of the A698 road and is similarly just outside the boundary of the Teviot Valley Special Landscape Area. It is, however, included within the wider boundary of the Monteviot Designed Landscape as surveyed by McGowan (2008)

http://www.scotborders.gov.uk/directory_record/25265/survey_of_gardens_and_designed_landscapes

Nature of the Proposal

The application is for approval in principal for the construction of 3 houses. An indicative design proposal is included within the applicant's Design Statement. It shows a terrace of 3 buildings with the land subdivided into 3 unequal sized plots.

Implications of the Proposal for the Landscape including any mitigation

Although the site adjoins high quality landscapes, it also adjoins houses and a garage and there should be no harm, in landscape or visual terms, in it being developed for residential use at the low density proposed, provided the green boundary structure is maintained and strengthened. To do this, it is recommended that the 'indicative design' be amended in any future detail design to

provide 3 detached houses off a single main access with the north west and north east corners of the plot planted up to woodland all as shown on the attached sketch (see below). The illustrated sketch layout should strengthen and enhance existing landscape character features whilst also creating a sheltered setting that can accommodate the proposed development. If you are minded to approve the application, which does lie outwith the Jedburgh settlement boundary, then it should be conditional on the amended layout being adopted.

Recommendation

There is no objection to the application in principal. However any approval should be conditional on enhanced structure planting as outlined.

10.02.16 MARKED UP PLAN TO SUPPORT UK CONSULTATION REPLY

Bonjedward - Location Plan

15/01521/PPP

