

R G L I C E N C E A R C H I T E C T

HILLEN CLIFTONHILL EDNAM KELSO TD5 7QE 01573225070 07891690639 raygarch@icloud.com

10 07 2018

RECEIVED
17 JUL 2018

HEAD OF CORPORATE ADMINISTRATION
SCOTTISH BORDERS COUNCIL
REGIONAL HEADQUARTERS
NEWTOWN ST BOSWELLS
TD6 0SA

Dear Sirs

NOTICE OF REVIEW PLANNING APPLICATION NO 18/00270/PPP

I enclose a Notice of Review in connection with the Planning Application no 18/00270/PPP together with enclosures.

Please let me know if you require any further information.

Yours faithfully



R G LICENCE



NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name MRS CLARE FLEMING

Address LANGTON BIRCHES DUNS

Postcode TD11 3HT

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name R G LICENCE ARCHITECT

Address HILLEND CLIFTONHILL KELSO

Postcode TD5 7QE

Contact Telephone 1 01573225070

Contact Telephone 2 07891690639

Fax No [REDACTED]

E-mail* raygarch@icloud.com

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

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No [checked] []

Planning authority SCOTTISH BOPRDRERS COUNCIL

Planning authority's application reference number 18/00270/PPP

Site address LAND WEST OF LANGTON BIRCHES DUNS

Description of proposed development PROPOSED ERECTION OF DWELLING HOUSE WITH ASSOCIATED ACCESS ROAD, PARKING AREA AND COMBINED ENTRANCE LAYBAY

Date of application 13 03 2018 Date of decision (if any) 13 04 2018

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

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

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

Statement

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. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

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

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

POLICY HD2 OF THE LOCAL DEVELOPMENT PLAN

The first reasons given for refusal was that the proposal would be contrary to Policy HD2 of the local development plan.

This reason is refuted on the grounds that the location of the proposed house is within the garden ground of Langton Birches which is bounded by a mature beech hedge and part of the small local housing group. The definition of a "housing group" according to the Policy specifically includes the garden boundaries of the houses in the group.

This proposed development would therefore form part of the existing housing group as the site is already part of the group by definition.

The refusal notice also refers to the proposed development as not reflecting the character of the building group and leading to ribbon development along a public road.

This reason for refusal is also refuted as the existing building group consists of dwellings constructed on each side of a public road which is precisely what the proposed house would be. The proposal simply follows the existing pattern of development.

POLICIES HD2 AND PMD2

The second reason for refusal concerns the proposed new entrance from the public road.

The Department of Roads has commented that the proposed layby which would allow shared access to the existing house and the new house exceeds the recommended length for a standard layby. The officer has also stated that if the layby could be reduced in length to 30 metres that the objection would be removed. An amended plan has been prepared showing how this could be achieved. This plan is attached and should form part of this review.

DEPT OF ROADS APPROVAL ATTACHED

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

Yes No

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

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

DRAWING NO CFPP02B SUPPORTING STATEMENT FROM THE PLANNING APPLICATION EMAIL FROM DEPT OF ROADS OFFICER APPROVING AMENDED ENTRANCE LAYBY

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

Checklist

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

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

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

Declaration

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

Signed

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Date

10 07 2018

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

RE: PLANNING IN PRINCIPLE APPLICATION LANGTON BIRCHES DUNS REF 18/00270/PPP

July 12, 2018 at 4:07 AM

From "Patterson, Keith"

Ray

I can confirm the amended plan is acceptable in principle.

Keith

From: Ray Licence [mailto:raygarch@icloud.com]
Sent: 04 July 2018 10:16
To: Patterson, Keith
Subject: PLANNING IN PRINCIPLE APPLICATION LANGTON BIRCHES DUNS REF 18/00270/PPP

Keith

I have read your comments on the above application and amended my drawing to show a layby 30 m long with a combined access for the existing house and the proposed new house.

I would be grateful if you could confirm that this will be acceptable or add any comments you might have and I will amend the drawing again.

many thanks

Ray Licence

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PLANNING PERMISSION IN PRINCIPAL APPLICATION

ERECTION OF DWELLING HOUSE IN GARDEN AREA OF LANGTON BIRCHES DUNS

SUPPORTING STATEMENT

1.00 BACKGROUND

This statement is submitted in support of an application for planning consent in principal for a new dwelling house in the garden area of an established dwelling house at Langton Birches Duns.

A previous application submitted in 2017 REF 17/01145/PPP was refused consent and this new application has taken into account the objections raised and comments made in the planning officers Part 3 report.

2.00 SUPPORTING STATEMENT

The following supporting statement lists comments on all matters raised in the objections to the previous application and should be read in conjunction with the associated drawings and photographs listed in the appendix

2.01 GENERAL

Mrs Fleming has lived in Langton Birches since its construction nearly thirtyfive years ago and now that her family has departed wishes to move to smaller more suitable accommodation. The garden area at Langton Birches is extensive and the group of houses, of which Langton Birches forms a part, is a well established local housing group in the Borders countryside.

The existing housing group is considered as a group of houses in the countryside including gardens and boundary planting, note the group boundary shown on drawing no CFPP01 Mrs Fleming is a well established and respected local resident with interests in the local Church and Healthcare and wishes to remain as close to home as possible.

Her existing house was originally designed to include a large garden area to the west to provide for future needs and that time has now arrived. My client's current wishes are for a smaller house with a minimal garden area and has the advantage that the proposed garden area and boundary planting is already mature and established.

2.02 THE SITE

The attached drawing ref nos CFPP01 and CFPP02B show the location of the site and the site plan with the existing dwelling, Langton Birches to the east boundary.

The site is bounded to the north by Crimson Hill a quiet little used country road linking Duns to Gavinton and the proposed site boundary includes part of the existing garden ground to Langton Birches.

The resulting site occupied by the existing house would have a road frontage of 48.5 M with sufficient parking for two cars and an ample secluded garden area.

The proposed site for the new dwelling would measure 113.58 M along the road frontage and 16 metres wide at its widest point.

Contrary to comments made in the planning officer's report on the previous application there is ample free area within the site boundary and established shrubs for the siting of a small house to suit my client's needs and for the necessary access road, parking and turning area for vehicles. The remaining site area will provide ample garden space suitable for the size of dwelling to be constructed.

Sufficient site analysis has been carried out to ensure that this can be accomplished and full details would obviously be included with a full planning application in due course.

2.03 ACCESS

The existing house is accessed directly from Crimson Hill and it is intended that this be retained.

As objections have been raised to the formation of a new access the site plan drawing no CFPP02 has been amended to show the proposed formation of a new layby incorporating the existing access to Langton Birches and the access to the proposed new house.

This should overcome the comments made by the community council and Department of Roads and help to improve local road conditions and services in the area.

The sight lines in each direction from the revised proposal will meet the Department of Roads requirements and are not restricted by the tree or hedge planting which are both set well back from the road verge.

2.04 ENVIRONMENT

The proposed site is bounded to the north along the roadside with a wide grass verge planted with a row of established trees and mature beech hedge which is maintained at 3.0 M high to provide screening from the northerly winds.

The extremities of the site to the east and west are screened with a mixture of mature trees and shrubs and the south boundary along the agricultural field has a slightly raised banking and fence with scattered trees and hedging, all well maintained.

The wide central part of the site has been maintained as a clear space for the location of the proposed house and would provide ample space for a house with garage and parking space for two cars.

The proposed site provides a secluded, sheltered location for a new dwelling which would have minor visual impact from the public roadway and the existing house.

The proposed house would benefit from protection from northerly winds and weather and benefit from the southerly aspect and heat gain from southerly facing roof areas and windows. The site would allow a new house to be designed and located to provide privacy and shelter for the occupant without affecting the privacy or access of the other properties in the local area, indeed the proposed house would be practically invisible from the public roadside and neighbouring properties.

The proposed site is currently part of the garden area of Langton Birches and the boundary trees and hedging to the site form a natural western boundary to the local housing group.

2.05 SERVICES

Services immediately available at the site include;

Public water supply

Scottish power electricity supply

British Telecom telephone and internet service

Surface water drainage will be installed on site to SUDS principles

Foul water drainage will be provided on site with a sewage treatment plant and soakaway system.

3.00 PLANNING POLICY

3.01

The following comments are made with reference to the current SCOTTISH BORDERS LOCAL PLAN, Supplementary Planning Guidance on New Housing in the Borders Countryside.

The comments are made to show how this application is supported by and complies with the Supplementary Planning Guidance notes and reference will be made to these in the text.

3.02

Scottish Planning policy 3 para 1.1 advises that the Planning Authority should promote the efficient use of land and buildings and direct the majority of new developments towards sites within existing settlements to make use of existing infrastructure and service capacity and reduce energy consumption while ensuring the creation of quality residential environments.

This site will meet all of these requirements.

3.03

Scottish Planning Policy 15 advances policy in respect of small scale rural housing developments including clusters and groups in close proximity to settlements, replacement housing and plots on which to build individually designed houses.

This site meets this requirement.

3.04

Planning advice note 72 Housing in the Countryside.

The purpose of the advice note is to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. The advice should not however be seen as a constraint on Architects wishing to pursue innovative and carefully considered contemporary design.

This application is one such opportunity and any design on this site would be a very carefully considered design to comply with this policy.

3.05

2 HOUSING IN THE COUNTRYSIDE

This note lists standard criteria which should be met by any proposed new housing development namely;

No adverse effect on the viability of a farming unit.

Satisfactory access and other road requirements

Satisfactory public or private water supply and drainage facilities.

No adverse effect on countryside amenity, landscape or nature conservation.

No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland.

Appropriate siting, design and materials in accordance with the relevant local plan policies.

The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

All of these criteria would be met by the development of this site.

2b BUILDING GROUPS

The note 2.b.1 states that a building group will be allowed to expand by 100% and that a group will normally consist of at least three dwelling units and that a group will be identifiable by a sense of place which will be contributed to by natural boundaries such as water courses, trees or enclosing landform and man made boundaries such as existing buildings, roads, plantations or means of enclosure.

The proposed site meets all of these requirements in that the existing building group comprises five dwellings and the sense of place is established by the existing building and their natural and man made field and garden boundaries.

The note also emphasizes that any new development should not adversely impact on existing properties and householders.

It has already been shown that the development of this site will have limited visual impact on any of the existing dwellings and that the amenity of the existing householders would not be affected adversely.

4.00 COMMENTS

4.01

This application for planning consent in principle complies with all aspects of the Supplementary Planning Guidance notes with regard to location, services and other indicators given in the notes.

The siting of the proposed house and amended access point is noted on the site development plan.

4.02

With reference to the planning officer, Andrew Evans, recommendations in his report on the previous application the following comments are made in italics

SITE HISTORY

Paragraph 2

The proposed dwelling would not reflect or respect the character of the houses within the existing building group.

The existing building group is formed by houses built along the roadside and of mixed Architectural character and design. The proposed house would add a balance to the current group by adding a house to the south side of the road adjacent to Langton Birches.

Paragraph 3

The proposal would constitute an unacceptable over-development of the plot and that the dwelling house could not be satisfactorily located on the application site.

We have carried out sufficient studies to ensure that a house of the size required by my client could be accommodated on the site complete with associated access road, parking and turning areas.

Complete details will be provided with a full planning application in due course.

4.03 POLICY PRINCIPLE/BUILDING GROUP

We note that it is agreed that numerically another dwelling could be accommodated within the building group and note also the comment that most of the houses forming the group are on the north side of the road. This group now needs a balance by the addition of a house on the south side adjacent to Langton Birches and we would also note that under the terms of the council's definition of a housing group that garden areas and boundary planting are included in the group.

This site including boundary planting to the garden area is part of the group, not remote from it and the existing group would benefit from the addition of another dwelling in this location.

5.00 CONCLUSION

The recommendation for refusal of the previous application was based on two statements;

1 That the proposed development would not form part of or be well related to an existing housing group, would not reflect the character of the building group and would lead to ribbon development along a public road.

We believe we have shown that the building group includes the existing dwellings and their garden areas and boundary treatment, the proposed dwelling would be sited well within this established group boundary and as the houses forming the group are built in a row alongside the roadway the addition of a further dwelling simply adds to the established group in a similar way and totally in character with the established group pattern.

The definition of "ribbon development" relates to the development of multiple dwellings on each side of a road on greenfield sites and does simply not apply in this instance.

2 That the development would result in a proliferation of accesses and represent a further access onto an unrestricted and unlit section of public road to the detriment of road safety

We have adjusted the access to the proposed house by adding a new layby to incorporate the access points to Langton Birches and the proposed house. Although this narrow road is unrestricted the vehicle speeds in the area are generally low and the addition of one other small dwelling house with a safe entrance and exit with adequate sight lines will not make an appreciable difference to road safety in the local area.

6.00 APPENDIX

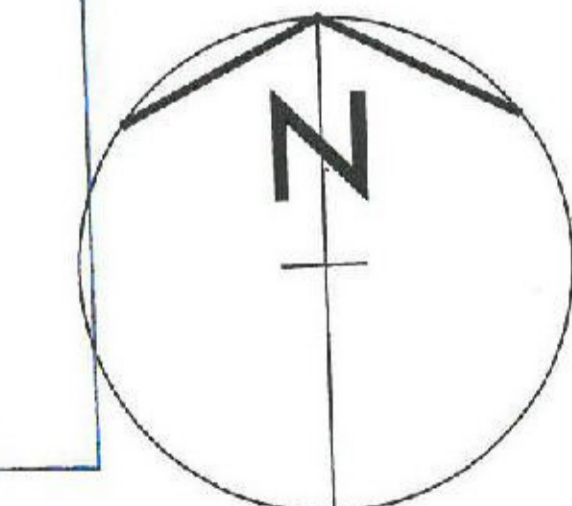
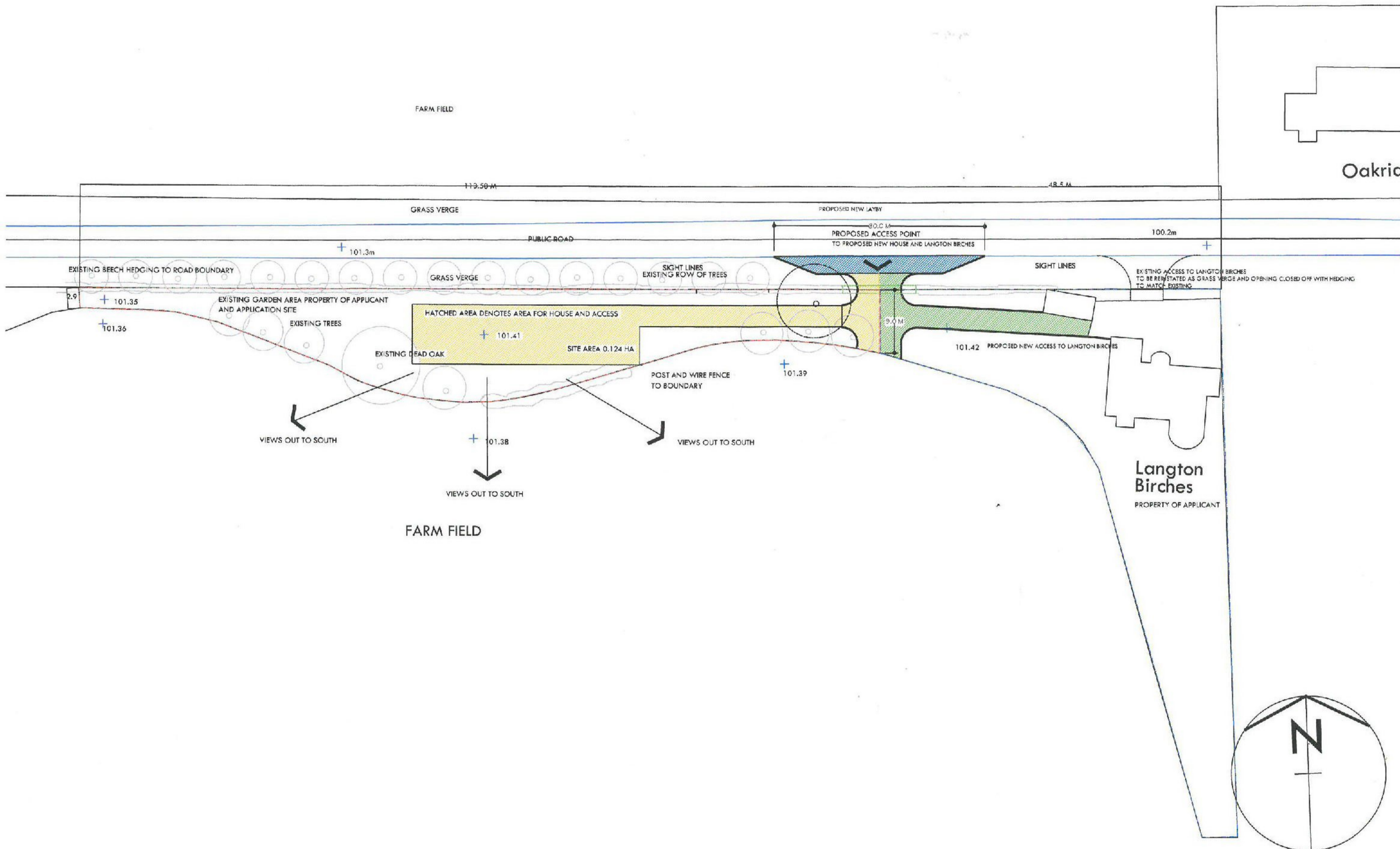
6.01

This statement should be read in conjunction with the drawing nos CFPP01 and CFPP02 which are attached and with reference to the Scottish Borders Local Plan, Supplementary Planning Guidance on New Housing in the Borders Countryside December 2008.

Ray Licence

R G LICENCE ARCHITECT

21 02 2018



8 02 07 2018 ENTRANCE AND LAYBY AMENDED

CFPPO2 B

REGULANCE ARCHITECT

HILLEND CLIFTONHILL EDNAM KE150 TDS 70QE

TEL 01573 225073 MOB 07801690639 EMAIL regulance@cloud.com

CLIENT CLARE FLEMING

PROJECT PROPOSED SITE FOR NEW DWELLING HOUSE AT LANGTON BIRCHES DUNS

TITLE PROPOSED SITE LAYOUT PLAN

SCALE 1:250 @ A1

DATE 12 02 2018

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