

Response On Development Affecting Trunk Roads and Special Roads

**The Town and Country Planning (Scotland) Act 1997**

**The Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

**Town and Country Planning (Notification of Applications) (Scotland) Direction 2009**

|  |                     |              |
|--|---------------------|--------------|
| To Scottish Borders Council<br>Environment and Infrastructure Newtown St Boswells<br>Melrose TD6 0SA | Council Reference:- | 20/00283/FUL |
|  | TS TRBO Reference:- | SE/25/2020   |

Application made by Mr James Hewit per Ferguson Planning, 54 Island Street Galashiels Scottish Borders TD1 1NU and received by Transport Scotland on 11 March 2020 for planning permission for change of use of land to form motor vehicle display, and form sales office from industrial unit (renewal of previous consent 16/01363/ful) located at Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road, Jedburgh Scottish Borders affecting the A68 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

|                     |   |
|---------------------|---|
| TS Contact:-        | Area Manager (A68)<br>0141 272 7100<br>Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF |
| Operating Company:- | SOUTH EAST  |
| Address:-           | 6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ               |
| Telephone Number:-  | 0800 0420188  |
| e-mail address:-    | OCCR.SESCOTLAND@amey.co.uk  |

**Transport Scotland Response Date:-** 24-Mar-2020

**Transport Scotland Contact:-** Shaun Phillips

**Transport Scotland Contact Details:-**

Roads - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number:

e-mail: [development\\_management@transport.gov.scot](mailto:development_management@transport.gov.scot)

**NB - Planning etc. (Scotland) Act 2006**

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

**From:**Shaun.Phillips@transport.gov.scot  
**Sent:**17 Apr 2020 14:23:22 +0100  
**To:**DCConsultees  
**Cc:**Calvert, Euan  
**Subject:**Planning Application - 20/00283/FUL - Transport Scotland Re-consultation Response

Thank you for re-consulting Transport Scotland on the above planning application. Having reviewed the submitted drawings, I would advise that our consultation response of 24 March 2020 remains unchanged.

Regards

a

**Shaun Phillips**  
**Roads Directorate**  
T: 0141 272 7388  
M:07775546782

Transport Scotland  
Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0HF

*For agency and travel information visit our [website](#)*

Please see our [privacy policy](#) to find out why we collect personal information and how we use it

---

Transport Scotland, the national transport agency  
Còmhdhail Alba, buidheann nàiseanta na còmhdhail

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

\*\*\*\*\*

## PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 10th March 2020

Contact: Euan Calvert ☎ 01835 826513

Ref: 20/00283/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 31st March 2020, 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 31st March 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Mr James Hewit

**Agent:** Ferguson Planning

**Nature of Proposal:** Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

**Site:** Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA

---

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

|   |   |   |  |  |
|---|---|---|--|--|
| <b>Comments provided by</b>   | <b>Officer Name and Post:</b>   |   | <b>Contact e-mail/number:</b>  |  |
|   | Economic Development Section<br>18 March 2020   |   |  |  |
| <b>Date of reply</b>  |   |   | <b>Consultee reference:</b>  |  |
| <b>Planning Application Reference</b>   | 20/00283/FUL  |   | <b>Case Officer:</b><br>Euan Calvert                                 |  |
| <b>Applicant</b>  | Mr James Hewit  |   |  |  |
| <b>Agent</b>  | Ferguson Planning   |   |  |  |
| <b>Proposed Development</b>   | Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)   |   |  |  |
| <b>Site Location</b>  | Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road<br>Jedburgh Scottish Borders TD8 6EA   |   |  |  |
| <b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b> |   |   |  |  |
| <b>Background and Site description</b>  |   |   |  |  |
| <b>Key Issues (Bullet points)</b>   | <ul style="list-style-type: none"> <li>•</li> </ul>   |   |  |  |
| <b>Assessment</b>   | <p>This application is for renewal of an existing permission which had a number of conditions applied to it. One of these is landscaping which has still not been carried out which we feel is necessary at this prominent location at the entrance to the town. A screen hedge was always going to be necessary and therefore we cannot support a renewal of this application until these matters have been dealt with. In addition, the applicant again has flaunted the planning act by undertaking an extension adjacent to this site which was constructed without planning permission. The application in our opinion cannot be considered until details of the proposal are submitted along with the application.</p> <p>The application boundary line is also flawed in that we replied to the previous original application illustrating the actual ownership boundary and this has not been corrected.</p> <p>Finally we cannot support this application as the applicant is allowing access through this site onto land belonging to the Council which is used to access the site being used for car washing. A new access was formed and hedging and a fence belonging to the council removed without permission. This has still not been agreed with the Council so vehicular access should be restricted until this matter has been resolved.</p> |   |  |  |
| <b>Recommendation</b>   | <input checked="" type="checkbox"/> <b>Object</b>   | <input type="checkbox"/> <b>Do not object</b> | <input type="checkbox"/> <b>Do not object, subject to conditions</b> | <input type="checkbox"/> <b>Further information required</b> |

|                                 |  |
|---------------------------------|--|
| <b>Recommended Conditions</b>   |  |
| <b>Recommended Informatives</b> |  |

**PLANNING RE-CONSULTATION - Incorporating revisions to previous consultation**

To: Economic Development Section

From: Development Management

Date: 8th April 2020

Contact: Euan Calvert ☎ 01835 826513

Application Ref: 20/00283/FUL

**PLANNING RECONSULTATION**

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 22nd April 2020. If no reply is received by 22nd April 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Mr James Hewit

**Agent:** Ferguson Planning

**Nature of Proposal:** Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

**Site:** Unit 1B And Incorporating Land To West Of Riverside Works  
Edinburgh Road Jedburgh Scottish Borders TD8 6EA

**Outline Consent :**

---

**RE-CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

|   |   |  |  |   |
|---|---|--|--|---|
| <b>Comments provided by</b>   | <b>Officer Name and Post:</b>   |  | <b>Contact e-mail/number:</b>  |   |
|   | Economic Development Section  |  |  |   |
| <b>Date of reply</b>  | 28/04/20  | <b>Consultee reference:</b>            |  |   |
| <b>Planning Application Reference</b>   | 20/00283/FUL  | <b>Case Officer:</b><br>Euan Calvert   |  |   |
| <b>Applicant</b>  | Mr James Hewit  |  |  |   |
| <b>Agent</b>  | Ferguson Planning   |  |  |   |
| <b>Proposed Development</b>   | Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)     |  |  |   |
| <b>Site Location</b>  | Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road<br>Jedburgh Scottish Borders TD8 6EA                                 |  |  |   |
| <b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b> |   |  |  |   |
| <b>Background and Site description</b>  |   |  |  |   |
| <b>Key Issues (Bullet points)</b>   | <ul style="list-style-type: none"> <li>•</li> </ul>   |  |  |   |
| <b>Assessment</b>   | Economic Development do not object but recommend that the Change of Use is temporary as previous items like hedging have not been undertaken. |  |  |   |
| <b>Recommendation</b>   | <input type="checkbox"/> Object   | <input type="checkbox"/> Do not object | <input checked="" type="checkbox"/> Do not object, subject to conditions | <input type="checkbox"/> Further information required |
| <b>Recommended Conditions</b>   |   |  |  |   |

|                                     |  |
|-------------------------------------|--|
| <b>Recommended<br/>Informatives</b> |  |
|-------------------------------------|--|

## PLANNING CONSULTATION

To: EVH - Contaminated Land Officer

From: Development Management

Date: 20th March 2020

Contact: Euan Calvert ☎ 01835 826513

Ref: 20/00283/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 10th April 2020, 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 10th April 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Mr James Hewit

**Agent:** Ferguson Planning

**Nature of Proposal:** Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

**Site:** Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA

---

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

|   |  |   |   |   |
|---|--|---|---|---|
| <b>Comments provided by</b>   | <b>Officer Name and Post:</b>  |   | <b>Contact e-mail/number:</b>                                 |   |
|   | EVH - Contaminated Land Officer<br>Gareth Stewart  |   |   |   |
| <b>Date of reply</b>  | 6 <sup>th</sup> April 2020   |   | <b>Consultee reference:</b> 20/00732/PLANCO                   |   |
| <b>Planning Application Reference</b>   | 20/00283/FUL   |   | <b>Case Officer:</b><br>Euan Calvert                          |   |
| <b>Applicant</b>  | Mr James Hewit   |   |   |   |
| <b>Agent</b>  | Ferguson Planning  |   |   |   |
| <b>Proposed Development</b>   | Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)  |   |   |   |
| <b>Site Location</b>  | Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road<br>Jedburgh Scottish Borders TD8 6EA  |   |   |   |
| <b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b> |  |   |   |   |
| <b>Background and Site description</b>  | The above application proposes the change of use of property within an area which is already developed. There appears to be a possible historic use of the land as a slaughterhouse and railway land within the vicinity of this application.                            |   |   |   |
| <b>Key Issues (Bullet points)</b>   |  |   |   |   |
| <b>Assessment</b>   | The requirement for a full site assessment and potential remediation may not be practical or proportionate given the nature of the application and it is recommended that the applicant is advised of potential land contamination issues by way of an Informative Note. |   |   |   |
| <b>Recommendation</b>   | <input type="checkbox"/> Object  | <input checked="" type="checkbox"/> Do not object | <input type="checkbox"/> Do not object, subject to conditions | <input type="checkbox"/> Further information required |
| <b>Recommended Conditions</b>   |  |   |   |   |

|                                     |  |
|-------------------------------------|--|
| <b>Recommended<br/>Informatives</b> | <p>The former use of the site is potentially contaminative and may have resulted in land contamination.</p> <p>The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents.</p> <p>The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to Environmental Health.</p> |
|-------------------------------------|--|

# Consultation Reply



## ENVIRONMENT AND INFRASTRUCTURE

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

**FAO:** Euan Calvert **Your Ref:** 20/00283/FUL

**From:** HEAD OF ENGINEERING & INFRASTRUCTURE **Date:** 10<sup>th</sup> April 2020

**Contact:** Ian Chalmers **Ext:** 5035 **Our Ref:** B48/2857

---

**Nature of Proposal:** Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

**Site:** Unit 1B and Incorporating Land to West of Riverside Works Edinburgh Road Jedburgh

---

In 2016, we were consulted on the previous application referenced 16/01363/FUL. There were no objections noted given the small scale nature of the works although it was noted that the site is at risk of flooding at the 1 in 200 year flood event within SEPA's Indicative Flood Mapping.

Our stance has not changed and as such, I have no objections on the grounds of flood risk.

As an overview, please note the following comments below;

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

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

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

*Notwithstanding the above this is a small scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems and I would not oppose it on flooding grounds.*

*As access and egress to the development may also be affected by flood waters, should approval be given, I would recommend that, to receive flood warnings from SEPA for Jedburgh, the applicant signs up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188. It would also be advisable for the applicant to develop an evacuation plan for the building during times of flood warning.*

*I would also recommend that the applicant adopts water resilient materials and construction methods as appropriate and the applicant should review the Online Planning Advice on Flood Risk.*

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

Ian Chalmers  
Engineer – Flood and Coastal Management

**PLANNING RE-CONSULTATION - Incorporating revisions to previous consultation**

To: Forward Planning Section

From: Development Management

Date: 8th April 2020

Contact: Euan Calvert ☎ 01835 826513

Application Ref: 20/00283/FUL

**PLANNING RECONSULTATION**

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 22nd April 2020. If no reply is received by 22nd April 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Mr James Hewit

**Agent:** Ferguson Planning

**Nature of Proposal:** Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

**Site:** Unit 1B And Incorporating Land To West Of Riverside Works  
Edinburgh Road Jedburgh Scottish Borders TD8 6EA

**Outline Consent :**

---

RE-CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION

| Comments provided by   | Officer Name and Post:  | Contact e-mail/number:       |
|--|---|------------------------------|
|  | Sharon Renwick<br>Assistant Planning Officer<br>Forward Planning  | localplan@scotborders.gov.uk |
| Date of reply  | 27/04/2020  | Consultee reference:         |
| Planning Application Reference   | 20/00283/FUL  | Case Officer:                |
| Applicant  | Mr James Hewit  |                              |
| Agent  | Ferguson Planning   |                              |
| Proposed Development   | Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)   |                              |
| Site Location  | Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road<br>Jedburgh Scottish Borders TD8 6EA   |                              |
| <p><b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b></p> |   |                              |
| Background and Site description  | The application is for a change of use from business and Industrial unit to motor vehicle display and sales office. The premises previously had a temporary planning consent (16/01363/FUL – which was a retrospective planning application). The site subject to this planning application is located along Edinburgh Road within the Jedburgh development boundary. The site is allocated within the Local Development Plan as a Business and Industrial Safeguarding site (zEL33).   |                              |
| Key Issues (Bullet points)   | <ul style="list-style-type: none"> <li>• Change of use to a sui generis car sales in a Business Safeguarded site (designated for use classes 4,5,6). Longer term impacts on approving this proposal to be considered</li> <li>• Applicant has previously been given retrospective planning permission on a temporary basis.</li> <li>• Condition 5 on Landscaping of 16/01363/FUL not implemented</li> <li>• It is understood there is no business currently operating from the site and therefore this proposal is for a use with no end user</li> </ul>   |                              |
| Assessment   | <p>The site is allocated within the adopted Local Development Plan 2016 as a business and industrial safeguarded site (zEL33) and is therefore protected by policy ED1 - Protection of Business and Industrial Land.</p> <p>Policy ED1 identifies the site as a District business and industrial safeguarded site. The policy states although District sites do not merit the same level of stringent protection as Strategic sites there remains a preference for classes 4, 5 and 6 uses. However, development other than Classes 4, 5 and 6 may be accepted on District business and industrial sites and will be considered against the following criteria:</p> <ol style="list-style-type: none"> <li>a) The loss of business and industrial land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and</li> <li>b) the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use, and</li> <li>c) there is a constraint on the site whereby there is no reasonable prospect of its becoming marketable for business and industrial development in the future, or</li> <li>d) the predominant land uses have changed owing to previous exceptions to</li> </ol> |                              |

policy such that a more mixed use land use pattern is now considered acceptable by the Council.

In respect of criterion (a), whilst it is accepted that there has been limited demand for employment land in Jedburgh over recent years, the long term needs of the settlement must be considered.

In respect of criterion (b) it is not considered that the proposed development would result in any significant community benefit which would outweigh the need to retain the site for business / industrial use.

In respect of criterion (c), there are no known constraints on the site which would mean that there is reasonable prospect of it becoming marketable for business / industrial use in the future. No evidence has been provided to the contrary in the supporting documentation.

In respect of criterion (d), the predominant surrounding land uses remain predominantly class 4, 5 and 6 uses and in view of the overall policy, it is important to retain this.

Policy ED1 also states that outright retail activities will not be allowed on District sites. The loss of business and industrial sites to alternative uses must be avoided to prevent undesirable precedents.

When the initial application was submitted ref (16/01363/FUL) the comments above were stated and subsequently a meeting was held with the agent to discuss the proposal. Following the meeting an amended proposal was submitted. In respect of the amended proposal the Forward Planning team stated that `On the assumption that the proposed hedge is considered acceptable to the Council's Landscape Architect in terms of screening the site, and provided this permission is only granted on a temporary basis in order to monitor onsite activities and matters such as demand for other uses on industrial sites it is considered that this proposal could be supported`.

The retrospective application was subsequently approved with some conditions, one of which was that the consent issued was on a temporary basis for a period of 3 years. A landscape condition was also tied to the approval but has not been implemented by the applicant.

The current application has been submitted and the policy considerations stated above remain relevant. Consideration must be given as to whether there have been any major changes in policy or circumstances.

The use remains contrary to policy ED1 of the adopted LDP. If consent was to be granted, careful consideration must be given to the impacts resulting from the loss of business and industrial land for an indefinite period of time which would also set a major precedent.

The previous temporary consent has now lapsed (16/01363/FUL which was submitted retrospectively), the original tenant of the car sales showroom no longer operates from the premises and the unit is currently being advertised for rent. This is a significant material changes of circumstance since the application was submitted in 2016 as there is no end user. If consent was to be granted there is no end user business to benefit from this proposal and in essence the approval would have the sole purpose of changing the adopted LDP policy. The Development Management process is not the vehicle for doing this.

|                                 |   |   |  |  |
|---------------------------------|---|---|--|--|
|                                 | Consequently, the Forward Planning team object to this application and see no reason to grant approval. |   |  |  |
| <b>Recommendation</b>           | <input checked="" type="checkbox"/> <b>Object</b>   | <input type="checkbox"/> <b>Do not object</b> | <input type="checkbox"/> <b>Do not object, subject to conditions</b> | <input type="checkbox"/> <b>Further information required</b> |
| <b>Recommended Conditions</b>   |   |   |  |  |
| <b>Recommended Informatives</b> |   |   |  |  |

**PLANNING RE-CONSULTATION - Incorporating revisions to previous consultation**

To: Landscape Architect

From: Development Management                      Date: 8th April 2020

Contact: Euan Calvert    ☎ 01835 826513

Application Ref: 20/00283/FUL

**PLANNING RECONSULTATION**

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 22nd April 2020. If no reply is received by 22nd April 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Mr James Hewit

**Agent:** Ferguson Planning

**Nature of Proposal:** Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

**Site:** Unit 1B And Incorporating Land To West Of Riverside Works  
Edinburgh Road Jedburgh Scottish Borders TD8 6EA

**Outline Consent :**

---

**RE-CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

|  |   |                                      |
|--|---|--------------------------------------|
| <b>Comments provided by</b>  | <b>Officer Name and Post:</b>   | <b>Contact e-mail/number:</b>        |
|  | Landscape Architect<br>Catherine Andrews  | <b>candrews@scotborders.gov.uk</b>   |
| <b>Date of reply</b>   | 28/04/2020  | <b>Consultee reference:</b>          |
| <b>Planning Application Reference</b>  | 20/00283/FUL  | <b>Case Officer:</b><br>Euan Calvert |
| <b>Applicant</b>   | Mr James Hewit  |                                      |
| <b>Agent</b>   | Ferguson Planning   |                                      |
| <b>Proposed Development</b>  | Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)   |                                      |
| <b>Site Location</b>   | Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road<br>Jedburgh Scottish Borders TD8 6EA   |                                      |
| <p><b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b></p> |   |                                      |
| <b>Background and Site description</b>   | <p>The site is amenity grass verge with trees at the northern entrance to Jedburgh on the A68 in front of light industrial units where hardworks construction has been carried out under the previous consent to create a hardstanding for the display of cars. This is a renewal of the previous consent with amendments which relate to the site boundary position and lack of clarity over what is existing and what is proposed.</p>  |                                      |
| <b>Key Issues (Bullet points)</b>  | <ul style="list-style-type: none"> <li>• Amenity of the approach route to Jedburgh.</li> </ul>  |                                      |
| <b>Assessment</b>  | <p>The submitted layout plan P449-SK-001 Rev.H appears to be almost identical to the plan P449-SK-001 Rev.G of the previous approved application 16/01363/FUL. (Approval granted in March 2017). However it does not represent the situation on the ground. In addition to gravel hardstanding and triprail, an asphalt track surface has been installed which is different to the hardcore surface proposed but an improvement in terms of durability. No attempt has been made to install the mandatory hedge, tree and shrub planting, a requirement of consent as per condition 5 (see below). A gravel strip has been installed along the line of the proposed hedge.</p> <p>Previous consent - Condition 5 of 16/01363/FUL</p> <p><i>'The landscaping plan, Block Plan Rev.G, as approved, shall be implemented within the first planting season from the date of this planning permission. These landscaping works will be maintained for a period of three years upon planting, during which time, all failed planting shall be replaced. The applicant shall notify the Planning Authority that the approved planting (as per the approved Landscape Plan) is available for inspection after this three year period, at which point, the approved landscaping scheme shall have been implemented and landscaping</i></p> |                                      |

|                                 |   |  |   |   |
|---------------------------------|---|--|---|---|
|                                 | <p><i>established in its entirety.<br/>Reason: to ensure effective assimilation of the development into its surroundings'.</i></p> <p>It is clear that this condition has not been fulfilled and as a result, the installation of the track, hardstanding and triprail has created a 'hard' appearance to the building frontage which erodes the visual amenity of the wide grass verges on the approaches to Jedburgh. In my opinion the beech hedge, tree and shrub planting is essential to mitigate this development and reinstate the visual amenity of this location. The works carried out to date do represent an improvement in terms of 'tidying-up' the frontage. However, in landscape terms I do not see the value in supporting this application when the previously approved mitigation proposals have not been installed and they remain the same in the current application. I suggest that the applicant is encouraged to complete the planting works as required of Condition 5 (see above) of 16/01363/FUL. I also agree with the recommendations of Jim Knight that if you are minded to approve this application and to ensure continuity of approach along the frontage any beech hedge installed should be established along the <b>full</b> length of the roadside boundary and maintained at a height of at least 1m.</p> <p><b>I object on the grounds that the landscape works within this application were part of the previously approved works not completed but also that the hedge proposed is insufficient in length to provide continuity to the building frontage and adequately mitigate the development and safeguard the amenity of the approach road to Jedburgh.</b></p> |  |   |   |
| <b>Recommendation</b>           | X <b>Object</b>   | <input type="checkbox"/> Do not object | <input type="checkbox"/> Do not object, subject to conditions | <input type="checkbox"/> Further information required |
| <b>Recommended Conditions</b>   | <p>If you are minded to approve this application I recommend the following are included in the conditions in addition to those in the previous application</p> <ul style="list-style-type: none"> <li>• A fully detailed updated drawing should be submitted to take account of what is existing and what is proposed.</li> <li>• A fully detailed planting schedule should be added to the drawing</li> </ul>  |  |   |   |
| <b>Recommended Informatives</b> |   |  |   |   |



## PLANNING CONSULTATION

To: Access Officer

From: Development Management

Date: 10th March 2020

Contact: Euan Calvert ☎ 01835 826513

Ref: 20/00283/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 31st March 2020, 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 31st March 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Mr James Hewit

**Agent:** Ferguson Planning

**Nature of Proposal:** Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

**Site:** Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road  
Jedburgh Scottish Borders TD8 6EA



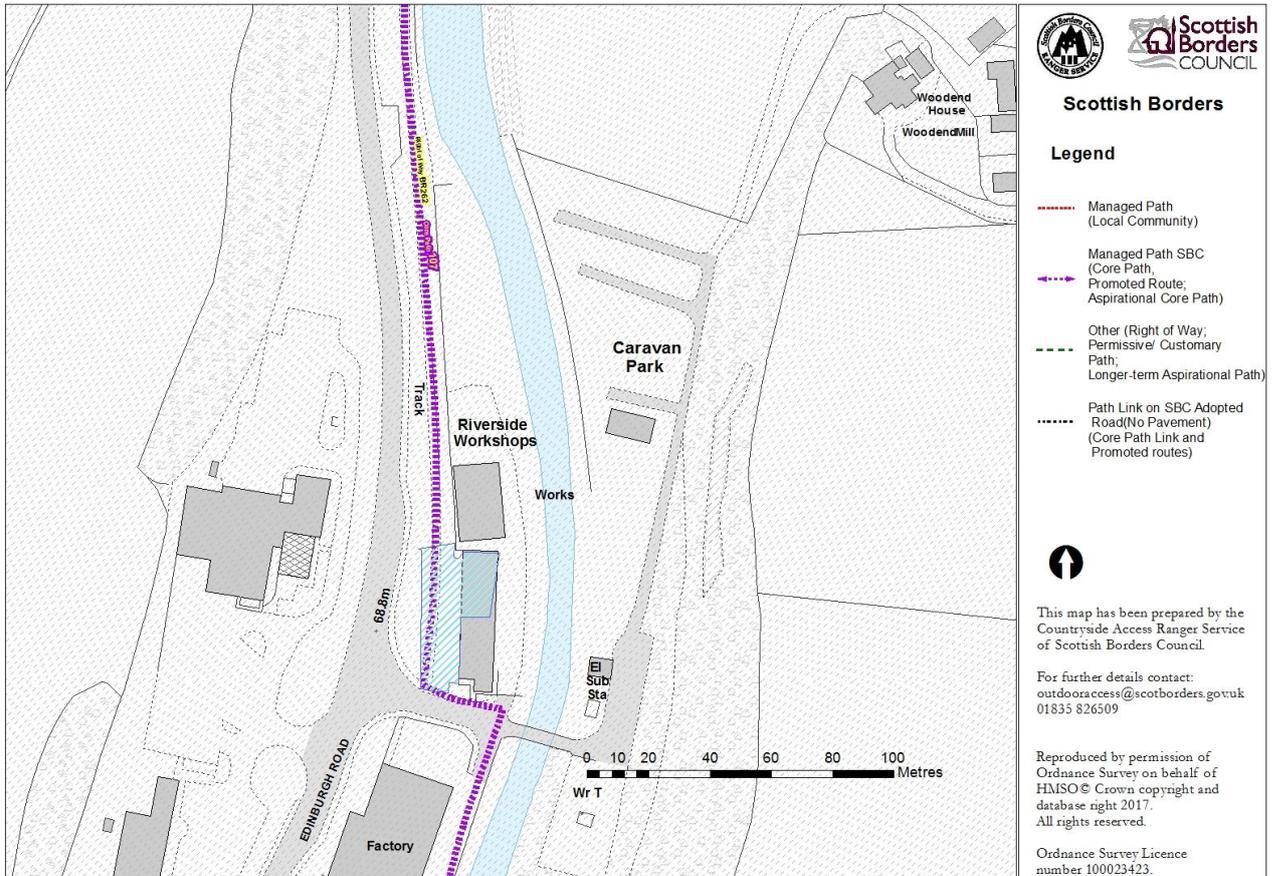
### CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

| Comments provided by  | Officer Name and Post:  | Contact e-mail/number:                  |
|---|---|---|
|   | Access Officer<br>Susan Gray  | <b>outdooraccess@scotborders.gov.uk</b> |
| Date of reply   |   | Consultee reference:                    |
| Planning Application Reference  | 20/00283/FUL  | Case Officer:                           |
| Applicant   | Mr James Hewit  | Euan Calvert                            |
| Agent   | Ferguson Planning   |   |
| Proposed Development  | Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)               |   |
| Site Location   | Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA  |   |
| <b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b> |   |   |
| Background and Site description   | <b>Core Paths</b><br><b>According to records held in the Regulatory Services there is a Core Path, on and adjacent to the planning application site</b> |   |

along the Jed Water Riverside. (Shown on map as a purple line)  
 This is Core Path 107 This is a riverside path adjacent to the site bounded at present with trees on the riverside and a fence-line on the side adjacent to the development. It currently then follows an existing pavement to cross the area of the proposed development site and joins the roadside path.

**Key Issues**

(Bullet points) Core path 107 is a strip of land 3 metres in width that is within the development land area. It is as a Core path, outwith the curtilage of the development area.



**Assessment**

**Planning Condition**

The development has implications for the ability of the public to exercise rights of access along Core Path 107.

It is essential that these rights are not obstructed by the development and that the public shall continue to enjoy access to the Core Path without risk from machinery, ground disturbance or any other aspect of development works.

**Recommendation**

|                                 |  |  |   |
|---------------------------------|--|--|---|
| <input type="checkbox"/> Object | <input type="checkbox"/> Do not object | <input checked="" type="checkbox"/> Do not object, subject to conditions | <input type="checkbox"/> Further information required |
|---------------------------------|--|--|---|

|  |   |
|--|---|
| <p><b>Recommended Conditions</b></p>   | <p>To ensure compliance with relevant legislation the 3 metre corridor of the Core path to be completely outwith the areas used for display of cars and outwith the location of any building work.</p> <p><b>Reason: To protect public access rights during and after development.</b><br/> <b>AR10 Rights of Way</b></p> <p>The path indicated Core Path 107 must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the property.</p> <p>No additional stiles, gates steps or barriers to access may be erected that could deter potential future use.</p> <p><u>Reason:</u> To protect general rights of responsible access along the 3 metre corridor of Core path 107</p> |
| <p><b>Recommended Informatives</b></p> | <p>Under the Land Reform Scotland Act 2003 section 23 there are duties on the landowner towards the right of way. The path indicated Core path 107 must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the property. There are duties of the local authority as planning authority to ensure that the Core path is safeguarded. .</p> <div data-bbox="552 965 1043 1335" data-label="Image"> </div> <div data-bbox="552 1413 1082 1809" data-label="Image"> </div> <p>Images of the Core path route</p>  |



**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

|  |   |   |   |   |
|--|---|---|---|---|
| <b>Comments provided by</b>  | Roads Planning Service  | <b>Contact e-mail/number:</b>   |   |   |
| <b>Officer Name and Post:</b>  | Keith Patterson<br>Roads Planning Officer   | <a href="mailto:kpatterson@scotborders.gov.uk">kpatterson@scotborders.gov.uk</a><br><b>01835 826637</b> |   |   |
| <b>Date of reply</b>   | 8 <sup>th</sup> April 2020  | <b>Consultee reference:</b>   |   |   |
| <b>Planning Application Reference</b>  | 20/00283/FUL  | <b>Case Officer:</b><br>Euan Calvert  |   |   |
| <b>Applicant</b>   | Mr James Hewit  |   |   |   |
| <b>Agent</b>   | Ferguson Planning   |   |   |   |
| <b>Proposed Development</b>  | Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL) |   |   |   |
| <b>Site Location</b>   | Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road<br>Jedburgh Scottish Borders TD8 6EA                             |   |   |   |
| <i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i> |   |   |   |   |
| <b>Background and Site description</b>   |   |   |   |   |
| <b>Key Issues (Bullet points)</b>  |   |   |   |   |
| <b>Assessment</b>  | I have no objections to the renewal of this consent.  |   |   |   |
| <b>Recommendation</b>  | <input type="checkbox"/> Object   | <input checked="" type="checkbox"/> <b>Do not object</b>  | <input type="checkbox"/> Do not object, subject to conditions | <input type="checkbox"/> Further information required |
| <b>Recommended Conditions</b>  |   |   |   |   |
| <b>Recommended Informatives</b>  |   |   |   |   |

**RE-CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

|   |   |   |   |   |
|---|---|---|---|---|
| <b>Comments provided by</b>   | Roads Planning Service  | <b>Contact e-mail/number:</b>   |   |   |
| <b>Officer Name and Post:</b>   | Keith Patterson<br>Roads Planning Officer   | <a href="mailto:kpatterson@scotborders.gov.uk">kpatterson@scotborders.gov.uk</a><br><b>01835 826637</b> |   |   |
| <b>Date of reply</b>  | 20 <sup>th</sup> April 2020   | <b>Consultee reference:</b>   |   |   |
| <b>Planning Application Reference</b>   | 20/00283/FUL  | <b>Case Officer:</b><br>Euan Calvert  |   |   |
| <b>Applicant</b>  | Mr James Hewit  |   |   |   |
| <b>Agent</b>  | Ferguson Planning   |   |   |   |
| <b>Proposed Development</b>   | Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL) |   |   |   |
| <b>Site Location</b>  | Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road<br>Jedburgh Scottish Borders TD8 6EA                             |   |   |   |
| <b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b> |   |   |   |   |
| <b>Background and Site description</b>  | This is a reconsultation based on new/amended drawings.   |   |   |   |
| <b>Key Issues (Bullet points)</b>   |   |   |   |   |
| <b>Assessment</b>   | I have reviewed the submitted drawings, I would advise that our consultation response of 9 <sup>th</sup> April 2020 remains unchanged.    |   |   |   |
| <b>Recommendation</b>   | <input type="checkbox"/> Object   | <input checked="" type="checkbox"/> <b>Do not object</b>  | <input type="checkbox"/> Do not object, subject to conditions | <input type="checkbox"/> Further information required |
| <b>Recommended Conditions</b>   |   |   |   |   |
| <b>Recommended Informatives</b>   |   |   |   |   |

AJS

