

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



Ms Louise McGeoch
Clerk to the Local Review Body
Scottish Borders Council

28th September 2020

BY EMAIL ONLY

Dear Ms McGeoch,

Thank you for your recent correspondence and passing on the third party comments of 7th September. We are grateful for the opportunity to respond to those comments.

The comments have been discussed with our Client and Aidan Hume Design and it is our understanding that Aidan Hume Design stand by each drawing which has been submitted in support of both the application and Notice of Review. They encourage anyone questioning the veracity of those drawings to make a formal complaint through the correct channels, which will be vigorously contested.

Ferguson Planning are ready and willing to extend our endorsement to the quality of drawings prepared by Aidan Hume Design.

The Appellants have gone to extensive lengths to ensure the accuracy of measurements taken. A GPS unit was used to take measurements and each measurement is an average of three individual readings, all of which fell into a very narrow range. Moreover, the measurements of Clifton Cottage (the Appellants' existing dwelling) were previously taken by Aidan Hume Design (prior to restrictions on work and movement owing to COVID-19) and subsequently used as reference points for the performance of the GPS unit. Each measurement taken on Clifton Cottage proved correct to within 2% tolerance of the professionally taken measurement.

The "retaining wall" criticism within the third party comments is noted. However, the wall in question is the boundary wall between the appeal site and the garden of Valley Dene. The wall comprises concrete block construction and has been in-situ since before the Appellants' purchased the property. No works are proposed to the existing wall. A lot of the structures in the general area are not all that visually pleasing and would be enhanced via the proposal.

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The wall is not shown on previous plans as a cross section was not submitted until 28th August. Submission of a cross section is not a validation requirement kept by SBC for the registration of a planning application and so this position is consistent with best practice and policy locally.

Notwithstanding the above, the wall is clearly shown on photographs submitted to the appointed Planning Officer on 13th May – receipt of which were acknowledged on 14th May – during determination of the original application.

Planting a hedge does not represent development under s.26 of the Town and Country Planning (Scotland) Act 1997. Therefore, hedge planting does not require planning permission and is not a material consideration in the determination of the current Notice of Review. At this stage it should be noted that a number of other observations are made in the third party comments which **do not represent material considerations** and so are not addressed in this representation.

Paragraph 290 of Scottish Planning Policy (SPP) only allows for planning applications to be refused on road traffic grounds in cases where an ‘unacceptable road safety impact’ would be created. **The consultation response of the Roads Planning team does not identify use of the public road by HGV’s transporting felled timber as a reason for refusal.**

This issue has already been extensively addressed in the Planning Statement, Local Review Statement and our representation letters of both 27th May and 4th August. The fact remains that Clifton Cottage sits in a line of existing dwellings, the occupants of which park their cars on-street.

A number of dwellings north of Clifton Cottage have zero off-street parking provision and the occupants of several dwellings to the south park at least 1 no. car on the public road due to personal preference or another personal reason which is not policy-based. Therefore, on-street car parking is a distinguishing feature of the local area.

It again must be clear the owners of Clifton Cottage would, in essence, be parking between existing cars located to the north and south. This situation would mean zero road impact and a continuation of the status quo with regard to how any HGV travel along the road.

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It is important to note that use of a public road by one or more HGV's does not represent a legitimate reason for refusal of new development accessed from that road. Almost every public road in the Borders is used by one or more HGV's every week. Dismissing this Appeal on this basis that High Street is used by HGV's would risk setting a troubling precedent for future development proposals across the Borders.

The Appellants' are grateful for this opportunity to address the public comments of 7th September and reserve the right to respond to any new comment/evidence presented prior to the LRB reconvening.

It is our hope that members of the LRB find these comments to be clear and helpful in completing their determination of the matter at hand.

Yours Sincerely



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