

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 14/00995/PPP

APPLICANT : G And R Drummond

AGENT :

DEVELOPMENT : Residential development (renewal of previous consent 07/02424/OUT)

LOCATION: Land South Of New Station Cottages
Chirnside
Duns
Scottish Borders
TD11 3LJ

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Site Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Local Plans: The Officer has reviewed applications 14/00995/PPP, 14/00996/PPP and 14/00997/PPP and concluded that application 14/00995/PPP is more within the core of the building group and consequently relates better to it. The Officer notes that in keeping with the requirements of policy D2 in the consolidated Plan 2011 there is potential for an extension to the group of a maximum 8 no new houses. He notes that significantly, there is an issue with applications 14/00996/PPP and 14/00997/PPP in that they are on the route of the former railway line. Policy EP12 seeks to protect these routes for potential future walking, cycling or recreational purposes (or future potential rail). The Officer advice is that 8no units are approved within application ref 14/00995/PPP and that applications 14/00996PPP and 14/00996/PP are refused.

Roads: No objection subject to condition in respect of access /traffic requirements to be agreed at details stage. The principle of development has already been supported at this location; therefore I have no objections in principle. If the applicant wishes to develop the site and submit for detailed planning, the design would need to reflect current policy in terms of road design, namely Designing Streets. In addition to the internal road design, off-site works may be required to cater for the additional traffic this development would bring.

Education: The proposed development, is located within the catchment area for Chirnside Primary School and Berwickshire High School. A contribution of £2990 per unit is sought for the Primary school and £4205 per unit is sought for the High School, making a total contribution of £71950.

Community Council: No objection.

Housing Section: No comments

Environmental Health Officer: No objections subject to conditions and informative in respect of water supply and land contamination. A site investigation and risk assessment is required with a remediation strategy and verification plan if required by the site assessment.

Outdoor Access: No objection but condition sought in respect of core paths. Forward Planning to be consulted in respect of Local Plan Policies: Safeguarding Former Railway Routes, and Green Networks. According to our records, as outlined on the enclosed plan, there are no known Core Paths / Promoted Paths / Rights of Way that are directly affected by this proposal. Core Path 88 (CHIR/88/12) utilises the public roadway that passes to the east and route DUNS/asp/3 to the south. It should be noted that both these routes form part of the promoted route known as the David Hume Walk. Both pathways, as indicated above 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 (as outlined in this application). Reason: To protect general rights of responsible access.

Development Negotiator: A S75 already exists for 07/00577/OUT. However, as an additional contribution is now sought for Chirnside, a fresh S75 is required rather than a renewal, the applicant having been advised that the original can be applied for discharge upon registration of the new.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan Adopted 2011

D2: Housing the Countryside

G1: Quality Standards for New Development
G5: Developer Contributions
H2: Protection of Residential Amenity
Inf2: Protection of Access routes
Inf3: Road Adoption Standards
Inf4: Parking Provisions and Standards
Inf5: Waste Water Treatment Standards
Inf6: Sustainable Urban Drainage

Supplementary Planning Guidance: New Housing in the Borders Countryside

Recommendation by - Lucy Hoad (Planning Officer) on 17th April 2015

This application is for planning permission in principle for the erection of residential development at Chirnside Station Chirnside. This is a renewal application with consent having been consented on the site subject to a restriction in the number of units in Oct 2011(07/02424/OUT). It is noted that 2 further applications for extending the existing building group at Chirnside Station are under consideration, 14/00997/FUL for a single dwelling at Plot D and 14/00996/PPP for a single dwelling at Plot A.

Consent for Plot C, (05/01042/REM) a separate dwelling plot, situated to the north of Plot A, has been implemented but no construction works had commenced at the time of the site visit.

The principle of residential housing on the site has already been established through the earlier outline planning permission. In assessing this proposal for renewal of permission, it is necessary to determine whether there are any material factors or changes in circumstances/policy since the original determination that would warrant a change of view.

The land forms part of a former quarry pit now disused and overgrown with vegetation and there is potential for land contamination.

At the time of the previous consent it was accepted that a building group existed at this location. The application was assessed under Policy D2 (Housing in the Countryside) of Local Plan 2008, which stated that any consents for new building should not exceed 100% of the existing number of housing units in the

group. The plot applied for at that time was accepted on this basis, and the fact that there been no other over-riding environmental circumstances in respect of material planning concerns. A S75 legal agreement was concluded in respect of developer contributions to be paid to the council prior to commencement of works on site provided an approval of a reserved matters application had been granted.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

Indicative site plans have been submitted which show where the plot lies and the relationship to existing housing in the group. However, no details of layout, house design, or access are supplied at this time. Whilst details of design and materials are not provided for at this outline stage, it is noted that there is a mixture of traditional and modern housing within the group, displaying a variety of house styles and building materials. The Roads Officer has not objected to the proposals subject to condition regarding access, parking and turning details are applied

The Environmental Health Officer seeks a site investigation and risk assessment with any requirement arising from this assessment for a remediation strategy and verification plan to be submitted and agreed upon.

The means of water supply and of both surface water and foul drainage will need to be submitted for prior approval in order to ensure that the site is adequately serviced.

From the site visit it was evident that the building group number in this location is static at 28 units and the proposed site remains vacant. In the intervening time period from grant of consent in 2011 until the submission of the current application there has been a significant change in planning policy. Planning Policy D2 under the Consolidated Local Plan 2011 has been amended to state that any consents for new build should not exceed two dwellings, or a 30% increase in addition to the group within the current Local Plan period. No further development above this threshold will be permitted.

The amendment in policy D2 came into effect in February 2011 and the application must therefore be assessed against the current policy.

Given that the number of houses within the group as at the start of the current Local Plan period totals 28 it is considered that the number of new build sought under all three applications would result in the capacity of the original building group being exceeded by more than 30%,

Pre-application discussions took place with the applicant prior to the application being submitted and the applicant was advised at the time, of the change in policy in 2011 in respect of additions to building groups and of the number of dwellings that could be considered during the current local plan period, taking into account the number of dwellings in this group.

It is accepted that the proposed site is well related to the existing building group and wider area contained by the sense of place at Chirnside Station. However, this is not sufficient to justify the approval of all of the applications before the authority, which would be contrary to the threshold contained within policy D2 (A). Consideration has been given to each application on its own merit and the logical evolution of the building group as it expands.

Plot A sits on the fringe of the group, as does Plot D. Taken into account the pattern of development up to this point in time these two plots have a weak relationship to the core of the group. The larger housing site (14/00995/PPP) is considered to have a strong and close relationship to the core of the group, and if approved would lead to a cohesive expansion of the group. Forward Planning has advised that application 14/00995/PPP relates better to the core of the existing building group with the two single plots located on a route defined within the Green Networks, with potential for future pathways.

Given the restriction in expansion under current policy the application for residential development at this location is considered to comply with policy D2 (A) provided the number of units does not exceed the stated threshold. The policy allows no further dwellinghouses above 30%. Whilst the earlier consent was restricted to up to 10No units, the current proposal shall require to be restricted to 8No units in order to comply with policy.

The view was taken in 2011 that the size of the application site and land were large enough to accommodate the development without resulting in over development of the land. The application site remains within the control of the applicant

All other matters remain constant and there are further policy constraints that would prevent this consent being extended for 3 years. In order to remain consistent, it would be appropriate to add similar conditions to the new consent that were applied to the original consent.

There are no immediate neighbours to the proposed development. There are no third party objections.

REASON FOR DECISION :

The acceptability of any extension of the group is a balanced one, but owing to the fact that the site is of an appropriate size and well related to the existing layout of residential housing at Chirnsdie Station,, the proposal is in accordance with policies D2, G1, H2, and INF3 of the Scottish Borders Council Consolidated Local Plan (2011). The siting and location of the development is acceptable, without having a detrimental impact upon the character and amenity of the surrounding rural area or neighbouring properties.

A developer contribution towards improving education facilities and affordable housing would be required. This would be secured through a Section 75 Agreement.

Recommendation: Approved - conditions, inform & LA

- 1 No development shall commence until 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 have been submitted to and approved in writing by the 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, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
(a) the expiration of three years from the date of this permission, or
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.
Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
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, as amended by the Planning etc. (Scotland) Act 2006.
- 3 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
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, as amended by the Planning etc. (Scotland) Act 2006.
- 4 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

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, as amended by the Planning etc. (Scotland) Act 2006.

- 5 The means of water supply and of both surface water and foul water drainage to be submitted for the approval of the Planning Authority.

Reason : to ensure the site is adequately serviced.

- 6 Both pathways, as indicated in Informative 1 shall 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.

Reason: To protect general rights of responsible access.

- 7 Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).

d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.

e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

- 8 The number of houses to be limited to a maximum of 8.

Reason: To ensure a development compatible with the character of the site and to comply with current housing in the countryside policy in relation to expanding the building group size.

- 9 A vehicle turning area and two parking spaces, excluding any garaging, to be provided for each dwellinghouse within the site.

Reason: In the interests of road safety.

Informatives

It should be noted that:

- 1 In line with Condition No6 the paths to be protected are Core Path 88 (CHIR/88/12) utilises the public roadway that passes to the east and route DUNS/asp/3 to the south. Both these routes form part of the promoted route known as the David Hume Walk.

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



1. The proposed site is situated on a plot of land measuring 66.9m by 67.6m.
 2. The site is currently vacant.
 3. The site is surrounded by residential and commercial buildings.
 4. The site is accessible via a public road.
 5. The site is within the urban area of the town.
 6. The site is suitable for residential development.
 7. The site is suitable for commercial development.
 8. The site is suitable for mixed-use development.
 9. The site is suitable for a range of other uses.
 10. The site is suitable for a range of other uses.

11. The site is suitable for a range of other uses.
 12. The site is suitable for a range of other uses.
 13. The site is suitable for a range of other uses.
 14. The site is suitable for a range of other uses.
 15. The site is suitable for a range of other uses.



SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 14/00997/PPP

APPLICANT : G And R Drummond

AGENT :

DEVELOPMENT : Erection of dwellinghouse (renewal of previous consent 07/01914/OUT)

LOCATION: Plot D Former Railway Line
Chirnside Station
Chirnside
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY: Negotiation

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

Local Plans: The Officer has reviewed applications 14/00995/PPP, 14/00996/PPP and 14/00997/PPP and concluded that application 14/00995/PPP is more within the core of the building group and consequently relates better to it. The Officer notes that in keeping with the requirements of policy D2 in the consolidated Plan 2011 there is potential for an extension to the group of a maximum 8 no new houses. He notes that significantly, there is an issue with applications 14/00996/PPP and 14/00997/PPP in that they are on the route of the former railway line. Policy EP12 seeks to protect these routes for potential future walking, cycling or recreational purposes (or future potential rail). The Officer advice is that 8no units are approved within application ref 14/00995/PPP and that applications 14/00996PPP and 14/00996/PP are refused.

Housing Section: No comments

Roads: No objection to this application in principle, I would request that the detailed design of the site includes parking and turning for a minimum of two vehicles, not including any garage. This must be provided and retained in perpetuity within the curtilage of the property. In addition, the means and materials of the access to be agreed at detailed design stage.

Environmental Health Officer: No objections subject to conditions and informative in respect of water supply and land contamination. A site investigation and risk assessment is required with a remediation strategy and verification plan if required by the site assessment.

Outdoor Access: No objection but condition sought in respect of core paths. Forward Planning to be consulted in respect of Local Plan Policies: Safeguarding Former Railway Routes, and Green Networks. According to our records, as outlined on the enclosed plan, there are no known Core Paths

/ Promoted Paths / Rights of Way that are directly affected by this proposal. Core Path 88 (CHIR/88/12) utilises the public roadway that passes to the east and route DUNS/asp/3 to the south. It should be noted that both these routes form part of the promoted route known as the David Hume Walk. Both pathways, as indicated above 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 (as outlined in this application). Reason: To protect general rights of responsible access.

Education: A contribution of £2990 is sought for the Primary school and £4205 is sought for the High School, making a total contribution of £7195.

Community Council: No objection

Development Negotiator: A S75 already exists for 07/01914/OUT However, as an additional contribution is now sought for Chirside, a fresh S75 is required rather than a renewal, the applicant having been advised that the original can be applied for discharge upon registration of the new.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan Adopted 2011

D2: Housing the Countryside

G1: Quality Standards for New Development
G5: Developer Contributions
H2: Protection of Residential Amenity
Inf2: Protection of Access routes
Inf3: Road Adoption Standards
Inf4: Parking Provisions and Standards
Inf5: Waste Water Treatment Standards
Inf6: Sustainable Urban Drainage

Supplementary Planning Guidance: New Housing in the Borders Countryside

Recommendation by - Lucy Hoad (Planning Officer) on 16th April 2015

This application is for planning permission in principle for the erection of 1No dwellinghouses on Plot D Chirside Station Chirside. This is a renewal application with a single dwelling having been consented on the site in Oct 2011 (07/01914/OUT). It is noted that 2 further applications for extending the existing building group at Chirside Station are under consideration, 14/00996/PPP for a single dwelling at Plot A and 14/00995/PPP for a residential development comprising up to 10 units in number.

Consent for Plot C, (05/01042/REM) a separate dwelling plot, situated to the north of Plot A, has been implemented but no construction works had commenced at the time of the site visit.

The principle of residential housing on the site has already been established through the earlier outline planning permission. In assessing this proposal for renewal of permission, it is necessary to determine whether there are any material factors or changes in circumstances/policy since the original determination that would warrant a change of view.

The land forms part of a former railway line now disused and overgrown with vegetation. Forward Planning have advised that route is identified for protection for future walking, cycling and recreation purposes under forthcoming planning policy (EP13 Green Networks).

At the time of the previous consent it was accepted that a building group existed at this location. The applications were assessed under Policy D2 (Housing in the Countryside) of Local Plan 2008 ,which stated that any consents for new building should not exceed 100% of the existing number of housing units in the group. The plot applied for at that time was accepted on this basis, and the fact that there been no other over-riding environmental circumstances in respect of material planning concerns. A S75 legal agreement

was concluded in respect of developer contributions to be paid to the council prior to commencement of works on site provided an approval of a reserved matters application had been granted.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

Indicative site plans have been submitted which show where the plot lies and the relationship to existing housing in the group. However, no details of layout, house design, or access are supplied at this time. Whilst details of design and materials are not provided for at this outline stage, it is noted that there is a mixture of traditional and modern housing within the group, displaying a variety of house styles and building materials.

The Roads Officer has not objected to the proposals subject to condition regarding access, parking and turning details are applied.

The Environmental Health Officer seeks a site investigation and risk assessment with any requirement arising from this assessment for a remediation strategy and verification plan to be submitted and agreed upon.

The means of water supply and of both surface water and foul drainage will need to be submitted for prior approval in order to ensure that the site is adequately serviced.

From the site visit it was evident that the building group number in this location is static at 28 units and the proposed site remains vacant. In the intervening time period from grant of consent in 2011 until the submission of the current application there has been a significant change in planning policy. Planning Policy D2 under the Consolidated Local Plan 2011 has been amended to state that any consents for new build should not exceed two dwellings, or a 30% increase in addition to the group within the current Local Plan period. No further development above this threshold will be permitted.

The amendment in policy D2 came into effect in February 2011 and the application must therefore be assessed against the current policy.

Given that the number of houses within the group as at the start of the current Local Plan period totals 28 it is considered that the number of new build sought under all three applications would result in the capacity of the original building group being exceeded by more than 30%,

Pre-application discussions took place with the applicant prior to the application being submitted and the applicant was advised at the time, of the change in policy in 2011 in respect of additions to building groups and of the number of dwellings that could be considered during the current local plan period, taking into account the number of dwellings in this group.

It is accepted that the proposed Plots A and D are well related to the wider area contained by the sense of place at Chirnside Station. However, this is not sufficient to justify the approval of all of the applications before the authority, which would be contrary to the threshold contained within policy D2 (A). Consideration has been given to each application on its own merit and the logical evolution of the building group as it expands.

Plot D sits on the fringe of the group, as does Plot A. Taking into account the pattern of development up to this point in time these two plots have a weak relationship to the core of the group. The larger housing site (14/009995/PPP) is considered to have a strong and close relationship to the core of the group, and if approved would lead to a cohesive expansion of the group. Forward Planning has advised that application 14/00995/PPP relates better to the core of the existing building group with the two single plots located on a route defined within the Green Networks, with potential for future pathways. These have a weaker relationship with the core of the group.

Given the restriction in expansion under current policy the application for Plot D is considered to be contrary to policy D2 (A). Thus the application as submitted cannot be supported as this would exceed the stated threshold of all 3 applications currently under consideration. The policy allows no further dwellinghouses above 30%.

No economic or agricultural justification has been submitted for a house in these locations above the threshold of two or 30% permitted under policy D2 (A).

The site is recognised as a Green Network under Policy EP12 of the Proposed Local Development Plan 2013. Given the requirement to ensure that path networks are protected, the siting of the dwelling on this former railway route is considered to be contrary to policy INF2. The proposal cannot be supported as the dwelling would impinge on the access route.

No third party representations have been received on the proposals.

REASON FOR DECISION :

The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00996/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside.

Recommendation: Refused

- 1 The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00996/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside.
- 2 The proposal would be contrary to policy INF2 of the Scottish Borders Council Consolidated Local Plan 2011 in that the dwelling would have an adverse effect on the continued use of the access route/railway, which is promoted under Policy EP12 of the Proposed Local Development Plan 2013.. Reason: To protect general rights of responsible access.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference: 14/00997/PPP

To: G And R Drummond C/o Broom House Duns Scottish Borders TD11 3PP

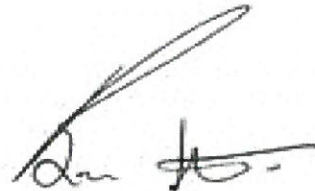
With reference to your application validated on **5th September 2014** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Erection of dwellinghouse (renewal of previous consent 07/01914/OUT)

At: Plot D Former Railway Line Chirnside Station Chirnside Scottish Borders

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

**Dated 20th April 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**



Signed
Service Director Regulatory Services

APPLICATION REFERENCE: 14/00997/PPP**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

REASON FOR REFUSAL

- 1 The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00996/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside.
- 2 The proposal would be contrary to policy INF2 of the Scottish Borders Council Consolidated Local Plan 2011 in that the dwelling would have an adverse effect on the continued use of the access route/railway, which is promoted under Policy EP12 of the Proposed Local Development Plan 2013.. Reason: To protect general rights of responsible access.

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.



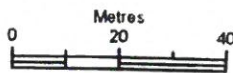
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The representation of features as lines is no evidence of a property boundary.



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SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 07/00577/OUT

APPLICANT : Gordon Drummond

AGENT :

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Plot A Chirnside Station
Chirnside
Scottish Borders
TD11 3LJ

TYPE : OUT Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1:2500	Location Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

None received.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Plan 2005 (Finalised):

Policy D2.

Recommendation by - John Hiscox (Planning Officer) on 10th February 2009

This is an outline application for the renewal of a consent for a single dwelling on part of the former railway line at Chirnside Station. The site is adjacent to the terrace of existing properties and would be accessed from the parking area serving these. The proposal was lodged before the expiry of the consent. This is a limited site but it lies within the heart of a building group both of established dwellings and further new build proposals.

There have been no objections from either consultees or individuals. Environmental Health did though request a contamination survey while roads highlighted parking requirements.

The principle of development is established and no objection is therefore seen to the current application.

REASON FOR DECISION :

By virtue of the nature of the site, and its relationship with the existing building group at Chirnside Station, the development is consistent with planning policy relating to rural housing.

Recommendation: Approved - conditions, inform & LA

- 1 The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.
Reason: Approval is in outline only.
- 2 The means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority.
Reason: To ensure that the site is adequately serviced.
- 3 Two parking spaces (not including garages) and a turning area to be provided on site and to be retained in perpetuity.
Reason: in the interests of road safety.
- 4 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.

Informatives

It should be noted that:

- 1 The Developer to ensure that all necessary legal rights to make connection to the drainage system are available before any development of the site commences.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2008**

Application for Planning Permission

Reference : 07/00577/OUT

To : Mr Gordon Drummond Broom House Duns Scottish Borders TD11 3PP

With reference to your application validated on **23rd March 2007** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

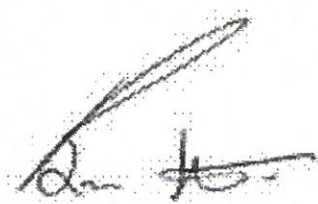
at : Plot A Chirnside Station Chirnside Scottish Borders TD11 3LJ

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 21st October 2011
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 07/00577/OUT

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
1:2500	Location Plan	Approved

REASON FOR DECISION

By virtue of the nature of the site, and its relationship with the existing building group at Chirnside Station, the development is consistent with planning policy relating to rural housing.

SCHEDULE OF CONDITIONS

- 1 The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.
Reason: Approval is in outline only.
- 2 The means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority.
Reason: To ensure that the site is adequately serviced.
- 3 Two parking spaces (not including garages) and a turning area to be provided on site and to be retained in perpetuity.
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Reason: To ensure that the site is made safe before works commence.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

The Developer to ensure that all necessary legal rights to make connection to the drainage system are available before any development of the site commences.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND



*Planning and
Economic Development*

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – 0800 800 333

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire. NG18 4RG.

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 0SA.

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.

Chirnside Station
TD11 3LQ



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