Julie,

Further to previous correspondence (including extended processing agreement) and your email below, we have attached further information (also uploaded via eplanning).

I left a voicemail for you to discuss and would be happy to do so. The information comprises the following:

- Amended Site Plan removing discrepancy re grey line. To clarify, the red line denotes the denotes the fence boundary.
- Amended Northern elevation (with and without boundary treatment) – this reduces boundary wall height from 1800mm to 1500mm to reduce scale.
- North boundary materiality – supporting statement in relation to use of brick by the applicant.
- Scottish Water response confirming foul drainage capacity.
- Legal opinion on boundary gate

The applicant would also just to wish to reiterate willingness to plant trees as necessary on land within their ownership immediately east of application red line boundary and would accept a requirement to do so in line with the previously submitted landscape plan. This is based upon Planning Circular 4/1998 (Use of Conditions in Planning Permissions) with relevant extract below:

Powers for conditions on land outside application site and temporary permissions
3. Section 41(1) amplifies the general power in section 37(1) in two ways. It makes clear that the planning authority may impose conditions regulating the development or use of land under the control of the applicant even if it is outside the site which is the subject of the application. (The Courts have held that the question whether land is under the control of an applicant is a matter to be determined according to the facts of the particular case. It is only necessary to have such control over the land as is required to enable the developer to comply with the condition.) The section also makes clear that the planning authority may grant planning permission for a specified period only.

We look forward to hearing from you.

Regards,
David

From: Hayward, Julie <JHayward2@scotborders.gov.uk>
Sent: 01 June 2022 16:56
To: David Howel <dhowel@aitken-turnbull.co.uk>

Subject: RE: [OFFICIAL] RE: 22/00296/FUL - Land north and east of Tweed Lodge, Hoebridge East Road, Gattonside

Good afternoon

I have received the further comments of our Roads Planning Service. No details for any improvements to the access route have been provided but our Roads Planning Officer is happy that these improvements and the on-site parking can be secured by conditions.

I have been contacted by the owners of Tweed Lodge who have seen the revised site plan and have raised the following issues:

- The grey line denotes the existing fence and the red line site boundary is shown on the Tweed Lodge side of the fence.

I think the site plan is a little misleading as the grey line does not show the position of the fence; the red line boundary follows the line of the fence. Could the grey line be removed or the fence line shown in a different way?

- They have an access gate to the field at the front of the house that would now enter into the proposed garden; this has been in place since Tweed Lodge was built (field access gate is shown in blue):

I haven't visited the site since the barn was demolished and so I was not aware of this. Could this be looked into?

As advised before, I am still not in a position to support the application but consider the best way forward is to deal with as many issues as possible before determination.

I attach a revised Planning Processing Agreement for your records.

Thanks

Julie

Julie Hayward
Team Leader
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