

Comments for Planning Application 22/01905/FUL

Application Summary

Application Number: 22/01905/FUL

Address: Site Adjacent The Steading Whiteburn Farm Lauder Scottish Borders

Proposal: Demolition of stable and erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mr JOHN GRAY

Address: Whiteburn Coach House, Lauder, Scottish Borders TD2 6SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to Residential Amenity
- Inadequate access
- Increased traffic
- Privacy of neighbouring properties affected
- Road safety

Comment:

John Gray

Whiteburn Coach House

Lauder

TD2 6SQ

29-Dec-2022

Hello,

I am the owner of Whiteburn Coach House, Lauder TD2 6SQ, and have noticed that my property may be affected by planning applications lodged with Scottish Borders Council.

The applications are for development on land within approximately 40m of my boundary and are:

Ref: 22/01905/FUL (7-Dec-2022) Demolition of stable and erection of dwellinghouse

Ref: 22/01937/MOD75 (13-Dec-2022) Modification of planning obligation pursuant to planning

permission B290/91 and E389/91

I object to the applications on these grounds:

Building Group and Boundaries

The planning application states that "The subject site sits adjacent to the established building group at Whiteburn which is comprised of six dwellings. As such, there is capacity under Policy HD2(A) for up to two additional dwellings to be approved." This is incorrect, there are currently 8 dwellings in the Whiteburn group, the maximum allowed. As such, no further dwelling should be permitted as this will degrade the amenity and seclusion of the group.

The planning application fails to mention that the western boundary of the Whiteburn dwelling group is the Whiteburn stream/river itself. There are no dwelling houses west of this and building a dwelling on a site that currently has only a barn and stables would break that clear boundary.

Inadequate Access, Increased Traffic, and Road Safety

- Primary access proposed is via the existing private road. While there may already be access to the stable using the private road and a frail bridge over the Whiteburn, that access may not exist for a private dwelling - originally the land in question was developed as a private stables and riding menage that utilised 2 grassed paddocks (92/01114/FUL, 1992) as part of the overall estate of Whiteburn Coach House. When the Coach House was sold, domestic access via the private road was retained by the Coach House, and while some form of access may have been retained to the stables by the applicant, it is not clear that this access supports domestic use for a dwelling.
- Given the current maximum of 8 dwellings use the private road as access, there is a real risk that additional traffic would result in a hazard to road users turning off the A697 onto the private road.
- The application proposes a secondary access via a gate to the southwest. This gate is wholly unsuitable for access being on a blind corner of the A697 and very close to the junction of the A697/A6089. Use of this access point would constitute a danger to road users.
- Additional use of the private road is likely to result in additional wear the non-tarmac surface, and additional maintenance costs would be incurred for other users.

Detrimental to residential amenity

- The plans for the development suggest the dwelling will be used as a summer or holiday home (future hot tub for example). This ties with the fact that the owner's primary residence is outside the UK, and they visit a few times a year. This opens a further concern that the intention is to use the holiday as a short term let, with the attendant noise, additional traffic/footfall and nuisance that

the presence of non-residents would have in a very quiet residential group of only 8 dwellings.

- While it is accurate that the applicant has undertaken planting of approximately 1800 trees throughout 2021 and 2022, the reason for this planting is clearly to attempt to support the dwelling application - it defies credulity that a dwelling house on the site is needed to allow the trees to be maintained, as mentioned in the application. Instead, it appears the tree planting was done to remove the possibility that the stables could continue to be used with adjoining paddocks, and to suggest some form of agricultural use in 'maintaining the trees'.

Finally, the section 50 planning obligation was specifically designed to retain the rural aspect of the area, limiting the number and type of developments in the area. The application is at odds with that principle.

Please consider my objections within the planning process. I am happy to cooperate with any questions or information the planning team might need,

Yours sincerely,

John Gray

Whiteburn Coach House, Lauder TD2 6SQ

Comments for Planning Application 22/01905/FUL

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Application Number: 22/01905/FUL

Address: Site Adjacent The Steading Whiteburn Farm Lauder Scottish Borders

Proposal: Demolition of stable and erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mr Roger Kershaw

Address: The Old Steading Whiteburn Farm, Lauder, Scottish Borders TD2 6SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Fire Safety
- Height of
- Inadequate access
- Increased traffic
- Road safety

Comment:

Demolition of stable and erection of dwellinghouse

Firstly we are disappointed that we only received the above notification on 23 December 2022, possibly due to the postal strikes and only have 14 days in which to respond which includes Christmas and New Year.

We consider there are two main issues here:

1. The modification of the Section 50 agreement at Whiteburn Farm and
2. The development of a new build dwelling.

We wish to place an objection to both points above.

Modification of planning application at Whiteburn Stables

In 1998 the Berwickshire local plan policy 9 states it would encourage conversions of appropriate existing buildings, including non residential to residential use providing the building is structurally sound. This is not a derelict residential site and the existing stables are of a wooden construction and in a poor state of repair, therefore do not comply with the above and the proposed dwelling is larger and possibly twice as high as the existing stables.

In 1999 when Mr James Simpson and Ms Elaine McKinney lived at Whiteburn Coachhouse they strongly objected to any modification of the Section 50 for new build. This application is now for

exactly that. A new build from Ms Elaine McKinney for which the Section 50 would need to be modified! At the time (1999) the Council stated the prohibition of further residential development was intended to relate to new build development. Correspondence from the owners of Whiteburn Coachhouse at the time, 5 November 1998, (Mr Simpson and Ms McKinney) states "there is one unifying Section 50 Agreement covering the lands and buildings at Whiteburn Farm, rather than separate customised agreements with each property owner, it follows that any variation whatsoever to the original agreement must be agreed by all parties".

We object to the Section 50 being modified to exclude the land owned by the applicant as it protects the current residents of 8 dwellings, not 6 as quoted in the application, from having their rural views and location under threat of further new build elsewhere at Whiteburn. An application for 2 residential dwellings at Whiteburn has more recently been refused (2011) as quoted in the Ferguson Planning application on behalf of Ms McKinney.

This application, if agreed, could set a precedence for future new development. Only conversions and extensions have been approved at Whiteburn and the legal agreement has always prohibited new residential developments after 1991. See Ferguson Planning Assessment point 4.10 (page 16) where planning permission was refused. Also point 4.9 the stable block is approximately 10 feet high whereas the planned residential building is at least 20 feet high. So although the footprint may be similar the height of the proposed building is twice the height of the existing stables.

Figure 3 Aerial image of site in red is inaccurate and encompasses a portion of land belonging to The Steading.

Figure 5 Aerial image of building group shows Whiteburn Stables as being in the building group which at present isn't correct as the stables do not constitute part of the 'building group' in terms of residential development. The natural building group boundary is the White burn. Beyond the White burn is agricultural land and wooden constructed farm buildings, including the wooden stables.

Access to the proposed new dwellinghouse from the East is at the far end of a shared track and over a small burn crossing which is not suitable for emergency or heavy vehicles and the access from the North East is a field entrance on a bend of the A697 which is dangerous and needs to be closed at all times due to livestock. Access to the site crossing the White burn has limited capacity for vehicular access. This has not been mentioned in the application. Historically SBC demanded the main entrance to Whiteburn be moved further South due to the other entrances being deemed unsafe. The applicant has right of access both ways but the burn crossing from the track was built for low volume light useage to service the 10 acres of land and stables to minimise constant use of the field entrance onto the A697. The burn crossing consists of 2 corrugated steel drainage tubes backfilled with stone which we have already had to repair due to the stones collapsing. See photo 1. (I will forward photo by e.mail)

The planting of trees does not necessitate a permanent new build dwelling on site to maintain them. There are also no overriding economic benefits for this application to be approved. The

extensive planting of trees does not contribute to its containment within the building group and will not provide an element of screening to the visual impact for residents living at Whiteburn.

We are concerned about the detention and treatment of 'greywater in a landscaped soakaway' and disposal of the composting toilet waste as our property borders all four boundaries of the proposed new build. The grey water reed beds are almost on our boundary and we have concerns about water running into the burn which runs through our gardens and regularly floods when we have heavy rain or snow. See photos taken recently. The boundary is the other side of the row of conifers which is where the grey water soakaway is proposed to be placed. See photos 2 and 3.(I will forward by e.mail)







Comments for Planning Application 22/01905/FUL

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Application Number: 22/01905/FUL

Address: Site Adjacent The Steading Whiteburn Farm Lauder Scottish Borders

Proposal: Demolition of stable and erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mr Jamie Smart

Address: Merrick Cottage Whiteburn Farm, Lauder, Scottish Borders TD2 6SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to Residential Amenity
- Inadequate access
- Road safety

Comment: Section 50 is to stop residential dwelling being constructed, I understand the need to maintain live stock, however, the proposers argument that she can attend the trees she has planted, seems ridiculous. The trees will not need the maintenance that would justify a permanent residency, they could be maintained remotely.

I have concerns regarding the small footbridge leading to the proposers land. The bridge was not built to withstand constant vehicle use, and I do not think it would be strong enough to withstand heavy vehicles required to transport building equipment and materials. The second access point leading to A697 would be inappropriate. This is a dangerous bend, then a junction leading to Gordan. There have been many accidents on the bend. It would be dangerous to have stationary traffic waiting on the road to turn into the proposed plot.

The proposal refers to 6 dwellings within Whitburn, however, there are 8 residential dwellings within the boundaries explained.

I am concerned that once a residential dwelling is on the site, what is to stop future owners from extending the building, hiring it out for AirBnB, joining the water/waste system etc.

The electricity within this area is already pretty strained with the current 8 dwellings, often we have blackouts, another residence on the system can only apply more pressure to the infrastructure.

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Application Number: 22/01905/FUL

Address: Site Adjacent The Steading Whiteburn Farm Lauder Scottish Borders

Proposal: Demolition of stable and erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mr Andrew Glendinning

Address: Woodville, Whiteburn, Lauder, Scottish Borders TD2 6SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to Residential Amenity
- Inadequate access
- Increased traffic
- Noise nuisance
- Privacy of neighbouring properties affected
- Road safety

Comment: Woodville

Whiteburn Farm

Lauder

TD2 6SQ

02/01/2023

to

Case officer

Julie Hayward

Dear Ms Hayward

We object to the planning applications:-

Ref: 22/01937/MOD75 (13-Dec-2022) Modification of planning obligation pursuant to planning permission B290/91 and E389/91

Ref: 22/01905/FUL (7-Dec-2022) Demolition of stable and erection of dwellinghouse

As the owners of one of the properties associated with the creation of the MOD75 obligation, we do not feel it is reasonable to modify it for the building of a holiday home. This will be of no benefit

to the existing residents and will only affect them adversely.

The building group of Whiteburn farm now consists of eight dwellings, not six as stated in the planning statement, and so precludes further development.

In the planning rejection of application 11/00156/PPP & 11/00157/PPP in 2011, it states

Members were of the view that the group had a tight, linear and compact appearance and that there were strong boundaries that enclosed it. To the east and west this was formed by existing tree belts and to the south by the A697 road. They acknowledged that the access track to the north edge of the group, and southern boundaries of the plots, was a relatively recent construction but were content that it constituted a distinct and defensible edge to the building group, that should not be breached.

The Review Body contended that the sites, and any dwellinghouses erected thereon, would appear to project into the open countryside, into an undeveloped field and would not be well related to the character and pattern of building in the group. The Review Body concluded that the proposals would not constitute suitable or appropriate additions to the building group and were therefore contrary to Policy D2 of the Local Plan and the advice set out in the supplementary planning guidance note.

The current application would extend the group, in ribbon development, into undeveloped farmland along a farm track not designed for regular traffic, over the Whiteburn (the natural boundary) crossing which is not designed for heavy vehicles.

The western entrance to the track is unsafe because of traffic and was historically only used for access to the fields, not for access to the building group.

The planting of trees to obligate a boundary change is not reasonable.

To state that the dwelling would help in the maintenance of the trees is erroneous.

The recent planting of trees does not require accommodation for maintenance, if it did then there would be dwellings beside every plantation.

The design and construction materials of the dwelling are completely different from any of the properties at Whiteburn and are not in keeping.

This development would cause extra traffic on the track in front of our house causing noise, visual intrusion and wear of the track.

Yours Sincerely

Andrew & Therese Glendinning

Comments for Planning Application 22/01905/FUL

Application Summary

Application Number: 22/01905/FUL

Address: Site Adjacent The Steading Whiteburn Farm Lauder Scottish Borders

Proposal: Demolition of stable and erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mrs Rhea Kershaw

Address: The Roost Whiteburn, Lauder, Scottish Borders TD2 6SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Comments about play area
- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Fire Safety
- Health Issues
- Inadequate access
- Inadequate Boundary/Fencing
- Inadequate drainage
- Increased traffic
- Road safety

Comment: The Roost

Whiteburn Farm

Lauder

TD2 6SQ

3rd January 2023

Dear Sir / Madam,

Concerns about applications:

22/01937/MOD75

Modification of planning obligation pursuant to planning permission B290/91 & E389/91

Officer: Julie Hayward

22/01905/FUL

Demolition of stable and erection of dwelling house at Whiteburn, Lauder

Officer: Cameron Kirk

The following details our concerns about the applications noted above which propose to build a new house on land adjacent to our land. We would like to register our opposition for the following reasons:

1) Proposal by Ferguson Planning to lift the Section 50/75 Agreement which covers Whiteburn.

We believe that by lifting this agreement, which prevents building new dwellings at Whiteburn, for a small area of land could potentially allow further dwellings to be built in future therefore rendering the agreement ineffective. With protection of rural land in mind, we believe that the erection of a residential building will increase light and noise pollution, having a direct impact on the wildlife in the adjacent woodland and surrounding area.

The agreement is intended to protect the land and should be upheld in order to serve its purpose. Ms McKinney made reference herself to the importance of this in an objection to planning of new builds at Whiteburn in March 2011.

2) Access to the site not suitable.

The primary access to the site, as stated in the application by Ferguson Planning, is via a rural track and over a 'burn crossing' consisting of corrugated tin pipes with compacted 'Type 1' surrounding them. This crossing is not designed to withstand regular traffic and, due to its strength and width, certainly not heavy duty vehicles required to build a house. Additionally, this access would not be suitable for emergency vehicles, in particular a fire engine.

The secondary access to the site is from the main A697 road, immediately before a bend when travelling south and immediately after the bend when travelling north. The A697 is a fast trunk road, with a speed limit of 60mph, used by lorries, commuters and other traffic. We believe that vehicles turning in or out of that field gateway, which must remain shut at all times due to livestock kept in neighbouring fields, could potentially cause a serious road traffic accident (RTA). Again, Ms McKinney stated in March 2011 that the current access, situated further south than this proposed access, could be unsafe with increased traffic, potentially causing a serious RTA, therefore this logic must surely be applied to the lesser, and infinitely less suitable, access proposed.

3) Maximum number of dwellings at Whiteburn already reached.

The Ferguson Planning application states that there must be no more than eight dwellings built at Whiteburn. They then go on to say that there are currently six dwellings. This is incorrect; there

are already eight dwellings at Whiteburn and therefore no new builds may be permitted, as per the agreement they reference in their plan.

4) The natural boundary at Whiteburn

The Ferguson Planning application makes reference to the 'natural boundary' of Whiteburn as being the track to the north-west of the land owned by Ms McKinney. In fact, and stated by Ms McKinney (again in March 2011), the natural boundary at Whiteburn is in fact the Whiteburn (small stream running to the south of Ms McKinney's land). This means that the proposed new build lies out-with the Whiteburn residential area and within agricultural land instead, again meaning that no new build should be permitted.

5) Sewage / Grey Water concern

The planning application by Ferguson Planning gives brief details about sanitary plans for the new build. We have concerns about these as the area where a 'reed bed' is proposed is next to the wood where our young children play regularly; this area floods with heavy rain (a regular occurrence) and it is concerning that sewage (treated or otherwise) may run into our children's private play area.

In conclusion, we would like to register our opposition to the proposed planning permission by Ms Elaine McKinney for the lifting of Section 50/75 building restrictions and the building of a new house at Whiteburn.

We realise that we have referenced Ms McKinney's previous reasons for objecting to new builds at Whiteburn and would like to make it explicit that there is no personal grievance there, simply our agreement with points she has made in the past about the need to prevent new builds at Whiteburn.

Yours faithfully,
Stephen and Rhea Kershaw

Comments for Planning Application 22/01905/FUL

Application Summary

Application Number: 22/01905/FUL

Address: Site Adjacent The Steading Whiteburn Farm Lauder Scottish Borders

Proposal: Demolition of stable and erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mr steven stamenkovic

Address: Whiteburn Farm, Whiteburn, Lauder, Scottish Borders TD2 6SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Density of site
- Detrimental to Residential Amenity
- Health Issues
- Inadequate access
- Increased traffic
- Road safety

Comment: I am concerned about the effect of another property on the already well-populated small hamlet of Whiteburn.

In particular, there is no safe direct access from the main road into the plot.

I have personally had to deal with casualties and emergencies from vehicles driving too fast on the A697. We have had fatalities outside our series of houses. Anything that causes cars to stop suddenly on this road outside our properties will increase this risk.

The alternative of vehicles for building purposes or after the build is complete will necessitate vehicles crossing a small arched bridge which was not designed for regular use.

The council has repeatedly and even recently stated that commercial accommodation is not appropriate at Whiteburn specifically as there are no transport links or infrastructure in place to service such accommodation. This has a bearing on whether the applicant could move to use the plot as such.

The proposed house is small and has the hallmark of a holiday rental property, which would contravene this and result, if allowed, in total strangers regularly coming to Whiteburn and putting at risk the safety of the young families who live here.

There are 9 properties at Whiteburn and the local plan is specific about not permitting ribbon development, which the proposed build would represent.

Whilst not being directly affected by this potential new house, I am concerned about the effect this

would have on the amenity of Whiteburn and the distress to our good neighbours. There has been cynically minimal time to assess the application due to the presentation in the holiday season and there has equally been no time allowed to seek professional advice about this application which is deeply unfair to those materially affected by the proposal.

Comments for Planning Application 22/01905/FUL

Application Summary

Application Number: 22/01905/FUL

Address: Site Adjacent The Steading Whiteburn Farm Lauder Scottish Borders

Proposal: Demolition of stable and erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Dr Rosemarie and Jonathan Hundal

Address: Leaside Cottage, Lauder, Scottish Borders TD2 6SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Density of site
- Detrimental to Residential Amenity
- Inadequate access
- Increased traffic
- Poor design
- Road safety

Comment: We are a little concerned about a couple of things with this plan:

1- The access, particularly for heavy vehicles. The track is barely sound enough as it is. Therefore we are worried it may become completely unusable for current residents with standard cars. It would also be very difficult to turn or pass any lorries. Access could maybe come from the West gate but this is not very safe leading onto the major road.

2- The septic tank and electricity supply. Being so rural it would be nice to have some assurance that there is enough infrastructure to support another dwelling.

3- The black steel cladding may be quite harsh; is there any way of altering the exterior to fit in better with current buildings or hiding this from view?

4- If I understand correctly there are already 8 dwellings at Whiteburn so unsure if this contravenes section 50? It would be a great detriment to the environment and to the current occupants if this allowed other dwellings to be built here.

MR. & MRS CLARK
BOONRAE

WHITEBURN FARM
LAUDER

PLANNING APPLICATION,

TD 2 6 SQ

16th JAN 2023

WE ARE STRONGLY AGAINST THE LIFTING OF BUILDING RESTRICTIONS AT WHITEBURN FARM LAUDER. TO ALLOW A HOUSE OR HOUSES TO BE ERECTED AT THIS LOCATION.

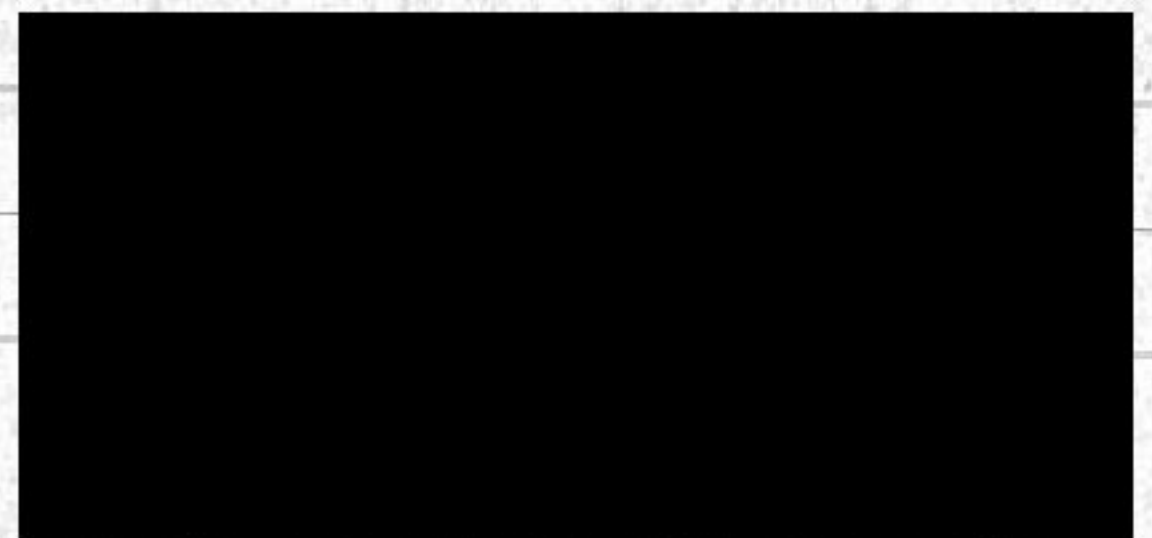
THE APPLICANT USED TO LIVE AT WHITEBURN AND WHEN PREVIOUS PLANNING PERMISSION WAS SOUGHT SHE FOUGHT TOOTH & NAIL TO PREVENT THIS GOING AHEAD. SO WHY SHOULD THINGS CHANGE NOW.

ONCE ANY RESTRICTIONS ARE LIFTED THIS WOULD OPEN THE FLOOD GATES FOR MORE HOUSES TO BE BUILT.

ACCESS TO THE PROPOSED SITE IS OVER AN ANCIENT BRIDGE WHICH COULD BE DAMAGED BY HEAVY VEHICLES DELIVERING THE BUILDING MATERIAL

THIS BRIDGE WILL BE HUNDREDS OF YEARS OLD IT IS ON THE ROUTE USED BY COACH & HORSES GOING SOUTH FROM EDINBURGH AND STOPPING AT WHITEBURN WHEN IT WAS A COACH HOUSE

THE ONLY OTHER ACCESS WHICH IS BLOCKED OFF AT THE MOMENT WOULD BE TAKING VEHICLES ON TO THE A 694 ON A DANGEROUS BEND HENCE THIS ACCESS BEING BLOCKED OFF.



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Proposal: Demolition of stable and erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mr Andrew Glendinning

Address: Woodville, Whiteburn, Lauder, Scottish Borders TD2 6SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: With reference to Ferguson Planning comments of 23rd January 2023.

In the second paragraph "We have revieweddeemed irrelevant"

I find this unethical and personally offensive.

I have never met the applicant nor had correspondence with them in any way.

All the comments I have made have been on a factual basis on material planning considerations.

Not so with Ferguson Planning!

To imply supposed difficult interpersonal relationships and past conflicts in an effort to character assassinate and so, nullify comments from any neighbour is unprofessional and should not be accepted as relevant comment. As far as I was aware comments of a personal nature were not permitted.

2. Maximum number of Dwellings in a Building Group

The maximum number of dwellings within a building group cannot continually be increased by 2 or 30%, ad infinitum as the building group has finite boundaries. At the moment there is a group of 8 dwellings with no further land available within the accepted boundaries.

3. Boundary of Building Group

There is agreement in the response from all neighbours as to the Northern, Eastern, Southern and Western boundaries these being the private access road, private access road tree belt, A697, Existing tree belt / Whiteburn stream.

"In the planning rejection of application 11/00156/PPP & 11/00157/PPP in 2011,

Members were of the view that the group had a tight, linear and compact appearance and that

there were strong boundaries that enclosed it. To the east and west this was formed by existing tree belts and to the south by the A697 road. They acknowledged that the access track to the north edge of the group, and southern boundaries of the plots, was a relatively recent construction but were content that it constituted a distinct and defensible edge to the building group, that should not be breached."

The proposed dwelling at Whiteburn Stables is outwith these boundaries in agricultural land to the west.

Respectfully

Andrew Glendinning

Comments for Planning Application 22/01905/FUL

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Address: Site Adjacent The Steading Whiteburn Farm Lauder Scottish Borders

Proposal: Demolition of stable and erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mrs Rhea Kershaw

Address: The Roost Whiteburn, Lauder, Scottish Borders TD2 6SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Comments about play area
- Contrary to Local Plan
- Fire Safety
- Health Issues
- Inadequate access
- Inadequate Boundary/Fencing
- Increased traffic
- Road safety

Comment: Scottish Borders Council Planning ref: 22/01937/MOD & 22/01905/FUL

We wish to document counter objections to Ferguson Planning's letter 23 January 2023.

Firstly, the following statement "and may instead be reflective of difficult interpersonal relationships. Past conflict between the applicant and neighbours, due to the applicant declining to sell their land" is an unprofessional statement for Ferguson planning to make and also has no bearing on the matter in hand.

1. Modification of planning obligation

Because a clause was put in place in 1992, it does not warrant it being brushed aside due to it being "in the present day ... unreasonable, unnecessary and not well related." The clause is to stop further development at Whiteburn Farm. Just like a dwelling in conservation area is protected from modernisation. If it were simply lifted because it wasn't present day, planning would have no structure anywhere.

2. Maximum number of dwellings in building group

The maximum number of dwellings from the original farm house has already met the 30% barrier at 8 dwellings. This can't be then moved to 30% of 8 to make 10. Then one could make it 30% of 9 and so on. Whiteburn is at its maximum capacity for domestic dwellings.

3. Boundary of building group and design

The western Boundary is unanimously agreed on by residents of the 8 dwellings and stated in previous planning notes to be the "Whiteburn" burn or the trees which line the burn, therefore putting the proposed new build out-with this and on the agricultural side of the boundary. This is not an "opinion" as stated; it is show on previous planning drawings as a fact.

4. Use of/reason for building

We have no comment on this point.

5. Servicing and infrastructure

We need professional, factual evidence that the grey water and composting toilet will not breach onto neighbouring land as our children play in this area. We were concerned about the photo evidence of the flooding that was posted onto the portal compromising the draining system stated and therefore creating hazardous substances for children.

6. Transport and access

The statement "the access rights permit vehicles of up to 3.5 tonnes to travel over the bridge across the Whiteburn," causes concern as it is not deemed a "bridge"; it is an unrated, fragile crossing. A fire engine or ambulance both weigh in excess of 3.5T so how does one propose the emergency services attend the proposed dwelling? A fire engine would not fit over the crossing due to its size.

The western access should not be used for any vehicle at anytime. A light good vehicle (LGV) or heavy goods vehicle (HGV) turning in off the corner several times throughout the proposed build would be of great concern and is likely cause a serious incident (as the roads planning officer stated). The use of human traffic control must also not be permitted; it is far too dangerous to try and stop traffic on a main, 60mph trunk road, on a corner, it will likely cause serious injury to the traffic controller or motorist.

In summary, the points made by Ferguson Planning have not dispelled our concerns about the proposed planning, ref 22/01937/MOD75 and 22/01905/FUL, and we still object in full.

Regards

Stephen & Rhea Kershaw

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Case Officer: Julie Hayward

Customer Details

Name: Mr JOHN GRAY

Address: Whiteburn Coach House, Lauder, Scottish Borders TD2 6SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Fire Safety
- Inadequate access
- Increased traffic
- Privacy of neighbouring properties affected
- Road safety

Comment: Hello,

With respect to planning applications near Whiteburn:

- Ref: 22/10905/FUL (7-Dec-2022) Demolition of stable and erection of dwelling house
- Ref: 22/01937/MOD75 (13-Dec-2022) Modification of planning obligation pursuant to planning permission B290/91 and E389/91.

I read with some dismay the response from Ferguson Planning to the legitimate concerns raised by all 8 households residing at Whiteburn. In the introduction to the response, attempts are made to trivialise and side-line concerns as either irrelevant or due to historic conflicts the applicant may have had with neighbours - this approach seems very unprofessional.

Moving on to individual points of response, I do not feel they address my concerns raised, in particular but not limited to:

1) Western boundary. The applicant seems to want to change the boundary of the grouping of residential dwellings to include land that is for non-residential agricultural use further west to the boundary which is the Whiteburn.

2) Access over a weak crossing. The applicant provides no evidence that the crossing is rated to support 3.5 tonne vehicles. There is no mention of a rated bridge in any documentation that I have seen when purchasing our property. From the photos and submission that the crossing owner has provided, it is clear that it is extremely flimsy. The crossing has had to be repaired multiple times with the minimal light traffic that it currently subjected to. Additionally, the response does not identify how large vehicles such emergency vehicles could access the proposed development.

Please consider these inputs in addition to my original objections as you review the application,

Yours sincerely,

John Gray

Whiteburn Coach House, Lauder TD2 6SQ

Comments for Planning Application 22/01905/FUL

Application Summary

Application Number: 22/01905/FUL

Address: Site Adjacent The Steading Whiteburn Farm Lauder Scottish Borders

Proposal: Demolition of stable and erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mrs Niccy Kershaw

Address: The Old Steading Whiteburn Farm, Lauder, Scottish Borders TD2 6SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate access
- Inadequate drainage
- Increased traffic
- Legal issues
- Road safety
- Smell

Comment: With reference to Ferguson Planning letter of 23 Jan 2023.

In reply to Ferguson Planning response to our objections we believe our objections are material planning considerations and are not due to past conflicts with the applicant as we know that the Council will not consider taking into account any neighbour disputes. Our objections would stand regardless of who applied for planning here.

- We maintain that the Section 50 should not be modified to accommodate a new residential dwelling outwith the current Whiteburn development. The 'White Burn' is the natural boundary for development and this proposal sits outwith this boundary on agricultural land.
- The number of dwellings at Whiteburn is 8, made up of the 2 new builds from 1995 and conversions, so has absorbed any permitted new builds increase and the section 50 was put in place to protect Whiteburn from further new developments. We understand this is why no further new developments have been permitted in the last two development plans.
- The treatment of grey water is still of serious concern to us.
- In 1995 when we purchased Whiteburn Farmhouse, the access road and 5 acres our deeds specified, on more than one occasion, that the access track to the agricultural land 'is not to be used for heavy vehicles'. The access rights in our deeds do not specify 3.5 tonnes is acceptable to travel over the bridge crossing 'not to be used for heavy vehicles'.

Comments for Planning Application 22/01905/FUL

Application Summary

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Proposal: Demolition of stable and erection of dwellinghouse

Case Officer: Julie Hayward

Customer Details

Name: Mrs Niccy Kershaw

Address: The Old Steading Whiteburn Farm, Lauder, Scottish Borders TD2 6SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

We are frustrated with Ferguson Planning that we have to reiterate facts we made in our original objections, yet again.

According to our original Whiteburn Farm deeds it specifies light vehicles only for the crossing. We reiterate there is no mention of a 3.5 tonne limit being acceptable. The left-hand side of the crossing is beginning to subside again, therefore traffic up to 3.5 tonne is not acceptable. The title deeds for Whiteburn Coachhouse state the crossing is not to be used for heavy vehicles. If this is not the case in the deeds which Ms Mckinney holds we have never been consulted as owners of the crossing.

Ferguson Planning also state there are no overhanging trees within or overhanging the area where building or services are proposed. There are however, several large mature trees overhanging the boundary walls. See e.mail for photos.

Regards

Niccy Kershaw

[REDACTED]

From: Hayward, Julie
Sent: 22 February 2023 11:43
To: Planning & Regulatory Services
Subject: 22/01905/FUL: Site Adjacent The Steading Whiteburn Farm Lauder
Attachments: IMG-20230217-WA0007.jpg; IMG-20230217-WA0008.jpg; IMG-20230217-WA0009.jpg

Hi

Could you please insert this representation into Idox.

Thanks

Julie

Julie Hayward
Team Leader
Development Management
Planning, Housing and Related Services
Corporate Improvement and Economy
Scottish Borders Council

Tel: 01835 825585

E-mail: jhayward2@scotborders.gov.uk

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-----Original Message-----

From: [REDACTED]
Sent: 19 February 2023 19:56
To: Hayward, Julie <JHayward2@scotborders.gov.uk>
Subject: photos re Whiteburn

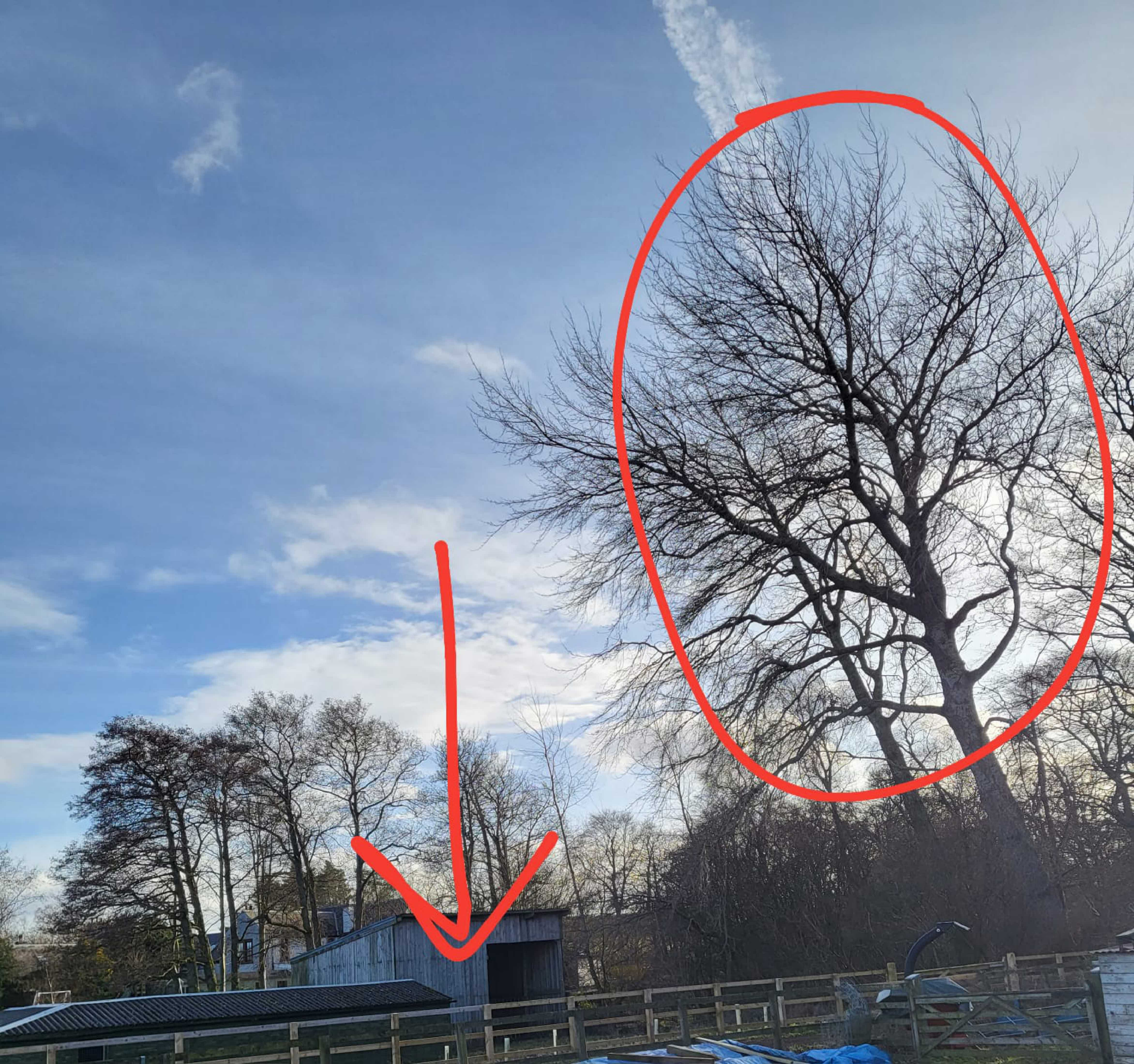
CAUTION: External Email

Dear Julie

Please find attached photos re our latest comments on planning application for Whiteburn.

Regards

Niccy Kershaw







From: Hayward, Julie
Sent: 17 March 2023 10:23
To: Planning & Regulatory Services
Subject: FW: Whiteburn 22/01905/FUL

Hi

Could you please enter this representation into Idox and Uniform and acknowledge it.

Thanks

Julie

Julie Hayward
Team Leader
Development Management
Planning, Housing and Related Services
Corporate Improvement and Economy
Scottish Borders Council

Tel: 01835 825585

E-mail: jhayward2@scotborders.gov.uk

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-----Original Message-----

From: Roger Kershaw [REDACTED]
Sent: 16 March 2023 19:25
To: Hayward, Julie <JHayward2@scotborders.gov.uk>
Subject: Whiteburn 22/01905/FUL

CAUTION: External Email

Hi Julie

We have just been made aware of further correspondence from Ferguson Planning.

1. Building Group Boundaries

We dispute that the track is now the boundary for domestic development. It is there to access the agricultural land. The burn and trees are the natural boundary for development at Whiteburn. The site is outwith the natural boundary. A new build would also be divorced from the character of Whiteburn.

2. Access and Traffic

There is nothing in our deeds to say that 3.5 tonnes is acceptable. It states that it is only suitable for light vehicles. If the 3.5 tonnes is on Ms Mckinney's deeds then we were never consulted re this (it is on our land) and would not expect to work on the bridge/crossing to accommodate such a weight. We are unclear regarding the statement in Para 2c. relating to a building warrant? We do not dispute that Ms Mckinney has light vehicle access.

We are also aware that no-one has addressed our concerns regarding the disposal of grey water with a reed bed so close to our boundary and how/where the water will run. There is also no information about composting toilets and disposal of same.

Sorry to keep repeating our worries to you but we are feeling very frustrated and maintain a new build outwith the group at Whiteburn is unacceptable.

Regards

Roger and Niccy Kershaw

The Steading, Whiteburn