

PLANNING STATEMENT

ERECTION OF A NEW DWELLINGHOUSE, ASSOCIATED
LANDSCAPING AND INFRASTRUCTURE

LAND ADJACENT CARNLEA, MAIN STREET, HEITON



JULY 2023

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1. INTRODUCTION

- 1.1 This Planning Statement, prepared by Ferguson Planning, is submitted to the Scottish Borders Council (or “the Council”) on behalf of Mr. Mark Graham (referred to hereafter as “the applicant”). This statement supports an application for planning permission for the *“erection of a new dwellinghouse, associated landscaping and infrastructure”* on land adjacent to Carnlea, Main Street, Heiton.
- 1.2 The application has been submitted electronically via E-Planning (100626378) along with the following supporting information.

| Submission Documents | Consultant |
|-----------------------------------|------------------------|
| E-Planning Forms and Certificates | Ferguson Planning Ltd |
| Planning Statement | Ferguson Planning Ltd |
| Architectural Drawings | Patterson Architecture |
| Design and Access Statement | Patterson Architecture |
| CGIs x 2 | Patterson Architecture |
| Transport Statement | SWECO |

- 1.3 This report is set out in the following order:

- Section 2 describes the site, site context and relevant planning history
- Section 3 details the application proposals
- Section 4 provides a summary of the relevant planning policy context
- Section 5 sets out our assessment of the proposal against relevant material considerations; and
- Section 6 provides a summary and conclusions.

- 1.4 The information included within this planning statement should be read in the context of all supporting drawings and documents submitted with this application listed above.

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2. SITE CONTEXT AND PLANNING HISTORY

- 2.1 The site is located within the centre of the village of Heiton, which is located 2.5 miles to the south of Kelso. It is a linear settlement which has developed on either side of the A698 which runs south from Kelso to Hawick, where there is a mix of house types evident. According to the 2011 census, the population of Heiton is 204, an increase from the 2001 census of 71 people.
- 2.2 The site is accessed from a private road linked to the A698. The site currently consists of brownfield land between existing residential dwellings (Carnlea to the east and Hillcrest to the west), as shown in Figure 1. The nearest bus stop to the site is approximately 160m to the south, on the A698, with buses running to and from Kelso and Morebattle.
- 2.3 The site is currently covered in grass and occupied by a garage. There are several trees around the perimeter of the site, as shown in Figure 2 and the photographs in Figures 3 to 5.
- 2.4 The surrounding area is characterised by a series of modern 1.5 storey houses and single storey bungalows of a variety of styles.

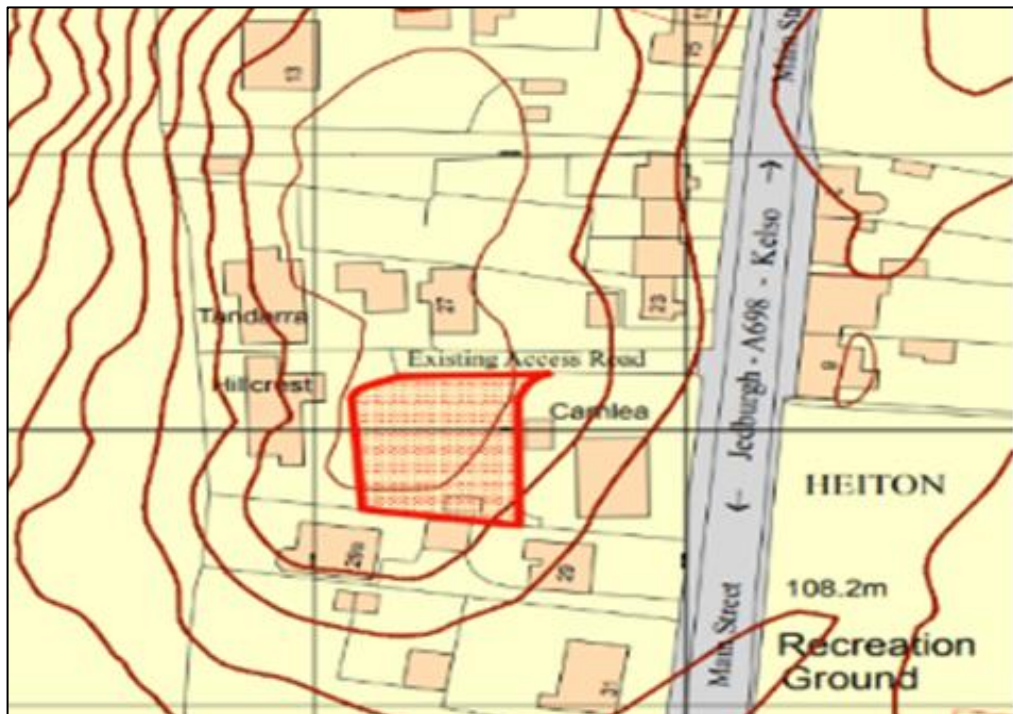


Figure 1: Location Plan (Source: Patterson Architecture)

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Figure 2: Aerial image of the proposed development site (outlined in red)



Figure 3: Photograph of site looking east towards Hillcrest. Existing garage is visible to the rear of the site.

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Figure 4: Photograph from within the site looking north.



Figure 5: Access to the site from A698

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Site and Planning History

2.5 The site was previously developed and occupied by a property referred to as 'Khansbur', which can be clearly seen on the historic map in Figure 6 below, located opposite the dwelling known as 'Craimar', which still exists today. The site has been subsequently cleared, but the garage which formed part of the original dwelling, remains, as shown in Figure 3 above.



Figure 6: Historical Map (1965). Site is occupied by a property called 'Khansbur'.

- 2.6 Subsequently, initial outline permission was sought in October of 2004 for the erection of a dwellinghouse and garage, which was approved in March 2005 (04/01984/OUT).
- 2.7 The site was subsequently prepared for development after permissions (05/00012/REM) were approved. The shed that was previously on the site was removed, vegetation and topsoil stripped, and excavations were carried out to assess the drainage potential during this preparation. The applicant considers this amounted to implementation of the previous consent, but this is currently disputed by the Council and therefore a new application is required.
- 2.8 In the officer's report of handling, they supported the original application for the following reasons:



- The site was of sufficient size to accommodate a house, having previously accommodated a dwellinghouse and that the land is within a residential area.
- The officer overruled the objection from SBC Roads, noting that road widening, and improved visibility were all dependent on third party land who would incur loss of garden area and the need to move a boundary retaining wall.
- The mitigating circumstances were stipulated as “traffic calming measures for the village are in prospect” and that there “was history of the site in residential use”.

2.9 In November of 2020 a further application was made for the erection of a dwellinghouse on the same site (20/01327/FUL), which was refused by the Council in May of 2021 and subsequently refused on appeal (21/00019/RREF) by the Local Review Body in December 2021.

2.10 In August 2022, the council declined to determine a further application for a dwellinghouse (22/01105) on the basis that there had not been any significant change in either the development plan or any other material consideration since the most recent of the refusals in 2021. Table 1 summarises the planning history of the site to date.

| Reference | Description | Date and Outcome |
|---------------|---|---|
| 04/01984/OUT | Outline permission for the erection of a dwellinghouse and garage. | Application Approved Subject to Conditions 05/10/2004 |
| 05/00012/REM | Application for the approval of Reserve Matters, relating to the Erection of a dwellinghouse. | Application Approved 7/01/2005 |
| 20/01327/FUL | Application for full planning permission, regarding the erection of a dwellinghouse. | Application Refused 28/5/2021, on the basis of vehicular traffic access. |
| 21/00019/RREF | Appeal against decision 20/01327/FUL. | Appeal Refused by Local Review Body 13/12/2021 |
| 22/01105/FUL | Application for full planning permission, regarding the erection of a dwellinghouse. | Planning Authority declined to determine, on basis of similarity to previous application. 26/08/2022 |

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2.11 The reasons for refusal of application 20/01327/FUL and the appeal 21/00019/RREF, are outlined below, and we have highlighted how we have addressed those issues through this revised application:

| Officer Comment | New Application - Response |
|--|--|
| <p>The proposed development would not comply with Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard access to the detriment of road safety, both vehicular and pedestrian, and it has not been demonstrated that the improvements required to upgrade the access, as specified, can be carried out.</p> | <p>Please refer to Section 5 of this report and the submitted Transport Supporting Statement which fully addresses the previous concerns of SBC Roads and should allow for the proposals to therefore be considered compliant with Policy PMD2 and Policy PMD5.</p> |

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3. PROPOSED DEVELOPMENT

- 3.1 Following resolution of key planning issues, this statement seeks support for a revised application for permission for the **“erection of a dwellinghouse, associated landscaping and infrastructure”**, within the vacant plot located on the land adjacent to Carnlea, Main Street, Heiton.
- 3.2 The proposed development seeks to create a three-bedroom bungalow with additional patio and garden space to the rear. The existing garage on the plot will be removed to achieve this. A new driveway to accommodate two cars, and turning space will be created to the north of the site, as shown in Figure 7.



Figure 7: Proposed site layout

- 3.3 The proposal utilises a design based upon the surrounding dwellings, with similarity in materials and architectural style. Materials have been specifically selected to be sensitive to the site context and are outlined in the supporting **Design and Access Statement** and shown in the CGI images in Figure 8.
- 3.4 Services such as electricity and mains water will be extended to accommodate the additional dwelling. Surface water and foul water drainage will be achieved by connection

to the public sewer. Much of the drainage has already been prepared for development in advance of the previously approved application in 2005.

- 3.5 Two conifer trees will be removed from the footprint of the bungalow and additional grass will be planted to create a garden area.



Figure 8: CGI of proposed development

- 3.6 Following on from the feedback provided by the council in the refusal of application 20/01327/FUL and the more recent proposal, which was not determined, several key revisions have been made to the design:

- The floor area of the property has been reduced from 134sqm to 128sqm. Submitted **Drawing 003 'Site Layout Plan'** indicates the external wall perimeter of the dwelling previously applied for (red dashed line).
- An additional turning area to the west of the proposed driveway, has been created and can be used by other residents in the private lane, which is now larger in size than the previous turning area proposed to allow for cars to manoeuvre in and out without encroaching on neighbour's land. This

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improves the existing situation on the lane for all residents by formalising the provision of a turning circle, allowing cars to enter and exit the lane in a forward gear.

- The main ridge height of the property has been lowered by 500mm and the velux window has been removed from the roof.
- The floor plan has been reconfigured so that no accommodation overlooks the west boundary to Hillcrest. Only a small bathroom window remains, which will be installed with privacy glass.
- A new 1.8m high privacy hedge is now proposed to surround the property, ensuring the privacy of the proposed dwelling and neighbouring residences. Previously this hedge only encompassed the western boundary.
- Traffic calming measures are proposed in the form of a small build out or paint markings, north and south of the junction of the access lane with the A698. An indicative layout for this is provided in **Appendix 1 of the Transport Supporting Statement**. Since the previous application, the 20mph zone has also now been formally established on the A698.

3.7 We consider that the proposed revisions represent a significant enough change to the proposals to warrant validation of the application.

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4. POLICY CONTEXT

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states: *'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.'*

4.2 Within this context, the Development Plan covering the properties comprises the:

- Scottish Borders Local Development Plan (2016)
- National Planning Framework 4 (February 2023)

Site Specific Allocations and Designations

4.3 The proposed site is within the defined settlement boundary of Heiton. This is illustrated in Figure 9 below. The site is 'white land' and has no formal allocation or designation.

4.4 The site is not within a Conservation Area, and there are no Listed Buildings nearby. The SEPA flood maps do not indicate any risk of surface water or river flooding.



Figure 9: Extract of SBC Local Development Plan Proposals Map (site outlined in red)

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Relevant Development Plan Policy – Scottish Borders Local Development Plan (2016)

- 4.4 Local planning policy relevant to the proposal is contained within the Scottish Borders Local Development Plan (2016). Key policies relevant to the proposal against which previous planning applications for the site have been assessed, are summarised below:
- Policy PMD2: Quality Standards
 - Policy PMD5: Infill Development
 - Policy HD3: Protection of Residential Amenity
 - Policy IS7: Parking Provision and Standards
 - Policy EP13: Trees, Woodlands, and Hedgerows
- 4.5 **Policy PMD2 (Quality Standards)** requires that all new development is of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings.
- 4.6 **Policy PMD5 (Infill Development)** supports development on non-allocated, infill, or windfall sites, where the following criteria are satisfied:
- a) where relevant, it does not conflict with the established land use of the area; and
 - b) it does not detract from the character and amenity of the surrounding area; and
 - c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure, and it does not lead to over-development or ‘town and village cramming’; and
 - d) it respects the scale, form, design, materials, and density in context of its surroundings; and
 - e) adequate access and servicing can be achieved, particularly taking account of water drainage, and schools’ capacity; and
 - f) it does not result in any significant loss of daylight, sunlight, or privacy to adjoining properties because of overshadowing or overlooking.
- 4.7 All applications will be considered against the Council’s Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.



- 4.8 **Policy HD3 (Protection of Residential Amenity)** states that development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted.
- 4.9 **Policy IS7 (Parking Provision and Standards)** requires that development proposals should provide for car and cycle parking in accordance with approved standards.
- 4.10 **Policy EP13 (Trees, Woodlands, and Hedgerows)** states that the Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value.

Relevant Development Plan Policy - National Planning Framework 4

4.11 NPF4 was published in February 2023. The most relevant policies are outlined below and described in the following section.

- Policy 3: Biodiversity
- Policy 9: Brownfield, vacant and derelict land, and empty buildings
- Policy 14: Design, quality, and place
- Policy 16: Quality Homes
- Policy 17: Rural Homes
- Policy 18: Infrastructure First

4.12 **Policy 3 (Biodiversity)** supports proposals that contribute to the enhancement of biodiversity, including where relevant restoring degraded habitats and building and strengthening nature networks and the connections between them.

4.13 **Policy 9 (Brownfield, Vacant and Derelict Land)** supports the use of brownfield, vacant and derelict land for the purpose of development, to reduce the need for greenfield development. Any brownfield land must be assessed for its biodiversity value if that land has since naturalised, and any contamination of said land should be considered by proposed development.

4.14 **Policy 14 (Design, quality, and place)** sets out six key design qualities which development should adhere to. The six principles are replicated below.

- **Healthy:** Supporting the prioritisation of women's safety and improving physical and mental health.
- **Pleasant:** Supporting attractive natural and built spaces.

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- Connected: Supporting well connected networks that make moving around easy and reduce car dependency
- Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
- Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
- Adaptable: Supporting commitment to investing in the long-term value of buildings, streets, and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

4.15 **Policy 16 (Quality Homes)** supports proposals which deliver a diverse range of housing options to a high standard. Section c) of the policy says, “c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include (i) self-provided homes...and... (v) a range of size of homes such as those for larger families”.

4.16 **Policy 17 (Rural Homes)** outlines the circumstances under which residential development will be supported in a rural location. Part a) says that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited, and designed to be in keeping with the character of the area and the development, and (ii) reuses brownfield land where a return to a natural state has not or will not happen without intervention, and (viii) reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

4.17 Part b) requires development proposals for new homes in rural areas to consider how the development will contribute towards local living and consider identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

4.18 **Policy 18 (Infrastructure First)** relates to considerations which development proposals should have for the surrounding infrastructure. Relevant to this application, part (b) says that development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure.

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5. PLANNING ASSESSMENT

Principle of development

- 5.1 The application site is situated within the settlement boundary of Heiton and utilises a formerly developed brownfield, infill plot between existing residential development.
- 5.2 The proposed development is a single storey bungalow, and the overall ridge height has been reduced since previous applications. The existing dwellings which share the access lane are between 1-1.5 storeys in height. The proposed development, therefore, sits no higher than the adjacent properties, as can be seen in **Drawing 005 Section Through Site**.
- 5.3 The external materials of facing brick basecourse, rendered walls and slate roof have been chosen to tie in with neighbouring properties as can be seen in the photographs in Figures 3-5 above.
- 5.4 Based on approximate measurements of surrounding plot densities of neighbouring properties, the range of densities is between 29.75% and 23.5%. The proposed development is approximately 26.75% and therefore well within the established range.
- 5.5 We therefore consider that the attractive design is within the established scale, form, design, materials, and density in context of its surroundings. This is in accord with Policy PMD2 and PMD5 of the Local Development Plan and with Policy 9 and Policy 14 of NPF4.
- 5.6 Furthermore, the principle of residential development for the site is established by the historic granting of consent for residential development in June 1994 (R127/94) and October 2004 and January 2005 (04/01984/OUT and 05/00012/REM).
- 5.7 Whilst the application was subsequently refused on transport grounds, which we address below, the officer does note in support of application 20/01327/FUL the following which demonstrates the Council's acceptance of the principle of development:
 - The proposal does not conflict with the established land use. The land is vacant, and it has previously been confirmed by the Council that the change to private residential use will not conflict with neighbouring use.
 - This is a tight site but the choice of design and rear location from the Main Street would avoid any adverse impacts to the character and amenity of Heiton. The site has previously been an acceptable infill development opportunity.

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- In terms of design, the building presented would be a suitable addition to the neighbouring built form, both appearing modern but retaining similar form as the neighbouring bungalows. I am satisfied that development would appear contiguous in size and plot ratio as the neighbours, specifically noting that Craimar opposite features 1.5 storey form.
- A further residential dwelling would contribute to sustaining the social and economic infrastructure of Heiton.

5.8 Policy 17 of the NPF4 further supports the erection of a dwellinghouse in this location, as it utilises brownfield land and reinstates a former dwelling house.

5.9 The development further accords with Policy 16 of NPF4 in that it provides an accessible and adaptable home suitable for wheelchair users and elderly people, is a 'self-provided homes' and is of a size which could accommodate a larger family. It is considered that there is no prospect of the proposed dwelling being delivered by a housebuilder or other corporate developer. Development of the style of new dwelling that the appellant is seeking to provide for their family, could only be delivered on self-build basis.

5.10 The proposed development seeks to connect to the mains water and public sewer, both of which have the capacity to accommodate the development. There is no identifiable flood risk or other constraints which would prevent development on this site.

Neighbouring Amenity

5.11 The proposed development incorporates measures to preserve the amenity of local residences and the privacy of the surrounding residences is a key priority.

5.12 The overall size of the development has been reduced from 134sqm to 128sqm and constitutes a single storey premises set back to accommodate a new turning area, and sufficient parking area. Thus, ensuring that there will be no impact upon neighbouring properties from additional traffic created on the access lane or requirement to use third party land to accommodate turning manoeuvres.

5.13 In contrast with previous proposals, no principal windows now face the neighbouring property at Hillcrest, located to the west of the site. Only a single obscured bathroom window will now face the property. Privacy issues at the neighbouring property at Carnlea are already significantly mitigated by the existing garage of that property, to the east of the development.

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5.14 Furthermore, a new 1.8m high beech hedge will be established along all boundaries of the site. This will further mitigate against any potential overlooking or privacy issues regarding surrounding properties.

5.15 This accords with design principles in Policy 14 of the NPF4, as well as Policy PMD2 and HD3 of the Local Development Plan.

Transport and Access

5.16 The principal reason for previous refusals of planning permission on the subject site has been related to transport and access issues.

5.17 In the determination of the previous application (20/01327/FUL), the Roads Planning Officer raised four concerns which they required to be addressed, to allow them to support development of this dwellinghouse:

1. Improved access onto the public road which was considered to be substandard for a 5th dwelling and must be widened to 5.5m wide with 6m radii.
2. Visibility splays of 2.4m by 43m must be provided in either direction on the shared access.
3. The existing access should be surfaced with a bound surface.
4. Provision of visitor turning and parking within the cul-de-sac.

5.18 After consultation with SWECO, the points raised by the roads officer have been addressed in the submitted **Transport Supporting Statement** and incorporated into the design of the proposed development. We summarise their findings briefly below:

5.19 **(1) Access onto the Public Road:** The land either side of the existing access road is out with the applicant's control and therefore there is no scope to widen this or alter existing radii. This was previously accepted by planning officers at SBC, when approving the application for a new dwelling on the site in 2004.

5.20 It is not believed a widened access is required. The existing access has no history of road safety issues and previously served the site when it had a dwelling on it. It has not been changed since the prior lapsed planning application for a single dwelling was approved.

5.21 Space has now been allocated in the northwest corner of the site to provide a turning head for all residents of the lane and visitors to ensure there is no need for vehicles to ever reverse onto the A698. The swept path analysis for a 4x4 using the proposed turning area, in combination with an existing turning area at the top of the access lane

to the north, is shown below. The proposed development also allows for turning space within its own driveway.

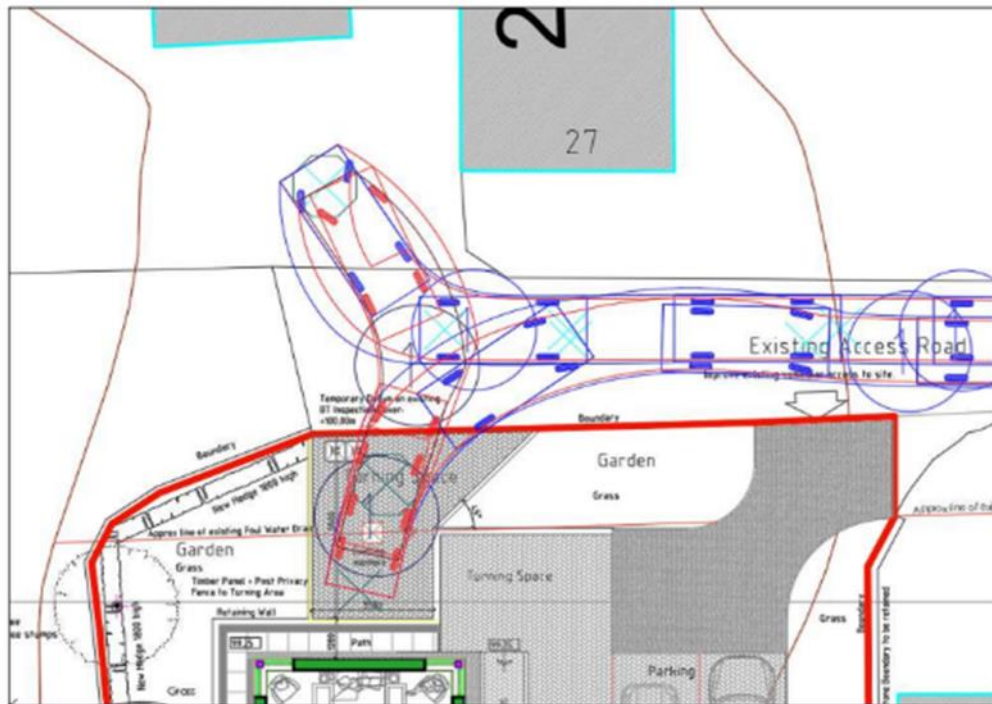


Figure 10: Swept path analysis that shows that turning space can be accommodated.

5.22 In January 2023 the 20mph speed limit through Scottish Borders towns became permanent, further improving the safety of the access, as it now connects to a low-speed environment within Heiton.

5.23 **(2) Visibility Splays:** Since the previous application, the speed limit of the road has reduced to 20mph reducing the visibility requirements at the access, this has been confirmed with the Council that 2x25m is acceptable. There is potential to deliver either painted markings or a small build out to the south and north for the access road, which would act as both traffic calming and allow for a suitable visibility splay to be achieved.

5.24 **(3) Access Surface:** The access is not within the full control of the applicant. However, the existing surface as shown in Figure 4 of the Transport Supporting Statement operates well and is considered fit for purpose for the proposed level of traffic.

5.25 **(4) Provision of Visitor Turning and Parking:** The proposals provide parking for two vehicles in line with SBC standards, and two turning areas within the site for residents, visitors, and deliveries.



5.26 Notwithstanding the above, proposed changes to the Local Development Plan (LDP) in relation to 'Private Accesses' (Volume 1 - Appendix A) would allow for an increase in the number of dwellings access via a private access from four dwellings as per the current adopted plan, to five. The Report of Examination was published on 7 July 2023 by the DPEA and does not recommend any modifications to this aspect of the Plan. The proposals, which would increase the number of dwellings to five, would therefore no longer require upgrading the access and junction to an adoptable standard under this revised allowance.

5.27 Based on the above, the proposed development is in accordance with design principles outlined in PMD5 and IS7 of the LDP, and Policy 18 of NPF4 by providing more than adequate access and servicing as part of an infill plot development.

Trees and Biodiversity

5.28 The site has been cleared and currently comprise low level vegetation, grass, and a few perimeter trees. Two trees on the western boundary, an existing conifer tree and another deciduous tree are proposed to be felled to accommodate development on the site. This will be undertaken at the appropriate time of year to avoid nesting season.

5.29 However, a new 1.8m hedge is proposed around the entire perimeter of the site which is considered to mitigate for the loss of the trees that will be removed. The garden areas will also be re-seeded with grass and maintained.

5.30 The proposals are therefore considered to be compliant with Policy EP13 of the Local Development Plan and enhance biodiversity on the site over the current situation, in compliance with NPF4 Policy 3.

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6. CONCLUSIONS

- 6.1 Ferguson Planning has been appointed by Mr. Mark Graham to apply for planning permission for the *“erection of a new dwellinghouse, associated landscaping and infrastructure”* on land adjacent to Carnlea, Main Street, Heiton.
- 6.2 The revised proposals seek to address and overcome the officer’s concerns from the previous application. The key reasons why this application should be supported are:
- There was a dwelling on the site historically, with access off the same road. The access remains and the applicant still makes trips to utilise the existing garage on-site for storage. The proposed development will result in the beneficial re-use of a residential infill plot within the existing settlement boundary, amongst established residential development on previously developed brownfield land.
 - The proposed development is a high-quality design that reflects the local built form in terms of scale, massing, height, and materials.
 - Previous applications conclude that the amenity of the surrounding residences will not be significantly impacted by the proposed development and have established the principle for development. The additions of the 1.8m high boundary hedge and removal of principle windows on the west side of the property further reinforce the preservation of said amenity.
 - The development addresses all previous concerns regarding transport and access or provides suitable mitigation. With the provision of an additional turning circle for use by all residents on the lane, it also improves the existing situation, by formalising this provision.
- 6.3 It is considered that the proposal is in accordance with relevant adopted policy of the Local Development Plan and National Planning Framework 4. It is respectfully requested that planning permission is granted.

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