

**Mr & Mrs Debattista
Carnela
Main Street
Heiton, TD5 8 JR**

2 August 2023

To whom it may concern

Re: 23/01065/FUL | Erection of dwellinghouse | Land Adjacent Carnlea Main Street, Heiton Scottish Borders

Please find below our concerns and objections regarding this new development.

1. Application history

Application 20/01327/FUL was refused and subsequently the appeal to the refusal (21/00019/REF) was upheld by the Local Review Body in Nov/Dec 2021. In 2022 a further application was made (22/01105/FUL | Erection of dwellinghouse | Land Adjacent Carnlea Main Street Heiton Scottish Borders) with the same plans and the case was ultimately stopped as 'Declined to Determine'.

We note the new plans submitted and appreciate the new design considerations, particularly the positioning of the windows and doors on the East side overlooking our property, Carnlea. We note that this will be mitigated by planting a hedge of 1800mm in height. We understand that a new hedge will take a number of years to reach the suggested height of 1800mm.

We also note the revised height of the new proposed property, which reflects the height of a bungalow.

2. Ownership of land

We note that the concern raised in our objection letter dated 2 August 2022 was not taken into account.

The corner at the front of the property (refer to Picture 1 – part highlighted in yellow) forms part of our property and this can be verified in the land registry document dated 21/12/2021, an extract of which is being copied hereunder (refer to Picture 2 and Picture 2a).

In view of this we request that the plans submitted are revised accordingly.

Picture 1



Picture 2



Picture 2a



3. Access - Road safety

Our concern and comments as per our letter dated 2 August 2022 remain (comments copied below for ease of reference). We understand that this still applies and that the law has not been updated to date.

We understand that there is a proposed change to the Local Development Plan regarding "Private Accesses" which will increase the number of dwellings via a private access from four dwellings to five. However, we understand that this is still to be adopted and approved by Ministers.

"We understand the Local Review Board rejected the previous proposed applications since it was not compliant 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"

We also note that the Road planning Officer has pointed out in the past that "The access onto the A689 from our shared access road would have to be widened to 5.5m wide with 6m radii and visibility splays of 2.4m by 43m in either direction as well as being surfaced to my specification before I would be able to support this proposal. The land required to implement these improvements would appear to be out with the control of the applicant and as such I must continue to object." In order for this to be satisfied a substantial amount of our garden needs to be taken up. This is obviously unacceptable. Furthermore, the house on the opposite side of the access road would need to be partially demolished for the access road to be widened to the measurements specified by the Road planning Officer.

The proposed dwelling house has 3 bedrooms, and therefore possibly 6 people would be residing in the said property with each having their own car. This will definitely generate a lot of traffic in the access road and unsafe access onto A698.

As noted by the Review Board, the access road is narrow with very limited junction visibility and has inadequate junction radii. The addition of a further property would result in the need of road improvement as noted by the Road Planning Officer which cannot be achieved. In fact we note that in the planning application under Section 12 Accesses and Rights of Way the applicant has ticked point A:

*There will be **no new access** to a highway (either vehicle or pedestrian), **no alteration** to an existing access to a public road and **no alteration** to any public right of way or other public path."*

We further note in the report prepared by Ferguson Planning that as a "...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."

Our views regarding the above statement are the following:

- A small build out will be dangerous to road safety, especially since large agricultural vehicles, HGVs, buses and many other large vehicles as well as standard cars make regular use of A698. This will also affect the resident residing opposite the access road.
- A painting will merely be ignored and will have no effect on the safety of cars coming out of the access road.

In addition to the above, we would also like to point out that the garage situated on the said plot of land is not, and has not been, accessible, at least in the last couple of years. This can be seen from the pictures below (Picture 3 and 4).

In addition, you will also note that a barrier has been also erected, and therefore leaving no turning point for our neighbours.

Picture 3



Picture 4



Conclusion.

Taking into account the above matters, we feel that there is still a concern about the access road and the safety of all the vehicles passing through A698. The proposed amendments would not make the use of A698 any safer.

In addition the proposed changes to the Local Development Plan regarding "Private Accesses" are still not adopted.

Yours sincerely

Jean Pierre and Daniela Debattista

23/01065/FUL | Erection of dwellinghouse | Land Adjacent Carnlea Main Street
Heiton Scottish Borders

We object to this application on the following grounds:

Contrary to Local Plan

Detrimental to Residential Amenity

Inadequate access

Increased traffic

Road safety

Firstly, we appreciate the design considerations that have been applied for with these newly submitted plans, particularly the positioning of windows to avoid overlooking towards the west – Hillcrest thereby affording privacy. Also the height being one of a true bungalow and the inclusion of a ‘turning circle’.

However, that said, on Monday 7th June 2023, Mr Graham had erected a makeshift barrier, so preventing the availability of vehicles to turn safely without utilising one or another of the neighbours driveways. Part of this has since blown over in high winds.



Photograph taken at 1234hrs 07.06.2023. shortly after this barrier was erected.

We do however still have concerns with regard to the access situation, the very reason the previous applications have been turned down, both initially (20/01327/FUL | Erection of dwellinghouse | Land Adjacent Carnlea Main Street Heiton Scottish Borders

and on appeal, (21/00019/RREF | Erection of dwellinghouse | Land Adjacent Carnlea Main Street Heiton Scottish Borders)

And subsequently when six months later a further application was made(22/01105/FUL | Erection of dwellinghouse | Land Adjacent Carnlea Main Street Heiton Scottish Borders)

These plans were exactly the same and the case was ultimately stopped as ' Declined to Determine'

We still have the same issues with the access, something which the applicant admits he has no control over as he doesn't own the land either side of the access point onto Main Street, (A698)

The applicant/ agent has submitted a Transport report written by SWECO which on page 2 states:

Additionally, in January 2023 the 20mph speed limit through Scottish Borders towns became permanent, this reduction in speed limit along the A698 will further improve the safety of the access, as it now connects to a low-speed environment within Heiton.

Whilst it has to be said the mean speed in the village has reduced from over 30 mph it has certainly not dropped to a mean speed of under 20mph. Or indeed in some case anywhere near approaching 20 mph. So whilst in an ideal situation of 20mph or less, the suggested decrease in visibility splay from 43 m to 25m would seem somewhat appropriate, it has to be acknowledged that a high percentage of drivers still do not conform to the required 20 mph speed restriction.

Suggestions of traffic calming measures (page 5) - *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.*

We feel that painting the road will simply be ignored and that any form of 'build out' will have a detrimental effect on road safety and also have a potentially detrimental effect for residents who live opposite the access point, i.e. in particular, number 8 Main Street. The residents living at the row of cottages nos. 2 to 8 Main Street park their vehicles on the road and any type of build out will result in a further narrowing of the carriageway. The A698 is a busy throughfare used regularly by agricultural vehicles, HGV's, buses and many other large vehicles as well as standard cars.

Some years ago Scottish Borders Council placed a number of traffic calming measures throughout the length of Main Street through Heiton village and I know that a traffic island was located near to Heiton Village Hall.

We don't know exactly when it appeared, but having been there some years it was decided to remove all of these traffic calming measures, again as narrowing the road had proved dangerous, as combines, wide loads etc were forced to mount the pavement, so the idea of now narrowing the road may not be viewed as desirable by SBC.

13 Dec 2021 Local Review Body LRB Decision Notice to the applicant / agent states in its conclusion:

The Review Body agreed with the Roads Officer that the access road was narrow with very limited junction visibility, inadequate junction radii and poor surface condition.

They noted that several properties already used the access road/junction and that the addition of a further property would result in the need for road improvements which could not be achieved within the applicant's ownership. Although Members did acknowledge the benefits of the creation of a turning head for the access road and the possibility that the current trial 20mph speed limit on the A698 may be made permanent, they did not consider these benefits outweighed the inadequacies of the current access and junction. For reasons of road safety, they agreed with the Roads Officer and concluded that the proposal was not in compliance with Local Development Plan Policies PMD2 and PMD5.

Thus showing that the Review Board have already considered the possible effect of a 20 mph speed limit through Heiton and the provision of a 'turning head'

Furthermore, page 4 of the report by SWECO states:

Proposed changes to the Local Development Plan (LDP) in relation to 'Private Accesses' would allow an increase in the number of dwellings access via a private access from four dwelling as per the current adopted plan, to five. Should the draft LDP be adopted without amendment to this is policy, the proposals would not require upgrading the access to an adoptable standard.

After a call to SBC Planning Policy and GIS department on Friday 28th July 2023 we were informed that these changes may well take place but given the report hasn't been approved by SBC Councillors and is not due to go before them until 28th September, at which point it then needs to be sent for ratification by Ministers, the adoption of these amendments will at best not be until the end of 2023 and very probably 2024. To say that this application is 'jumping the gun' seems quite appropriate.

In summary:

1. We fail to see just how effective either paint or more importantly a single 'build out' would be to effect any kind of behavioural change which would make using the private access drive onto the A698 any safer.
2. As it stands the proposed changes to the Local Development Plan (LDP) in relation to 'Private Accesses' have not yet been adopted and are consequently not yet applicable. Therefore this application has been submitted too early to benefit from these 'proposed' changes.
3. To effect a change to the road layout, as proposed now, to accommodate the building of one house, would have a detrimental effect to the residents of the existing houses adjacent and opposite the access, living on Main Street

When we purchased our property in 2010 we were well aware of the access issues, however that was our choice. The same applies to other neighbours.

Gill and Mark Harrop

Hillcrest Heiton TD5 8JR

Comments for Planning Application 23/01065/FUL

Application Summary

Application Number: 23/01065/FUL

Address: Land Adjacent Carnlea Main Street Heiton Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Mr JAMES WILSON

Address: Tandarra, Main Street, Heiton, Scottish Borders TD5 8JR

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate access
- Road safety

Comment: Mr & Mrs Wilson

Tandarra

Main St

Heiton

Td5 8JR

3rd August 2023

To Chief Planning Officer

Re: 23/01065/FUL

(1) Application History

Please Find Our Views And Concerns On The Submitted Plans

The new submitted plans provide a turning circle which is good.

On the 7th June Mr Graham erected a barrier as you can see on Mr & Mrs Harrops' photo with no access for vehicles turning and on numerous occasions goods vehicles were having to reverse down to Carnlea's drive (if no cars in their drive) to safely vacate the drive and also some vehicles have reversed back down the drive onto main A698 which is very dangerous.

We have been in our house Tandarra for a long time, after the old house on the existing plot was

demolished and the plot sold, the ground has not been cleared for building it has been strimmed a few times, there is been no use of the garage since the plot was sold as you can see on Mr & Mrs Debattistas' photo.

(2) Road safety Access

On the new application there is no change to the access onto the A689 The Road Planning Officer has pointed out in the past applications that "The access onto the A689 from a shared access road would have to be widened to 5.5m wide".

The proposed plans suggest Painting Markings on the road that wont help they will just be ignored, the speed limit has been dropped to 20 mph but the majority of drivers don't comply to this. The other suggestion is to make a build out which will effect all the people that have to park on the road especially No8 opposite the drive as they have no other parking place.

As there is a lot of heavy vehicles on this busy road, combines, wide loads often have to mount the pavement.

A build out will result in further narrowing.

Jim & Linda Wilson