

Land Adjacent Carnlea Main Street Heiton Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Mr Mark Graham

23/01065/FUL and 23/00051/RREF

We wish to submit further representations in respect of the review of the above appeal application.

Firstly, we reiterate our previous submission with regards to this application and now subsequent appeal.

We have read through the Appeal Statement written and submitted by Ferguson Planning on behalf of the applicant Mr Graham

For clarity and accuracy sake it should be noted that a number of times the main road running through Heiton is wrongly identified as the A968. It is actually, the A698.

The statement, as indeed this whole situation seeks to repeat what has already been addressed throughout the last application and appeal processes. Then another application which was declared 'Declined to Determine' and then now another application and its subsequent appeal. Throughout all of these applications the concern regarding the road safety aspect to the application has remained constant.

There are however a couple of things which we wish to address with regards to points made within this document.

1. Photographs contained within the Appeal Statement Fig 6 page 17 (Scott Street, Galashiels) and Fig 7 page 18 (Cairneyhill) both show junctions of a two-lane carriageway with another two-lane carriageway. These photographs bear no resemblance whatsoever to the junction of the A698 at the driveway access to the applicants plot of land and neighbouring properties. And as such, would appear irrelevant as comparisons to this application.

Please see photographs of the actual driveway junction with A698 Main street.

These photographs, taken at mid-day on a weekday, also clearly demonstrate how narrow the road is with parked vehicles. The width of the running carriageway will be effected by the addition of any 'build -out' no matter how small or painted markings. The former **would** and the

latter **could** have a detrimental effect to the width of the running carriageway.



Fig 1. Access driveway Junction with A698 Main Street. Travelling towards Kelso



Fig 2. Access driveway Junction with A698 Main Street. Travelling away from Kelso

And, as we have already stated in our previous submission – we believe that ‘painting the road’ will simply be ignored and that any form of ‘build out’ will 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, as can be seen in these photographs, **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 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.

In August 2022 the Road Planning report stated:

‘The junction with the public road is exceptionally constrained both in terms of geometry and visibility. The junction area is only wide enough for one vehicle with no radii and visibility in both directions is effectively zero with a vehicle having to encroach significantly into the running carriageway before any form of visibility splays are afforded. Given the above I must object to this proposal.’

And on 7th August 2023 the Road Planning Report stated:

‘Although I appreciate that the applicant has proposed a turning head to alleviate some problems at the site, there remains the issue of the junction with the public road. It is exceptionally constrained in terms of geometry and visibility and is only wide enough for one vehicle. Visibility in both directions is effectively zero, with a vehicle having to encroach significantly into the running carriageway before any visibility is afforded. Furthermore, since the land surrounding the access is outwith the applicant’s control, there is no scope for suitable improvements. As such, I must object to this proposal’

2. Point 3.20, page 20 states:

'Until fairly recently, the application site, in full ownership of the Applicant, has been used unofficially as a turning area for vehicles primarily by neighbours and delivery drivers. It is noted that the three closest neighbours all objected to the proposed development siting road safety issues.'

This statement is at best erroneous. The turning circle has always been at this location. It is NOT something which the applicant is adding to the benefit of all. When we bought our property in 2010 and likewise when other neighbours bought their property we were all informed that there was a turning circle. This is something all neighbours have been aware of some considerable amount of time and dates back to prior to the ownership of the land by the applicant. So we categorically do not agree this is an 'unofficial' turning space.

3. The Executive Summary on page 4 states:

Refusal of planning permission ensures the land will remain vacant and continue to negatively impact the character and vitality of the neighbourhood.

We know of a number of occasions where the applicant has been approached about selling the land, so it would not necessarily sit unused and vacant.

Finally to summarise:

We do not feel that anything has changed since the decision made at the last appeal hearing, namely:

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.

As such we respectfully request that the Local Review Body refuses the appeal to grant planning permission for the proposed development of a new dwellinghouse adjacent to Carnlea, Main Street, Heiton.

We have to acknowledge that the Review Body may indeed overturn the decision and allow the appeal and grant planning permission. In this event we would ask that a condition be placed upon the use of the turning circle. We feel that it should be specified that this must be kept clear at all times and not used as additional parking / driveway at the proposed new property. Indeed, this would ensure the comment, as stated in point 3.23 page 20 of the statement:

'The Applicant is still committed to the provision of a communal turning space on his land, for all to use when necessary.'

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December 2023.