

**Johnston, Charles**

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**From:** A H Garratt [REDACTED]  
**Sent:** 03 March 2014 10:18  
**To:** Johnston, Charles  
**Subject:** LDP submissions  
**Attachments:** LDP Submissions Feb 2014.pdf

Dear Charles,

I see that Barry kindly forwarded my e-mail of yesterday, which contains the LDP submissions that I was unable to submit on-line. That version has 20 pages – one submission per page. This new version has an additional page, for our last submission (Polwarth). Please either replace the previous version with this one, or otherwise include the 21<sup>st</sup> page.

Thanks,

Hugh.

PS – We have been unable to submit on-line because the link keeps breaking. It has been failing at least since our first attempt on Wednesday. I trust you will accept this format instead (or you can have them in 'Word' format). H.

*A H Garratt LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwickshire, TD15 [REDACTED]*  
*www.smithandgarratt.com*

FILE No's

300	467
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Submission by:

A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL

For: Smith & Garratt; T Culham Esq.; D Maxwell Esq.; S Swan Esq.; T Fullarton Esq.; Marchmont Farms Ltd.; E Maitland-Carew Esq.; J Swinton Esq.; The Millar Partnership; David Wilson Homes (Barratt Developments plc).

Regarding:

**7 Housing Development (HD) - 7.1 HD1: Affordable and Special Needs Housing - Paragraph 7.1.4**

The requirement for 25% affordable housing does not necessarily reflect local conditions of housing price and availability. After a prolonged period of low house prices local buyers in many parts of the Borders have good access to open market housing and it is therefore not appropriate to require that all new developments commit to a 25% provision of affordable units. In such areas market conditions will, in any case, provide locals with access to new-build housing. This commitment is holding back the development of a number of sites, leading to adverse economic effects. Additional flexibility is required; the number of affordable units to be provided in a development should be determined in pre-application negotiations, with the set percentage as a fall-back position.

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Submission by:

A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL; [REDACTED]

For: Smith & Garratt; Marchmont Farms Ltd.; S Swan Esq.

Regarding:

**8 Environmental Promotion and Protection (EP) - 8.7 EP7: Listed Buildings - Paragraph 8.7.4**

It should be recognised that in some cases works to Listed Buildings require a flexible approach to the application of Building Standards. Amongst many examples encountered by heritage specialists are insulation standards, air-tightness, ventilation, replacement windows and disabled access. This Policy should expressly include the potential for negotiating case-by-case 'determinations' in respect of matters where exact compliance with Building Standards would be capable of compromising the future or the integrity of a protected building.

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Submission by:

A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL; [REDACTED]

For: Smith & Garratt; The Millar Partnership; David Wilson Homes (Barratt Developments plc).

Regarding:

**7 Housing Development (HD) - 7.4 HD4: Further Housing Land Safeguarding - Paragraph 7.4.1**

The Draft LDP fails to take account of the deliverability of developments. A number of safeguarded, or allocated, sites cannot be brought forward for development because they are constrained; and in some cases constraints are likely to outlast the LDP. Evidence of the deliverability of developments should be taken into account in determining applications for new housing. It is important to retain adequate flexibility to allow the release of un-safeguarded, or unallocated, land and land outside settlement boundaries where development is demonstrated to be deliverable – although it is acknowledged that this flexibility should be tempered by Policy PMD4.

(Note: see below, our commentary on Policy PMD4).

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Submission by:

A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL; [REDACTED]

For: Smith & Garratt; The Millar Partnership; David Wilson Homes (Barratt Developments plc).

Regarding:

**5 Place Making and Design (PMD) - 5.4 PMD4: Development Boundaries - Paragraph 5.4.4**

I refer to my comment at 7 Housing Development (HD) - 7.4 HD4: Further Housing Land Safeguarding - Paragraph 7.4.1. In association with that comment, it is appropriate to amend this policy as follows (in red):

3. there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, **which may be due to constraints acting to inhibit development of consented sites, allocated sites or safeguarded land OR**

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Submission by:

A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15  
1XL; [REDACTED]

For: Smith & Garratt; J Rutherford Esq.; Marchmont Farms Ltd.

Regarding:

**6 Economic Development (ED) - 6.5 ED5: Regeneration - Paragraph 6.5.2**

The council is to be congratulated on the inclusion of this Policy and particularly the emphasis on redevelopment of non-allocated brownfield sites. There exist a number of derelict sites both within and outwith settlements in the Borders and it is important to recognise the potential to procure local improvements through appropriate redevelopment which, in certain circumstances, include redevelopment for residential use.

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Submission by:

A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL; [REDACTED]

For: Smith & Garratt.

Regarding:

**6 Economic Development (ED) - 6.7 ED7: Business, Tourism and Leisure Development in the Countryside - Paragraph 6.7.2**

The draft Policy should be amended to support appropriate rural retailing in addition to the existing proposals. This is particularly important where it will promote the repair or redevelopment of redundant rural buildings and/or brownfield sites. There is potential for farm shops and other outlets marketing a mix of local and bought-in produce; and there is potential for internet retailing from rural and village locations. In addition the capacity for rural people to work from home should be recognised and encouraged, not least because this brings rural employment and helps to promote and retain a vibrant countryside in this rural borough. The Policy should promote informal conversion of a room or domestic outbuilding for cottage industry and/or office uses.

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Submission by:

A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15  
1XL; [REDACTED]

For: Smith & Garratt; R Home Esq.; Marchmont Farms Ltd.

Regarding:

**6 Economic Development (ED) - 6.9 ED9: Renewable Energy Development -  
Paragraph 6.9.5**

As explained in Paragraph 6.9.5, draft Policy ED9 takes account of conflicting views about the impact of wind turbines. The Policy fails to distinguish between turbines promoted for general commercial use and those promoted specifically for the benefit of local businesses and/or residents. The Policy should be amended to take account of local benefits brought by proposals – for example sustaining or increasing local employment where a turbine provides power or income to local homes and/or businesses – on the premise that objections on grounds of localised landscape impact are to some extent overcome by improvements to the local economy. To put it another way, there is a greater case for protecting the Borders from the impact of turbines where the economic benefits accrue elsewhere.

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Submission by:

A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL; [REDACTED]

For: Smith & Garratt; G Aitchison Esq.; D Maxwell Esq.; S Swan Esq.; T Fullarton Esq.; Marchmont Farms Ltd.

Regarding:

**7 Housing Development (HD) - 7.2 HD2: Housing in the Countryside - Paragraph 7.2.6**

Draft Policy HD2 contains an arbitrary cap on new development, brought in relatively recently by the Consolidated Local Plan. This is having the unwanted effect of preventing the promotion of perfectly suitable additions to building groups that otherwise have scope for appropriate expansion beyond the cap. It is necessary to amend Policy HD2 by changing the cap to a guideline and making it clear that exceptions will be permitted where a developer demonstrates that a building group is capable of expansion beyond the guideline limit whilst meeting the Policy's landscape, design, and impact criteria. There are cases where consents issued prior to adoption of the Consolidated Local Plan have not yet been commenced, have been presented for renewal, and renewals have not been granted – or have been granted for lesser schemes – in order to comply with the cap. This is not fair or just; the element of retrospectivity provides uncertainty. If a scheme to augment a building group merits the grant of planning permission in all respects except compliance with an arbitrary limit then adequate flexibility to ensure delivery of the scheme should be built into the Policy. The current inflexibility inhibits appropriate development of a relatively small number of building groups. The absolute limit is of detriment to the local economy. A minor policy amendment is required.

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Submission by:

A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL

For: Smith & Garratt; J Rutherford Esq.; Marchmont Farms Ltd.

Regarding:

**7 Housing Development (HD) - 7.2 HD2: Housing in the Countryside - Paragraph 7.2.6**

Neither Draft Policy HD2 nor the supplementary guidance make proper reference to architectural and historical associations between buildings. It is appropriate to amend the policy and/or the guidance in order to support development proposals that accentuate relationships between buildings that are architecturally or historically associated, notwithstanding that a perceived building group edge may intervene – for example, to emphasise the association between buildings on either side of a road, river, or railway; or perhaps where a suite of old estate buildings have architectural and/or historic links to each other but might otherwise be thought of as too disparate to be members of a single building group. There is no logic to preventing development that enhances architectural or historic relationships within a group of buildings just because a similar proposal would not be permissible in association with buildings that are not related architecturally or historically.

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Submission by:

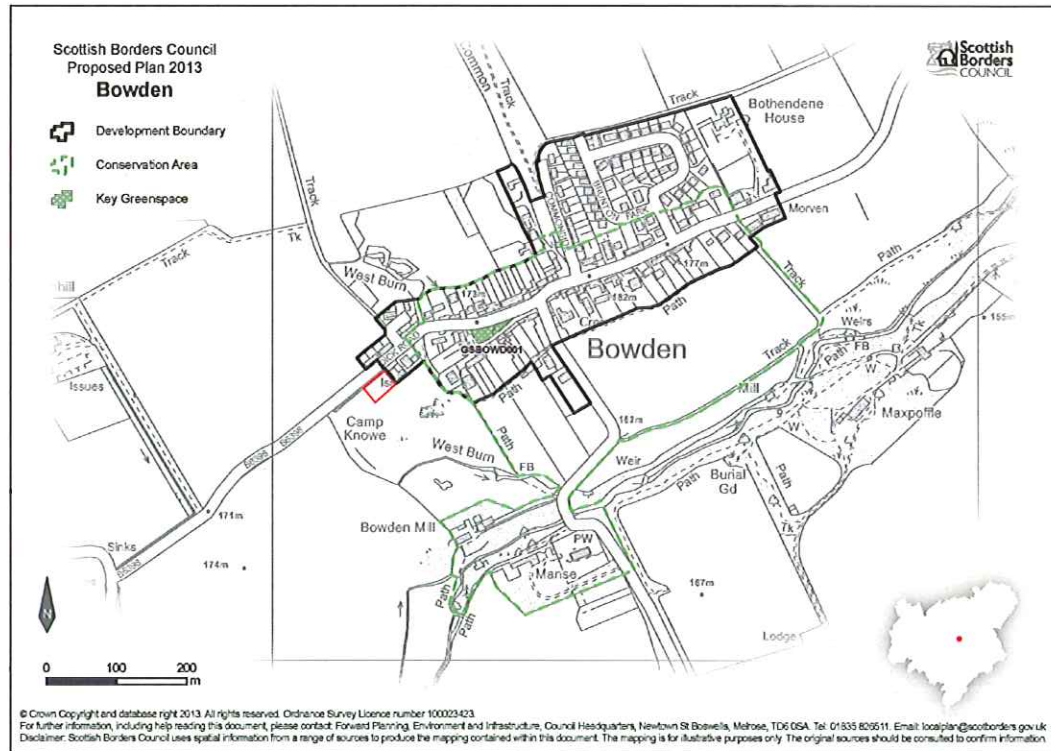
A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL; [REDACTED]

For: D Maxwell Esq.

Regarding:

## 10 Settlement Profiles & Maps; 10.8 BOWDEN

The settlement boundary at Bowden should be amended as shown in red, to take account of the decision to grant planning permission reference 08/00088/OUT. This development is deliverable and the owner is keen to see it move forward in the short to medium term.



Submission by:

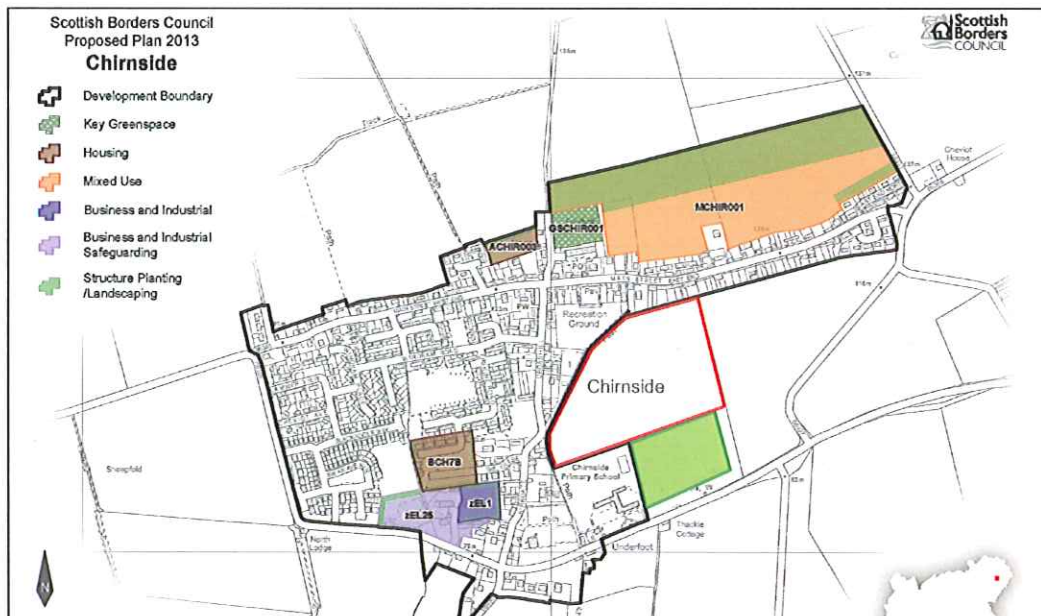
A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL;

For: S Swan Esq.; Chirnside Community Sports Club.

Regarding:

## 10 Settlement Profiles & Maps; 10.14 CHIRNSIDE

- Mixed use allocation MCHIR001 is strongly supported and should be maintained. Development here is deliverable and the owner is keen to move forward in the short to medium term, providing the programme for development does not prejudice the community's proposals for revised sports facilities.
- Greenspace allocation GSCHIR001 (Comrades Park Football Ground) should be kept under review. The football club is spearheading a proposal to join with other sporting groups in the town, together known as the Chirnside Community Sports Club ('CCSC'). This club has approached the owner of land beside the school, shown bounded and tinted green, and has obtained an agreement for long lease (potentially 99 years) of that area – in substitution for the Comrades Park ground, which is leased under a short lease which is due for review in the short term. It is thought that the school will also benefit from the new sports facility. The long lease will be granted when CCSC obtains grant funding for a community sports facility. CCSC will surrender the short lease once new sports facilities are usable. CCSC would like the greenspace protection to be applied to the new facility once the long lease is granted.
- It is envisaged that GSCHIR001 will be given up when CCSC no longer requires the area for sports. The northern section should become woodland, to match the adjacent structural planting and landscaping. The southern section should provide a link to mixed use development MCHIR001; it should be developed as the retail element of the mixed use development – to help centralise the town's amenities and relieve congestion along the main street. Greenspace allocation GSCHIR001 will be redundant and flexibility should be retained to remove it in favour of a new greenspace allocation beside the school.
- The area shown bounded in red is promoted as an area to be reserved, or safeguarded, for the future expansion of the town. This area is capable of absorbing development, can be linked satisfactorily to the existing settlement, and will ensure continuity of a supply of suitable housing land beyond the life of the LDP. This area should be allocated for longer term housing and hatched brown on the plan.



Submission by:

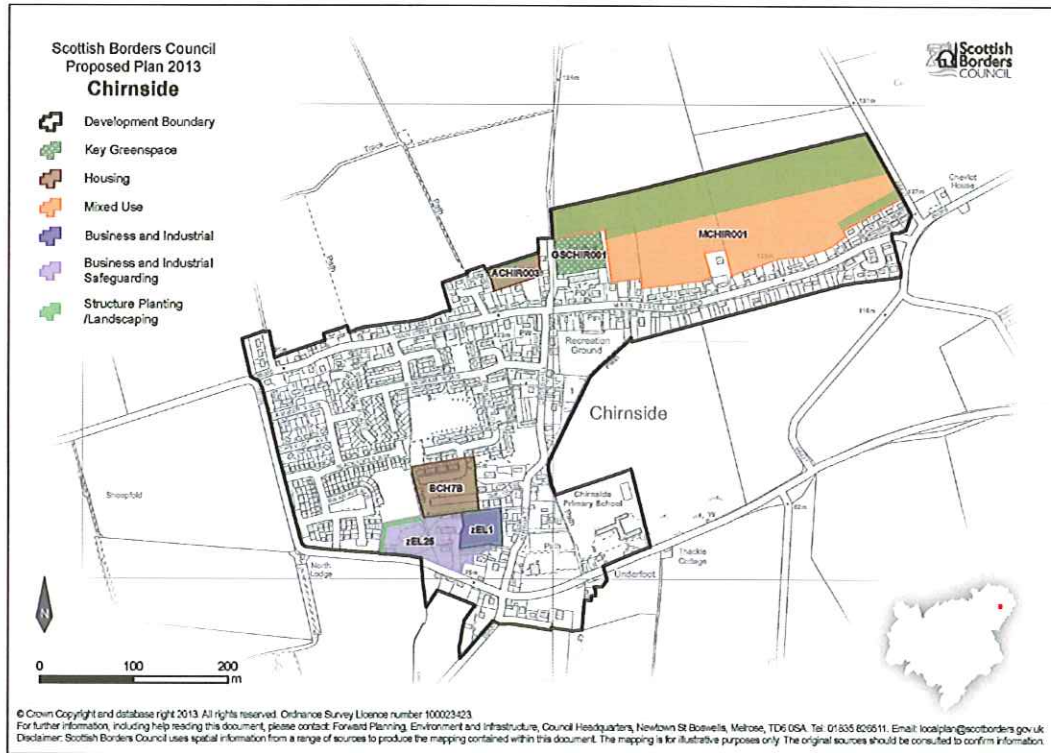
A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL;

For: R Cowe Esq.

Regarding:

**10 Settlement Profiles & Maps; 10.14 CHIRNSIDE**

Housing allocation ACHIR003 is strongly supported and should be maintained. The site is deliverable and the owner is keen to see development take place in the short to medium term.



Submission by:

A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL; [REDACTED]

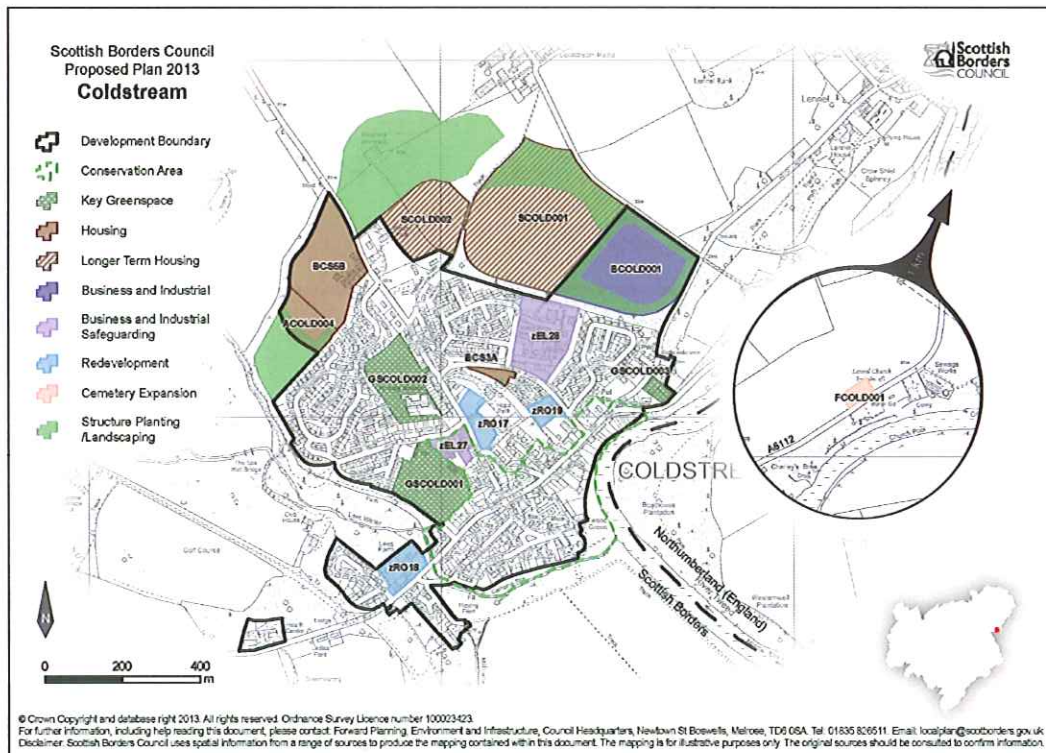
For: Lennel Tennis Club.

Regarding:

## 10 Settlement Profiles & Maps; 10.19 COLDSTREAM

Greenspace allocation GSCOLD003 is strongly supported and should be maintained.

Lennel Tennis Club is pleased to note the designation of the Club grounds at Gallowsknowe as 'key green space'. We believe that this designation recognises the social benefit of the site and acknowledges its importance as a popular community sports facility, a vital link in the paths network and as a highly visible part of the Coldstream 'gateway' on the approach to the town from the south.



Submission by:

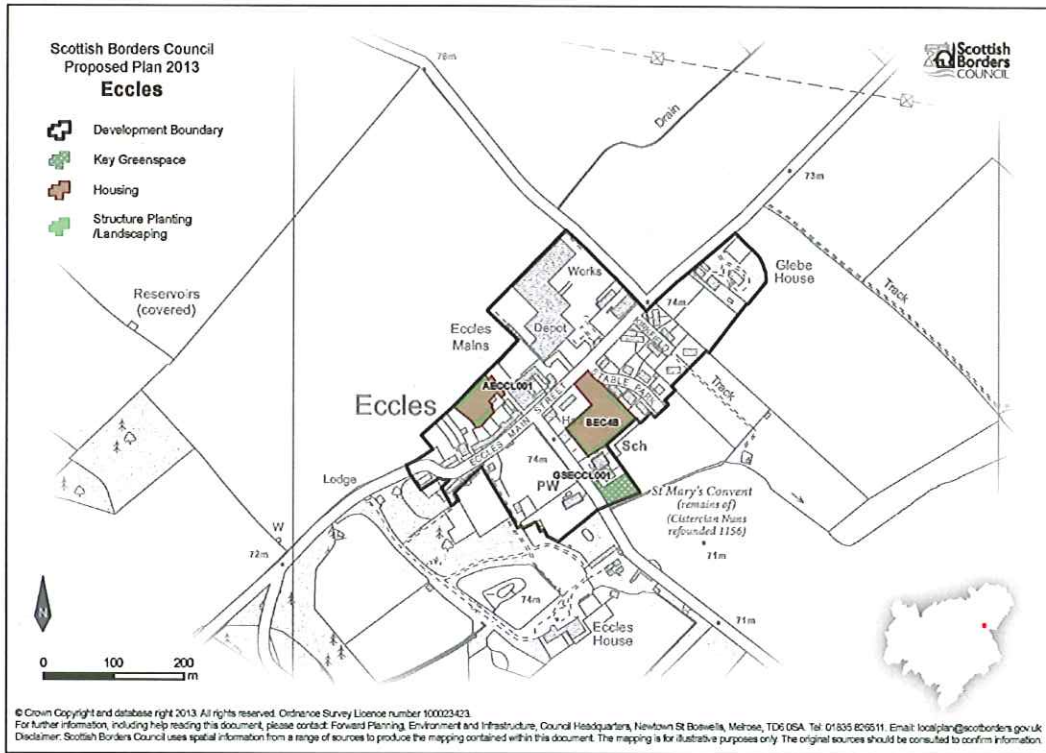
A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL;

For: T Fullarton Esq.

Regarding:

### 10 Settlement Profiles & Maps; 10.27 ECCLES

Housing allocation AECCL001 is strongly supported and should be maintained. The site is deliverable, is partly serviced, and the owner is keen to see development take place in the short to medium term.



Submission by:

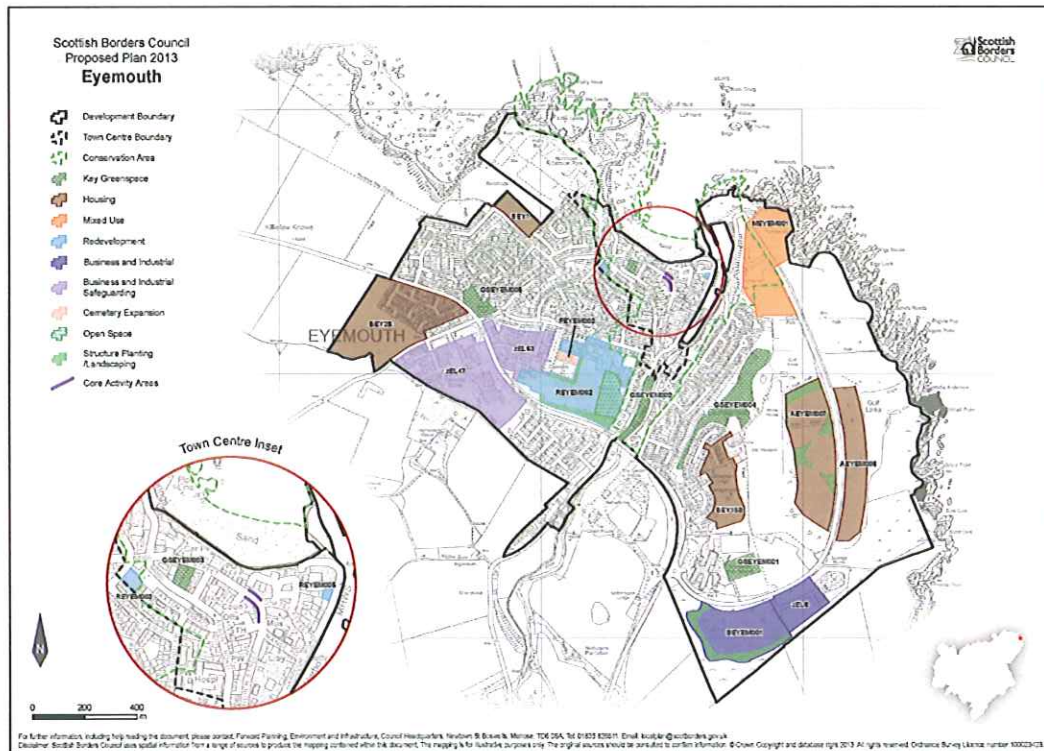
A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL; [REDACTED]

For: Eyemouth Harbour Trust.

Regarding:

## 10 Settlement Profiles & Maps; 10.34 EYEMOUTH

Mixed use allocation MEYM001 is strongly supported and should be maintained. The site is likely to support uses compatible with the harbour; development here will be good for the town and the local economy.





Submission by:

A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL;

For: T Culham Esq.

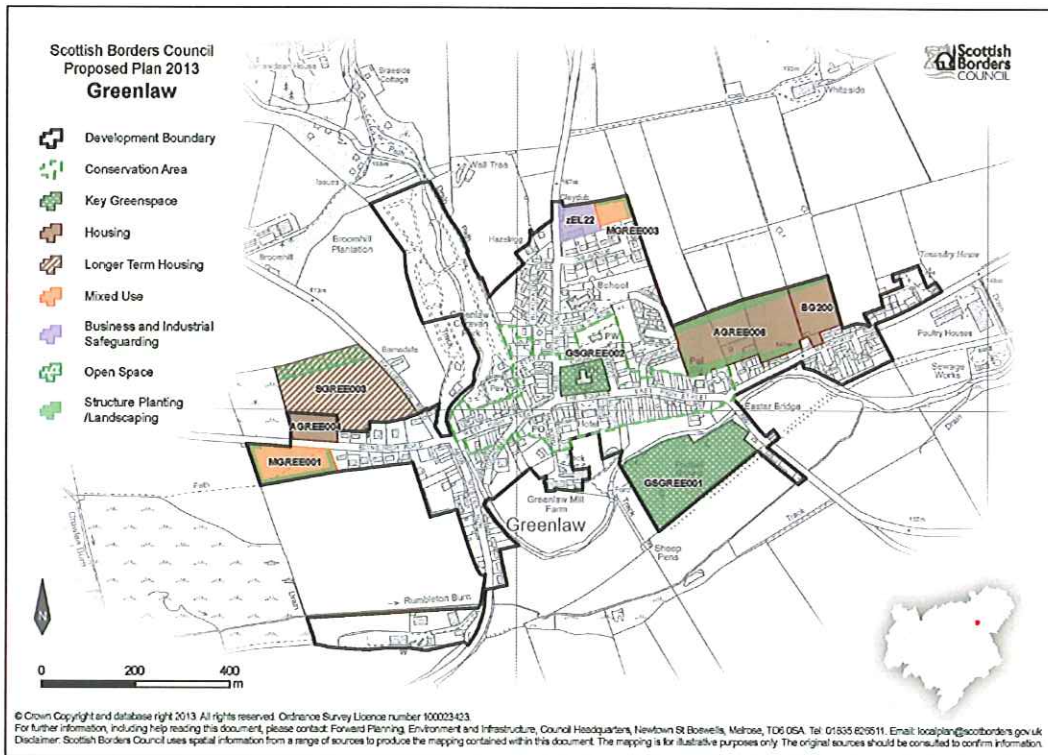
Regarding:

## 10 Settlement Profiles & Maps; 10.42 GREENLAW

Housing allocations BG200 and AGREE006 are strongly supported and should be maintained.

Site BG200 is deliverable on its own and the owner is keen to see development take place in the short to medium term. It should be noted that the requirement to build affordable homes on this site was transferred to AGREE004 as part of an arrangement for funding the restoration of Greenlaw Town Hall.

It should also be noted that site AGREE006 is not specifically allocated for affordable housing. This site is in more than one ownership and can only be delivered by agreement between the parties, which will have to include agreements concerning access. The site is thought to be deliverable and the owner of the access route to Marchmont Road is keen to see it developed in the medium term.



Submission by:

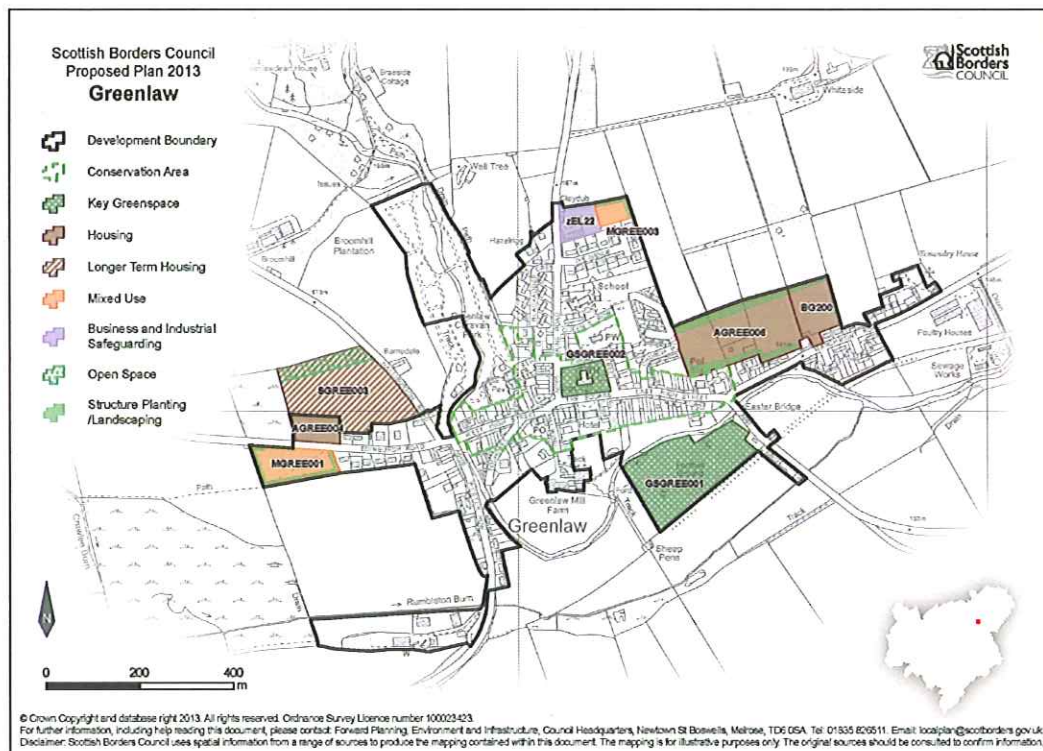
A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL;

For: Marchmont Farms Ltd.

Regarding:

## 10 Settlement Profiles & Maps; 10.42 GREENLAW

The owners of site MGREE003 appreciate that this area was previously allocated for employment and is currently proposed for mixed use development. This is a step forward, but they have consistently made clear – over the life of the last two local plans – that this area will not be released for anything other than residential development. They are strongly of the view that this small area of land, with access through a residential area and which backs onto existing houses, should not be promoted for anything other than housing. It is partially serviced and eminently deliverable as a housing site in the short term. The only thing holding it back is its status in the Local Plan. This allocation should be changed from mixed use to housing. The element of structural planting / landscaping should be retained.



Submission by:

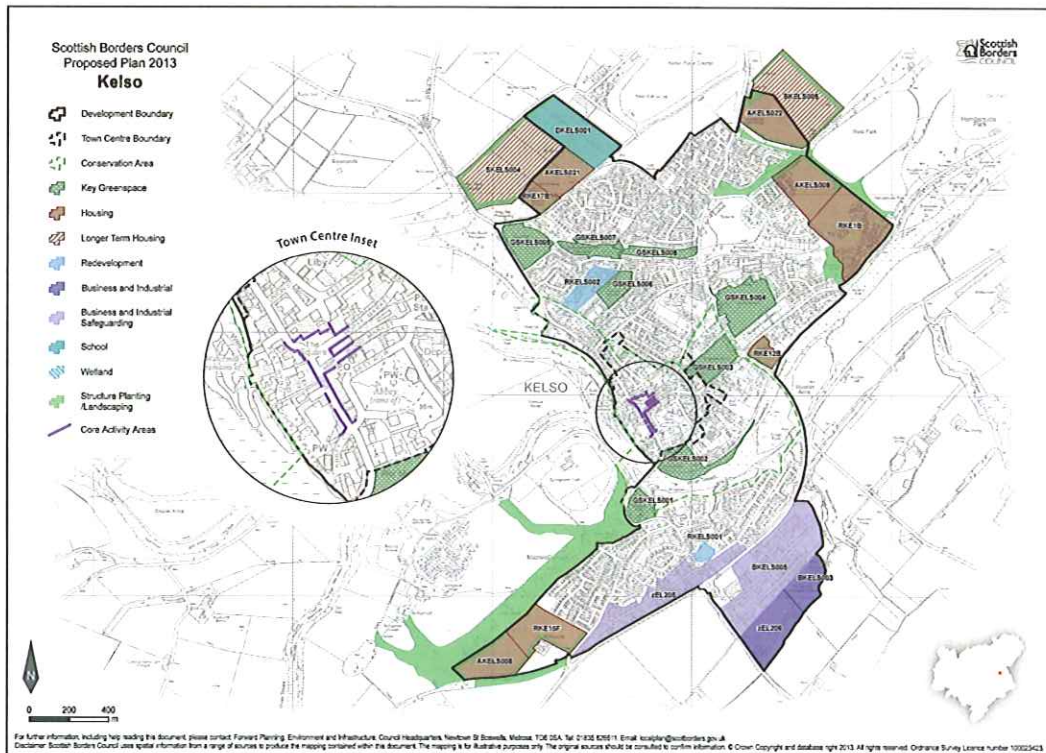
A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL;

For: The Millar Partnership; David Wilson Homes (Barratt Developments plc).

Regarding:

### 10 Settlement Profiles & Maps; 10.49 KELSO

Housing allocation AKELS022 and longer term allocation SKELS005 are strongly supported and should be maintained. The sites are deliverable and the owners are keen to see development take place in the short to medium term. Both areas are under option with a high quality national house-builder. A planning application has been submitted in respect of AKELS022 and the provisions noted in the Settlement Profile are being attended to, preparing this area for development in the short term.



Submission by:

A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL;

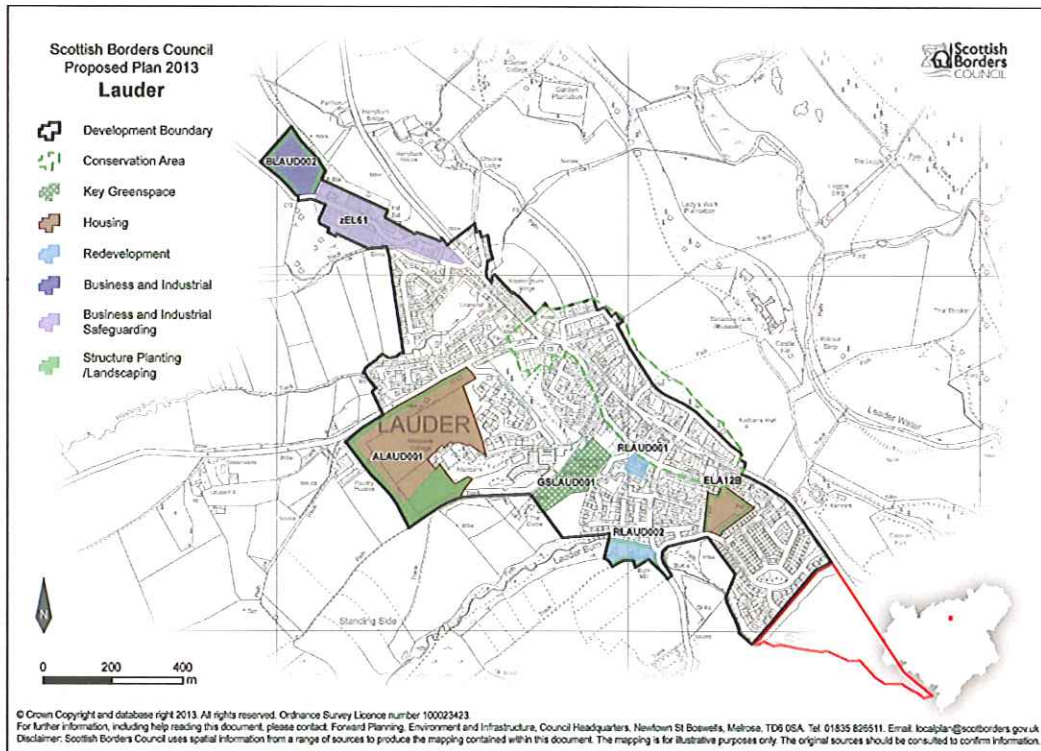
For: E Maitland-Carew Esq.

Regarding:

## 10 Settlement Profiles & Maps; 10.51 LAUDER

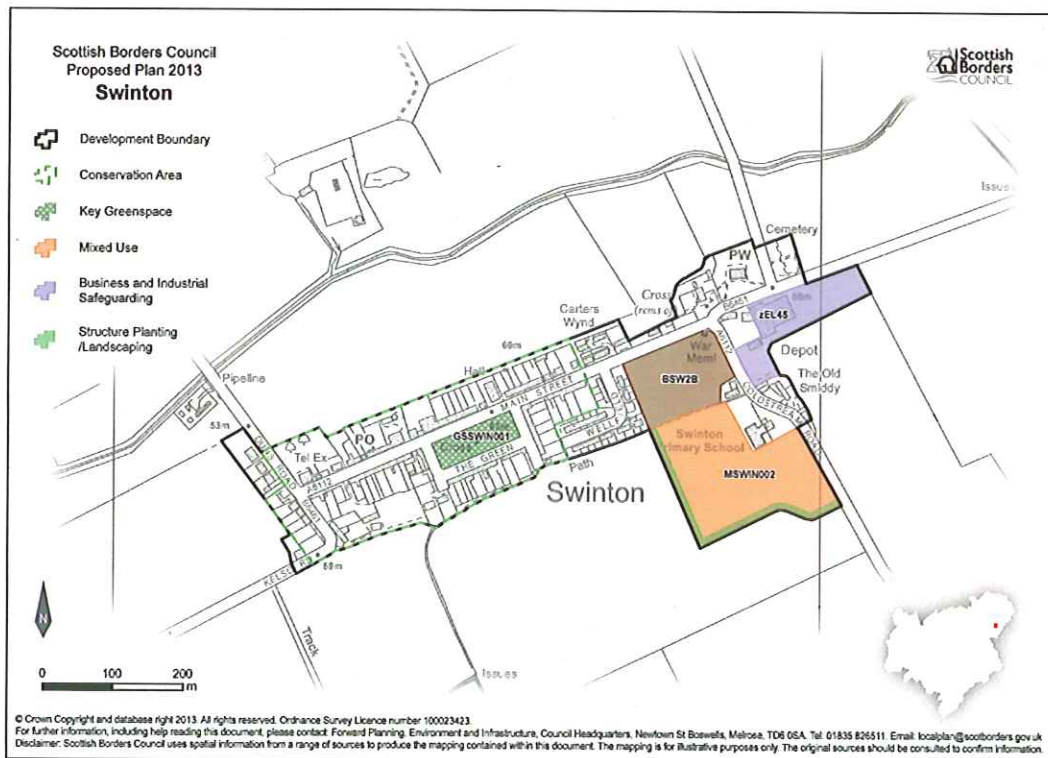
The area shown bounded in red is promoted as an area to be reserved, or safeguarded, for the future expansion of the town. This area is capable of absorbing development, can be linked satisfactorily to the existing settlement, and will ensure continuity of a supply of suitable housing land beyond the life of the LDP. This area should be allocated for longer term housing and hatched brown on the plan. It is acknowledged that it will be appropriate to adopt the same high quality of design and layout as are exhibited on the adjoining land to the north-west; and that surface water run-off, structure planting and landscaping will be incorporated into the development scheme in due course. The site is deliverable in the medium to long term.

Business and industrial allocation BLAUD002 is strongly supported and should be maintained. The site is deliverable and the owner is keen to see development take place in the short term.



Submission by:  
 A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL; [REDACTED]  
 For: J Swinton Esq.  
 Regarding:  
**10 Settlement Profiles & Maps; 10.82 SWINTON**

Housing allocation BSW2B is strongly supported and should be maintained. The site is deliverable and the owner is keen to see development take place in the short term. Work to meet the provisions noted in the Settlement Profile are ongoing, including preparations for foul and surface water drainage. It is anticipated that discussions leading to submission of a planning application will be undertaken shortly.



Submission by:

A H Garratt, LL.B FRICS, Smith & Garratt, The Guildhall, Ladykirk, Berwick-upon-Tweed, TD15 1XL; [REDACTED]

For: Marchmont Farms Ltd.

Regarding:

### 10 Settlement Profiles & Maps; Polwarth (new settlement profile proposed)

We seek to promote redevelopment of the old settlement at Polwarth, behind the old village hall, as shown on the plan below. This is the area occupied by the historic settlement, evidenced by remains of buildings and enclosures on the ground, plus the old village hall. Development would provide an opportunity for valuable archaeological research of the old village. We believe the council has overlooked an excellent small development opportunity that would, if identified in the LDP, increase the number and choice of development sites in the Berwickshire Housing Market Area as well as making good use of redundant, previously developed land. Access would be from the east, using an existing route to the minor road. The site is deliverable in the short term, with services nearby; ongoing housing development on adjacent plots is good evidence of the site's deliverability. Accordingly we believe Polwarth should be identified as a settlement and the area coloured pink on the plan should be allocated as an area for residential redevelopment.

