

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00947/FUL

**APPLICANT :** Mr Malcolm Pearson

**AGENT :** Smith And Garratt Rural Asset Management

**DEVELOPMENT :** Erection of dwellinghouse with attached garage

**LOCATION:** Land North East Of The Old Church  
Lamberton  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
ELEVS PLANS SE SW	Site Plan	Refused
	General	Refused
	Elevations	Refused
	Elevations	Refused
	Floor Plans	Refused
	Floor Plans	Refused
NE	Roof Plan	Refused
	Elevations	Refused
	Photos	Refused

**NUMBER OF REPRESENTATIONS: 7**

**SUMMARY OF REPRESENTATIONS:**

Community Council: Objection. Main concerns  
Loss of right of way  
Visual impact on landscape  
Out with building group

Lamberton Hall and Lamberton Church Committee: Objection, main points  
Objects to suggested re-route by Right Of Way by Access Officer.  
Right of way should be maintained  
Adverse impact on setting of listed building

5 No objections have been received - main points raised include:  
Impact on landscape setting  
Impact on setting of Scheduled Ancient Monument Lamberton church  
Out with Building group  
Impact on Right of Way that should be maintained  
Traffic/road safety during  
Impact on water supplies

Ribbon development  
Design and scale of house  
Impact on trees

Access Officer: No objection. Points out the Right of Way BB53 would be directly affected by the proposals. Recommends conditions to ensure path is maintained open and free in perpetuity. Suggests possibility for diversion to pathway.

Landscape Officer: Objects to siting and design with negative impact on root protection area of trees leading to tree loss over time.

Historic Environment Scotland: No objection The setting of the church would not be significantly impacted,

Archaeologist: No objection but encourages a balanced view be taken formed on the basis of policy EP8a. Notes and concur with the comments of Historic Environment Scotland pointing out that there will be impacts to the setting of the Scheduled Ancient Monument Lamberton Church that fall under the threshold of national significance. The proposal will not further interrupt views from the Border, but will cumulatively add to the sense that the church and its setting are diminished by the growth of the settlement. Recommends that an evaluation of the development area take place with Watching Brief.

EHO: No objection. Conditions recommended in respect of water and drainage.

Roads Planning: No objection. Conditions recommended in respect of service layby, passing place, parking and turning, and measures to prevent the flow of water onto the public road.

Education: The development is located within the catchment area for Eyemouth Primary School and Eyemouth High School. A contribution of £2438 is sought for Primary School and £3428 is sought for the Secondary School

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Local Development Plan 2016

PMD2 Quality Standards  
HD2 Housing in the Countryside  
EP8 Archaeology  
EP13 Trees, Woodlands and Hedgerows  
IS2 Developer Contributions  
IS5 Protection of Access Routes  
IS7 Parking Provision & Standards

SPG New Housing in the Borders Countryside

**Recommendation by** - Lucy Hoad (Planning Officer) on 17th March 2017

#### History

08/00023/REF An application for the erection of 2No dwellings Land North East Of Old Church Lamberton was refused and dismissed on appeal in 2008, the reporter noting several issues within his report to include the fact that the site would not be well related to the existing group, being a departure from its character and built form, the adverse impact on the setting of the SAM Lamberton Church and the wider landscape.

15/00743/PPP Erection of dwellinghouse Land South of Border View 8a Lamberton Holding Lamberton Approved 16/09/2015

#### Site

The application site (0.25 ha) is a broadly rectangular area of ground forming part of a paddock, located to the north east of the Old Church at Lamberton Berwickshire. The former church (Scheduled Ancient

Monument) forms the northern edge of a small building group of 7 dwellings comprising a mixture of traditional and modern properties.

The council's archaeologist notes that the site lies within an area of archaeological interest, taking into account the potential for a 12th century settlement being located in the vicinity.

The ground (comprising overgrown scrub) is separated from the church and building group by a woodland belt and boundary planting. The BB53 Right of Way runs through the site. The land slopes down from a knoll upon which the former church/monument sits to the A1 trunk road to the east.

#### Proposal

The application seeks planning permission in full for the erection of 1 No dwelling within the southern section of the application site, with access to be taken from the existing minor public road to the south. The plans accompanying the application detail a 2 storey (with attic) house with pitched roofing, to include central main section and several minor offshoots (with garage and sunroom). The proposed design and materials are traditional in style and similar to other rural housing found in the Berwickshire locality. It is proposed to undertake earthworks to create a level platform for the house position, taking into account the topography.

The plan illustrates that the building would be set back in the plot from the roadside and sit in line with the property No3 to the south west, at a slight angle to the public road. The dwelling would be visible on the skyline from sections of the A1 trunk road to the east, as traffic travels north.

It is noted that the Community Council are not supportive of the application, concerned over the siting and scale of the proposed dwelling to include an adverse impact on the landscape, with house positioned outside of the building group, and the restriction to/loss of an established right of way.

The Landscape Officer has raised concerns over the proposed earthworks impinging on tree root protection areas with potential tree loss. The officer objects to the current layout suggesting the dwelling be re-located further away from the existing trees, and re-designed to take account of the sloping nature of the site. The officer notes that the property would appear on the skyline from views from the A1 trunk route. The Access Officer confirms that the right of way BB53 would be affected by the proposals, recommending a condition to ensure that the path is kept open, and suggesting potential for a re-route/diversion of the track. The agent contends that the proposed house is not located on the path and would be outwith the RPA of the trees.

#### Policy

Any application for a dwellinghouse in the countryside must be assessed against the prevailing policies and, in this case, it is mainly Local Plan policy HD2- Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside. Policy EP8 Archaeology seeks to protect archaeological assets and is relevant given the history of the site.

#### Assessment

The landform and existing buildings, to include village hall and ruined church Scheduled Ancient Monument at this location provide for a real sense of place. A single track public road runs through the small group terminating at farm holdings further to the west. The site on the north side of the minor road is regarded as being a greenfield site, forming part of an undeveloped field that occupies an elevated position on the hill slope facing east towards the coastline and A1 trunk route. On the north side of the minor road the existing building group is bounded to the north west by mature woodland and boundary planting that provides a strong landscape edge to this grouping. The proposed dwelling, set at a distance apart from the group beyond the treeline and planting, would therefore not relate well to these properties, nor would it contribute to the contained sense of place or character of the group.

Given the above, it is considered that the application should be refused, as the site would not have a satisfactory relationship to the existing building group or contained sense of place at this location as required by Policy HD2 A Building Groups. In addition the proposed house would appear as a prominent feature on the skyline as viewed from sections of the A1.

It should be noted that in reviewing the decision of the Reporter (appeal (08/00023/REF) the officer had concluded that the appeal site (wider paddock) would not be well related to the existing group and would be a departure from its character and built form. The presence of the trees on the edge of the group was considered to contribute to the demarcation of the group and their health and longevity recognised. The

Reporter concluded that the development of the appeal site would cause an unacceptable impact on the landscape as the development could not be integrated satisfactorily into the wider environment.

In consideration of the current application the view of The Reporter is a material consideration. The current development, although of a smaller scale, would have an adverse impact on the landscape setting given its poor relationship to the group.

In reviewing the history of applications for the paddock site the Reporter has specifically referred to protection of the setting of the scheduled Church, noting that in its elevated position, the church commands wide ranging views to north, northeast and southeast across the coastal area towards the sea. He states that protection of the setting requires the remaining views to and from the site over a wide area both north and south of the border, to be kept free.

It should be noted that concerns have been raised by objectors to the potential impact on the setting of the ancient church given the topography and long views into the site from sections of the surrounding networks of travel. Whilst the archaeologist and Historic Environment Scotland have not objected to the development on its own, the proposal raises questions over the potential for further erosion of the setting of the Scheduled Ancient Monument Lamberton Church taking into account the cumulative impact from the pattern of development of the group over time.

On balance, taking into consideration the fact that the development would be read in conjunction with the SAM in long views into the site, the application should be refused to avoid erosion of the setting of the Church. The assessment takes into account the recent development on the south-western side of the group, fronting the minor road through the group, this expansion being the most logical extension to the grouping, given the above constraints. (The most recent approval for a dwelling was under application 15/00743/PPP).

#### Design

Whilst the design of the development is typical of modern rural housing in the Borders countryside, the presence of the dwelling would create a new visual feature in the landscape setting with potential to compete with the scheduled ancient monument.

#### Other matters

It should be noted that, if the application were to be approved it would attract development contributions of towards Education and Lifelong Learning.

Roads required several works to include service layby, passing place, parking and turning, with measures to deal with water flow to roadway.

Nuisance concerns have been raised over use of drainage with condition sought for maintenance. A watching brief to detail a written scheme of investigation (Watching Brief) would be required.

#### **REASON FOR DECISION :**

The proposals are not acceptable as they do not comply with Scottish Borders Local Plan policy HD2 Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside as the site is located outwith the existing building group, would not be contained within the identifiable sense of place and there are no economic needs or benefits to the local community that would justify approval in this case.

#### **Recommendation: Refused**

- 1 The proposal for a dwellinghouse at this location is contrary to Scottish Borders Local Development Plan Policy D2 - Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside as the site is not located within an existing building group of three or more houses and there are no overriding economic needs or benefits to the local community that would justify a departure in this case. The site would not have a satisfactory relationship to any existing building group or contained sense of place at this location resulting in an adverse impact on the wider landscape setting.

- 2 The proposal would be contrary to Scottish Borders Local Development Plan Policy EP8 - Archaeology, in that the development would have an unacceptable adverse impact on the setting of the Scheduled Ancient Monument - Lamberton Church.

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference : 16/00947/FUL**

**To : Mr Malcolm Pearson per Smith And Garratt Rural Asset Management The Guildhall Ladykirk  
Scottish Borders TD15 1XL**

With reference to your application validated on **5th August 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse with attached garage**

**At : Land North East Of The Old Church Lamberton Scottish Borders**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 9th June 2017  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



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**Chief Planning Officer**

**APPLICATION REFERENCE : 16/00947/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
ELEVS PLANS SE SW	Site Plan	Refused
	General	Refused
	Elevations	Refused
	Elevations	Refused
	Floor Plans	Refused
	Floor Plans	Refused
NE	Roof Plan	Refused
	Elevations	Refused
	Photos	Refused

**REASON FOR REFUSAL**

- 1 The proposal for a dwellinghouse at this location is contrary to Scottish Borders Local Development Plan Policy D2 - Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside as the site is not located within an existing building group of three or more houses and there are no overriding economic needs or benefits to the local community that would justify a departure in this case. The site would not have a satisfactory relationship to any existing building group or contained sense of place at this location resulting in an adverse impact on the wider landscape setting.
- 2 The proposal would be contrary to Scottish Borders Local Development Plan Policy EP8 - Archaeology, in that the development would have an unacceptable adverse impact on the setting of the Scheduled Ancient Monument - Lamberton Church.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.