

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 AUGUST 2017

APPLICATION FOR PLANNING PERMISSION

ITEM: 17/00612/PPP
OFFICER: Paul Duncan
WARD: East Berwickshire
PROPOSAL: Erection of dwellinghouse
SITE: Land South East Of 11 Burnbank Holding, Foulden,
Scottish Borders
APPLICANT: Mr William Struthers
AGENT: Edwin Thompson & Co (Berwick)

SITE DESCRIPTION

The site is located at Burnbank, Foulden, an established building group off the A1605 Berwick to Earlston road in East Berwickshire. The indicative house plot is set back from the minor road, sitting to the rear of two C listed cottages which are positioned to the north west of the site. Land to the rear (east) of the site is in agricultural use and a detached dwellinghouse sits adjacent to the site to the south. The site slopes gently from north to south.

PROPOSED DEVELOPMENT

The application seeks planning permission in principle for the erection of a single dwellinghouse.

PLANNING HISTORY

There is no planning history on the site itself.

Within the building group, there have been a number of approvals for new dwellings, as summarised per site below.

- To the west of the proposed site, across the minor road, at Land West Of 11 And 12 Burnbank Holding, planning approval 14/00967/FUL for the erection of a single dwelling house has now been implemented but is not built. This consent followed previous approvals on the same plot.
- South west of the proposed site, also across the minor road, planning approval 04/02009/OUT gave outline permission for the demolition of steading buildings and the erection of two dwellinghouses. Two separate reserved matters approvals followed (Plot 1 - 05/01499/REM, Plot 2 - 05/01899/REM) and these units have been built.
- Situated between those two units, a separate additional unit (Plot 3) was approved under a stand-alone planning consent (05/01900/FUL) and has also been built.

- South of the proposed site and an intervening dwelling house (14 Burnbank Holding), a former mill building has been converted to form two dwellinghouses following change of use approvals 04/00014/COU and 04/01300/COU.

REPRESENTATION SUMMARY

Members are reminded that all comments are available for Members to view in full on the Public Access website.

Six objections have been received by members of the public, from 5 separate households, raising the issues listed below. The Community Council has also objected. Their comments are listed under the statutory consultees section further below.

- Proposal is contrary to LDP
- Contributes to sprawl
- Inappropriate for area
- Sets precedent
- Road safety/ traffic:
 - The road accessing the site is narrow and unsuitable.
 - There is a lack of passing places.
 - Visibility is limited, particularly where the entrance to the proposed property would be.
 - The crossroads on A6105 at Burnbank were identified almost twenty years ago as being in the category of the second most dangerous road in the SBC area. Nothing has been done since then to make it safer. The proposed development would increase traffic levels at the crossroads.
 - The road is a rat run to Ayton and other villages.
 - Vehicles drive very fast on this road.
 - There is a lack of pavements.
 - School-children make their way to the crossroad at Burnbank for the school bus. Any increase of traffic is to be avoided.
- Foul drainage/ odour:
 - At present the properties at Burnbank do not have a satisfactory drainage and sewage system and at times the smell in this area is appalling. Adding another property could only worsen this unless a proper sewage disposal system were to be put in place for this and all other properties in the vicinity.
 - There are already two sewage treatment plants shared between 5 of the existing houses and there are existing odour problems. A third would mean that the majority of the houses would in effect be surrounded - with the new house situated above them all.
 - There is no description of what sewage treatment plant is proposed. Further details are required given the existing odour problem. The cause of this smell was not dealt at the time of previous development.
 - The proposed sewage treatment plant outflow is to the drain along the field edge. The field drains in this area are suspect and there do not seem to be any plans extant for the location of the original drains. It is assumed that SEPA still examines planning applications but if not the above points are even more relevant to the planning application.

-
- The Council previously advised that no additional septic tank outflows would be permitted to the burn as it was at its limit of use for this purpose. Five properties have since been built at Burnbank and added to the burn for septic tank outflow purposes.
 - During dry spells the flow of the burn is restricted and unpleasant odours are readily detected. Any additional outflows will increase this problem.
 - Water pressure is already low at times at the top of the hill
 - The houses are too large and there is a shortage of small houses in this area.
 - Infrastructure and service provision is lacking and inadequate.
 - There would be an impact on existing infrastructure (e.g. electricity supply).
 - There is poor broadband coverage.
 - Large houses would reduce the area available for water run-off.
 - Loss of prime agricultural land.
 - This application should be considered alongside 17/00613/PPP and 17/00614/PPP which were submitted simultaneously by the same applicant, also in the Foulden area. Taken together these developments would have a significant impact on the delicate infrastructure of the area, would threaten over-development and loss of prime agricultural land.

The application was advertised in the Berwickshire News.

APPLICANTS' SUPPORTING INFORMATION

A letter responding to these objections was submitted which made the following points:

- Treatment plant details will be supplied as required and all drainage details will be clarified and approved by SEPA. It is noted that Environmental Health do not identify problems with the proposal but require further information before commencement of works, which would always be provided as part of natural design progression.
- Existing odour issues have nothing to do with the proposal, but concerns are appreciated and would hope that if they do have current issues, that they resolve this themselves as this would suggest that this may be a problem with their existing infrastructure and not necessarily an issue with discharging to the burn.
- It has always been intended that the building be a single storey property so as to have as minimal an impact as possible impact on views in the area.
- Issues with broadband speed should be taken up with the service provider and should not affect the determination of this proposal.
- The current condition of the roads in this area is a larger issue which cannot be attributed to a 'planning in principle' application for an individual plot.
- The plot would have a maximum of two vehicles serving it as per the response of Roads Planning which identifies that 2 parking bays should be designated for this property.
- Issues of having to step from the road onto the verge while traffic is passing is commonplace on country roads across the UK and not limited to this area.
- The additional traffic that this dwelling would create would be minimal and in a worst case scenario should be based on going to and from work daily so in this case 2 vehicles, twice per day. 4 Journeys.

- This proposal is located in a gap site between two existing dwellings and currently has farm buildings located on it. This is not prime agricultural land and is currently not being used for any activity.
- There are no proposals to fell any trees.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: No objection. Two parking spaces (not including any garaging) and turning should be provided within the curtilage of the site and retained in perpetuity. The access to the site to be by way of a service layby to diagram DC-3. It should be borne in mind that only contractors first approved by Council may work within the public road boundary.

Education: The site is located within the catchment area for Ayton Primary School and Eyemouth High School. A contribution of £3,428 is sought for the High School.

Environmental Health (Amenity and Pollution): No objection, however foul drainage issues can arise in the future if no clear legal duty exists setting out responsibility for maintaining an agreed system. This is of particular importance when the system serves multiple properties in different ownership or when a new property connects to an existing system. It is proposed that this is dealt with by condition and informative. A condition relating to mains water supply is also proposed, as is an informative regarding use of wood burning stoves.

Environmental Health (Contaminated Land): The applicant has returned an Agricultural Buildings Questionnaire and provided additional information by email/telephone. There is no indication of any land contamination issues on this site and accordingly no objection on grounds of contaminated land. The applicant's response did however indicate asbestos may be present within an internal partition wall and information on how to deal with this safely can be provided to the applicant.

Archaeology: There are no known archaeological implications.

Heritage and Design: No objection. A well-designed house of an appropriate scale (which may mean single storey) set back in the proposed site may not have an adverse impact on the setting of the listed cottages. Detailed proposals would need to be assessed afresh in terms of potential adverse impact on the setting of the listed cottages.

Statutory Consultees

Foulden, Mordington and Lamberton Community Council: The Community Council objects on the grounds that the development would be contrary to the Scottish Borders Local Development Plan policies HD2 (Housing in the Countryside), EP11 (Protection of Greenspace), EP13 (Trees, Woodlands and Hedgerows), IS5 (Protection of Access Routes), IS6 (Advertisements) and IS9 (Waste Water Treatment Standards and Sustainable Urban Drainage).

Other Consultees

Architectural Heritage Society of Scotland: It is not possible to determine how development would affect the character, setting, and historic value of the older surrounding buildings without a clear proposal for the site.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

PMD1 - Sustainability
PMD2 - Quality Standards
ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils
HD2 - Housing in the Countryside
HD3 - Protection of Residential Amenity
EP7 - Listed Buildings
EP8 – Archaeology
EP11 - Greenspace
EP13 - Trees, Woodlands and Hedgerows
IS2 - Developer Contributions
IS5 – Protection of Access Routes
IS7 - Parking Provision and Standards
IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage
IS13 - Contaminated Land

Other considerations:

Scottish Planning Policy (SPP)
New Housing in the Borders Countryside SPG
Placemaking and Design SPG
Privacy and Sunlight SPG
Trees and Development SPG

KEY PLANNING ISSUES:

Whether the erection of a dwellinghouse on this site would comply with planning policies with respect to (a) new housing in the countryside; (b) the setting of the neighbouring listed buildings; and (c) the protection of neighbouring residential amenity.

ASSESSMENT OF APPLICATION:

Background

This application seeks planning permission in principle for the erection of a single dwellinghouse at Burnbank, Foulden, an established building group on a minor road off the A1605 Berwick to Earlston road.

Principle

The principle of the proposal is primarily assessed against Policy HD2 Housing in the Countryside and the Council's New Housing in the Borders Countryside SPG. Policy HD2 aims to support new rural housing where it is associated with existing building groups of three units or more. As there is an established building group of nine

dwelling houses at Burnbank (including two unoccupied listed cottages), this part of the policy test is met comfortably. The policy sets a maximum total of 2 additional dwellings at a building group within the Local Development Plan period, or a 30% increase, whichever is higher. A maximum of 3 additional units may therefore be built at this particular building group within the current plan period.

An existing approval (under planning reference 14/00967/FUL) has been implemented, but has only been built to foundations and is not apparently under continuing construction. That unit must therefore count as one of the maximum of 3 additional dwellings that may be built within the plan period. The proposed dwellinghouse under consideration would be the second additional dwelling. This would therefore meet the numerical requirements of the policy, leaving one final dwellinghouse which could be considered at the building group within the plan period.

The remaining tests of HD2 control the relationship of the site to its respective building group, and the effect of the development on the character of the building group. As a logical infill opportunity, it is considered that the site would be well related to the building group. The site would not result in sprawl. The pattern of development within the building group is irregular in nature and this plot, set back from the road, is considered to conform with that pattern. The site is partially brownfield, with existing means of enclosure, and would not break into a previously undeveloped field.

Impact on Listed Buildings

Two C listed single storey cottages sit adjacent to the site. These cottages, dated 1859 and listed for their unusual detailing and decoration, are understood to have been vacant for many years. The Heritage and Design Officer has been consulted and does not object to the proposal, but considers that the resulting dwellinghouse would need to be of an appropriate scale and set back from the road. Overall it is considered that a dwellinghouse could be accommodated on the site without adversely affecting the setting of the listed buildings, subject to careful consideration of scale, design, massing and materials at the AMC stage. A condition is attached to limit the height of the proposed dwelling to a maximum of one-and-a-half storeys to ensure the development is appropriate to the site. It should be noted in relation to objector comments regarding the size of the house that the footprint of the development will be considered at the later AMC stage. The footprint shown on the submitted site plans is indicative only.

Impact on Residential and Neighbouring Amenity

The site benefits from a strong boundary to the south, which features a number of well-established trees which will help protect the amenity of the property to the south. A condition is recommended to ensure these trees are protected during works. The listed cottages are long term vacant but any development on the site must not prejudice the amenity of these dwellinghouses which will hopefully return to use in the future. Whilst the relationship with the most southern of the cottages in particular poses potential difficulties, a suitably designed dwelling on the site could ensure that no unacceptable adverse overlooking results. Overall it is considered that a dwelling house can be developed on the site in compliance with the Council's Privacy and Sunlight SPG.

Impact on traffic and road safety

A number of objections have been received which cite concerns regarding local roads. These matters have been assessed by the Roads Planning service and the proposal is considered acceptable subject to the agreement of details related to access, parking and turning. These details will be dealt with at the detailed stage. Objector comments regarding the nearby junction with the A6105 are noted. The Road Safety team have confirmed that this junction appeared in their 2010 accident cluster analysis, however it has not featured in any of the annual analysis undertaken since.

Services

Foul drainage is to be dealt with by sewage treatment plant with run off to the nearby burn. A number of objections have indicated that there are existing problems with local foul drainage resulting in odour issues. Whilst these objections are noted, precise foul drainage arrangements for this proposal can be considered at a later stage and will be controlled by condition. It should be noted that SEPA are no longer providing advice on small scale proposals such as this. However, any system would need to meet current standards and would be assessed through the building warrant process. The requested condition to control the future maintenance of any approved system would be more appropriately controlled under environmental health legislation. Water supply is proposed to come from the public water supply network. Confirmation that mains supply is available will be required but can be dealt with by condition.

Other matters

The applicant has returned an Agricultural Buildings Questionnaire to help identify any potential contamination resulting from the previous use of the site. There is no indication of any land contamination issues on the site and therefore no objection on grounds of contaminated land. Possible asbestos has been identified in the existing metal shed on the site but this would not prevent development. Instead the applicant will be provided with advice on how this should be dealt with as an informative. An informative will also be added to ensure the applicant is aware of their responsibilities regarding protected species should the shed be demolished. As there is no indication a wood burning stove will be used the proposed informative related to the potential use of such a system is not required.

Objector comments regarding a lack of service provision and poor broadband coverage within the area are noted. It is acknowledged that the building group does not benefit from provision of local services. Planning policy within the Scottish Borders directs most development to towns and settlements, but the purpose of Policy HD2 is to allow a degree of rural housing development, where it can be accommodated appropriately. The existing poor provision of broadband would not be a legitimate reason for refusal.

It has been suggested that this application should be considered alongside 17/00613/PPP and 17/00614/PPP. These applications are not related to this building group and are too physically detached from the site to be considered together and were assessed separately. Both applications were refused.

Whilst the site is recorded as prime agricultural land in practice the site is partially brownfield land and no unacceptable loss of prime agricultural land would result.

Policy EP11 (Greenspace) does not apply to this site which sits outwith any recognised settlement boundary. There would be no impact on protected access routes.

A development contribution of £3,428 is sought for Eyemouth High School and the applicant has indicated a preference to address this by way of a Section 75 legal agreement.

CONCLUSION

It is considered that this site represents a logical infill opportunity within an established building group in compliance with policy HD2. Development of the site could be achieved without adversely affecting the character of the building group, the setting of adjacent listed buildings or neighbouring amenity.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement and the following conditions and informatives:

1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3 Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:

- (a) the expiration of three years from the date of this permission, or
- (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

4 Parking and turning for a minimum of two vehicles, excluding any garages, must be provided and retained in perpetuity within the curtilage of each property. These spaces must be provided prior to the occupation of each respective dwellinghouse.

Reason: To ensure adequate on-site parking is provided within each plot.

5 The first application for Approval of Matters Specified as Conditions shall include a scheme of details for site access. The details shall include the design of the new site access on to the public road which should be by way of a service layby to diagram DC-3. Thereafter the development shall be carried out in strict accordance with the agreed details and the site access shall be completed before occupation of the dwellinghouse.

Reason: To facilitate safe access to the site and ensure that the public road network can safely cater for the development.

6 The dwellinghouse is to be no more than one-and-a-half storeys in height and detailed drawings submitted as part of any Approval of Matters Specified as Conditions shall be supported by a design statement, reflecting the circumstances of the site and wider building group, including in relation to the adjacent listed buildings.

Reason: To ensure a satisfactory form of development in keeping with the adjacent built form, and in particular the listed buildings.

7 No development shall commence until precise details of the means of water supply and of both surface water and foul water drainage have been submitted to and approved in writing by the Planning Authority. Thereafter, no development shall take place except in strict accordance with the approved details.

Reason: To ensure that the site is adequately serviced.

8 Before any part of the development hereby approved is commenced, the trees adjacent to the site shall be protected by a protective barrier to a standard and format compliant with BS 5837 2012, placed at a minimum radius of one metre beyond the crown spread of each tree adjacent to the site, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

(a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;

(b) No fires shall be lit within the spread of the branches of the trees;

(c) No materials or equipment shall be stored within the spread of the branches of the trees;

(d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate; and

(e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees adjacent to the development site, the loss of which would have an adverse effect on privacy of the neighbouring property.

Informative

1 The applicant should satisfy themselves prior to any removal of the existing metal shed that they are compliant with European legislation regarding the protection of bats and birds and that any demolition is in accordance with these requirements.

2 It is recommended that the internal partition wall where asbestos is identified as potentially present is appropriately surveyed, and if found to be asbestos containing, removed and handled following current good practice and by suitability qualified individuals to prevent the potential release of asbestos. It is recommended HSE are consulted in regard to the specific requirements for such surveying, removal, and handling. It is recommended that SEPA are consulted in regard to the storage etc. of

suspected asbestos containing materials after removal. Should the applicant wish to discuss this further their enquiry should be directed to Environmental Health.

DRAWING NUMBERS

<u>Reference</u>	<u>Plan Type</u>	<u>Recieved</u>
BS4708-001	Location/Site Plan	27.04.2017
BS4708-001	Site Plan	27.04.2017

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

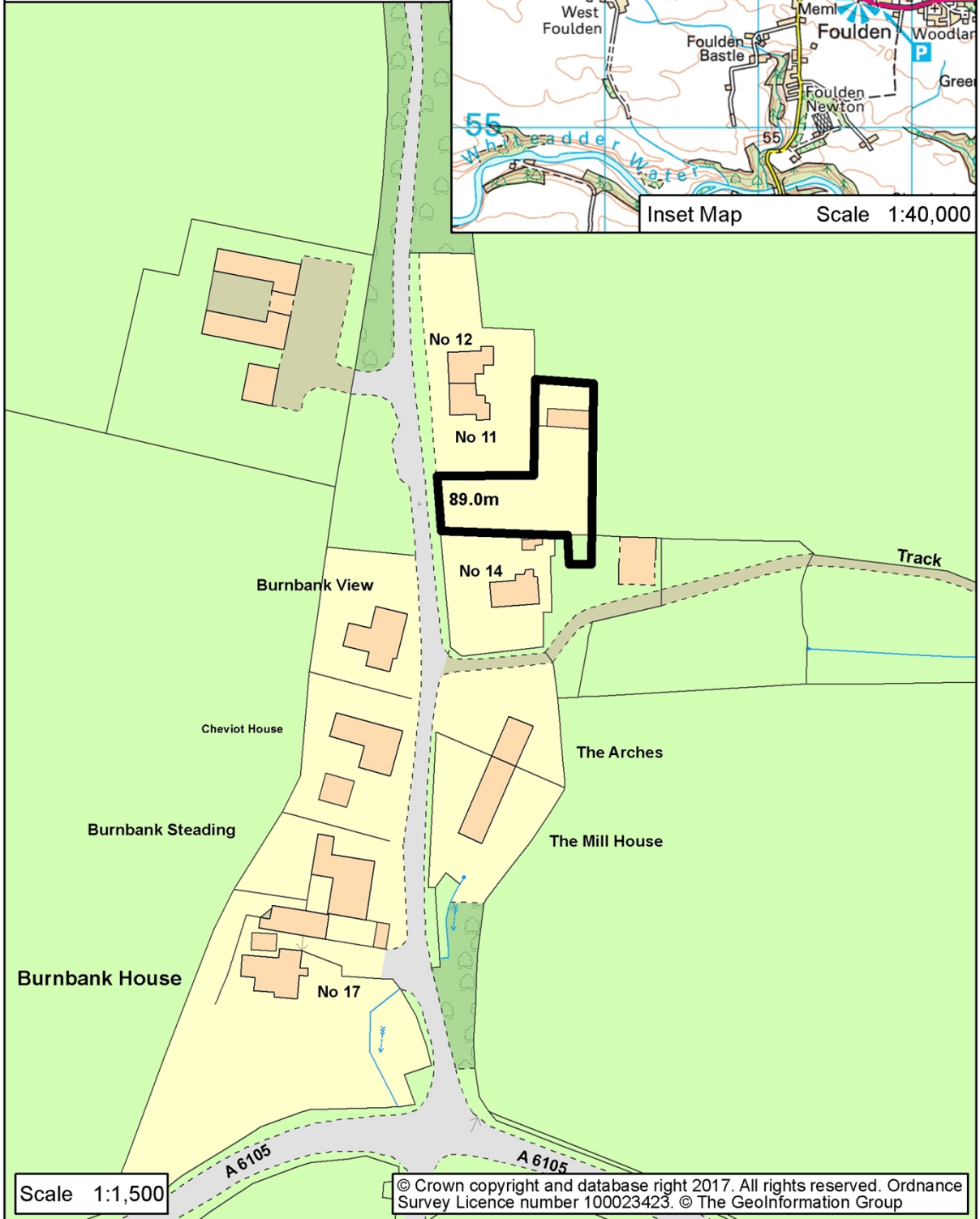
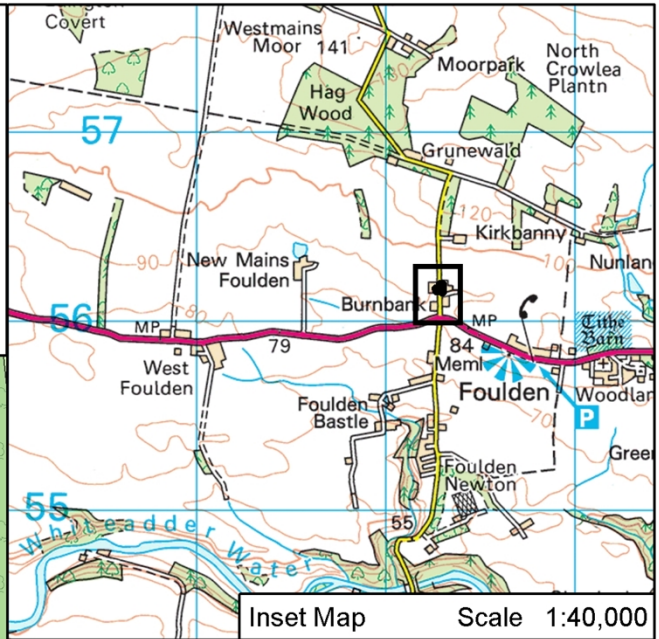
Author(s)

Name	Designation
Paul Duncan	Assistant Planning Officer



17/00612/PPP

Land South East Of 11
Burnbank Holding
Foulden



Scale 1:1,500

© Crown copyright and database right 2017. All rights reserved. Ordnance Survey Licence number 100023423. © The GeoInformation Group