

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

2 OCTOBER 2017

APPLICATION FOR PLANNING PERMISSION

ITEM: 17/01055/PPP
OFFICER: Andrew Evans
WARD: Leaderdale and Melrose
PROPOSAL: Erection of dwellinghouse
SITE: Land South And East Of The Schoolhouse, Blainslie, Galashiels, Scottish Borders
APPLICANT: Mr Nicholaus Green
AGENT: None

CONSIDERATION BY PLANNING AND BUILDING STANDARDS COMMITTEE

The application is presented for consideration by the Planning and Building Standards committee due to the submission of a "Member Referral" Form, countersigned by 5 elected members. The material planning reasons for this referral are stated as being:

"The determination of this application is likely to revolve around Housing in the Countryside policies and the nature and extent of an existing building group. It is considered that the decision will benefit from an open debate of the issues by the Planning Committee."

SITE DESCRIPTION

The site is located to the south of Nether Blainslie and measures just under a hectare in area. The site is outwith the development boundary of Blainslie set out in the Scottish Borders Local Development Plan (2016). The land to the rear (south and east) of the site is notionally agricultural land; however it is understood not to be in agricultural use at present. The "Old School" and "Old School House" detached dwelling houses sit adjacent and to the north east corner of the site, adjoining the minor road to the west, with an agricultural track running east to west along the northern side of these existing dwellings.

The application site is generally level, with a modest slope away from the minor Blainslie road that runs north to south along the western boundary of the site. Small watercourses follow both the northern and southern perimeter of the site. South west of the site is located the "mid-dubs" bridge over the minor Blainslie road.

PROPOSED DEVELOPMENT

The application seeks planning permission in principle for the erection of a single dwellinghouse, garage and associated outbuildings. No exact details of the house design are given; however an indicative plan accompanies the application, showing a house positioned in line with, and down slope from, the buildings at "The School" and "The School House".

PLANNING HISTORY

Application 05/00880/OUT, for erection of a dwelling on this site was refused by the then Eildon Area Committee for the following reason:

"The proposal is contrary to policies H5 and H6 of the approved Structure Plan, policies 7 and 8 of the Ettrick & Lauderdale Local Plan and the Housing in the Countryside Policies and Guidance Note in that the site lies outwith any settlement or building group and the need for the house has not been adequately substantiated."

REPRESENTATION SUMMARY

Members are reminded that all comments received to the application are available to view in full on the Public Access website. No objections were received to the application. A substantial body of written and emailed support was lodged to this application. At this time of the finalisation of this report, a total of 15 separate supportive emails had been lodged.

This included a submission from the immediate neighbours who wrote to advise they considered the proposed development acceptable.

Several of the submissions simply selected the option "*Customer made comments in support of the Planning Application*" and then made no further comment. Of the contributors who did comment in further detail, a summary of the submitted comments would be as follows:

- Actively support appropriate residential development in our proximity.
- This application does meet with local planning policy
- This is an appropriate residential development for Blainslie
- The house will contribute to the long term sustainability of the community.
- The proposal makes good use of the plot
- In time the proposal will minimize the pressure on home buyers in the area due to a family home shortage.
- The proposals outlined within the application are modest but sensitive to the site and considerate to its neighbours.
- There is a strong emphasis on environmental sustainability.
- The proposals appear sympathetic to planning policy.
- This is exactly the sort of development that should be strongly encouraged by the local authority.

APPLICANTS' SUPPORTING INFORMATION

Correspondence was received from the applicant, clarifying the following points:

- Supporting Statement: This sets out in depth the applicant's consideration of the site, in terms of issues and planning policies applicable.
- Trees: An overview tree survey and Arboricultural Assessment was undertaken by Donald Roger Associates Ltd. The applicant also confirmed mature trees principally fall on the boundary edges of the plot rather than within it, therefore it is not envisaged that any trees will need to be removed in order to develop out the site for the proposed use.
- Development contributions: The applicant confirmed that the identified contributions would be met via legal agreement.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: The Roads Planning Service has previously recommended refusal of new dwellings served directly off the minor public road. However Roads Planning is able to offer support to this proposal given its close proximity to the minor D class road which links onto the A68. The following must be included in any subsequent detailed application:

- The access to the site to be by way of a service layby DC-3.
- Two parking spaces, not including any garaging, and turning to be provided within the curtilage of the site.
- Visibility splays of 2.4m by 120m be provided in either direction at the junction onto the public road.

Education: The site is located within the catchment area for Lauder Primary School and Earlston High School. A contribution of £7,463 is sought for the Primary School and £3,428 is sought for the High School, making a total contribution of £10,891.

Archaeology: There are potential implications for this proposal, however the Archaeology Officer does not feel these merit mitigation. There is a low potential that sections of a nearby Roman Road will exist within the property, along with evidence of quarrying. It is recommended that an applicant informative is added to any grant of consent in the event that potential archaeological deposits or features are encountered.

Access Officer: According to our records there are no known Core Paths / Promoted Paths / Rights of Way that are directly affected by this proposal. The Access Team have no objections to make regarding the application.

Ecology Officer: The site appears from aerial imagery and the photographs provided to consist of poor semi-natural or improved grassland with mature broad-leaved trees and hedgerow around the boundary. Habitats within the site have potential to support protected species such as bats, badger and breeding birds.

It is recommended that a proportionate Ecological Impact Assessment and Species Protection Plans are required to be submitted to and approved in writing by the Planning Authority before development.

Flood Protection Officer: Review of the application shows that the proposed site is out with SEPA's 1 in 200 year flood extent. However, there are small watercourses following both the northern and southern perimeter of the site which are a potential source of flood risk. Review of the information provided with the application shows that the area proposed for development is some distance away from small watercourse(s) so the FPO has no objection on the grounds of flood risk. It is recommended that ground levels surrounding the dwelling be designed to convey overland flow away from the development and drainage measures should be considered to intercept overland flow.

The applicant should be made aware that flooding can occur from other sources including run-off from surrounding land, blocked road drains, surcharging sewers and blocked bridges and culverts.

Landscape Architect: On landscape and visual grounds there are no serious concerns about a dwellinghouse in this location, if the existing boundary trees can be maintained and enhanced and a scheme of planting is developed to ensure that the character of the immediate local area is not lost, including the character of the minor road. If these issues are addressed satisfactorily, the Landscape Architect would not object to a house being developed at this location.

Statutory Consultees

Lauderdale Community Council: No response.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

PMD1 – Sustainability
PMD2 – Quality Standards
PMD4 – Development Outwith Development Boundaries
HD2 – Housing in the Countryside
HD3 – Protection of Residential Amenity
EP8 – Archaeology
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

Other considerations:

Supplementary Planning Guidance
New Housing in the Borders Countryside
Placemaking and Design
Privacy and Sunlight
Trees and Development

KEY PLANNING ISSUES:

Whether the erection of a dwellinghouse on this site would represent a logical extension of the Nether Blainslie settlement boundary and whether the proposed development would be well related to an established building group in the countryside.

ASSESSMENT OF APPLICATION:

Principle

It is noted that the site is positioned outwith the development boundary for Nether Blainslie as set out in the Scottish Borders Local Development Plan (LDP) (2016). The development boundary, supported by Policy PMD4 of the LDP indicates the extent to which the settlement should be allowed to expand during the LDP period. Development should be contained within this boundary unless strong reasons have been provided that an exceptional approval beyond this boundary can be supported. Members should be aware that no such justification has been provided in this case. The LDP sets out that housing allocations or areas for longer terms development for

Nether Blainslie are not provided, and that any new development will be limited to infill development opportunities.

The current planning application therefore requires to be considered principally in terms of Policy HD2 (Housing in the Countryside) of the LDP and in terms of the current Supplementary Planning Guidance (SPG) on New Housing in the Borders Countryside. Also relevant is the approved SPG on Householder Development, and Development Contributions.

Policy HD2 aims to support new rural housing where it is associated with existing building groups of three or more houses or buildings currently in residential use. The policy sets a maximum of 2 additional dwellings at any given building group within the LDP period, or a 30% increase, whichever is greater. In this case however, as there are only 2 existing dwellings (The School and The School House) located within an identifiable sense of place it is considered that a building group does not exist at this location.

Applicants supporting assessment of building group

In support of the application, the applicant lodged an additional planning statement, including mapping of his interpretation of the building group. It is noted that the applicant has also undertaken significant research into the history of "The School" and "The School House".

The applicant has also included an assessment of the nearby "New Blainslie Farm" building group, for purposes of comparison in terms of the dimensions of the overall building group here, and the proposed site adjoining The Schoolhouse. The New Blainslie Farm building group has an overall dimension of 358m across its dwellings and the applicant has compared this distance, to the current site, to include the dwelling known as Woodlea the dwellings at South Blainslie and Wineburgh.

The applicant's suggested building group is best demonstrated in the submitted site drawing Appendix 4 (Building Group) which can be viewed on the *PublicAccess* website.

Section 5.5 of the supporting statement sets the applicants interpretation of the extent of the building group and includes surrounding housing north and south of the site "some with associated grass paddocks". This is considered to be a generous interpretation of the LDP policy and SPG. It is considered that the paddock adjoining the nearest house to the south and the Blainslie road add to the degree of separation of buildings, to the extent that no building group exists at this location.

Planning service assessment of building group

In terms of assessment against the adopted policies and guidance, it is considered that the proposed plot is considered to be too far divorced from neighbouring dwellings that would constitute a building group under Policy HD3 of the LDP. As there are only 2 existing dwellings at this location it is contended that no building group is present at this location.

The applicant's interpretation of the building group is reliant on the wording in the 2008 SPG on New Housing in the Borders Countryside that "*Natural boundaries should take precedence over man-made boundaries when defining the extent of a building group*". However that is not to the absolute exclusion of man-made boundaries.

The position of the application site in terms of "The School" and "The School House" is noted. However, regardless of whether these are considered one, or two houses, the position remains that together they do not amount to a building group; they are a discrete grouping of 2 houses, separate from housing to the south. The planning authority also notes the position of the "Kitty Burn", the nearest dwelling to the south and the public road. There are small watercourses following both the northern and southern perimeter of the application site, and an intervening road. The distance between buildings, separated by means of small burns, hedging, land, and the public road lead to a conclusion that the two houses at the old school are not part of a building group with the existing housing to the south.

The relationship between the buildings at New Blainslie Farm and the application site differs significantly as the buildings at New Blainslie straddle both sides of a minor track serving the farm. This contrasts with the situation at the application site where the applicant has claimed the building group straddles the Blainslie road.

It should be noted that the dwellings at The School and The Old School House were considered to be a single dwelling when assessed under the 2005 application (05/00880/OUT). The applicants supporting statement explains in great depth the history to the dwellings at the school and the occupation of both houses. Following the closure of the School, the building was retained in a state capable of being two dwellings, but it is understood to have been occupied as a single house in the past.

However it is contended that the application site is only well related to these two existing neighbouring dwellings at the Old School / School House. The nearest other housing is, as mentioned above, to the south of the site clustered around Woodlea and is separated from the application site by intervening field boundaries, a burn, the existing road, mature trees, a paddock and a change in level. Woodlea is the closest of the houses to the south to the application site, and with South Blainslie and Wineburgh beyond. These dwellings are considered too remote from The School, The School House, and the application site to be considered part of an established building group within an identifiable sense of place.

Impact on Residential and Neighbouring Amenity

Policy HD3 of the Scottish Borders Local Development Plan sets out that residential amenity will be afforded protection. The Council has adopted supplementary planning guidance on Householder Development which sets out standards for privacy and amenity. In the case of these current proposals, it is considered that a suitably designed dwelling could be accommodated on the site without unacceptable adverse impacts on the residential amenity of neighbouring dwellings ensuring compliance with Policy HD3 and the Council's SPG.

Impact on traffic and road safety

Members will be aware that the Roads Planning Service previously recommended refusal to new dwellings served directly off the C76 given the deficiencies of the road, however they are able to offer support to this proposal given its close proximity to the D4/4 which links onto the A68. This allows for a relatively short length of minor road before vehicles can enter the main road network.

Should Members be minded to approve this application, conditions ensuring the provision of an access service layby; provision of two parking spaces, not including any garaging, and turning within the curtilage of the site; and provision of visibility

splays of 2.4m by 120m be provided in either direction at the junction onto the public road are required.

Trees, Woodland and Hedgerows

Policy EP13 of the LDP on Trees, Woodland and Hedgerows sets out that existing trees and hedgerows will be protected. A dwelling in the site proposed may require removal of further hedging to permit visibility.

A tree survey was forwarded by the applicant and concludes that:

“Based on the initial site observations, it would be feasible to construct a house without any adverse impact on the extant tree cover. This could be retained intact and indeed this is the desire of the applicant. There exists adequate space to accommodate a dwelling outwith the root protection areas and canopy spread of the trees along the north boundary. No trees need be removed or impacted on to achieve this. Should permission be granted in principle, a detailed tree survey and Arboricultural Implication Assessment would be prepared in line with BS 5837:2012 to support the detailed application. This would address in detail the issue of tree protection.”

It is also noted that the RPS engineer has made suggestions in terms of the need for a condition to require provision of a suitable visibility splay at the access. This potentially would impact on hedge cover. The submitted Arboricultural assessment considered this matter, concluding:

“Minimal cutting back of overgrown blackthorn bushes will be required to achieve the required visibility splay and form a lay-by. This will not be significant and well-established growth to the rear will be retained and continue to provide screening.”

It is clear that a dwelling could be accommodated within the application site, in a manner not adversely impacting upon adjoining trees. A house could be located towards the centre of the site, whilst still in compliance with the relevant policies and guidance on tree protection. However this has not been established in sufficient detail in this application, the application being in principle. Whilst the comments of the Council Landscape Architect were outstanding at the time of the finalisation of this report, were the application otherwise agreeable, it would have been possible to condition this issue, and ensured that any detailed design demonstrate impacts on and compatibility with surrounding trees.

Archaeology

Policy EP8 of the Local Development Plan sets out the Council position in terms of Archaeology. In the case of this application, the Archaeology Officer advises that are potential implications for this proposal, however he does not feel these merit mitigation. Members are reminded that the potential for archaeology could be handled via an applicant informative note in the event of an approval. This will ensure compliance with Policy EP8 of the LDP.

Access

Policy IS5 of the LDP seeks to protect Access Routes. However, according to the records of the access service, there are no known Core Paths or Promoted Paths / Rights of Way that are directly affected by this proposal. The Access Team

therefore have no objections to make regarding the application. The application is considered not to conflict with Policy IS5 of the LDP.

Ecology

The Ecology Officer advises that habitats within the site have potential to support protected species such as bats, badger and breeding birds. The boundary trees may also have potential to support bats and their roosts. If mature trees are to be felled they must be surveyed for bats and mitigation must be incorporated into a Species Protection Plan.

Should Members resolve to approve this application it is recommended that a condition is added requiring an Ecological Impact Assessment and Species Protection Plans are submitted to and approved in writing by the Planning Authority prior to the commencement of development.

Flooding

The Council Flood Protection Officer advised that the proposed site is outwith SEPA's 1 in 200 year (0.5% annual probability) flood extent. However, there are small watercourses following both the northern and southern perimeter of the site which are a potential source of flood risk.

In the event of an approval, and in order to ensure compliance with Policy IS8 of the LDP it is recommended that ground levels surrounding the dwelling be designed to convey overland flow away from the development and drainage measures should be considered to intercept overland flow. It is also recommended that the applicant should be made aware that flooding can occur from other sources including run-off from surrounding land, blocked road drains, surcharging sewers and blocked bridges and culverts. These matters can be covered by suitably worded applicant informatives.

Water Supply and Drainage

Policy IS9 of the LDP covers waste water treatment standards and sustainable urban drainage. Water and drainage services would require confirmation in due course, and this could be ensured via standard planning condition, if the application is approved.

It would appear from the supporting information that the site can be adequately serviced however as the application seeks planning permission in principle only at this stage it would be appropriate to add a suitably worded suspensive planning condition should Members be minded to approve the application.

Development Contributions

Policy IS2 of the LDP is relevant and is supported by our approved SPG on development contributions. In the case of this current application, contributions have been identified in terms of Lauder Primary School and Earlston High School. Currently, a contribution of £7,463 is sought for the Primary School and £3,428 is sought for the High School, making a total contribution of £10,891 (these are index linked and subject to annual variation). The site is also located within the Borders Railway contribution area, and a contribution in terms of the reinstatement of the railway would also apply to this application.

The applicant has confirmed willingness to enter into the required section 75 legal agreement to cover settlement of development contributions.

CONCLUSION

It is considered that the proposed development would be contrary to policy PMD4 of the LDP, in that the proposed development would be located outwith the Nether Blainslie Development Boundary, and no justifiable reason for an exceptional approval has been advanced.

Furthermore, the proposed development of a single dwelling at this site would be contrary to policy HD2 of the LDP and approved New Housing in the Borders Countryside SPG in that the proposed development would not form part of an established building group of three or more dwellings.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is refused for the following reasons:

1. The proposed development would be contrary to policy PMD4 of the of the Scottish Borders Local Development Plan (2016), in that the proposed development would be located outwith the Nether Blainslie Development Boundary, and no suitable reason or justification for an exceptional approval has been advanced. The development of this site would set an undesirable precedent for new housing outwith development boundaries
2. The proposed development would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and supplementary planning guidance on New Housing in the Borders Countryside (2008), in that the proposed development would not be well related to an existing building group of three houses or buildings currently in residential use. The proposed development would set an undesirable precedent for new housing in the countryside outwith established building groups.

DRAWING NUMBERS

Reference	Plan Type	Received
APPENDIX 1	LOCATION PLAN	27 Jul 2017
APPENDIX 2	LOCATION PLAN (A)	27 Jul 2017
APPENDIX 3	SITE ACCESS	27 Jul 2017
APPENDIX 4	BUILDING GROUP	27 Jul 2017
APPENDIX 5	SITE BLOCK PLAN AS EXISTING	27 Jul 2017
APPENDIX 6	SITE BLOCK PLAN INDICATIVE PROPOSAL	27 Jul 2017
APPENDIX 7	NEW BLAINSLIE FARM BUILDING GROUP	27 Jul 2017
APPENDIX 12	BUILDING GROUP DIMENSIONS	27 Jul 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

Name	Designation
Andrew Evans	Planning Officer

