

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 16/00709/FUL

**To : Dr John Williams And Mrs Simone Lyon per Stuart Davidson Architecture Design Studio 32
High Street Selkirk Scottish Borders TD7 4DD**

With reference to your application validated on **13th June 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

at : Walled Garden North Of Coitquoit Macbiehill West Linton Scottish Borders

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 4th January 2018
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Depute Chief Planning Officer

APPLICATION REFERENCE : 16/00709/FUL**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
	Site Plan	Approved
	Floor Plans	Approved
	Elevations	Approved

REASON FOR DECISION

Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 No development shall commence until a sample of all materials to be used on all exterior surfaces of the development hereby permitted has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 Unless otherwise agreed in writing, no development shall commence until, a scheme is submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been approved, by the Planning Authority, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

- 4 The upper floor windows on the North West elevation of the development (annotated as west on the approved plans) shall be fitted with obscure glazing, the precise details of which shall first be submitted to and agreed in writing by the local planning authority. The approved glazing shall be installed before the accommodation hereby approved is brought into use and shall thereafter be retained in perpetuity.
Reason: To protect the amenity of neighbouring properties
- 5 The glass on the south west elevation shall be non-reflective and the glazing units should be designed to reduce any artificial light emissions. No development shall commence on site until the precise specifications of the glass and units has been submitted to and approved by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
Reason: To reduce any potential impact of glare and light pollution on the scenic quality of the area.
- 6 The dwelling shall not be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 7 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works

- v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.
- Reason: To ensure the satisfactory form, layout and assimilation of the development.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:
SEPA Galashiels, Burnbrae, Mossilee Road, Galashiels, Borders, TD1 1NF, Tel - 01896 754797

- 2 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:
Monday-Friday 0700-1900

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/00709/FUL

APPLICANT : Dr John Williams And Mrs Simone Lyon

AGENT : Stuart Davidson Architecture

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Walled Garden North Of Coitquoit
Macbiehill
West Linton
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
	Site Plan	Approved
	Floor Plans	Approved
	Elevations	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Archaeologist: No objection. There are no known archaeological implications.

Education: Contributions required for Peebles High School - £1051.

Contaminated Land Officer: No objection. There is an indication within the application that the site has had agricultural use. Recommends a condition in respect of surveys.

Environmental Health: No objection subject to conditions relating to private drainage system

Roads Planning: No objection

SEPA: No objection

Community Council: No response to date

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016
PMD1 - Sustainability
PMD2 - Quality Standards
HD2 - Housing in the Countryside
HD3 - Protection of Residential Amenity
IS2 - Developer Contributions
IS7 - Parking Provision and Standards

Supplementary Planning Guidance
New Housing in the Borders Countryside
Placemaking and Design

Recommendation by - Lucy Hoad (Planning Officer) on 12th August 2016

Proposal

This application seeks full planning consent for the erection of a single dwelling house within an established building group located at Macbiehill, West Linton. The application is accompanied by detailed plans, elevations and a design statement.

Site

The site, now derelict, is a former walled garden area, located between the existing steading conversions and a modern 2 storey dwelling known as Coitquoit. Access to the site is to be taken from a tree-lined private track off an unclassified public road, 300m to the north east of the group. The site contains a former greenhouse which is to be retained. A garage on the outer/south east elevation of the garden wall is also to be retained.

History

It is noted that an application for a dwelling at Macbiehill Farm was recently refused in June 2017 due to the proposed site lying outwith the confines of the group (17/00530/FUL).

Principle of development

There is an established building group at Macbiehill and housing up to a total of 2 or 30% may be approved whichever is greater during the current Local Plan period. Taking into account the number of dwellings in the group there is potential for 2 No more dwellings during the current local plan period in compliance with policy HD2.

The proposed site, positioned centrally within the group is considered to be well-related to the building group, and therefore a suitable infill site, subject to design and amenity considerations.

Design and layout

The proposed size and layout of the site is acceptable, providing sufficient space for the dwelling, a greenhouse, amenity/green space, drive and parking area for 3 No vehicles. The house is to be positioned in the south west end of the site. The existing access is to be retained and upgraded, with use of pervious paving blocks for the parking/drive area.

The design of the dwelling is contemporary in nature, being 2 storey at its highest point 6.7m, displaying a curved roof line, the layout split into two with a higher and lower section divided by a feature spine wall made of natural stone. The roof will be constructed of zinc standing seam panels. Natural stone and zinc features are to be used elsewhere on the building with the remaining walls finished in render. The southern elevation will be mainly glazed panels to take advantage of solar gain. The windows on remaining elevations are narrow in design. The frames of the windows and doors are to be powder coated aluminium, no colour detailed.

The layout of the house will provide a kitchen, dining area, bedroom bathroom, and small study at ground floor level, with a lounge, library and bedroom/ensuite at upper floor level.

The design statement sets out the rationale/context for the form of the dwellinghouse that takes influence from the agricultural barns that were previously sited at this location/now removed, with the house orientated to take advantage of views to the south west.

In terms of design there are two main points of consideration - the curved roof and the dominance of glass on the southern elevation. Although the roof is unusual in style, the curved design draws reference from the shape of the roof of the former barns on site, reflecting the agricultural nature of the surroundings. In views from the private roadway, the roof (grey zinc) curves down to the lower eaves level, and this particular view/orientation of the dwelling, will allow the appearance of the building to visually recede, on approach to the building group. Within this group, there is evidence of modern design, with a contemporary approach taken in the alterations and extensions to the neighbouring farmhouse. In addition, the presence of the woodland strip on the site boundary will soften the appearance of the building in wider views. The use of a specific anti-reflective glass (Pilkington Optiview) in the feature window elevation would reduce the potential glare effect in any long views into site from the surrounding countryside and road network.

The proposed dwelling, contemporary in design, is an improvement to the earlier structures on site. In terms of massing and scale the proposed dwelling is considered to be visually acceptable at this rural location. The proposed external materials are appropriate for the character of the group; however a condition is advised in order to agree samples prior to works. Only the upper floor will be partially visible from within the group, given the height (2.5m) of the surrounding boundary walling. The group itself lies at a distance from the public road network and the site will be partially obscured from this viewpoint by the existing vegetation/trees.

On balance, whilst innovative in design, taking into account the former history and agricultural style of the group, the house is considered to be suitable at this location, merging into the landscape in wider views. Visually the proposed development is deemed to be acceptable, in compliance with Policy PMD2.

Amenity

No response has been received to date from the community council. With regard to privacy to neighbouring households, there should be no overlooking stemming from the lower floor windows of the property given the presence of boundary walling to 2.5m in height. There are 2 windows on the north west elevation facing the converted steading, one belonging to a bedroom, the other a bathroom. It is recommended that obscure glazing be used for the bedroom window on this elevation to prevent any overlooking of the neighbouring property. It is noted that the room has an additional window to south west elevation. There are 4 windows on the south east elevation facing the gable elevation of Coitquoit, which displays a store outbuilding. Two windows belong to the lounge, one to the w.c. and the other to the library. It is noted that there is mature hedging/trees between the boundaries of the properties providing an element of screening. There is no loss of light to neighbours stemming from the proposals. No comments or objections have been received from neighbouring properties, and there have been no other representations received on this application.

Contaminated Land

Given the previous use of the site as agricultural land the Environmental Health Officer has recommended a survey be undertaken prior to any works commencing on site, and this can be dealt with via a condition and informative.

Access and parking

Access to the site is to be taken from the long private access off the minor public road to the north east. The Roads officer has confirmed that he has no objections to the development. There is adequate room for parking provision within the site. No mitigation is sought.

Services

It is proposed to connect to the public mains water supply and to provide private drainage arrangements with a septic tank/soakaway. Scottish Water assesses connections to the public network on receipt of technical details. SEPA has advised that they have no objections to the development subject to soil porosity tests. The Environmental Health Officer has advised a condition in respect of maintenance of the drainage system. The drainage proposals will require to be assessed by the Building Standards Officer via the building warrant process. A condition is advised to ensure drainage works are undertaken prior to occupation of the dwelling. An informative is advised in relation to SEPA's regulatory requirements.

Legal Matters

The Education Department has sought developer contributions in respect of school provision and a legal agreement is required in this instance.

Summary

On balance, taking into account the context of the surroundings, the proposals are considered to be visually acceptable in terms of design, scale and materials, an improvement on the current derelict site. Given the property's location the proposal would not be unduly prominent in the wider landscape, and would not harm the visual amenities of the area.

REASON FOR DECISION :

Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions

Recommendation: Approved - conditions, inform & LA

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and thereafter

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c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).

d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.

e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer

before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

- 4 The upper floor windows on the North West elevation of the development (annotated as west on the approved plans) shall be fitted with obscure glazing, the precise details of which shall first be submitted to and agreed in writing by the local planning authority. The approved glazing shall be installed before the accommodation hereby approved is brought into use and shall thereafter be retained in perpetuity.
Reason: To protect the amenity of neighbouring properties
- 5 The glass on the south west elevation shall be non-reflective and the glazing units should be designed to reduce any artificial light emissions. No development shall commence on site until the precise specifications of the glass and units has been submitted to and approved by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
Reason: To reduce any potential impact of glare and light pollution on the scenic quality of the area.
- 6 The dwelling shall not be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 7 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.
Reason: To ensure the satisfactory form, layout and assimilation of the development.

Informatives

It should be noted that:

- 1 Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:
SEPA Galashiels, Burnbrae, Mossilee Road, Galashiels, Borders, TD1 1NF, Tel - 01896 754797
- 2 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they

can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

“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 : 16/01319/FUL

To : Mr And Mrs D Gold per Kanak Bose Ltd Ogscastle Roman Road Carnwarth ML11 8NE

With reference to your application validated on **19th October 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse with attached garage and workshop

At : Land North West Of Alderbank Machiehill West Linton Scottish Borders

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

Dated 15th December 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed



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Chief Planning Officer

APPLICATION REFERENCE : 16/01319/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
OGS173 01 REVD	Location Plan	Refused
OGS173 02 REVD	Block Plans	Refused
OGS173 03 REVC	Floor Plans	Refused

REASON FOR REFUSAL

- 1 The proposals do not comply with Local Development Plan Policy HD2 and the Supplementary Planning Guidance on New Housing in the Borders Countryside as the site is located outwith the recognised boundary of the existing building group which is the natural slope between the site and Alderbank. It is in an undeveloped field at a higher level and it does not relate well to the existing group in terms of location and design.

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.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01319/FUL

APPLICANT : Mr And Mrs D Gold

AGENT : Kanak Bose Ltd

DEVELOPMENT : Erection of dwellinghouse with attached garage and workshop

LOCATION: Land North West Of Alderbank
Macbiehill
West Linton
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
OGS173 01 REVD	Location Plan	Refused
OGS173 02 REVD	Block Plans	Refused
OGS173 03 REVC	Floor Plans	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultation Responses
Education
Contributions required for Peebles High School

Roads Planning

My comments to the previous application (16/00835/FUL), which was withdrawn prior to determination, are applicable to the current application and I have copied them below for your information.

However, I would add that the workshop must be for the ancillary purposes of the proposed dwelling and should not be used as a commercial business.

No objections in principle for this new dwelling which is to be accessed via the existing private road. The parking and turning area must be properly consolidated prior to occupation of the dwelling and the parking retained in perpetuity.

It should be noted that if approved, this proposal will not result in the threshold being breached for the number of new builds served by a private road. As far as I can see, this unit would constitute the 3rd new dwelling served by the private road if it is approved as application 12/00205/AMC is deemed to have lapsed and application 16/00709/FUL is yet to be determined at the time of writing this report.

Environmental Health

No objections subject to conditions relating to private drainage and water supply and an Informative relating to the use and maintenance of the proposed stove and the drainage system.

SEPA

There appears to be limited detail of the drainage arrangements. We do note the presence of a septic tank marked on one of the drawings however there are no details of the discharge. Assuming the discharge is to a mounded or closed soakaway SEPA has no objection to this proposal.

The waste water drainage proposals will require authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).

Our preference would be that all the technical information required for all permissions and licensing is submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising.

Coal Authority

Standing advice should be placed on any consent notice.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

PMD1 - Sustainability

PMD2 - Quality Standards

HD2 - Housing in the Countryside

HD3 - Protection of Residential Amenity

EP13 - Trees, Woodlands and Hedgerows

IS7 - Parking Provision and Standards

Supplementary Planning Guidance

Placemaking and Design

New Housing in the Borders Countryside

Landscape and Development

Recommendation by - Dorothy Amyes (Planning Officer) on 12th December 2016

The application site is located on higher ground to the north west of the property known as Alderbank at Macbiehill. It is proposed to erect a one and a half storey dwellinghouse on the site.

The dwellinghouse will be located towards the south eastern corner of the site and access will be via an existing track. It is proposed that the dwellinghouse will be L shaped with an integral garage and workshop. The building will have a pitched roof with a ridge height of approximately 6.5m and there will be large areas of glazing on the southwest facing elevation. The external materials are to be slate on the roof and render on the walls. There will be a short length of hedgerow between the proposed house and Alderbank and further planting along the boundary of the proposed paddock area. Four parking spaces are shown adjacent to the house.

Any application for housing in the countryside must be assessed against the prevailing Local Development Plan, principally HD2 Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside. There is an existing building group at Macbiehill and housing up to a total of 2 or 30% may be approved whichever is greater during the current Local Plan period. The adjacent property, Alderbank was approved and built during the previous local plan period. A consent for a new dwelling to east of Alderbank details of which were approved in 2012 (12/00205/AMC) has now lapsed. There is currently an application under consideration for a new dwellinghouse within the walled garden to the south. If both the current applications were to be approved this would bring the number of new dwellings approved during the current Local Plan period to 2 which would comply with this part of the policy.

However, there are also other policy considerations in particular whether or not the site is well related to the existing building group. There have been a number of previous applications for all or part of this site that are relevant to this consideration.

In 2011 an application for a dwelling on almost the same part of the site as the current application (11/00197/FUL) was withdrawn as it could not be supported in planning policy terms. The main issue was that the site and dwellinghouse were considered to be too detached from the steading and building group by virtue of distance and level.

Later in 2011 a further application was submitted for a dwellinghouse with the footprint closer to the existing building group. This application was approved as it was considered that it related well to the existing building group and that the design was appropriate. The property is called Alderbank. However, as part of the consent a planting scheme was approved which is within the current application site and potentially the proposed footprint of the dwellinghouse would be partly within the proposed area of planting. Although it would appear that some planting has taken place this does not appear to be as extensive as shown on the plan submitted as part of the relevant condition. Over time and, if all of the planting had taken place, this would provide a strong edge to the building group. The current application indicates that additional tree planting will take place along the north western boundary of the site.

In 2014 a planning application (14/00994/FUL) was submitted for a dwellinghouse on the current application site but the footprint was located further north from the current site. Again the applicant was advised that this application could not be supported as the location of the house did not relate well to the existing building group and the application was withdrawn.

Earlier this year an application(16/00835/FUL) for a dwellinghouse on the site was withdrawn after the applicants were informed that the application could not be supported as it was considered that the site did not relate well to the existing building group.

The current application shows the house to be located closer to the new dwellinghouse called Alderbank yet it is still located at a higher level in an open field. The SPG advises that 'Sites should not normally break into previously undeveloped fields, particularly where there exists a definable natural boundary between the existing group and the field. Natural boundaries should take precedence over man-made boundaries when defining the extent of a building group.'

Alderbank is a single storey property located in a small hollow and it is considered that the small slope up to the field along the north western boundary of this property is a natural boundary that defines the extent of the building group. For this reason the proposed dwellinghouse does not comply with policy HD2 and guidance for housing in the countryside. It is considered that this natural slope provides a clear boundary to the building group and creates a sense of place at Macbiehill of a tightknit group of residential properties. It is considered that this boundary should be maintained any that any new development should be contained within the existing group.

In addition, the majority of the properties at Macbiehill are single storey, what is proposed is a one and a half storey property with a ridge height of 6.5m. Given the difference in levels as noted above, the new house will sit well above the existing houses and will not contribute to the sense of place created by the compact and low nature of the former farm steading buildings. It will appear to tower above the existing properties. It is accepted that the newer house, Coitquoit is an exception to this but this is at the opposite end of the building group and is well screened.

There is no reference in the proposals to the required planting which was agreed as a condition on the consent for Alderbank. An area of planting is shown along the north western boundary of the paddock site with the intention of creating a strong boundary feature. If this was approved it could have the effect of moving the existing natural boundary of the building group (the slope between the site and Alderbank) some distance to the north west and provide further potential house plots. It is policy to discourage linear developments of building groups which would occur if the current application and any future applications were approved.

A double beech hedge is proposed for a short distance along the entrance to two of the parking spaces. This will provide some screening in the long term. Although the house is closer to Alderbank than the previous applications, the proposal will not have a significant adverse impact on the residential amenity of the existing

residents. It is of a different design to any of the other individual houses within the building group and a design statement demonstrating the context for the design has not been submitted with the application.

There are no other issues relating to the proposal and the applicants are willing to enter into a legal agreement for the required development contributions towards Education and Lifelong Learning.

In conclusion, it is considered that the application cannot be supported as the proposed site is located in an open field beyond a recognisable boundary to the existing building group and there are no overriding reasons why an exception should be made in this case. It is therefore contrary to policy HD2 and the SPG on new housing in the countryside.

REASON FOR DECISION :

The proposals are not acceptable as they do not comply with Local Development Plan policy HD2 and Supplementary Planning Guidance on new housing in the countryside in that the site does not relate well to the existing building group as it is outwith the natural boundary of the building group formed by an area of sloping ground and it is at a higher level within an undeveloped field.

Recommendation: Refused

- 1 The proposals do not comply with Local Development Plan Policy HD2 and the Supplementary Planning Guidance on New Housing in the Borders Countryside as the site is located outwith the recognised boundary of the existing building group which is the natural slope between the site and Alderbank. It is in an undeveloped field at a higher level and it does not relate well to the existing group in terms of location and design.

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

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00530/FUL

APPLICANT : Mr And Mrs D Gold

AGENT : Kanak Bose Ltd

DEVELOPMENT : Erection of dwellinghouse with attached garage and workshop

LOCATION: Land North West Of Alderbank
Macbiehill
West Linton
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
DOCUMENT 1	Site Plan	Refused
DOCUMENT 2	Location Plan	Refused
DOCUMENT 3	General	Refused
OGS 173 30	General	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations received.

Consultations were carried out with: Roads - A number of applications have been made for this site and the comments made before still apply. No objections in principle for this new dwelling which is to be accessed via the existing private road. The parking and turning area must be properly consolidated prior to occupation of the dwelling and the parking retained in perpetuity. If approved, this proposal will not breach the threshold for the number of new builds served by a private road. This unit would constitute the 3rd new dwelling served by the private road (application 12/00205/AMC is deemed to have lapsed and application 16/00709/FUL is yet to be determined); Environmental Health - No objection. Proposals include a stove which could impact on public health if not properly installed and maintained; Education and Lifelong Learning - a contribution for Peebles high School would be required if granted; the Coal Authority - the site does not lie within the Development High Risk Area; SEPA - no objection.

No further assessments (ES; design statement etc.) were required.

If granted, a developer contribution would be required for education provision. Due to the low level of the contribution, it is unlikely that a section 75 would be required and it is more likely that the contribution would be secured by means of a section 69 agreement.

There are no Ministerial Directions on the site.

There is planning history associated with this site. This is summarised below.

11/00197/FUL Erection of dwellinghouse and detached garage Withdrawn 19 May 11
14/00994/FUL Erection of dwellinghouse and attached garage and workshop Withdrawn 4 Dec 14
16/00835/FUL Erection of dwellinghouse and attached garage and workshop Withdrawn 6 Oct 16
16/01319/FUL Erection of dwellinghouse and attached garage and workshop Refused 15 Dec 16

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

PMD1 - Sustainability

PMD2 - Quality standards

HD2 - Housing in the countryside

HD3 - Protection of residential amenity

EP13 - Trees, woodlands and hedgerows

IS7 - Parking provision and standards

Supplementary Planning Guidance

Placemaking and Design

New Housing in the Borders Countryside

Landscape and Development

The site is not strategic, therefore the policies contained within SESplan are not considered.

Recommendation by - Ranald Dods (Planning Officer) on 13th June 2017

The site is approximately 800m north of the A701 and is accessed from a private road some 300m long which runs westwards from the unclassified public road. Macbiehill is within the countryside and is in an elevated position, with the ground level rising from the A701. A number of properties lie to the south of the application site and, due to the topography, they are at a lower level than the application site. The eaves of the property immediately to the south east of the site (known as Alderbank) are roughly level with the ground level of the application site. The site itself is undeveloped land on which there is some planting and an area of gravel hardstanding. Beyond the site boundary lies rough grazing ground.

The proposal is to construct a single storey "L" shaped house with a pitched roof, the ridge of which would be approximately 5.2m above ground level. The south west elevation, which would be largely glazed, would be lined up with that of Alderbank. The two buildings would sit gable to gable and would be separated by approximately 13m. In terms of design and materials, the proposal would fit with Alderbank and the other properties to beyond. Solar panels would be located on the roof and there would be a stainless steel flue. Although it is not specifically mentioned on the drawings, it is assumed this would serve a wood burning stove. The applicant proposes boundary planting on the northwest and south west boundaries of the site. In addition, there would be an area of planting on the north east boundary.

That having been said, the principle of development on this site is not acceptable. Applications for housing outwith settlement envelopes must be assessed against the policies contained within the local development plan (LDP), the council's supplementary planning guidance and Scottish Government policy and guidance on development in the countryside. The principal policy within the LDP which relates to rural development is HD2.

There is an existing building group at Macbiehill and housing up to a total of 2 or 30% may be approved whichever is greater during the current Local Plan period. Alderbank was approved and built during the previous local plan period. There is currently an application under consideration for a new dwellinghouse within the walled garden to the south. If both the current applications were to be approved, this would bring the number of new dwellings approved during the current local plan period to two, which would comply with this part of policy HD2.

There are, however, other policy considerations which must be taken into account. In particular, the requirement that the council is satisfied that the site is well related to an existing building group. In addition, Scottish Government policy and guidance is clear that it is important to protect the countryside from suburbanisation and to ensure that new development is designed properly to fit within the landscape and surroundings.

There have been several previous applications, set out above, for development of a house on this site. A brief outline of those applications follows. In 2011 an application for a dwelling on almost the same part of the site as the current application (11/00197/FUL) was withdrawn as it could not be supported in planning policy terms. The main issue was that the proposed development was too detached from the steading and building group by virtue of distance and level.

Later in 2011 a further application was submitted for a house with the footprint closer to the existing building group. That application was approved since it related well to the existing building group and the design was acceptable. The property was subsequently constructed and is now known as Alderbank. Included in that permission was a planting scheme within the current application site and, potentially, the footprint of the proposed house would be partly within the area of planting associated with Alderbank. Although it would appear that some planting has taken place, this does not appear to be as extensive as shown on the plan submitted as part of the relevant condition.

In 2014 a planning application (14/00994/FUL) was submitted for a house on the current application site. The application was withdrawn after the applicant was advised that this application could not be supported as the location of the house did not relate well to the existing building group.

Two applications were submitted in 2016. The first (16/00835/FUL) was withdrawn after the applicants were informed that the application could not be supported. Again the proposed building did not relate well to the existing building group.

The second application (16/01319/FUL) was for a one and a half storey house. Although that proposal was more closely related to Alderbank, the difference in levels between the application site and Alderbank resulted in the principle of the development of this previously undeveloped site again being called into question. The council's supplementary planning guidance (SPG) on housing in the countryside states that 'Sites should not normally break into previously undeveloped fields, particularly where there exists a definable natural boundary between the existing group and the field. Natural boundaries should take precedence over man-made boundaries when defining the extent of a building group'.

Alderbank is a single storey property located in a small hollow and the small slope along the north western boundary of that property to the application site is a natural boundary that defines the extent of the building group. The application site lies in an area of undeveloped ground beyond that natural, defensible boundary. For this reason, the proposed dwellinghouse does not comply with policy HD2 and guidance for housing in the countryside. The slope on the north western edge of the site provides a clear boundary to the building group and creates a sense of place at Macbiehill of a tightknit group of residential properties. This boundary should be maintained and any new development should be contained within the existing group.

Although the application under consideration is for a single storey property, the difference in levels as noted above and the location outwith the existing building group, still creates a tension with policy and guidance. This will not contribute to the sense of place created by the compact and low nature of the former farm steading buildings and building group to the south. Instead, it will create a sense of development creeping into undeveloped land beyond the building group and will be at a considerably higher level.

There is no reference in the proposals to the required planting, which was agreed as a condition on the consent for Alderbank. An area of planting is shown along the north western and south western boundaries of the site, which would create a strong boundary feature. If implemented however, this would have the effect of moving the existing natural boundary of the building group (the slope between the site and Alderbank) some distance to the north west and provide further potential house plots. A double beech hedge is proposed on the boundary with Alderbank. This will provide some screening although it will take time to establish and, in any event, will not mitigate for the difference in levels between the two properties. It is council policy to discourage linear developments of building groups, which would occur if the current application and any future applications were approved.

The proposed house is closer to Alderbank than previous applications and, due to the orientation and fenestration of the building, the proposal will not have an adverse impact on the privacy of Alderbank. There will be a negative impact on the visual amenity of that property due to the level difference and a feeling of the proposed building being overbearing.

In conclusion, the proposed development is located in an open area of undeveloped ground which lies beyond a defensible boundary and outwith an existing building group. The proposal is contrary to policy HD2 and published guidance on new housing in the countryside. The applicant has advanced no material reasons to set aside the policies contained within the development plan and council and Scottish Government guidance.

REASON FOR DECISION :

The proposed development does not relate well to the existing building group. It is outwith the natural boundary of the building group and is at a considerably higher level than the adjacent house. The site is within an undeveloped field. The proposals do not, therefore, comply with policy HD2 of the Scottish Borders Local Development Plan. Further, it is contrary to Scottish Government and Scottish Borders Council guidance on new housing in the countryside.

The difference in levels between Alderbank and the application site and the proximity of the two buildings will result in an overbearing appearance. This will be detrimental to the amenity currently enjoyed by residents of Alderbank. The proposal is, therefore, contrary to policy HD3 of the Scottish Borders Local Development Plan.

Recommendation: Refused

- 1 The proposals do not comply with Local Development Plan Policy HD2 and the Supplementary Planning Guidance on New Housing in the Borders Countryside as the site is located outwith, and not well related to, the recognised boundary of the existing building group at Macbiehill which is the natural slope between the site and "Alderbank", breaking into an undeveloped field at a higher level.

The proposals do not comply with Local Development Plan Policy HD3 and the Supplementary Planning Guidance on Privacy and Sunlight in that the proximity and change in levels in relation to "Alderbank" would result in significant adverse effects on the residential amenity enjoyed by that property, creating an overbearing impression.

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