

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01685/PPP

APPLICANT : Mr John Huck

AGENT :

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land South Of The Bungalow
Blacklee Brae
Bonchester Bridge
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations.

Roads Planning Section: has no objections in principle, but detailed requirements that would need to be met within a detailed design and layout for the site, are identified, including the design and construction of a site access; the provision and achievement of visibility splays; and parking and turning provision for the accommodation of a minimum of two vehicles, excluding garages.

Environmental Health Section: no comments on historic land contamination, but has considered amenity and pollution impacts specifically with respect to air quality, drainage and water supply. With regard to air quality, advice with respect to the operation of wood burning stoves is provided; with regard to drainage and water supply, conditions are sought to require, or require evidence, of public mains service in both cases.

Education and Lifelong Learning: contributions toward Denholm PS and Jedburgh Grammar HS are identified.

Ecology Section: seeks prior to determination a bat survey with respect to all mature trees that require felling. Further, a survey for protected species including breeding birds and red squirrel would need to be carried out prior to the commencement of development on site. This would inform a mitigation plan for protected species and habitats as appropriate, including a Species and Habitats Protection Plan and incorporating details of enhancements for biodiversity.

Landscape Section: advises that it is unclear at this stage what form the development might take; and advises that any detailed application would need to be supported by a tree survey and arboricultural

impact assessment so that the implications for the existing tree cover can be assessed. Landscape is concerned though about the potential erosion of established landscape character, and would want some reassurance in that regard if this application were to proceed to the detailed stage.

PLANNING CONSIDERATIONS AND POLICIES:

LOCAL DEVELOPMENT PLAN - Adopted Scottish Borders Local Development Plan (2016)

PMD1: Sustainability

PMD2: Quality Standards

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and Sustainable Urban Drainage

SUPPLEMENTARY PLANNING GUIDANCE

- Placemaking and Design (2010)

- Development Contributions (2016)

- New Housing in the Borders Countryside (2008)

Recommendation by - Stuart Herkes (Planning Officer) on 14th February 2018

SITE DESCRIPTION, PROPOSED DEVELOPMENT AND PLANNING HISTORY

The site is a wooded area within the grounds of 'The Bungalow', a residential property which is bounded on three sides (north, east and west) by open fields and by the public road to the south. On the opposite side of the aforementioned road are existing dwellings and plots of land that have a recent history of planning consents for residential development within the building group at Cleuch Head.

The Applicant proposes to subdivide the grounds of 'The Bungalow' east-to-west, such that the house would be retained within the eastern half, while the western half, the application site, would be developed as a new and separate residential property.

Other than its inclusion within the curtilage of 'The Bungalow', the site has no planning history of its own. In its form, it predominantly has the character of a rectilinear agricultural shelter belt or estate woodland, but the trees themselves, while relatively mature, appear to be predominantly deciduous and/or ornamental varieties. Notwithstanding this, the appearance of the site is nonetheless predominately that of a wooded area, and this is its dominant character. Nonetheless the character of this woodland does change, if subtly, across the site, and mostly in an east-to-west direction, with more domestic and ornamental species of plants (such as rhododendrons) being more prominent to the east and to the south in the areas nearest to the house, the driveway and the road. These progressively give way in a westerly direction, to an area dominated by birch trees, which is less managed and more typical of a woodland. Some small incidental domestic buildings are sited among the trees in small clearings, but are very much accommodated within this woodland, the dominant land use. Boundary hedging additionally reinforces the clear distinction of this land from the fields to the north and west.

The land to the immediate south of the site, on the opposite side of the public road, has been the subject of a number of recent and successful planning applications: specifically and most recently, 12/00026/FUL; 12/01061/PPP; and 15/01239/FUL. The Reports of Handling on these applications either directly state (12/00026/FUL) or otherwise appear to imply (12/01061/PPP and 15/01239/FUL) that 'The Bungalow' was itself assessed at those times by the Planning Department, to be within a building group - either within a smaller one at Cleuchhead (five dwellings) or within Blacklee Brae (approximately twenty). On this basis, it is material to the determination of the current planning application that the Planning Department has previously, and recently, considered 'The Bungalow' to be within a building group.

PLANNING PRINCIPLE

The planning officers processing applications on the opposite side of the public road from the site, were not required, as I am here, to consider directly whether or not the specific development of an area of land within the grounds of 'The Bungalow', would be within and well-related to an existing building group. As such, I do not consider that the current assessment as to whether or not the development of the site would be a sympathetic addition to the building group is reasonably reduced to an acceptance of the previous positions of planning officers assessing the planning merits of different proposals in notably different contexts to the current one. Accordingly, I am clear that their acceptance of 'The Bungalow' as falling within the building group at Cleuch Head does not reasonably prejudice this current consideration of whether or not a second house on this land to the north of the road, would be an appropriate addition to the building group at Cleuch Head. A significant consideration though, is the relationship of 'The Bungalow' to the building group and the landscape setting of the latter.

'The Bungalow' prevails within a notably different context from the sites of the approvals to the south, in that it is not contiguous with any other existing or consented residential properties, and is surrounded - and bounded - by fields on three sides, and by the road on the fourth. Thus, despite its proximity to these other plots, it occupies a notably very different setting. It is, I consider, reasonably characterised as something of an outlier within the building group, being the only property to the north of the road, as well as surrounded by undeveloped fields on three sides. No other property within the building group inhabits this, or any equivalent situation. Taking account of its outlying position, allied to the extent and strength of definition of its boundaries with undeveloped fields, I am content that 'The Bungalow' is only reasonably understood vis-à-vis the building group, to be a salient, projecting into the countryside, with its own particular character. This in itself is something of a feature of the building group's form, while the woodland area that is accommodated on the site, simultaneously contributes to the definition and setting of this salient and provides some continuity and linkage between the areas either side of the road. Accordingly, rather than find its place within the established form and character of the building group, a second house in this location, would, I consider, be liable to contribute to the sense of detachment of the salient from the rest of the group, principally by extending the built-form further away from the principal line of houses, but also by 'hollowing out' the woodland area, which constitutes the setting of this area of the building group. The character of the salient would be greatly attenuated if not lost, with the imposition of what might also begin to feel more like a suburban street layout (with properties aligned on either side of a wider local road) than any settlement form that might be expected to have developed around the buildings and cottages of a rural farm steading.

For the above noted reasons, were the site now subdivided as proposed, I consider that a second dwelling would fundamentally change the character of the salient and surrounding area, resulting in two properties being established to the north of the road in an outlying situation, and in place of a coherent woodland area that currently contributes strongly to the rural amenity, landscape value and definition of the building group and surrounding area. The proposal would be an unsympathetic addition to the building group, which would extend the building group away from its principal grouping, and detract from the overall sense of place of the building group, being contrary to the group's established character and landscape setting. Accordingly, and taking account of the guidance of the Supplementary Planning Guidance on Housing in the Countryside (2008) and Place-making and Design (2010), I am content that 'The Bungalow' is only reasonably characterised as an outlier from the building group, and that any proposed accommodation of a second residential use of the site on this land would not be appropriately supported under the Council's Housing in the Countryside Policy (HD2) unless the specific need for it, were first justified in terms of a business' operational need for a dwelling to be sited in this precise location.

No such supporting business case has been provided in support of the planning application to demonstrate that the house is proposed to address a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside; nor that it would be accommodation for a worker who is both predominantly employed in such an enterprise and whose presence on-site is essential to the efficient operation of the same, or a person who was last employed in such an enterprise. The Applicant has not therefore demonstrated any requirement at all for a house in this location, and none of the additional advice provided is sufficient to satisfactorily outweigh the need for this application to be determined in strict accordance with planning policy. Consequently I consider that the application should be refused, specifically on the grounds that the proposal is contrary in principle to Policy HD2.

IMPACT ON WOODLAND

In the case of this particular site, a salient consideration is the impacts of the proposal upon the existing trees and woodland on the site. The woodland on the site is a valuable landscape feature, and contributes significantly to how the existing site relates to the rest of the building group. Account is reasonably had to the extent to which the woodland as a landscape feature is capable of retention on site in any meaningful form. As noted above in the previous section, the existing woodland area would certainly be impacted, and the introduction of a house onto the site in place of this existing character would in itself result in an unacceptably detrimental impact upon the character and sense of place of the building group. However, the substantial retention of the woodland trees themselves does offer some potential to mitigate the landscape and visual impacts of the proposal. Were the principle of this proposal otherwise considered to be acceptable, it would have been appropriate to have sought a tree survey to inform the development of the site, to allow that development might be accommodated in such a way as to minimise the impacts upon the existing trees and allow for as substantial a retention of the existing trees as possible.

Notwithstanding the Landscape Section's concern that a tree survey might be provided at the detailed application stage were the current application supported, I consider that the fact that the Applicant has not accounted for the impacts upon the existing trees within his proposal is in itself, objectionable, specifically in being contrary to Policy EP13, as well as relevant provisions within both Policy HD2 and Policy PMD2.

Policy EP13 Trees, Woodlands and Hedgerows advises that the Council will refuse development that would cause the loss of, or serious damage to, the woodland resource unless the public benefits of the scheme would outweigh the loss of landscape, ecological, recreational, historical or shelter value of the same resource. The same policy also requires the development to minimise adverse impacts upon woodland resources, with replacement planting being sought in the case of any unavoidable losses of trees.

The Applicant has not accounted for the impacts of his proposals upon the existing woodland, or identified any conservation or replanting merits, and therefore has not demonstrated that the proposal could be accommodated sensitively relative to the existing trees as a landscape resource. I acknowledge that it has not been clarified for the Applicant that he should have provided this in support of the current application. However, it would not have been appropriate to have put the Applicant to the further trouble and expense of commissioning a tree survey and report, given the above noted identification of the proposal as an unacceptable addition to the building group. However, and notwithstanding the potential for the matter to have been investigated ahead of the application's determination, the fact remains that without any informed understanding of what development of the site means with respect to the conservation of existing woodland and trees on the site, there exists potential for there to be unacceptable landscape and visual impacts, as well as unacceptable ecological impacts. The application is therefore necessarily also refused on this basis.

OTHER CONSIDERATIONS

In addition to requiring that the house be justified in its principle, Policy HD2 requires that the development should not otherwise have any unacceptable impacts upon the amenity and environment of the site and surrounding area. Policy PMD2 similarly requires, albeit more generally, that developments should have no unacceptable impacts in their specific form.

Roads' concerns with respect to the access, parking and turning areas appear capable of being addressed appropriately within the design and layout of a detailed proposal some attention is required as to the practicalities of whether or not the requisite visibility splays could be provided and maintained on land that would be within the control of the site's occupiers, or if land that would be retained with 'The Bungalow' would be involved, and if so, how this might be appropriately regulated.

Similarly, the public mains connections could be required or demonstrated along the lines Environmental Health is seeking, under appropriately worded conditions. I do not consider that the presence, let alone operation, of a wood burning stove is reasonably anticipated at this PPP stage. Any concerns would be more reasonably addressed at the ulterior detailed application stage, in the event of approval.

Although unlikely to present any insurmountable obstacle to development, account would require to be taken of an existing powerline which runs parallel to the public road, within the road verge. However, the location and operation of any new site access, including visibility splays, would need to take full account of this.

The Ecology Section seeks ahead of the determination of the current application, a bat survey of all trees to be removed from the site. Again, without any appropriate information to inform the current decision, it is unclear whether or not the Applicant is in any position to address the concerns identified by Ecology with respect to potential for unacceptable impacts upon bats on site, or in the local area. The point is potentially capable of being addressed appropriately relative to a detailed planning proposal which is informed by an appropriate tree survey (itself sufficient to address the concerns of the previous paragraph). However, since the Applicant has not provided a report of a bat survey, the potential for unacceptable impacts upon bats is necessarily included amongst the reasons for objection. Had the principle of the proposal otherwise been capable of being supported, I acknowledge that it would have been appropriate to have asked the Applicant to have provided this information at this stage, ahead of determination of the current application. However, without this having been established, it cannot be ruled out that the impacts upon local biodiversity; chiefly bats; would be unacceptable. Accordingly, and for similar reasons to those already noted above, this point is only reasonably included amongst the reasons for refusal.

In the event of approval, the requisite development contributions could be secured under an appropriate legal agreement.

CONCLUSION

It is not considered that the proposal would be an acceptable addition to the building group in terms of its impacts upon the established character and setting of the building group, and on this basis, it is considered that the application is only appropriately refused.

A detailed proposal might have been able to have demonstrated acceptable impacts upon the existing trees and ecology of the site, but without the requisite surveys first having been carried out and reported to the Planning Authority's satisfaction, this is not reasonably supposed. The application is therefore necessarily further refused on the basis of the potential for there to be unacceptable impacts upon the trees and ecology of the site.

REASON FOR DECISION :

The planning application should be refused for the following reasons:

- 1) The proposed development is contrary to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside;
- 2) The proposed development is contrary to Adopted Local Plan Policies HD2, PMD2 and EP13, in that it has not been demonstrated satisfactorily that the development would not have any unacceptable impacts upon the local landscape, principally that it would not cause the loss of, or serious damage to, an existing woodland resource with landscape, ecological and shelter value; and
- 3) The proposed development is contrary to Adopted Local Plan Policies HD2, PMD2 and EP1, in that it has not been demonstrated satisfactorily that the development would not be liable to have any unacceptable impacts upon local biodiversity, principally upon bats, a European Protected Species.

Recommendation: Refused

- 1 The proposed development is contrary to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

- 2 The proposed development is contrary to Adopted Local Plan Policies HD2, PMD2 and EP13, in that it has not been demonstrated satisfactorily that the development would not have any unacceptable impacts upon the local landscape, principally that it would not cause the loss of, or serious damage to, an existing woodland resource with landscape, ecological and shelter value.
- 3 The proposed development is contrary to Adopted Local Plan Policies HD2, PMD2 and EP1 in that it has not been demonstrated satisfactorily that the development would not be liable to have any unacceptable impacts upon local biodiversity, principally upon bats, a European Protected Species.

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