

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01371/FUL

APPLICANT : Mr Geoffrey Bain

AGENT : G53 Design Ltd.

DEVELOPMENT : Change of use of agricultural buildings and alterations to form 12 No
dwellinghouses

LOCATION: Agricultural Buildings
South East Of Merlewood
Hutton Castle Barns
Hutton
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
PL01	Location Plan	Refused
PL010	Floor Plans	Refused
PL011	Roof Plan	Refused
PL002	Site Plan	Refused
PL015	Elevations	Refused
PL014	Elevations	Refused
PL013	Roof Plan	Refused
PL012	Elevations	Refused
PL016	Elevations	Refused
PL017	Elevations	Refused
PL009	Floor Plans	Refused

NUMBER OF REPRESENTATIONS: 21

SUMMARY OF REPRESENTATIONS:

CONSULTATIONS:

ENVIRONMENTAL HEALTH (AMENITY AND POLLUTION): Objects to proposals in principle. The Code of Good Practice on the Prevention of Environmental Pollution from Agricultural Activity provides guidance on a range of farming practices including intensive livestock rearing. The guidance recommends that any new buildings used for this purpose should not be within 400m of residential accommodation to prevent nuisance from odour.

We generally refer to this guidance even though the situation is in the reverse (i.e. a residential development is planned next to an existing agricultural building). With this in mind, it is obvious that the planned development is remarkably close to existing agricultural buildings and whilst there are currently no environmental issues of concern at the moment, we are only too well aware of the

consequences of farming activities changing without the need for permission in terms of change of use. On that basis, Environmental Health object to this proposed development.

I would also like to confirm that although EH have legislative powers to investigate and regulate matters relating to nuisance such as noise, odours, dust etc, we are only able to use these powers to minimise nuisance not prevent it and so it is inevitable that given the rural nature of the location, new residential developments would have a loss of amenity due to neighbouring activities.

Conditions relating to water supply and drainage arrangements are required, should the proposal to be supported.

ENVIRONMENTAL HEALTH (CONTAMINATED LAND): Recommends that if planning permission is granted this should be on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. The site previously operated as an agricultural steading and tanks are recorded on the site. In addition a sheep wash was recorded in the vicinity and was apparently associated with the steadings use. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

ECOLOGY OFFICER: Notes a wide range of potential ecological interests on the site and in the wider surrounding area including bats, badgers, breeding birds, wild birds and red squirrels. Given these interests, the Ecology Officer required a Preliminary Ecological Appraisal (PEA) to be undertaken prior to the determination of the application. The PEA would then have been used identify the scope of further surveys and mitigation of ecological interests necessary, which could then have been controlled by condition. No PEA has been submitted.

EDUCATION: The proposed development is located within the catchment area for Chirnside Primary School and Berwickshire High School. A contribution of £2438 per unit is sought for the Primary School and £3428 per unit for the High School, making a total contribution of £70,392 at the time of consultation.

ROADS PLANNING: No objection subject to revisions and conditions. The parking layout submitted will result in vehicles utilising the two accesses furthest west having to reverse significant lengths to access the public road as no turning provision has been provided. I will require the proposal to be amended to allow vehicles to enter and exit the site in a forward gear. Amended plans should also show engineering details of the new and upgraded access onto the public road, showing the proposed geometry, surface water drainage and verge construction to the specification shown below; and a service layby as per DC-3 to cater for refuse vehicles and other associated vehicles. This can be incorporated into the access to the parking court or on the verge close by. Six passing places (three between the site and Hutton and a further three between the site and the B6460) will also need to be provided at agreed locations on the public road network, all to Roads Planning's specifications.

HERITAGE AND DESIGN: No objection. The potential for a sustainable future for these steading buildings is welcomed. Their condition is becoming poor and the buildings are becoming to be "at risk". I am content with the design approach proposed. I recommend that if we are minded to approve these proposals that we apply a number of conditions covering windows details, external joinery decoration, and requiring a building recording exercise.

ARCHAEOLOGY OFFICER: There are implications for this proposal. The C Listed steading buildings are of local historic interest in their current form. Traditional steading buildings are a finite resource and their alteration removes archaeological information about their previous uses. These buildings date in part from the early 19th century, with substantial additions and alterations taking place over the late 19th and 20th centuries. Their listing relates to their state of preservation as a building group.

Given the local historic significance of the buildings, I recommend that to mitigate the loss of archaeological information a historic building survey is required. This should be to an enhanced level (per ALGAO: Scotland guidance). This will preserve by record the buildings in their current state and record the structures and important features (e.g. openings, fireplaces, graffiti etc) pertinent to their collective history. A condition is recommended to secure this.

HOUSING SECTION: No response.

HUTTON AND PAXTON COMMUNITY COUNCIL: Supports the application. Residents at Hutton Castle Barns, whom we represent are, in the majority, very much in favour of the proposal. They are supportive towards the addition of a small number of further homes and subsequent population to their small yet vibrant community. Small communities such as this are the heart and soul of rural Berwickshire and the Borders, and as such, should be supported. Conversely, we note that the source of a number of objections are not from Hutton Castle Barns itself and although some may appear to be in line with reason, it seems doubtful that they are strictly valid. The proposal will transform a group of derelict farm buildings in the hamlet into active use and in doing so will address, at least in part, the already identified need for housing by Scottish Borders Council in Berwickshire and the Borders, including, importantly, a shortfall of homes of a size which are popular and in demand. The challenges when building and making alterations to buildings on what is a brownfield site are understandable, but the eventual outcome of a cohesive group of well-designed homes in former farm buildings as proposed, is very much better than what currently exists. From every point of view they are well worth the effort.

AHSS: No response.

BERWICKSHIRE CIVIC SOCIETY: No response.

THIRD PARTY REPRESENTATIONS

OBJECTIONS:

Six households objected to proposals, raising the following concerns:

- o Proposals do not comply with New Housing in the Countryside SPG;
- o Conflict with working farm adjacent to the site;
- o Neighbouring farm intends to house pigs in adjacent agricultural building;
- o The yard and agricultural shed to the north are an integral part of an existing farming business and are used all year round. We have used it for a wide range of agricultural activities for almost 30 years and we will not be restricted in the use of our yard or building in perpetuity;
- o Over the past twenty five years the conflict between agriculture and residential development has been discussed and well documented on many occasions. This has led to numerous local failed attempts to secure planning consent and on appeal, Scottish Borders Council's view has been upheld by the Scottish Office reporters;
- o Proposal could prevent local farm diversification plans;
- o Planning permission for housing has previously been refused adjacent to the agricultural buildings in this area in the past;
- o The adjoining agricultural shed is an existing building which is being used for agricultural purposes along with agricultural land. This can and will be used for any agricultural purpose either now or in the future;
- o Health and safety issues for potential new residents;
- o 26 car parking spaces, some of which have no turning spaces/facility for manoeuvring. This would therefore necessitate reversing out onto the public road where the potential for accidents is huge;
- o Increased traffic;
- o Road safety concerns relating to new accesses;
- o No space for refuse collection vehicle turning;
- o Large car park would have suburban character;
- o No detailed plans for drainage and sewerage;
- o Fourteen plots are on the proposed ground floor plan, yet the application has been submitted for twelve dwellings. Is the intention is to create the final two dwellings on the other side of our farmyard at a later date?
- o Owners right of access across adjoining access to the east extends to agricultural uses only rather than residential use and will be resisted strongly. Access for construction will be prevented;
- o Overall there is a general lack of information provided within this application;
- o Impact on archaeological sites;
- o Not enough information setting out proposals for utilities;

- o No landscaping;
- o Appearance of proposal unsuitable in terms of design, siting and materials;
- o Impact on countryside amenity and ecology;
- o Bats are present within the buildings;
- o No report confirming buildings are structurally sound;
- o Overdevelopment;
- o Impact on residential amenity of future occupants;
- o Insufficient supporting information/ documentation;
- o Unsatisfactory foul drainage proposals;
- o Insufficient land for soakaway;
- o The lowest point of the development site is the north east corner which then discharges under our yard through the wood to a drain in one of our fields. Both the drain under our yard and the field drains are under our control. These drains need repaired, upgraded or replaced and access to these will not be permitted for improvement works required for developing this site. I question the applicant's proposal that a septic tank will discharge to soakaway. By definition a soakaway has to discharge somewhere, I can confirm any new septic tank will not be allowed to discharge to our land;
- o Insufficient market demand;
- o Impact on local service provision.

Documentation relating to some of the above points was also provided and is available to view on Public Access.

SUPPORT:

Twelve households wrote in support of proposals, raising the following points:

- o The reuse of historic buildings should be supported and the buildings risk deterioration and loss if no new use is found;
- o Proposal would address shortage of affordable housing;
- o Brownfield development;
- o Ample parking within the site;
- o Roads infrastructure suitable;
- o Neighbouring building sold as grain store and there is no reason for the use to change to livestock building, which would affect the neighbour;
- o The grain store should not be an issue as it has been used for a number of years with a residential dwelling in very close proximity. The main farm buildings are across the road beside Mr MacLean's house and his mother's house;
- o Farming should be able to co-exist with residential uses;
- o Making area more sustainable through re-population;
- o Proposal is visually and architecturally sensitive;
- o Economic benefit from construction and thereafter;
- o Adjacent buildings are of no use for agricultural purposes;
- o Provides balance to continuous over-development from egg production facilities;
- o There would have to be an application for change of use as the infrastructure of this building would need to be changed to accommodate animals. New building standards would need to be met. We fail to see how the steading conversion could be detrimental to their "intended" use;
- o Significant level of development in the vicinity in establishing a local egg company. A greater residential/agricultural balance would be achieved with the approval of this steading redevelopment;
- o Development of these buildings will greatly enhance the area;
- o The increase in traffic on this single track road is largely due to the intensively farmed poultry business operated by her employers;
- o Shed and yard has established use since 1987 as grain store, not for keeping pigs;
- o Use of shed for keeping pigs would require drainage through/onto neighbouring land which neighbours will not allow;
- o Proposal would address a shortage of housing;
- o Sustainable reuse of Listed Buildings.

PLANNING CONSIDERATIONS AND POLICIES:

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
EP7 Listed Buildings
EP8: Archaeology
IS2: Developer Contributions
IS7: Parking Provisions and Standards
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

Supplementary Planning Guidance:

Affordable Housing 2015
Biodiversity 2005
Development Contributions (2011) updated January 2018
New Housing in the Borders Countryside 2008
Placemaking and Design 2010
Householder Developments (Privacy and Sunlight) 200

Recommendation by - Paul Duncan (Assistant Planning Officer) on 31st January 2018

SITE DESCRIPTION

This is a joint report for applications for planning permission (16/01371/FUL) and Listed Building Consent (16/01372/LBC) for the residential conversion of C listed farm buildings at Hutton Castle Barns, Berwickshire, a small hamlet sitting between the villages of Allanton and Hutton.

The steading dates from the early 19th century and has not been in use for many years. It is made up of a series of traditional stone constructed farm buildings under slate roofs set back from the public road. Most prominent of these buildings is a former granary building on the east side of the site which features cart shed openings on the west elevation at ground level, and an external stair on the more prominent east elevation.

A traditional rubble wall forms a clear boundary to the south of the site which is bound by the minor road through the hamlet. The site is bound on the east by an access to a grain store which is in separate ownership and sits behind the proposed site, adjoining the Listed Buildings to the north. Further to the east of the site and grain store access is a rectangular shaped plot of land, also in separate ownership, with no apparent use. A terrace of C listed cottages sits further to the east of the site and other dwellinghouses and farm buildings sit within the hamlet to the south of the minor road and further to the east. The west side of the steading is characterised by buildings which form a U-shaped courtyard, visible from the road. An open grassed area is included within the site to the west of these buildings. Arable fields lie further to the west, beyond an access to Merlewood, an existing dwellinghouse which sits to the north west of the site.

SITE HISTORY

There is no recent planning history on the site itself. There is significant planning history in the vicinity however, which has been referenced in representations both in support and objection to the proposals. Most pertinent to this application are two previous housing proposals close to the site:

90/00900/OUT: Residential development - rectangular shaped plot east of the proposed site - refused (decision upheld by Scottish Office Reporter).

02/00552/FUL: Erection of dwellinghouse and garage - land north west of the proposed site - approved and built, the dwellinghouse is now known as Merlewood

PROPOSAL

The proposal is to convert the existing listed steading buildings to residential use. The original proposal was for 12 housing units. In response to an objection from Environmental Health one unit (Plot 1) was removed from the proposed plans. The proposal being considered is therefore for 11 units.

Five single storey units would be created within the U shaped group of buildings in the south west corner of the steading. These would sit around the existing courtyard which would be separated into three private gardens. An access and four parking spaces would serve these units to the west. Four further private gardens would sit to the north of these buildings, bound by a 2m high wall. Plot 1 was originally proposed to adjoin the grain store to the north east of this group of building but has been omitted from proposals. A further access would serve two parking spaces in front of that plot despite its omission from plans. A 20 space car park would sit in the south eastern corner of the site served by a third access. The former granary building would be converted into two units, one each per floor, making use of the existing stair. Three two storey units would be formed in the existing buildings to the north of the proposed car park, and a final single storey unit (plot 6) would be formed in the existing building to the north east. Three bays of existing hipped slate roofed buildings (later additions to the steading) would be demolished to the west of plot 6 and the space created would accommodate three further private gardens for the surrounding units. The design approach generally makes use of the existing fabric of the farm buildings and relatively few new openings for windows and doors are proposed.

Drainage is proposed via a new septic tank with discharge to a large soakaway within the curtilage of the development and surface water is to be treated via SUDS arrangements. The new units would connect to the public water supply.

POLICY PRINCIPLE

Local Development Plan policy HD2-C (Housing in the Countryside - Conversions) is supported by the New Housing in the Borders Countryside Supplementary Planning Guidance in setting the Planning Authority's requirements for rural conversions.

Policy HD2-C requires buildings to be of architectural or historic merit, to be capable of conversion and to be physically suited for residential use. Buildings must stand substantially intact. These Listed Building stand in reasonable condition and broadly meet these requirements.

The New Housing in the Borders Countryside SPG goes into more detail and sets out further requirements covering proposed access arrangements, impacts on existing working farms, and details the level of alterations that can be accepted. These considerations are explored later in this report.

BUILT HERITAGE AND PLACEMAKING AND DESIGN

The Council's Heritage and Design Officer welcomes the potential for a sustainable use for the buildings and considers the condition of the buildings to be becoming both poor and "at risk". The Heritage and Design Officer has assessed the proposals for their impact on the integrity and character of the Listed Building and is broadly satisfied by proposals. The former granary with its arched openings and external stair is noted to be the most distinguished aspect of the listed steading and would be retained. Details relating to materials/finishes, windows details and external joinery decoration (an estate-like colour is recommended) have not been wholly addressed by the applicant at this stage but could reasonably be dealt with by appropriate planning conditions.

Overall the proposals are considered to satisfy the relevant policy tests of Local Development Plan policy EP7 (Listed Buildings). The potential benefits of securing a sustainable long-term use for these Listed Buildings is a material consideration of significant weight. It should however be noted that there is no reason to believe the Listed Buildings could not be properly maintained and looked after if planning permission is not granted.

The proposals have also been assessed for their suitability in general design and visual amenity terms. The rehabilitation of the buildings and site would generally improve the appearance of the surrounding area. There are understandable concerns about the scale of the proposed parking arrangements in the south east

corner of the site, which could have a visually intrusive appearance. This could be partially mitigated by a carefully designed landscaping scheme.

COMPATABILITY WITH NEIGHBOURING USES/ RESIDENTIAL AMENITY

The site is bound by an access to a grain store, which adjoins the existing buildings to the rear. The access and grain store are in separate ownership to the steading and the owner has objected to the proposals on the basis that the proposed development would conflict with the operations of their working farm. This demands an assessment of the compatibility of the proposed residential buildings next to existing working farm buildings, both in terms of potential future residential amenity impacts and impact on the viability of the neighbouring farm. This matter has been the focus of representations and is a key consideration in this application.

The farm building to the north of the site is understood to have been used as a grain store since 1987. The owners have stated that the building is an integral part of their existing farming business, is used all year round and has been used for a range of agricultural activities. The owners have also expressed an intention to house pigs in the building in the future. Documents have been provided as evidence of this aspiration. The potential consequent noise, odour and dust impacts of such intensive agricultural uses next to residential properties would be a concern. In planning terms, intensive agricultural activities still fall under general agricultural use; stocking the grain building with pigs would not constitute development or a change of use. No planning application would therefore be required. The Planning Authority could not prevent the neighbouring owner from housing pigs or other livestock in the building if they wished to do so.

The existing yard and access to the grain store also pose existing residential amenity impact risks. For example, the storing of bales of hay up against the side elevation of the existing steading buildings has previously been observed where windows would face from the proposed conversions onto the access to the grain store. The potential future owners of the steading conversion properties would have no control over this. The New Housing in the Borders Countryside Supplementary Planning Guidance states that consent will not normally be granted for rural conversions if assurances cannot be given that conflict or nuisance will not occur.

The responsibility for protecting residential amenity from development impacts lies with the Planning Authority, in conjunction with Environmental Health. Whilst Local Development Plan policy HD3 (Protection of Residential Amenity) is often used to prevent adverse amenity impacts on existing households, it is also used to ensure future residential areas also have suitable levels of amenity. Potential homebuyers and tenants reasonably expect new developments to offer modern standards of residential amenity. Given the potential impact risks associated with these proposals Environmental Health lodged an objection to the original 12 unit proposal. That proposal was then amended to remove the unit closest to the neighbouring grain store (Plot 1), resulting in a distance of around 17m to the next closest proposed residential unit. Environmental Health was re-consulted but maintain their objection.

Environmental Health acknowledges that there are no existing environmental issues at present and that separate powers would allow them to minimise potential nuisance impacts. This would raise a separate consideration however, in that the working operations of an existing farm may be unreasonably curtailed by such action. Local Development Plan policy PMD2 (Quality Standards) requires all development proposals within the Scottish Borders to be compatible with neighbouring uses. More specifically, the New Housing in the Borders Countryside Supplementary Planning Guidance requires that conversions have no adverse effect on the viability of a farming unit or conflict with the operations of a working farm. A reliance on Environmental Health powers to curb nuisance impacts would be contrary to these objectives, in unreasonably curtailing the operations of a working farm.

The applicant contends that the building may not be fit for the housing of livestock and has questioned whether existing drainage arrangements would be suitable for such use. This is neither for Environmental Health nor the Planning Authority to assess. If the buildings are not presently fit for housing livestock, they could be made so. This would not be within the Planning Authority's control. No powers could prevent either the use of the grain store to house livestock or works to make the building suitable for such uses. The applicant notes the previous approval for a single dwellinghouse (02/00552/FUL) to the north west of the grain store. Supporters of the application have commented that no amenity impacts have been raised at this dwelling to date, but there has been no intensive agricultural use nearby to date either, and this property is on the far side of the existing access and yard, and does not adjoin it.

It is correct to note that intensive agricultural uses in the grain store would affect the occupants of this house too, but the 2002 application differs from the current proposal in a number of respects. In the 2002 case the applicant is understood to have been engaged in an agricultural business in the locality, and appears to have understood the local circumstances and potential nuisance impacts that could arise at the site. This in turn appears to have swayed the Committee to approve that application. This is not the case in this instance, where a much larger development is proposed, resulting in a much larger number of residents potentially being affected by nuisance. Potential homebuyers and tenants who may not be familiar with local circumstances would reasonably expect new a development to benefit from proper standards of residential amenity. It is the Planning Authority's duty to ensure this is the case and to ignore such matters would potentially be open to legal challenge and censure. It is simply not within the Council's gift to forego norms and standards in such cases. Whilst it may be argued that the ultimate responsibility lies with individuals choosing to buy or rent property, this is not the case. The Council could be admonished by the Ombudsman for failing to safeguard amenity for future residents.

Other local planning history is also relevant. In 1990 a proposed housing development on the east side of the steading range was refused planning permission and also dismissed on appeal to the Scottish Office. A primary concern reason for refusal of that application was the potential conflict with neighbouring agricultural activity. It is apparent therefore that the 2002 approval stands as an exception to the Planning Authority's prevailing stance on this matter over a long time. In any event, the proposal must be assessed against the current Local Development Plan and rural housing SPG, which have both updated since the 2002 approval was granted. For the reasons outlined above, the proposals are considered to fail multiple policy tests relating to residential amenity, the compatibility of neighbouring uses and impacts on the viability of farming units.

The proposals must also be assessed against the more common residential amenity considerations of privacy, overlooking, access to light, access to sunlight and outdoor amenity space. The Privacy and Sunlight Supplementary Planning Guidance notes that the nature of a proposal may allow standards to be relaxed as appropriate. Given the challenges of suitably converting these Listed Buildings, a proportionate application of the standards is appropriate in this instance. Privacy levels within the proposed development would generally be more limited than would normally arise in a new build arrangement, but not unacceptably so. Specific concerns, such as the very limited distance between principal rooms within units 3 and 10, and 3 and 4 could, where necessary, be addressed by use of opaque glazing. Properties would receive a satisfactory access to light. All but plots 3 and 12 would benefit from private gardens, though most would likely have limited levels of privacy.

ROADS SAFETY AND ACCESS

The proposals have been assessed by the Roads Planning Officer. He has expressed no objection to the principle of what has been proposed but does have concerns both over the local road network and the proposed parking arrangements on the site. The former could be addressed by providing a further six passing places on the minor road, which could be controlled by condition. The latter however requires a new revised site layout plan. An agreed site plan is fundamental to the success of the scheme and requires agreement prior to determination. The Roads Officer's concerns relate to the two accesses further west, which would require drivers to reverse significant lengths in exiting from associated parking spaces as the proposals afford no provision for turning. This will result in drivers exiting (or else entering) in reverse gear, resulting in an adverse impact on road safety. The applicant was advised that a new site layout was required but has failed to come forward with an alternative arrangement.

DEVELOPMENT CONTRIBUTIONS

At the time Education was consulted the development would have triggered contribution requirements for Chirnside Primary School and Berwickshire High School totalling £70,392, although this was based on the original 12 unit proposal. Affordable housing contributions would also be required. To date, the applicant has failed to confirm that development contributions would be paid.

ECOLOGY

A wide range of protected species are understood to be present in the surrounding area, including bats, badgers, red squirrels and wild birds. The Council's Ecology Officer requested a Preliminary Ecological

Appraisal (PEA) be undertaken to assess the scope of further survey would that would be necessary and outlining mitigation requirements. The applicant was advised of this but has failed to undertake the necessary appraisal. The possible presence of bats in the Listed Building was noted in objection comments.

OTHER MATTERS

The Council's Archaeology Officer identified archaeological interests on the site owing to the local historic interest of the buildings. A historic building survey would be required were the applications supported. The Contaminated Land Officer identified potential contamination on the site. An assessment is required, which may in turn require the development of a remediation strategy and verification plan. Finally, no landscape scheme or details of means of enclosure were submitted with the application. These matters could all be dealt with by condition. Conditions controlling water supply and drainage arrangements would also be required. Objectors raised a concern that drainage may not be possible on the site. This has not been explored in full but would ultimately be controlled by condition and at the Building Warrant stage.

REASON FOR DECISION :

The potential benefits of the proposed development are clear. The opportunity to secure a suitable long-term use for these Listed Building is acknowledged and must be given significant weight. The potential social and economic benefits of rehabilitating this brownfield site and delivering new housing in the area are also key considerations.

These benefits do not however override the Planning Authority's responsibility to ensure new housing is afforded modern standards of residential amenity. In this case the amenity of eleven future households must be safeguarded. Homebuyers and tenants should be able to expect proper standards of residential amenity from new housing. This is the Planning Authority's duty. Other considerations, whilst of significant merit and weight, do not allow the Authority to forego normal standards and the Council could ultimately be admonished by the Ombudsman for taking such a course of action. It is clear for the reasons outlined above that proper standards of amenity cannot be guaranteed and that a conflict of uses would arise.

Considerations relating to ecological impacts, development contribution requirements and access/ parking arrangements have also not been adequately addressed, despite the applicant being given ample time to address these points.

Recommendation: Refused

- 1 The application is contrary to Policy PMD2 (Quality Standards) and HD3 (Residential Amenity) of the Scottish Borders Local Development Plan 2016 in that the proposed development would not be compatible with neighbouring uses, with a reasonable likelihood of unacceptable residential amenity impacts arising for the future occupants of the proposed dwelling units.
- 2 The application is contrary to the Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that the proposed development would conflict with the operations of a working farm.
- 3 The application is contrary to Policy IS2 (Developer Contributions) of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance: Affordable Housing and Development Contributions in that the applicant has not committed to paying the necessary development contributions towards deficiencies in infrastructure and services which will be created or exacerbated as a result of the development.
- 4 The application is contrary to Policies EP1 (International Nature Conservation Sites), EP2 (National Nature Conservation Sites and Protected Species) and EP3 (Local Biodiversity) of the Scottish Borders Local Development Plan 2016 and the Supplementary Planning Guidance on Biodiversity 2005 in that the potential impact on protected species is unknown as the required ecological surveys have not been carried out.

- 5 The application is contrary to Policies PMD2 (Quality Standards) in that the proposed parking and access arrangements would result in an adverse impact on road safety.

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