

# Proposed House Plots

Adjacent to  
1 Cowdenburn Cottages,  
Lamancha

## Planning Design & Access Statement October 2018



Prepared by



# Proposed House Plots

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## Appraisal

### The Application

The application is for Planning Permission in Principle for 2 house building plots in land to the south-west of 1 Cowdenburn Cottages, Lamancha.

### The Location



The application site is located alongside the A701 public road and adjoins the existing building group of five dwellings at Cowdenburn. Access is through an existing field gate from the minor access road serving the existing adjacent cottages.

### The Application Site

The subject of this application is the ground adjoining/adjacent to the applicant's house. These grounds are presently used as a paddock and a timber field shelter exists along the adjoining boundary with the applicants property.



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The application site is triangular in shape and is accessed through an existing field access, through a timber gate within the existing timber post and rail boundary fence with 1 Cowdenburn Cottages and partly forms the north-east boundary of the application site.



This continues to the rear boundary of the applicants garden and is then undefined as it crosses an area of ground owned by the applicant to the rear of their garden.

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This then changes to a post & wire fence which adjoins the extensive garden ground of 5 Cowdenburn Cottages before reaching the former Dolphinton railway branch line.



The former railway line forms the southern boundary of the application site and is defined by a post and wire fence.

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The north-western boundary lies alongside the A701 public road and is defined by a post and wire fence along which there are a belt of mature trees screening the application site from view.

### Development Proposal

The development proposal is to create two building plots from the applicants paddock ground adjacent to the existing building group.

### Planning Policy

To determine the likely hood of success, a request for pre-application planning advice was sought by the applicant from the Planning Authority (Ref. 18/00229/PREAPP) together with an indicative design for four plots (see appendicies 1 & 2).

The response dated 20<sup>th</sup> July 2018 (see appendix 2) highlights the following policies against which the proposals would be considered:

#### Scottish Borders Council Local Development Plan (2016)

Policy PMD1 – Sustainability.

Policy PMD2 – Quality Standards.

Policy PMD3 – Land Use Allocations.

Policy PMD4 – Development Outwith Development Boundaries.

Policy PMD5 – Infill Development.

Policy HD2 – Affordable and Special Needs Housing.

Policy HD3 – Protection of Residential Amenity.

Policy EP1 – International Nature Conservation Sites and Protected Species.

Policy EP2 – National Nature Conservation Sites and Protected Species.

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Policy EP3 – Local Biodiversity.  
Policy EP8 – Archaeology.  
Policy EP12 – Green Networks.  
Policy IS2 – Developer Contributions.  
Policy IS6 – Roads Adoption Standards.  
Policy IS7 – Parking Provisions and Standards.  
Policy IS9 – Waste Water Treatment Standards  
Policy IS13 – Contaminated Land.

### Scottish Borders Council Supplementary Planning Guidance

Affordable Housing (2015).  
Biodiversity (2005).  
Contaminated Land Inspection Strategy (2001).  
Development Contributions (2018).  
Green Space (2009).  
Householder Development (incorporating Privacy and Sunlight guide) (2006).  
Housing Supplementary Guidance (2017).  
Landscape & Development (2008).  
Local Biodiversity Action Plan: Biodiversity in the Scottish Borders (2001).  
New Housing in the Borders Countryside (2008).  
Placemaking and Design (2010).  
Trees and Development (2008).  
Use of Timber in Sustainable Construction (2009).  
Waste Management (2015).

In this regard, the advice received can be summarised as follows:

#### Assessment

- Policy Principle

*“The Scottish Borders Local Development Plan (2016) sets out a number of policy constraints by which new development proposals must be assessed. The LDP is founded on the premise of supporting and encouraging sustainable development in accordance with our Environmental Strategy. All policies with the Plan must be read against Policy PMD1 – Sustainability.*

*In terms of principle of development, the application is required to be assessed in terms of Policy HD2 of the Scottish Borders Local Development Plan 2016 and the supplementary planning guidance on New Housing in the Borders countryside. The Policy allows for new housing associated with existing building groups, and in cases where economic justification is present.*

*The supporting documentation has been reviewed in order to establish the relevant criteria of Policy HD2 that applies in order to allow proper consideration of the proposals. Whilst criteria (f) allow for the consideration of a new dwelling for business needs, no evidence or business case has been provided within the supporting statement to indicate that the proposed dwelling would be for people requiring to live on site and mainly engaged in*

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*agriculture or forestry work. Therefore, it is considered that review of the proposals is limited to an assessment against criteria (a) Building Groups.*

*Under criteria (a) Building Groups, the initial consideration for new housing is to establish the presence of a building group (comprising of at least three dwellings), with a review of whether the proposed site would have an appropriate relationship to the group, taking into account the requirements of supplementary planning guidance New Housing in the Borders Countryside. The policy states that any consent for new build granted under this part of this policy should not exceed two dwellings or a 30% increase in addition to the group during the Plan period.*

*The application site is a paddock (triangular in shape) containing the line of a dismantled railway along the southern boundary. To the north-east lies a small building group comprising five dwellings. The group has evolved in a linear fashion and fronts the main public road A701, surrounded by agricultural fields. The application site lies with the Northern Housing Market Area and has no landscape designations.*

*In this instance there is a presence of a group of five dwellings located to the north-east of the site. Numerically, a group of five has capacity to accommodate a maximum of 2No. dwellings within the current plan period. However, Policy HD2 and new supplementary guidance (New Housing in the Scottish Borders) that all development relate well to the existing group.*

*The indicative layout illustrates 5No. Dwellings within individual plots extending to the south-west of No. 1 Cowdenburn within the undeveloped paddock site. The number of dwellings proposed would clearly exceed the number allowable under Policy HD2.*

*Consideration has been given to the relationship that any new dwellings may have to the adjacent building group. Whilst there is tree cover on the north west roadside boundary the paddock is open on all other boundaries. The open nature of the application site itself, and weak boundary (post/wire fence) to the east and south of the site results in the area proposed for development being viewed, and considered, as part of the wider field network.*

*It is not considered that the proposed development site would relate well to the existing group and therefore would be contrary to Policy HD2 and related supplementary guidance, New Housing in the Borders Countryside. The proposal for 5No. new dwellings would break into an undeveloped field and extend beyond the confines of the group along the public road.*

*It should be noted that there may be scope for a single dwelling house to be erected adjacent to 1 Cowdenburn Cottages – this would require the removal of the stable to facilitate a space that aligns/relates well to the existing group. This dwelling would provide an end stop to the group akin to No.5 to the north west end of the existing line of houses. Landscape planting on the south and south west boundary of a single plot would enclose the dwelling within the group.”*

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- Major/Local Development

*“A proposal for a single dwelling would be considered a “Local” development under the hierarchy of development.”*

- Placemaking and Design

*“Accounting for the adopted policies and guidance of the Council in Placemaking and Design, I can advise that Policy PMD2 is relevant. The aim of the policy is to ensure that all new development is of a high quality and respect the environment in which it is contained. The aim is to ensure that the development does not negatively impact on existing buildings, or surrounding landscape and visual amenity of the area. The development should be of a scale, massing height and density appropriate to it's surroundings and finished externally in materials which compliment the locality. It should be satisfactorily accommodated within the site and should incorporate hard and soft landscaping works including structural or screen planting where necessary to help integration with it's surroundings and the wider environment”.*

- Amenity and Privacy

*“The Council has adopted supplementary guidance and planning policies which seek to protect residential amenity. Neighbouring amenity is afforded protection by Policy HD3 of the Scottish Borders Local Development Plan (2016). This is enhanced upon by privacy and amenity standards set out in the adopted Supplementary Planning Guidance on Householder Development. In the case of a single dwelling the site should be of a sufficient size that amenity standards could be achieved through sensitive siting and design considerations. The plot should be of a similar size and length to the neighbouring property No. 1 Cowdenburn.*

- Road Safety

*“Policy PMD2 and supplementary planning guidance New Housing in the Borders Countryside require that developments have a suitable means of access. Any new access on to the public road has to meet a certain standard to ensure it is safe, for for purpose and does not represent a road safety issue. The Roads Planning Engineer has assessed the proposal taking into account the geometry of the road and visibility splays. The following points would have to be included in any design which is to be submitted for consideration;*

*The standard visibility from this access would require to be 2.4 x 215 metres in both directions onto the public road. It is noted that the visibility to the south west falls below this requirement; therefore to be able to support any development your application would have to demonstrate that the required visibility could be achieved.*

*Construction specification for the private access road.*

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*Parking and turning for two vehicles to be provided within the curtilage of a housing plot. It should be noted that garages do not count towards parking provision. Whilst a single visitor space would be required for a 5 house development, a proposal for 1 dwelling house would not require a visitor space.”*

- Environmental Health

*“Under Policy IS9 of the Local Development Plan (Waste Water Treatment Standards and Sustainable Urban Drainage) development proposals should include satisfactory arrangements for dealing with foul and surface water drainage. SUDS (Sustainable Urban Drainage Systems) principles should be incorporated in the development.”*

- Contaminated Land

*“The land previously housed a railway cutting which was subsequently infilled with material of unknown provenance. 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. Redevelopment of the land would require a site investigation and risk assessment to outline a remediation strategy and verification plan for any contaminants present prior to development commencing.”*

- Heritage and Archaeology

*“There is a low to moderate possibility for buried archaeology within the site. Given the low to moderate potential some form of mitigation may be required. An archaeological evaluation of the site would likely be required prior to any development commencing.”*

- Development Contributions

*“The Council has adopted supplementary planning guidance and planning policy covering development contributions. In this case contributions assessment is as follows:*

*Education - £1,092.00 per market house (Peebles)*

*Affordable Housing - £30,000 @25% for residential development 2-16 units. Where a single house is proposed no affordable housing contribution would be due.”*

- Trees

*“A single mature Sycamore of significant stature stands close to the proposed access for the site. The tree is a valuable feature of the landscape and if protected will enhance the amenity of the proposed development. The current tree cover should be retained and protected and further planting incorporated*

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*to contain the site from the south and assimilate the development into it's setting.*

*The following points would have to be included into any design which is to be submitted for consideration;*

*A detailed landscape proposal should accompany any proposal.*

*Tree survey of significant trees and hedges on the site in accordance with BS 5837 – 2012 including root protection areas and the proposals to be overlaid on the drawings.*

- Protected Species

*“ Protected species may use the site and ecological surveys may be required. Should the stable block be demolished establishment of the presence of bats and breeding birds.”*

### Summary

*“The number of dwellings proposed (5) would clearly exceed the number allowable under Policy HD2 during the current Local Period. The 5No. new dwellings would break into an undeveloped field and extend beyond the confines of the group. On this basis an application for 5No. dwellings would not be supported.*

*Taking into account the context and existing sense of place at this location it is considered that there may be potential for one additional dwelling of a suitable mass and scale on the position of the stable/garage buildings adjacent to No. 1 Cowdenburn Cottages. Consideration should be given to the removal of these outbuildings and provision of a plot size of a similar size/length to the existing dwelling. Additional landscaping to the south west and south east of the new plot would be required in order to assimilate the development and enclose the group. Suitable visibility splays for the access would require to be provided.*

*Should you progress to an application the key considerations would include road safety, design and layout, and the potential impact on visual and residential amenities, as well as cultural and natural heritage.”*

### **Supporting Planning Policies**

Notable Planning Policies in support of the proposals can be summarised as follows:

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### Scottish Borders Council Local Development Plan (2016)

Policy PMD2: *Quality Standards* states:

*“All new development will be expected to be of high quality in accordance with the sustainability principles, design to fit with the Scottish Borders townscapes and to integrate with its landscape surroundings. The standards that apply to development are:-*

#### *PLACE MAKING AND DESIGN*

*c) it provides for Sustainable Urban Drainage Systems in the context of the overall provision of Green Infrastructure where appropriate and their after-care and maintenance.*

*f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements.*

*h) it creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design.*

*k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form.*

*l) it can be satisfactorily accommodated within the site.*

*m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings.*

Policy PMD5: *Infill Development* states:

*“Development on non-allocated, infill or windfall sites, including the re-use of buildings within Development Boundaries as shown on proposals maps will be approved where the following criteria are satisfied:*

*a) where relevant, it does not conflict with the established land use of the area; and*

*b) it does not detract from the character and amenity of the surrounding area;*

*f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.”*

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Policy HD2: *Housing in the Countryside* states:

*“The Council wishes to promote appropriate rural housing development:*

*b) associated with existing building groups where this does not adversely affect their character of that of the surrounding area.*

Its also states:

*“Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is greater, associated with the existing building group may be approved provided that;*

*a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use.*

*b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications.*

*c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or 30% increase in the group during the Plan period. No further development above this threshold will be permitted.*

*In addition, where a proposal for new development is to be supported, the development should be appropriate in scale, siting, design, access and materials, and should be sympathetic to the character of the group.*

Policy HD3: *Protection of Residential Amenity* states:

*“Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against;*

*a) the principle of development, including where relevant, any open space that would be lost; and*

*b) the details of the development itself particularly in terms of;*

*- the scale, form and type of development in terms of it's fit within a residential area.*

*- the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sun lighting provisions. These considerations apply especially in relation to garden ground or “backland” development.*

*- the generation of traffic or noise.*

*- the level of visual impact.*

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Policy EP3: *Local Biodiversity* states:

*“Any development that could impact on local biodiversity through impacts on habitats and species should:*

*b) be sited and minimise adverse impacts on the biodiversity of the site, including it's environmental quality, ecological status and viability.*

Policy IS9: *Waste Water Treatment Standards and Sustainable Urban Drainage* states:

*“d) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.”*

Policy IS13: *Contaminated Land* states:

*“Where development is proposed on land that is contaminated, suspected of contamination, or unstable the developer will be required to;*

*a) carry out in fill consultation with, and to the satisfaction of Scottish Borders Council, appropriate phased site investigations and risk assessments, and*

*b) where necessary, and to the satisfaction of Scottish Borders Council design, implement, and validate appropriate remedial or mitigation measures to render the site suitable for it's proposed use.”*

## Planning Considerations

Whilst supporting the principle of development at this location, the Planning Authority raised concerns in their pre-application planning advice that require the applicant to demonstrate that following matters have been suitably addressed:

- A reduction in the scale of development proposed.
- Siting and design of proposed dwellings.
- Landscape and visual impact.
- Vehicular access/visibility/parking.
- Ecological Impacts and Habitats.

We have taken note of the concerns raised in the pre-application planning response and we have found that there is a varied history of planning applications for single and multiple dwellings in the local area. The sites deemed unsuitable have been refused due to inappropriate siting or a failure to successfully integrate the proposed development into the landscape. In this submission we wish to acknowledge the Council's previous concerns and through comprehensive assessment of the land form and natural

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features, set out how we propose to address these concerns and present proposals that are well founded and comply with the relevant Local Plan policies.

### Reduction in the Scale of Development

A review of the Policy HD2 *Housing in the Countryside* of the Scottish Borders Council Local Plan (2016) and has brought about a reduction in the scale of the development from four down to two plots.

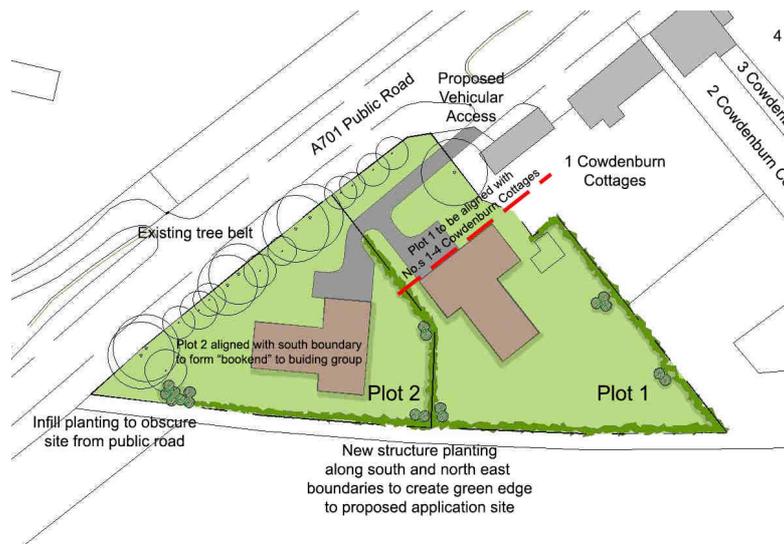
This complies with policy guidelines which restricts the expansion of existing group to two dwelling or a 30% increase of the building group, whichever is greater within the Plan period.

With closer assessment of the land form, the new proposals seek to address concerns expressed over the relationship that the site would have to the existing building group and the wider landscape if it were to be developed.

### Siting and Design of the Proposed Dwellings

We have taken the view that since this application is for Planning Permission in Principle, siting and design of the proposed dwellings would be deferred to a separate reserved matters application.

However, we have observed that the other buildings belonging to the group are single storey and this would seem to be the preferred design approach.



In this regard we have prepared an indicative layout (see Appendix 2) which would see the "infill" plot aligned with the existing adjacent roadside cottages and the end plot forming the "bookend" to the building group.

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## Landscape and Visual Impact

For any expansion of an existing building group to be deemed appropriate, comparison must be made between the form of the existing group and how any such expansion will integrate with this and appear as a natural addition.

Figure 1 shows outlines the existing group which takes on a form that is irregular in shape and relates only to the passing A701 public road and the boundary to the east. Boundaries to the south and south-west are untidy and based on the garden ground associated with each property. They do not relate particularly well to any natural landscape feature.

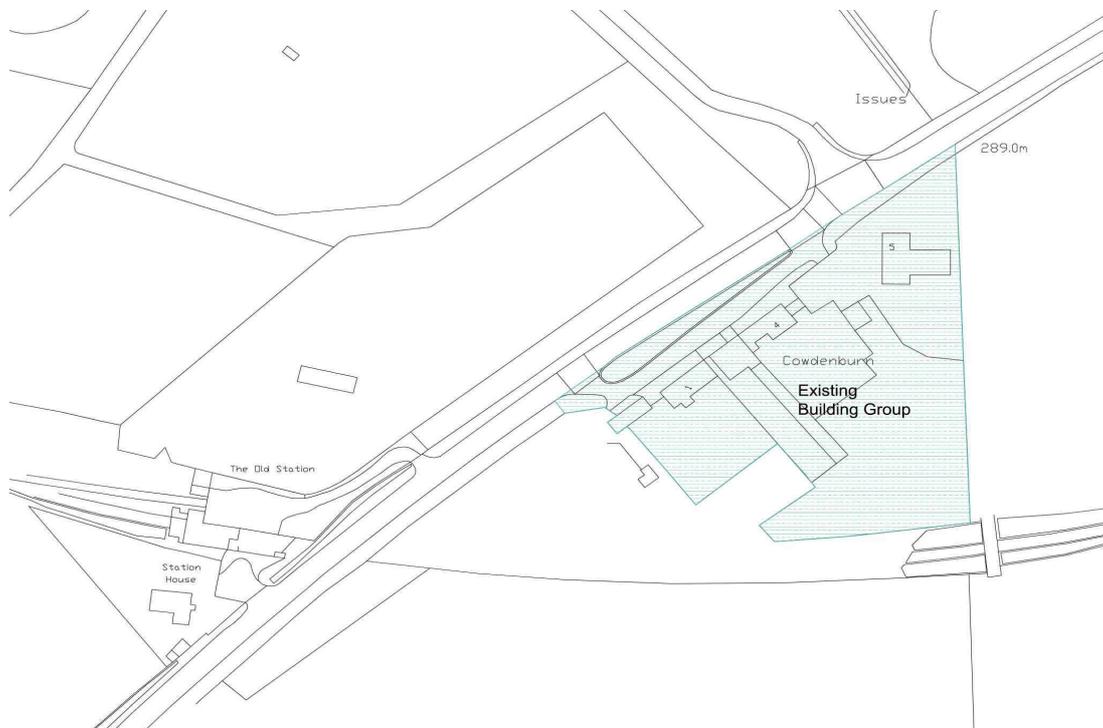


Figure 1 – Building group as existing

Figure 2 illustrates the proposed expansion to the building group and shows how by extending both of the linear boundaries along the roadside and east to their natural conclusion along with the natural boundary along the south created by the line of the former railway results in a more natural form to the building group creating a natural “bookend” to compliment the recent addition at the north end of the group.

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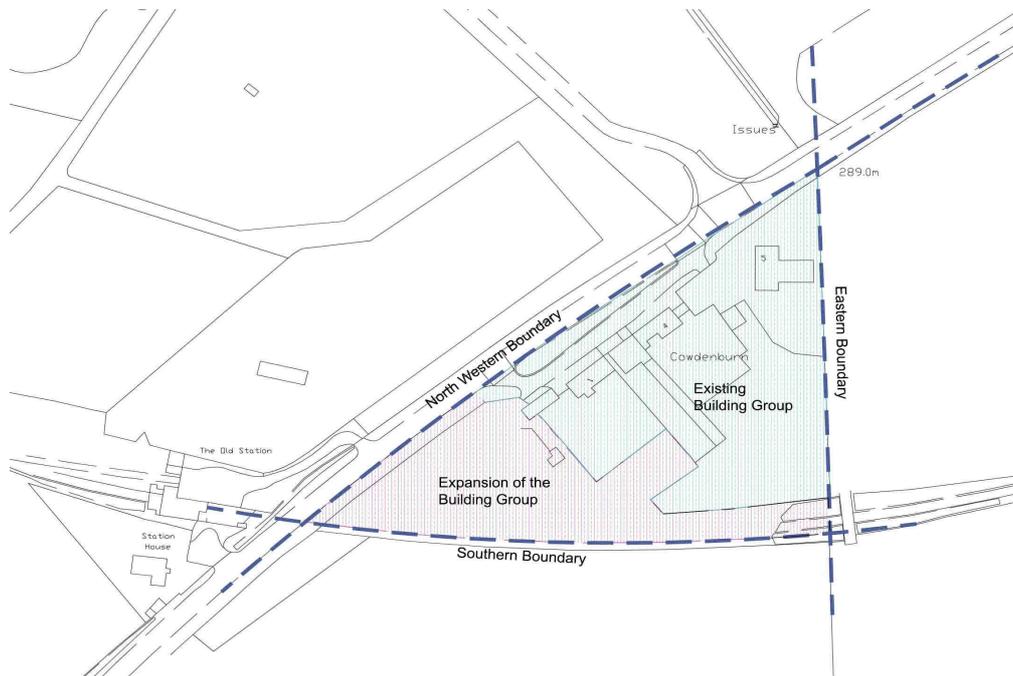


Figure 2 – Proposed Expansion of the Building Group

It is recognised that there are small areas of ground to the east that are outwith the boundary of the application site. However, these are in the ownership of the applicant and it would be deemed appropriate that these become a natural addition to the garden ground of No.1 Cowdenburn Cottages.

Figures 3 & 4 illustrate the application site boundary and similarities between the triangular shaped boundaries that will form the ends of the expanded building group.

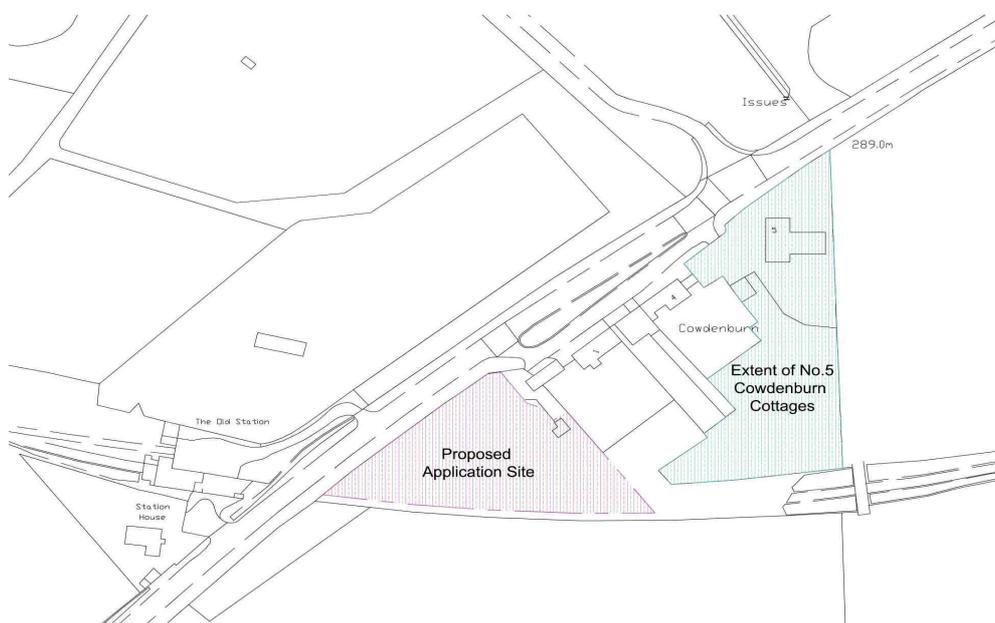


Figure 3 – Comparison of the ends of the building group

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Figure 4 – Comparison of the ends of the building group

Although identified as being outwith the building group, there are two existing dwellings to the west of the application site, on the opposite side of the A701 that are worthy of note and how they relate to the land form. Figure 4 illustrates the strong lines in the landscape created by the former railway line and how built structures can be historically associated with this. Although not relevant in terms of policy guidance, the relationship of the proposed development with the railway line echoes the form of development on the opposite side of the road helping to further integrate the development into the landscape.

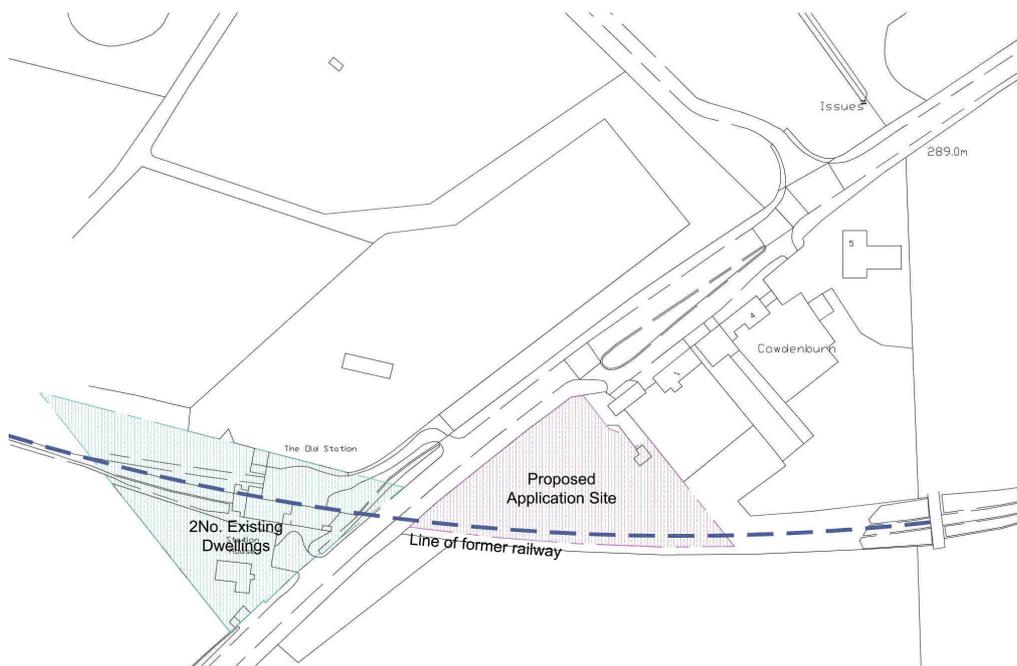


Figure 4 – Comparison of the nearby dwellings along the former railway line

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The newly created boundary along the A701 is screened from the road with a row of mature trees and shrubs.

This is a valuable asset to the site which provides effective screening of the development from the roadside whilst also enhancing the amenity from within the development site and reducing road noise to the dwellings. Subject to a BS5837 complaint survey, we propose that these trees remain with only minor raising of the canopy implemented to improve visibility to the south-west from the existing road junction up to the standard required.



A new green boundary to the south of the application site would be created within the existing post and wire fence. This would take the form of a native mixed hedge with species specially chosen to provide an attractive year round boundary and to create a natural habitat for birds and insect life. Further structured planting of native broad leaved trees to compliment existing trees

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further along the southern boundary would also be proposed to integrate the application site into the landscape.

We would request that a fully detailed assessment of the existing tree and scheme of landscaping be formally considered as a reserved matter.

### Vehicular Access, Visibility & Parking

Vehicular access from the public road is via two junctions to either end of the building group. Visibility to the north is good and within the recommended guidelines.



Visibility to north

Visibility to the south is presently sub-standard but can be improved to the required standard by selective trimming and raising of the canopies along the line of trees within the application site. Figure 5 illustrates the required alignment of the visibility splay to the south. It is worth noting that the entire visibility splay required to the south is within land which is under the control of the applicant.

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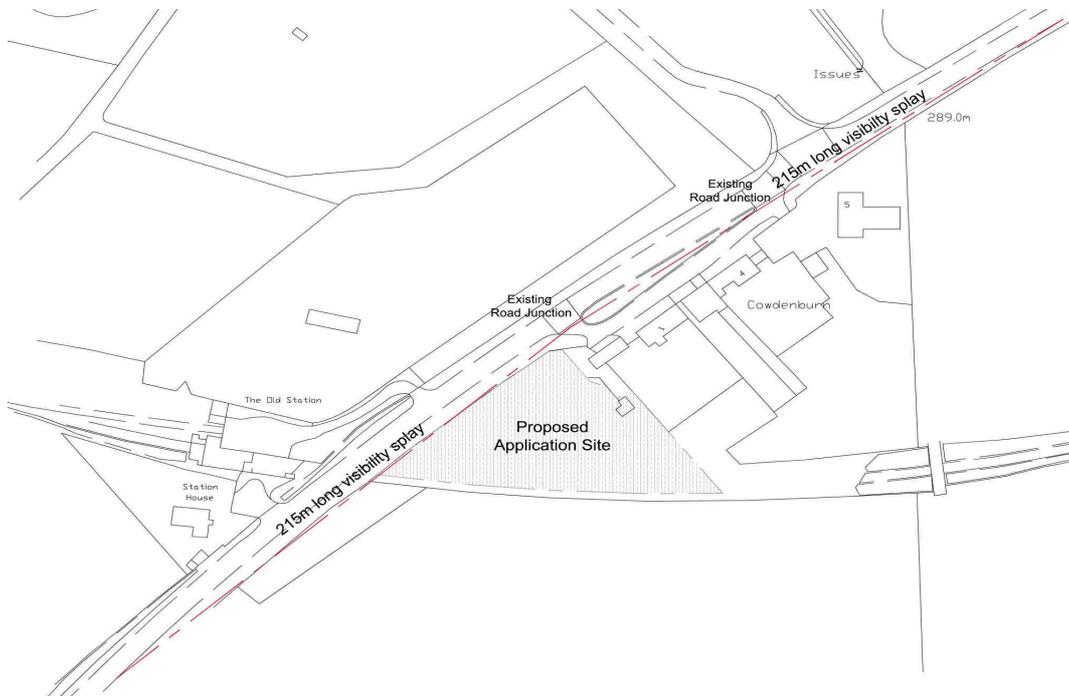


Figure 5 – Visibility splay from the southern junction



Visibility to South

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Vehicular access to the application site is taken through a field access via the existing access road serving the adjacent cottages. This road is the old public road and is sufficiently wide enough to let two cars pass each other.



Due to the reduction in the scale of development, the proposed plots could be accessed from a private road and visitor parking would no longer become a requirement. This would also help to reduce the impact of the proposed development and retain the rural character of the building group.

### **Ecological Impacts and Habitats**

It is understood that a preliminary ecological assessment would be required to assess the impact of the proposed development on the local ecology. We would request that this assessment be formally considered as a reserved matter.

### **Waste Water Treatment & SUDS**

It is understood that a private drainage system shall be installed to serve the new dwellings. Sufficient land is available to site the appropriate plant together with the additional land required to discharge the treated effluent to ground via a soakaway system. We would request that this, together with a suitable SUDS rainwater harvesting/disposal solution be formally assessed as a reserved matter.

### **Contaminated Land**

The land form of the application site is predominantly flat and no further earth works would be required to develop the site. However, it is understood that a formal site investigation will have to take place along with a report detailing

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any if any remediation works are necessary and carried out to the satisfaction of the Scottish Borders Council. We would request that this assessment be formally considered as a reserved matter.

### **Summary**

In summary we believe the proposals outlined in this application are well considered and uphold the principles defined in the relevant Planning Developments Policies and Guidelines of the Scottish Borders Council. We also trust that the amended proposals have demonstrated that we have responded to and addressed the issues highlighted from the initial request for pre-application planning advice.

RM architecture Ltd  
5<sup>th</sup> October 2018

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## **List of Appendices**

Appendix 1 – Applicants pre-application request for planning advice.

Appendix 2 – Pre-application Planning Advice ref:18/00229/PREAPP.

Appendix 3 – Indicative Site Layout ref: 18-020/PPP/001.