

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/01611/FUL

APPLICANT : Mr Francis Peto

AGENT : Aitken Turnbull Architects Ltd

DEVELOPMENT : Erection of dwellinghouse with attached garage

LOCATION: Disused Sawmill
Cowdenknowes
Earlston
Scottish Borders
TD4 6AA

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|-----------------|---------------------|--------------------|
| L(-1)100 | Location Plan | Refused |
| L(-2)101 | Proposed Site Plan | Refused |
| L(-4)101 | Proposed Elevations | Refused |

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

There are no representations;

CONSULTATIONS:

Roads Planning Service: Whilst I have no objections to the principle of a dwelling on this site, as evidenced via application 18/00599/FUL, I do have some concerns regarding the layout indicated. As a matter of principle we do not normally encourage multiple accesses to serve single dwellings off 'B' class roads. In this particular instance I have concerns that the south easterly access will not be able to provide adequate junction visibility and two accesses in such close proximity means that it would not be clear to a following driver which access an indicating driver was about to turn into. As such, I shall require an amended layout showing only a single access (north westerly one) into the property. Any amended layout should also take into consideration the proposed conditions listed below which I would require to be attached to any subsequent approval.

Community Council: The site is ideally suited for the development of a dwellinghouse and so we support the application. It would be preferable if the external materials were to the same high standard as those proposed in the previous application 18/00599/FUL.

Director of Education and Lifelong Learning: This proposed development is within the catchment area for Earlston Primary School and Earlston High School. A contribution of £2,612 is sought for the Primary School and £3,672 for the High School, making a total contribution of £6,284.

Scottish Water: No response.

Environmental Health: Will be able to support this application (subject to a condition regarding the proposed mains water supply) once the agent has submit further information. Clarity is required regarding the proposed waste water arrangements (e.g. connection to the public sewer, septic tank, etc.).

Landscape Architect: No response.

Contaminated Land Officer: The application appears to be proposing the redevelopment of land which was previously operated as a sawmill. 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.

It is recommended that planning permission should be granted 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. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP4: National Scenic Area
EP10: Gardens and Designed Landscapes
EP13: Trees, Woodland and Hedgerows
IS2: Developer Contributions
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development 2008
Landscape and Development 2008
Development Contributions updated January 2018
New Housing in the Borders Countryside 2008

Recommendation by - Julie Hayward (Lead Planning Officer) on 8th January 2020

Site and Proposal

The site is situated to the south of Earlston and accessed from the B6356. The site was a former sawmill, though the buildings are now dis-used and dilapidated. Cowdenknowes House, a category A Listed Building, is to the south west and the site is within the Cowdenknowes Designed Landscape (designated by SBC). The site is also within the National Scenic Area. There are a number of mature trees within and overhanging the site.

The proposal is to demolish the existing building and to erect a detached dwellinghouse on the site. This would be sited towards the south west corner outwith the canopy spread of the trees. The dwellinghouse would be one-and-a-half storey with an integral garage. The walls would be rendered, the roof would have artificial slates and the windows would be UPVC.

The existing access onto the public road to the north would be retained and a new access would be formed to the south east providing a looped driveway and area for parking. The trees would be retained and a new fence erected along the road boundary.

Planning History

03/01778/OUT: Demolition of existing buildings and erection of dwellinghouse. Approved 12th January 2004.

06/01745/REM: Erection of dwellinghouse with integral garage. Approved 8th February 2007.

18/00599/FUL: Erection of dwellinghouse. Refused 7th March 2019.

Planning Policy

The site is outwith the Development Boundary for Earlston and so the proposal has to be assessed against the Council's housing in the countryside policies.

Policy HD2 (A) allows new housing in the countryside provided that the site is well related to an existing building group of at least three houses or buildings capable of conversion to residential use. Any consents for new build granted under the building group part of the policy should not exceed two houses or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted. Calculations on building group size are based on the existing number of housing units within the group at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point. The cumulative impact of the new development on the character of the building group, landscape and amenity of the surrounding area will be taken into account in determining applications.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group. Sites close to rural industries will be given careful consideration to ensure no conflict occurs. Existing groups may be complete and may not be suitable for further additions.

The principle of a dwellinghouse on this site was previously established in 2004 with the granting of outline Planning Permission (03/01778/OUT) and reserved matters approval was granted in 2006 (06/01745/REM). This permission was never implemented and the consent has lapsed.

Notwithstanding the earlier grant of planning permission, it is important to understand the background to the earlier decision. A group of buildings consisting of 3 dwellings does exist at Cowdenknowes, although they are considered to be particularly dispersed, with the closest property (Cowdenknowes Lodge) being approximately 56m south east of the application site and separated by a burn and belt of mature trees. Cowdenknowes House is located 200m south west of the application site and the third identified house (at the time of the original submission), at Cowdenknowes Mains, is located almost 200m north east and separated from the site and Lodge by the B6356.

The original application was presented to the Eildon Area Committee with an officer recommendation to refuse on the grounds that the proposals were contrary to approved Structure Plan and Local Plan policies covering new housing in the countryside. Members were minded to approve this application contrary to officer's recommendation and the application was subsequently passed to the Development and Building Standards Committee in December 2003. Following the submission of additional supporting information relating to the presence of a building group on the south west side of the B class road, the application was continued to the January meeting where Members, following a site visit, resolved to approve the application contrary to officer recommendation.

The supporting information submitted at that time established that a third residential unit exists on the south west side of the B6356 and therefore, even discounting Cowdenknowes Mains, it was argued that a dispersed group exists around the network of private roads between Cowdenknowes Lodge and Cowdenknowes House.

In 2018 a full application (18/00599/FUL) for the erection of a dwellinghouse on this site was submitted. This application was considered on the following grounds:

"It could be argued that a "sense of place" does exist at Cowdenknowes, and that the spread of residential units on the south west side of the B6356 could be considered to constitute a building group meeting the terms of the Housing in the Countryside policy. However as with the earlier submission it remains necessary to define the most appropriate boundary to the group within which any development should be contained. In this instance it is considered that the substantial area of mature woodland between the application site and Cowdenknowes Lodge as well as the private drive (lined with mature trees) leading to Cowdenknowes House act as the most appropriate natural and man-made edge to the group. It is considered that the application site lies beyond that natural boundary of the group and would therefore be an inappropriate addition to the group.

Whilst consent was granted in 2004, and this is a material consideration in the determination of this current application, the original permission has lapsed and no consent exists on this site. Taking into consideration the site history, the application must be assessed against prevailing development plan policy, in this case Policy HD2 - Housing in the Countryside, supported by SPG on New Housing in the Borders Countryside (2008). This policy is generally supportive of appropriate rural housing development and in the case of additions to building groups, the Council must be satisfied that that the site is well related to an existing group. Whilst there are 3 residential units on the south west side of the B6356 they are historically associated with Cowdenknowes House and dispersed throughout a designed landscape. They do not form part of a tight, cohesive group of buildings and are separated by mature woodland and access drives within the estate. The application site is located outwith the identifiable limits of the group, on the north west side of a substantial area of mature woodland. The existing trees provide a definable natural boundary to the group, consistent with the advice contained within the SPG on housing in the countryside and it is considered that the proposed house would be located on land outwith the identifiable sense of place."

The application was therefore refused for the following reason:

"The proposed development would be contrary to Policy HD2 - Housing in the Countryside of the adopted Scottish Borders Local Development Plan 2016 in that the proposed dwelling would be located on land outwith the identifiable limits of the building group separated from existing buildings by mature woodland, and the need for the dwelling has not been substantiated. The erection of a dwelling on this site would not be well related to the existing group and would therefore represent sporadic, prominent and unjustified development in the open countryside."

This current application seeks Planning Permission for the erection of a dwellinghouse on the same site for the same applicant as the 2018 application. No supporting statement has been submitted to justify the proposal in the light of the previous refusal. The circumstances and planning policies have not changed since that refusal in March 2019.

Part F of policy HD2 supports housing with a location essential for business needs if the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise.

There appears to be no business operating from this site and no economic or agricultural justification for the proposed dwellinghouse has been submitted.

The proposal therefore fails to comply with policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance on New Housing in the Borders Countryside. The application therefore cannot be supported on policy grounds.

Siting, Design and Impact on Visual Amenities

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

Policy EP4 seeks to safeguard the overall landscape value of the National Scenic Area and policy EP10 supports development that will safeguard or enhance the landscape features, character and setting of the Designed Landscape.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the scale and siting of new development should reflect and respect the character and amenity of the existing building group.

As the site is situated within the Eildon and Leaderfoot National Scenic Area and Cowdenknowes Designed Landscape and would be visible from the public road, a high quality of design is considered to be vital. In this case, the proposal is for a one-and-a-half storey dwelling with an integral garage. This is the same design as that approved under 06/01745/REM.

Since that decision in 2006, the Council has issued Supplementary Planning Guidance on Placemaking and Design, which includes design guidance for rural sites. The design of the dwelling is not considered to be acceptable for this sensitive rural location or in keeping with the design guidance contained within the Supplementary Planning Guidance. In addition, artificial slates for the roof and UPVC windows would not now be appropriate. No negotiations have taken place with the agent as the proposal is considered to be contrary to the Council's housing in the countryside policies and so the application cannot be supported on policy grounds.

Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new household developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

There are no residential properties close to the site that would be affected by the proposal.

Access, Parking and Road Safety

Policy PMD2 requires that a development incorporates adequate access and turning space and for vehicles and ensures that there is no adverse impact on road safety. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The site would utilise the existing access onto the public road and a new access would be formed to the south east. There is sufficient space within the site for on-site parking and turning.

The Roads Planning Service has no objections to the principle of a dwelling on this site but has expressed concerns regarding this layout. As a matter of principle they do not normally encourage multiple accesses to serve single dwellings off 'B' class roads. The south easterly access may not be able to provide adequate junction visibility and two accesses in such close proximity means that it would not be clear to a following driver which access an indicating driver was about to turn in to. The Roads Planning Service has requested an amended layout. This has not been sought from the agent as the proposal is considered to be contrary to the Council's housing in the countryside policies and so the application cannot be supported on policy grounds.

The visibility splays, service lay-by gates and parking could be controlled by conditions.

Trees

Policy EP13 seeks to protect trees, woodlands and hedgerows from development. There are a number of mature trees within and overhanging the site, though the root protection areas are not accurately shown on

the site plan and the southern access would be formed within the canopy spread of some of the trees. Conditions can ensure that these trees are protected during construction and retained following completion and also cover landscaping and boundary treatments.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The proposed dwellinghouse would connect to the mains water supply but no details of foul drainage have been supplied. Environmental Health has requested details of the drainage and the exact details could be agreed by condition and through the Building Warrant process.

Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be required.

The land was previously used as a sawmill and so there is potential for contamination. A condition could ensure that proportionate investigation is carried out and mitigation, if required.

Development Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out in policies IS2 and IS3.

Contributions are required towards Earlston Primary School, Earlston High School and the Borders Railway. These would be secured by a legal agreement.

REASON FOR DECISION :

The proposed development would be contrary to Policy HD2 - Housing in the Countryside of the adopted Scottish Borders Local Development Plan 2016 in that the proposed dwelling would be located on land outwith the identifiable limits of the building group separated from existing buildings by mature woodland, and the need for the dwelling has not been substantiated. The erection of a dwelling on this site would not be well related to the existing group and would therefore represent sporadic, prominent and unjustified development in the open countryside.

Recommendation: Refused

- 0 The proposed development would be contrary to Policy HD2 - Housing in the Countryside of the adopted Scottish Borders Local Development Plan 2016 in that the proposed dwelling would be located on land outwith the identifiable limits of the building group separated from existing buildings by mature woodland, and the need for the dwelling has not been substantiated. The erection of a dwelling on this site would not be well related to the existing group and would therefore represent sporadic, prominent and unjustified development in the open countryside.

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