

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 20/01350/PPP
APPLICANT : Lady Angela Buchan Hepburn
AGENT : Galbraith
DEVELOPMENT : Erection of dwellinghouse with associated access
LOCATION: Site East Of Dogcraig Cottage Scotsmill
Peebles
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
2020/26/101	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

No representations were received.

Consultation responses were received from:

Roads - objection. The primary function of A & B class roads is movement and the number of accesses should be restricted where possible. The principle of accesses on to A class roads in rural areas is generally not supported without economic or road safety justification. B class roads are much the same but depending on the characteristics of the B road, a new access may be supported providing it does not pose a road safety concern. When looking at this specific site, there does not appear to be a strong building group and so this does not give an impression to drivers that this would be an area where you would expect an access to be present. My general feeling is that this is not an appropriate location for a new access due to the nature of the road and the lack of a strong building group. This would be an isolated access onto a rural section of road without any justification and could set an unwelcome precedent for future development in the area. Even if the issue regarding the principle of the access is overcome, I have concerns whether the appropriate visibility splays can be achieved when considering the vertical and horizontal alignment of the public road at this location. The proposal does not comply with policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety, including but not limited to the site access;

Flood Risk Officer - No objection. After considering the further information submitted by the applicant, the FRO recommended a condition requiring the finished floor level be no less than 160.2m AOD.

Ecology Officer - No objection, subject to conditions. The EO was largely satisfied with the Preliminary Ecological Appraisal (LUC, October 2020). The site is adjacent to the River Tweed SAC/SSSI. Mitigation is proposed including a pollution prevention plan and drainage and silt management plans. The proposed development is within an area of tall ruderal vegetation and rank, unimproved neutral

grassland, habitats of low biodiversity value with a small number of semi-mature broad-leaved trees. The eastern part of the site consists of broad-leaved woodland but is unlikely to be directly affected by the proposed development. Trees that may be removed for the proposed development are said to be of negligible potential for bats although no details are provided. No evidence of otter, badger, red squirrel and pine marten was recorded. Habitats within and adjacent to the site have potential to support otter, badger, red squirrel and breeding birds. Mitigation is proposed including pre-commencement supplementary surveys for bats, badger, red squirrel and breeding birds and measures including sensitive lighting proposals. The EO noted NatureScot's response in which they state that the proposal is unlikely to have a significant effect on any qualifying interests of the River Tweed SAC. NatureScot also recommend that any full application will be required to have a 20m buffer from the river bank, and be supported by a construction environmental management [lan (CEMP) and a further otter survey.

SEPA - no objection on flood risk grounds. The proposal is for a single dwelling to the south of the River Tweed. Extensive Flood Studies and Flood Risk Assessments have been undertaken along the River Tweed. Review of the most recent Flood Study undertaken by JBA indicates that the proposed site lies outwith the functional floodplain of the River Tweed. Review of the topographic level information provided, the proposed dwelling lies approximately 3m above the 1 in 200 year flood level. Therefore, we have no objection to the proposed development on flood risk grounds;

NatureScot - no objection. The proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required. This opinion relates to the principle of a house in this location. The design and manner of construction of the house, however, may have an impact on the river and the designation. The following aspects of the plan will need to be addressed in any forthcoming application for full planning permission. NatureScot requires that the development site boundary will not extend to within 10 m of the river bank. Furthermore, the ultimate design of the dwelling should ensure that there is a further 10 m of undeveloped ground within the proposal site. In other words, NatureScot requires a buffer of 20 m between the riverbank and development. This is a standard requirement, providing an appropriate ecological setting for the SAC, and ensuring that development does not have an adverse effect on the river. Construction Environment Management Plan The proposal site slopes down towards the river and the illustrative site layout suggests that construction equipment and machinery could operate relatively close to the river. Construction of the dwelling and associated features could therefore result in silt or other pollutants entering the river. The applicant should submit a CEMP to detail pollution prevention measures and storage facilities to demonstrate that construction activity will not adversely affect the river. Otter Survey The River Tweed SAC is designated for its otter population, otter also being a European Protected Species. The riverbank has some tree cover and it is possible that otter could use the location as a holt or other resting place. An otter survey, covering the site and suitable distance up and down stream, should accompany any future planning application, to demonstrate that there will be no impact on this species.

Community council - objection. The site is on agricultural land and poorly related to and detached from the existing building group. The community council considers that this would be overdevelopment of this rural corner and would constitute ribbon development along the B7062. They note in the design statement that there is an admission that discussions have been held with planning officers as to the possibility for two semi-detached houses to be built on the site. They state that the application appears to be a reduction in aspirations solely with a view to possible creeping applications where each proposal in turn would prove easier to grant. The community council considers that the proposal would be contrary to policies PMD2 "Quality Standards" in that it fails to assist in the creation of a sense of place; PMD4 "Development out-with development boundaries" and HD2 "Housing in the Countryside" in that the siting is not appropriate and from the proposals, the scale and design detracts from the existing group of buildings.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

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
EP10 - Gardens and designed landscapes [kailzie]
EP13 - Trees, woodlands and hedgerows
EP15 - Development affecting the water environment
EP16 - Air quality
IS2 - Developer contributions
IS7 - Parking provision and standards
IS8 - Flooding
IS9 - Waste water treatment and sustainable urban drainage

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

The following council guidance is material:

Biodiversity
Development contributions;
Local biodiversity action plan: biodiversity in the Scottish Borders;
Local landscape designations
New housing in the Borders countryside;
Placemaking and design;
Privacy and sunlight guide;
Sustainable urban drainage systems;
Trees and development;
Waste management.

Recommendation by - Randal Dods (Planning Officer) on 15th January 2021

The applicant has submitted a supporting statement and I have had account of that in my consideration of the application.

The proposal is for a new house in the countryside, covered by policy HD2 of the LDP. That policy sets out 6 broad criteria. Those are: A) building groups; B) dispersed building groups (related to the southern housing market area); C) conversions; D) restoration; E) replacement dwellings and; F) economic requirement.

In relation to those criteria, the proposed development could be considered possibly in terms of only criterion A) building groups. The other criteria are not relevant to this proposal.

Criterion A) allows for up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups. Three tests are set out, being:

- a) the council is satisfied that the site is well related to an existing group of at least three houses or buildings currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented;
- 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. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts;
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

The proposal for a house on this site fails test a) set out above. A building group does exist at Scotsmill but that is a compact grouping of former mill buildings. Two of the four buildings are listed category B and they have a clearly defined sense of place. The site is approximately 61m from the unlisted property currently known as Dogcraig Cottage and is separated from it by garden ground and open space. Mature and semi-mature trees are found on the site and on the intervening ground and they enforce the sense of isolation from the historic group and that is particularly apparent when travelling west to east along the B7062 as the ground rises. The open nature of the application site itself results in it having the appearance of being part

of the wider landscape setting. The proposed development would not, therefore, relate well to or form a natural extension to the existing group.

In terms of criterion b), the proposal would be ribbon development and would result in unacceptable adverse impacts on the rural amenity of the area. In addition, it would set an undesirable precedent for additional housing development to the west and the east of the indicative house plot, the likely cumulative impact of which would be significantly detrimental to the character of the building group, on the landscape and amenity of the surrounding area.

For criterion c) the proposal is for one dwelling. This would not exceed the limit of two dwellings or a 30% increase in addition to the group during the plan period but, as set out above, the site is not considered to be part of the group or well related to the historic group.

The New Housing in the Borders Countryside SPG reinforces the terms of policy HD2. No support for the proposal can be found within the SPG nor is there an overwhelming need for the development of the site.

The proposed development would not be well related to the existing building group nor has the applicant advanced a case setting out why there is an overwhelming need for the development of the site to necessitate a departure from the LDP. This proposal remains wholly inconsistent with planning policy and guidance. There are no material considerations of which I am aware that would suggest that policy provisions should be set aside in favour of the development and granting permission in principle would set an undesirable precedent. The principle of the development is therefore not accepted.

Indicative design

The indicative design has been submitted. That design is clearly at an advanced stage of preparation and shows an L shaped building of approximately 170m square. The building shown is single storey plus attic accommodation and would have three bedrooms and an integral garage. Although the design shown may be acceptable in many locations, it has no aesthetic or design links with the buildings in the Scotsmill group. Above and beyond the physical isolation of the site, the design would further add to the alienation of the proposed development from Scotsmill.

Amenity and privacy

The application is for planning permission in principle, although an indicative site plan, plans and elevations have been submitted. It is possible, based on those, to assess the potential impact of the proposed house on amenity and privacy. Being isolated from Scotsmill, the proposed house would not have a negative effect on privacy and residential amenity.

Developer contributions

Contributions would be required for education provision, were the application to be granted. Those would be secured by means of either a section 69 or section 75 agreement.

Access and parking

There appears to be sufficient space available on the site to provide parking for two vehicles and associated turning space. That having been said, there is no current access to the site, the southern 80m long boundary being a continuous low drystone dyke. The development would form a new access and entrance layby approximately 29m from the western boundary. The total width of which is shown on the indicative plan as being 20m. Roads objected to the principle of a new access stating that new accesses on to A class roads in rural areas is generally not supported without economic or road safety justification and that, depending on site specifics, the same would apply to B class roads. As the site is adjacent to a B class road, that would be the case here.

In assessing this proposal, Roads noted that they do not consider this to be an appropriate location for a new access due to the nature of the road and the lack of a strong building group, thereby not giving an impression to drivers that this would be an area where you would expect an access to be present. They noted that this would be an isolated access onto a rural section of road without any justification and could set an unwelcome precedent for future development in the area. Even if the issue regarding the principle of the access could be overcome, Roads expressed concern about the ability to achieve the appropriate visibility splays. The proposal does not, therefore, comply with policy PMD2 of the LDP 2016 in that it would fail to ensure there is no adverse impact on road safety, including but not limited to the site access.

Impact on trees

The site has a number of mature and semi-mature trees and those are of, at the very least, good amenity value and add to the landscape setting. Advice was given at pre-application stage that further submissions must take account of those and root protection areas and proposals for the protection of the trees must be marked set out in any submission. The information was not submitted with this application. Whilst the indicative plan appears to show that it may be possible to develop a house on the site without affecting the mature trees to the east, if permission were granted, any future application would have to be supported by an accurate arboricultural assessment and protection plan.

Flooding

The site is adjacent to the River Tweed and the northern extremities of the site appear to be within the medium likelihood flood extent of the SEPA flood maps. SEPA did not object to the proposal and the applicant submitted a site section in response to the council FRO's initial consultation response. That demonstrates that it would be possible to locate a house on the site which would be outwith the flood risk zone. The FRO did not object but recommended a condition relating to the minimum finished floor level in the event that permission were granted. This floor level appears feasible

Impact on ecology

The applicant submitted a preliminary ecological assessment. That was assessed by the Ecology Officer and found to be largely acceptable. Conditions were recommended in the event that planning permission were to be granted.

Impact on SLA

Based on the submitted information, the proposed development would not be detrimental to the objectives or overall integrity of the SLA.

Impact on designed landscape

Based on the submitted information, the proposed development would not be detrimental to the objectives or overall integrity of the locally designated designed landscape.

Air quality

I note that Environmental Health has not commented on the application. The remote location and siting of the house mean that the proposed solid fuel stove is unlikely to have a negative impact on local air quality.

Services

The applicant states that the site will be connected to a private water supply and that foul drainage would be by means of a private system. In order to comply fully with policy IS9, further applications would have to demonstrate that the site can indeed be serviced adequately in terms of water and drainage. There appears to be sufficient space within the plot to site waste and recycling containers away from the front elevation of the houses.

Conclusion

The proposed development is located on an undeveloped greenfield site within the countryside. The proposal is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would not relate sympathetically to an existing building group and would comprise sporadic development in a linear manner alongside the public road. In addition, the development would be contrary to policy PMD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would fail to ensure there is no adverse impact on road safety, including but not limited to the site access.

REASON FOR DECISION :

The development would be contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would not relate sympathetically to an existing building group and would comprise sporadic development in a linear manner alongside the public road in a countryside location and no overriding case for a dwellinghouse on the site has been substantiated. This conflict with the development plan is not overridden by other material considerations.

The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety, including but not limited to the site access. This conflict with the development plan is not overridden by other material considerations.

Recommendation: Refused

- 1 The development would be contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would not relate sympathetically to an existing building group and would comprise sporadic development in a linear manner alongside the public road in a countryside location and no overriding case for a dwellinghouse on the site has been substantiated. This conflict with the development plan is not overridden by other material considerations
- 2 The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety, including but not limited to the site access. This conflict with the development plan is not overridden by other material considerations.

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