

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/00137/FUL

APPLICANT : Mr Bradley Clarke

AGENT :

DEVELOPMENT : Erection of ancillary accommodation to dwellinghouse and installation of 12 KW ground mounted solar array

LOCATION: Penvalla
Broughton
Scottish Borders
ML12 6HQ

TYPE : FUL Application

REASON FOR DELAY: Late Submission of Information

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
Panel elevation	Proposed Elevations	Approved
PL-001 REV P5	Proposed Plans & Elevations	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations were received.

Consultation responses were received from: Roads - no objection to the revised proposal; Landscape Architect - no objection to the revised proposal, subject to conditions.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016
PMD2 - Quality standards
HD3 - Protection of residential amenity
EP4 - National scenic areas
EP13 - Trees, woodlands and hedgerows
IS9 - Waste water treatment standards 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:

Placemaking and design;
Privacy and sunlight guide;
Sustainable urban drainage systems;
Trees and development.

Recommendation by - Ranald Dods (Planning Officer) on 19th April 2021

Site

Penvalla is a detached villa located to the west of the A701 in Broughton and is within the Upper Tweeddale national scenic area (NSA). To the north of the garden associated with the house is a parcel of mature woodland, which is roughly 0.34 of a hectare in area. There are residential properties to the north and south, whilst agricultural land lies to the west.

Proposal

The proposal is for a small A frame building, approximately 5m by 7m and 4m to ridge, located within the garden approximately 14m to the north west of the house. Also included in the application is a solar array on the southern boundary of the site, although that element would be permitted development in terms of class 3B of the GPDO. The applicant originally proposed an additional access in the south west corner of the property. In their initial consultation response, Roads noted that they did not object to the principle of the building but expressed concern about the proposed access. That element was subsequently deleted from the proposal and revised drawings submitted.

Planning history

There is some planning history associated with this site. That can be summarised as follows:

20/01370/CLPU, Erection of ancillary building within garden ground, refused, 19 Nov 20.

Principle

The construction of an ancillary building containing primary residential accommodation requires planning permission. The applicant has stated that the building will serve as additional accommodation annex to the main house. The building would be within the curtilage and share the same garden and parking areas. The key consideration with this proposal would be the potential impact on residential amenity under policy HD3.

In this instance the proposed building is sufficiently distant from the neighbouring properties not to be detrimental to the amenity currently enjoyed by them. A condition is recommended in order to ensure the building remains as ancillary to Penvalla. Taking the above factors into consideration and subject to conditions, I conclude that this development would comply with policy HD3.

Design

The proposed development would be an A frame building which would provide a living space, a kitchen area, a WC and a shower. The building would be located at the northern edge of the garden, some 14m from the house and orientated approximately east to west. The roof of the building would be formed with black profile steel sheeting. That is acceptable and the colour is one which can be found on small outbuildings elsewhere and the building will have no visibility of note in any case. The gable elevations of the building would be plain, with one being almost completely glazed and the other having black horizontal timber boarding and a door to give entry.

Visual impact

The building would not be seen from the public realm as a result of the topography of the site and the hedge on the boundary with the public road. Even were it to be, the size of the building is not one which would cause a significant visual impact. The drawings show that as a 9 panel door which appears overly fussy for such a simple building but that is not a matter which I see as needing revision given the lack of visibility that the building will have. It's unclear from the drawings which direction the glazed gable will face but it is assumed that will be the westerly gable, given that is the view to the countryside. Again, because of the lack of visibility to the building and the relationship to the adjoining properties, that is not a matter which causes me concern. The proposed design is simple and visually acceptable.

The solar array in the south west of the site would be permitted development. Even were it to require planning permission, the drawings which the applicant has provided suggest that the visual impact would not be significant and that it would not be seen from the public realm.

Amenity and privacy

The building would be sufficiently distant from other houses and the only window proposed faces into the applicant's garden and countryside beyond. As such, the proposed development would not be detrimental to residential amenity or privacy nor would it result in overshadowing or loss of daylight.

Impact on the NSA

The design is simple and would have the appearance of a small, utilitarian outbuilding building. That, coupled with the lack of visibility from the public realm, leads me to conclude that the proposed development would not be detrimental to the objectives or overall integrity of the NSA.

Trees

As the proposal would impact a number of trees, especially the initial submission, the applicant was asked to submit further information on the trees in order to make a proper assessment. That was submitted and assessed by the Landscape Architect who had concerns about the quality of the report. However, as the proposals have been revised to exclude the access, the only area of possible concern relating to trees would be that in the immediate vicinity of the ancillary building. Whilst those are within the control of the applicant, they do form a part of a woodland which makes a positive contribution to Broughton and the wider NSA. I have spoken to the Landscape Architect about the revised scheme and she did not object but recommended a condition. I have no reason to disagree with that assessment.

Services

The application form does not refer to water or foul drainage services. It is assumed that connections will be made to the existing public water and foul drainage systems. A condition is recommended in that regard. Surface water drainage should not have implications that need accounted for here.

Conclusion

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

REASON FOR DECISION :

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

Recommendation: Approved subject to conditions

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the planning authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The development hereby approved shall remain as permanent ancillary accommodation to the principal dwelling (known currently as Penvalla) and shall be occupied only by persons of the same household. There shall be no subdivision of this single residential planning unit and it shall not be used for independent residential or holiday rental purposes.
Reason: The planning authority considers that the development hereby permitted is the maximum that can be reasonably allowed without causing detriment to infrastructure provision and an intensification of use of the road/access by increased vehicle movements would not be appropriate in this location.
- 3 No development shall be commenced until a detailed 'method statement' in relation to all works within the root protection area (RPA) of retained trees has been submitted to and approved in writing by the planning authority. Specific issues to be dealt with in the method statement:
 - a) A scaled plan (minimum of 1:200) showing the position, size, RPA, species and unique identification reference of each retained tree affected by the works and including details of the extent and nature of all works within the RPA of retained trees. The Tree Protection Plan (as required in BS 5837:2012) to be submitted should show location of all tree protection in relation to the proposed

development, fencing and with hatching or other to show ground protection and there should be a statement about hand digging only within RPAs - when excavations are absolutely necessary;

- b) a written statement detailing the proposed works including hand digging, use of filter cloth, timber edging, cellular ground reinforcement, porous surfaces etc. as relevant;
- c) a specification for protective fencing to safeguard trees during the construction phases and a plan indicating the alignment of the protective fencing;
- d) a specification for ground protection within RPAs.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained and which are of value to the national scenic area will not be damaged during construction operations.

- 4 No development should commence until evidence has been provided to the planning authority that the ancillary building is to be connected to the public water supply and foul drainage system, unless otherwise agreed in writing with the planning authority. Thereafter, the ancillary building shall not be occupied until the connections are made to those networks.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and to ensure that the development does not have a detrimental effect on amenity and public health.

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