

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 21/00840/PPP

**APPLICANT :** Mr Trevor Jackson

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Erection of dwellinghouse, formation of new access and associated work

**LOCATION:** Plot 2 Land South Of The Bungalow  
Charlesfield  
St Boswells  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
10103/05 D	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 2**  
**SUMMARY OF REPRESENTATIONS:**

Two representations objecting to the proposal have been received, raising the following planning issues:

- o Drainage from the plot. The main drain comes down directly behind Westlea. Historically, Alesudden drainage uses that drain and when Whithorn, Roadside Paddock and Stroma were build their drainage was also added. Periodically this blocks and needs to be flushed out. Adding a further two houses to that system is an issue.
- o The access road and entrance may be unsuitable for two new houses and could damage the boundary hedge to the south west of Stoma.
- o Impact on wildlife including bats, otters, birds and badgers.
- o The acoustic survey is dated 2017 and is out of date.

**CONSULTATIONS:**

Roads Planning Service: To enable me to support such an application, the following matters would have to be addressed to the satisfaction of the Council at the detailed stage.

- o Visibility of 2.4 x 120m minimum in either direction at the access onto the public road.
- o The initial 6m of the access would have to be wide enough to allow two vehicles to pass. Thereafter it may reduce to single file with appropriate passing provision.

- o Construction details for the access must be provided for approval, with the initial 6m being constructed using a bituminous finish.
- o The verge crossing/access should be constructed as per our standard detail DC2 (or similar agreed in writing with SBC).
- o Parking and turning for a minimum of two vehicles, excluding any garages must be provided within the curtilage of the plot prior to occupation and be retained in perpetuity.
- o Depending on final levels, measures may have to be taken to prevent the flow of water from the site onto the adjacent public road.
- o Consideration must be given as to how service vehicles will be accommodated at the access and details for this should be included in any future submission.

Community Council: No response.

Environmental Health: Unable to support the principle of the development. The proposed site shares a boundary with an industrial use, with many others in close proximity. We are concerned that noise generating activities undertaken on the neighbouring sites could adversely affect the amenity of those living in the proposed development.

The application is supported by a Noise Impact Assessment (KSG Acoustics Ltd., 24 July 2017). The assessment considers noise from the biomass facility and the adjacent bus depot, and concludes that the results indicate there will not be a significant adverse impact on residential amenity. It is noted that the assessment includes an assumption that mitigation in the form of a 1m bund, plus a 1.8m close boarded fence will be in place along the south boundary of the development site, however this does not appear to be referred to in the planning statement or on the site plan.

There is the possibility that the operation of neighbouring businesses considered in the assessment could change without permission from the Planning Authority, which could mean a change in noise generating activities. It is also noted that the Noise Impact Assessment was carried out approximately 4 years ago which raises concerns that it may not represent the current noise climate.

Archaeology Officer: These sites are located in the surroundings of an archaeological site (the Charlesfield Industrial Estate, Canmore Id 74226) as a site with more definitely known limits. Neither site is into the historic core of the estate (which has Second World War origins). It is unlikely that an archaeological finds, features or deposits are to be located at the sites.

Education and Lifelong Learning: No response.

Contaminated Land Officer: The application proposes the redevelopment of land which appears to have formed land associated with a munitions factory (Charlesfield, Incendiary Bomb Munitions Plant and Depot) which was subsequently understood to have been used as a Royal Navy Armament Depot. 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.

#### APPLICANT' SUPPORTING INFORMATION:

- o Planning Statement
- o Noise Impact Assessment
- o Preliminary Ecological Appraisal
- o Transport Technical Note
- o Agent's Letter of Support

#### PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards  
ED1: Protection of Business and Industrial Land  
HD2: Housing in the Countryside  
HD3: Protection of Residential Amenity  
EP3: Local Biodiversity  
EP8: Archaeology  
EP13: Trees, Woodlands and Hedgerows  
IS2: Developer Contributions  
IS3: Developer Contributions Related to the Borders Railway  
IS7: Parking Provisions and Standards  
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage  
IS13: Contaminated Land

Supplementary Planning Guidance:

Placemaking and Design January 2010  
Guidance on Householder Development July 2006  
New Housing in the Borders Countryside December 2008

**Recommendation by** - Julie Hayward (Lead Planning Officer) on 12th August 2021

Site and Proposal

The site is situated between Charlesfield Industrial Estate and a row of six detached dwellinghouses that front onto the public road to the south west of St Boswells. The site is an area of grass used for grazing with high hedges/trees and fences on the boundaries. The ground slopes down to the south.

Three houses, Roadside Paddock, Whitethorn and The Bungalow are to the north west, agricultural land is to the north east, the industrial estate (bus depot) is to the south/ south east and plot 1 (21/00839/PPP) is to the south west.

The proposal is to erect a dwellinghouse on the site. Access would be from the public road via an access between Alesudden and Stroma (shared with plot 1). Two on-site parking spaces are proposed. A 6m wide woodland screen is proposed for the south eastern boundary.

Planning History

17/01343/PPP: Erection of dwellinghouse. Withdrawn 21st December 2017.

21/00839/PPP: Erection of dwellinghouse, formation of new access and associated works. Plot 1 Site Adjacent Stroma Charlesfield Industrial Estate St Boswells. Pending consideration.

The following application relates to the northern corner of the plot:

04/01824/OUT: Erection of dwellinghouse. Land to Rear of 2 Roadside Paddock Charlesfield St Boswells. Refused 15th November 2004

Assessment

Planning Policy

The site is situated outwith the land allocated in the Local Development Plan 2016 for business and industrial safeguarding (allocation zEL3).

The site is outwith any settlement and so must 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.

It is accepted that there is a building group at Charlesfield that comprises of six detached houses fronting onto the public road that runs between the A68 and B6359 to the west. The building group has a distinct linear pattern and there are no existing houses directly behind this row of properties. The only exception is Westlea, situated within the industrial estate to the south west. This building appears to have been converted into a dwellinghouse rather than being purpose built, and was connected to the adjacent haulier business.

It is considered that the erection of a dwellinghouse on this plot would be out of keeping with the linear character of the building group, would constitute backland development and would be an inappropriate addition to the building group. In addition, it is considered that this building group is complete and cannot accommodate further development without resulting in a detrimental impact on the building group.

There have been no consents for housing within this building group in the Local Development Plan period and so the proposal complies with the thresholds contained within policy HD2.

Planning permission was refused in 2004 for the erection of a dwellinghouse on part of this plot and a section of the garden ground belonging to Roadside Paddock as it was considered that the form and appearance of the existing building group at Charlesfield would be adversely affected by this additional development. A further Planning Permission in Principle application (17/01343/PPP) for the erection of a dwellinghouse on this plot (on a larger site with a vehicular access onto the public road to the north west) was withdrawn in December 2017 as the application could not be supported for the above reasons.

The Council's housing in the countryside policies have not changed significantly since that decision to warrant a different recommendation in this case.

#### 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.

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.

The building group is characterised by modern detached single and one-and-a-half storey houses with render and brick walls and tile roofs that all front onto the public road.

As this is a Planning Permission in Principle application no details of the design or materials of the proposed dwellinghouse have been submitted. The Planning Statement suggests that the dwelling would be one-and-a-half storey in height.

It would be important at the Approval of Matters Specified in Conditions stage to ensure that the scale, design and materials of the proposed dwellinghouse are in keeping with the character of the building group.

The site is well screened from the public road by the existing houses. The buildings within industrial estate and the proposed woodland belt on the southern boundary would screen the site when viewed from the south, though this would take time to mature. The indicative section drawing shows that the proposed dwellinghouse would be on a lower ground level than the houses adjacent to the public road.

It is accepted that with appropriate scale, design and materials the proposal would not harm the visual amenities of the wider area.

#### 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.

The site is to the rear of Roadside Paddock and Whitethorn to the north west. The indicative drawings show that the proposed dwellinghouse would be approximately 9m from the rear boundary of Whitethorn and on lower ground. Planting is proposed along the northern boundary of the site. It is accepted that an adequate distance can be achieved between the existing properties and the proposed dwellinghouse. With careful consideration of the design of the dwellinghouse, position of windows and boundary planting, the proposal would not result in a loss of light or privacy to these properties.

The site abuts the industrial estate and this proximity is a concern due to the potential noise, smell and dust associated with the industrial estate and the conflict of uses that could occur. The proposal would bring residential uses closer to the industrial estate, which may adversely impact on the residential amenities of future occupiers of the proposed dwellinghouse.

A 6m wide woodland belt is proposed for the south east boundary with the industrial estate. A Noise Impact Assessment (dated July 2017) has been submitted which evaluates noise levels associated with the industrial estate, concentrating on the bus depot and the biomass plant, during the day and night time. A bund and close boarded fence along the southern boundary is recommended as mitigation, together with the careful positioning of habitable room windows in the proposed house. The report concludes that provided this mitigation is in place, the appropriate levels of noise ingress can be achieved throughout the development.

Environmental Health has objected to the proposal as the proposed site shares a boundary with an industrial use, with many others in close proximity. They are concerned that noise generating activities undertaken on the neighbouring sites could adversely affect the amenity of those living in the proposed development.

The Noise Impact Assessment considers noise from the biomass facility and the adjacent bus depot, and concludes that the results indicate there will not be a significant adverse impact on residential amenity. The mitigation (bund and a 1.8m close boarded fence) along the south boundary of the development site, however this is not shown on the site plan.

There is the possibility that the operation of neighbouring businesses considered in the assessment could change without permission from the Planning Authority, which could mean a change in noise generating activities. Environmental Health also note that the Noise Impact Assessment was carried out approximately 4 years ago which raises concerns that it may not represent the current noise climate.

The proposal would therefore result in a conflict in uses to the detriment of future occupants of the dwellinghouse.

It is considered that the site is large enough to accommodate a house, on-site parking and turning and adequate garden ground. However, the proposed planting within site to the rear gardens of the existing properties and the screen planting in the form of the woodland buffer would enclose the site and potentially overshadow the proposed dwellinghouse and affect the outlook and light of future occupants.

## Ecology

Policy EP3 states that development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it is demonstrated that the public benefits of the development outweigh the value of the habitat for biodiversity conservation.

Concern has been expressed that there are protected species (otters and badger) within the site.

A Preliminary Ecological Appraisal has been submitted. No evidenced of badger, reptiles, amphibians were found. The hedgerows and trees on the boundaries provide suitable habitats for breeding birds but were not suitable to support roosting bats. The report concludes that the site would provide low suitability to support protected species and no evidence of protected species were identified.

Should the application be approved, further surveys for breeding birds would be required should the proposal include the felling of any of the trees or hedgerows and an informative would advise of the legislation and responsibilities in respect of bats.

## Trees and Hedgerows

Policy EP13 seeks to protect trees and hedges from development. There are mature hedges on the southern and western boundaries of the site and fencing and hedging on the rear boundaries of the existing properties, including along the proposed access along the western boundary of Stroma.

It would be desirable to see this planting retained and protected from development due to its biodiversity value and contribution to the visual amenities of the area and this could be secured by conditions.

## Access and Parking

Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The site would be accessed from a new access from the public road between Alesudden and Stroma and two on-site parking spaces are proposed.

A Roads Technical Note has been submitted to support the application, containing information on trip rates, the proposed access and visibility splays. This concludes that the proposed development will generate a minimal number of trips on an hourly basis, with a limited chance for a vehicle accessing the site to meet one which is leaving. A 5m wide access for the initial 7m would enable a vehicle to pass a stationary vehicle waiting to leave the access. The required visibility can be achieved in both directions and that there are no road safety concerns which would prevent the formation of a new development access on the unclassified road located to the north of the site.

The Roads Planning Service has no objections to the proposal on access and road safety grounds provided that his requirements regarding visibility, the specification of the access, drainage and parking provision are met and these can be controlled by conditions should the application be approved.

Achieving the visibility requirements at the access onto the public road may require the removal of planting within the roadside verge associated with the adjacent properties and it would need to be demonstrated at the detailed application stage that the visibility splays could be provided.

## 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.

Concern has been expressed regarding the capacity of the existing drainage system to cope with the additional demand.

The water supply would be from the public mains but no details of the surface or foul drainage have been submitted. The applicant would have to demonstrate that adequate drainage is achievable at the detailed application stage and as part of the Building Warrant.

#### 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 Councils Contaminated Land Officer advises that the site was previously used as a munitions factory (Charlesfield Incendiary Bomb Munitions Plant and Depot). 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. A condition would be required 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 together with a remediation strategy and verification plan.

#### Developer Contributions

Financial contributions, in compliance with policies IS2 and IS3, are required in respect of education (St Boswells Primary School and Earlston High School), affordable housing in connection with the application for plot 1, and the Borders railway. These would be secured by a Section 75 legal agreement should the application be approved.

#### **REASON FOR DECISION :**

The development is considered to be contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3.

#### **Recommendation:** Refused

- 0 The development is contrary to Policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside in that it would constitute new housing in the countryside that would be poorly related to an established building group, which is deemed to be complete and not suitable for further additions. The erection of a dwellinghouse on this site would constitute backland development out of keeping with the linear character of the building group and would have an inappropriate impact on the setting of the group and sense of place. In addition, the proposal would bring a residential use closer to the industrial uses within Charlesfield Industrial Estate resulting in a conflict of uses, potentially detrimental to residential amenities, contrary to policy HD3,

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