

SCOTTISH BORDERS COUNCIL

EILDON AREA COMMITTEE

20 SEPTEMBER 2004

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 04/01443/OUT

OFFICER: Karen Hope
LOCAL MEMBER: Councillor Riddell-Carre
PROPOSAL: Erection of two dwellinghouses
SITE: Slaters Yard off Charlesfield Road, St Boswells, Melrose
APPLICANT: Wm Marjoribanks Ltd
AGENT: Huggins-Haig, Holland Ltd

SITE AND APPLICATION DESCRIPTION:

This is an outline planning application for the erection of two dwellinghouses on land currently used as a slaters yard off Charlesfield Road near St. Boswells. The proposed site, which measures approximately 60m x 22m, is located approximately 56m to the west of the A68. It is bounded by agricultural land to the north, the A68 to the east, a residential property to the west and by Charlesfield Road to the south.

The land is currently used as a slaters yard. An existing vehicular access would be improved and utilised from the south.

PLANNING HISTORY:

An outline planning application for the erection of a dwellinghouse on this site was refused in March 1990.

DEVELOPMENT PLAN POLICIES:

Approved Structure Plan 2001-2011

Policies H5 and H6 apply which state:

POLICY H5 - New Housing in the Countryside - Building Groups

Proposals for new housing in the countryside outwith defined settlements¹ but associated with existing building groups will normally be supported where they are in accordance with the provisions of the policy guidance 'New Housing in the Borders Countryside'. Favourable consideration is more likely where development proposals:

- (i) are readily accessible to the strategic public transport network,
- (ii) employ energy efficient and/or innovative design principles,

¹ Defined settlements are those identified in Local Plans and Village Plans

- (iii) incorporate employment-generating uses appropriate to a countryside setting.

POLICY H6 - New Housing in the Countryside - Isolated Housing

Proposals for new housing in the countryside, outwith defined settlements¹ and unrelated to building groups, will only be supported where:

- (i) the house can be shown by the developer to be essential at that location for the needs of agriculture or other uses currently occupying or requiring an appropriate rural location, and
- (ii) the requirement for a house cannot be satisfied by Policy H5.

Ettrick and Lauderdale Local Plan 1995

Policies 7 and 8 apply which state:

Policy 7

Outwith the settlements identified in policies 2, 3 and 6, new housing development will be encouraged within or adjacent to the preferred building groups listed below. In addition, limited development may also be permitted within or adjacent to other building groups. All development should meet the following criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 62 and 63.
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

Preferred Building Groups

Bemersyde, Clintmains, Dryburgh, Ettrick, Legerwood, Yarrow Feus.

Policy 8

Within the areas specified on the Proposals Map, there will be a presumption in favour of sensitively designed and well sited isolated housing in the countryside. Elsewhere, there will continue to be a presumption against single houses in the countryside which are not within or adjacent to existing building groups. Development will be permitted if an economic need can be clearly substantiated. Any development should meet the following criteria:

¹ Defined settlements are those identified in Local Plans and Village Plans

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 62 and 63;
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

OTHER PLANNING CONSIDERATIONS:

New Housing in Borders Countryside Policy and Guidance Note 1993 as amended.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Director of Technical Services (Roads): The existing access location shown on the submitted plan does not exist. However, there is an access approximately 60m further east, which may be the one they mean. Notwithstanding the access location, I am far from comfortable supporting a residential access directly onto what is essentially an Industrial Estate Road though it does serve many other properties and farms. To obtain my visibility requirements a substantial length of hedgerow will have to be removed. One other concern is the possibility of the A68 being realigned to bypass St Boswells sometime in the future and this would be in its immediate path.

I consider this site to be very marginal but, on balance, I feel I do not have strong enough reasons to object to this application.

Planning & Economic Development (Regional Archaeologist): These proposals have archaeological implications. There is documentary evidence to suggest that the Roman road, Dere Street may cross this development site. Dere Street was the main strategic road used by the Roman army after the conquest of lowland Scotland in the late 1st century AD. It linked the legionary fortresses at York and Inchtuthill, near Perth and the Roman port at Cramond. The course of the road is well known from the English border to Harestanes on the north bank of the Tweed and beyond to the boundaries of St Boswells parish. Thereafter road building and other modern activities have obscured its course.

The proposed dwellinghouses lie on the putative course of Dere Street. Although no surface trace of Dere Street can be seen in this area, buried remains connected with the Roman road may survive. Therefore, I would be grateful if the following condition were added to any permission that may be granted:

The developer shall afford access at all reasonable times to any archaeological organisation acceptable to the Planning Authority, and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, information as to whom the Heritage Officer should contact on site and the name of

the archaeological organisation retained by the developer shall be given in writing to the Planning Authority not less than 14 days before development commences.

Reason: To safeguard a site of archaeological interest.

Other Consultees

St Boswells Parish Community Council: No objections, though one member is afraid this may be the start of ribbon development along Charlesfield Road.

Scottish Water: Response awaited.

OTHER RESPONSES:

None.

PLANNING ISSUES:

The main planning issues with this application are whether the proposal complies with the terms of the Council's Housing in the Borders Countryside policy or whether or not there are any economic or other material considerations to be taken into account.

ASSESSMENT OF APPLICATION:

This application must be assessed against Policies H5 and H6 of the Approved Structure Plan 2001 – 2011 and Policies 7 and 8 of the Ettrick and Lauderdale Local Plan 1995. The Council's Housing in the Countryside policy requires the existence of a building group which normally consists of residential buildings comprising at least three dwelling units, including existing buildings capable of conversion to residential use.

There is one existing property to the south west of the application site, known as 'Midburn'. The eastern boundary of 'Midburn' is well defined by a row of relatively mature trees. There are no other properties within close proximity of the site. The proposed site does not therefore form part of an existing building group. Consequently, the site does not comply with policies H5, 7, or the Housing in the Countryside policy and guidance note.

Policies H6 and 8 require the applicant to provide information in support of the application which shows that two dwellinghouses are essential in this location for economic, social or environmental reasons. No such information has been submitted with this application.

At the time of writing this report, a consultation response is still awaited from Scottish Water. This will be reported verbally at Committee. However, the principle of erecting two dwellinghouses on this site is considered to be contrary to policies H5 and H6 of the Approved Structure Plan, policies 7 and 8 of the Ettrick and Lauderdale Local Plan 1995 and the Housing in the Borders Countryside Policy and Guidance Note. It is not therefore considered that the application can be supported.

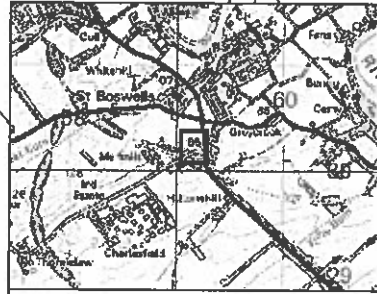
RECOMMENDATION BY HEAD OF DEVELOPMENT CONTROL:

I recommend that this application be refused for the following reason:

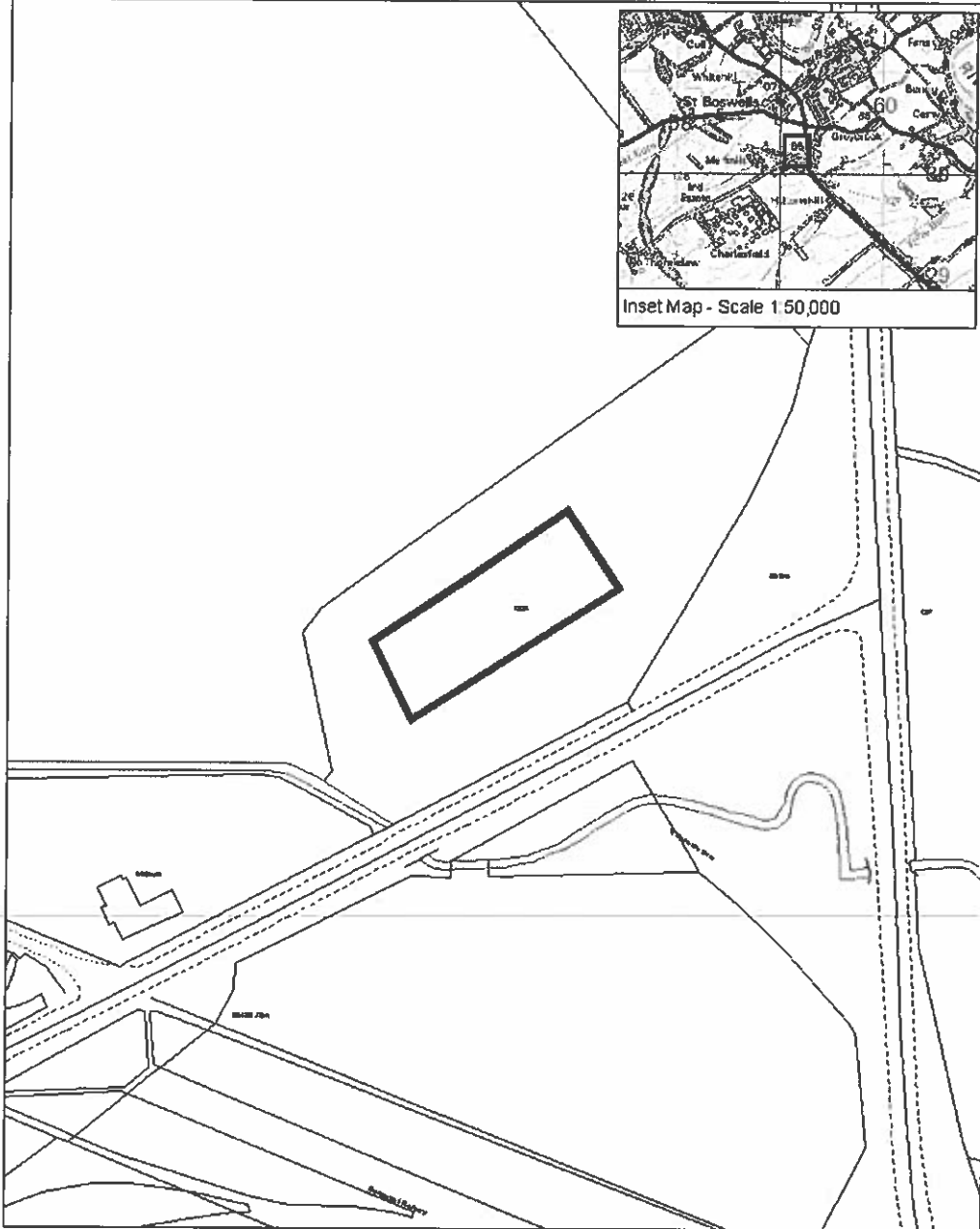
The proposal is contrary to policies H5 and H6 of the Approved Structure Plan, policies 7 and 8 of the Ettrick and Lauderdale Local Plan 1995, and the Housing in the Borders Countryside Policy and Guidance Note in that the site lies outwith any settlement or building group and the need for two dwellinghouses has not been adequately substantiated.

*Original copy of report signed by
BRIAN FRATER (Head of Development
Control)*

04/01443/OUT
Slaters Yard Off Charlesfield Road
St Boswells
TD6 OHG



Inset Map - Scale 1 50,000



Scale 1:1,250



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