

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 20/01275/PPP
APPLICANT : Ms Fenella Walker
AGENT : R G Licence Architect
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land North East Of Cakemuir Cottage
Nenthorn
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
FW PP 01	Location Plan	Approved

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

One comment was received from a neighbour highlighting that their recently completed dwelling was not shown on the plans. They note concern for future surface and foul water provisions.

Consultations:

Roads Planning: No objection. 3 conditions for service layby, surface water management and in-curtilage parking.

Floors, Makerstoun, Nenthorn, and Smailholm Community Council: Support but voice concern for road safety at the minor road junction/ A6098 and request 20/30mph speed limit on minor road.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment

Supplementary Planning Guidance:

Guidance on Householder Developments, July 2006
Placemaking and Design, 2010

Building Research Establishment Report, (BRE) 1991, Site Layout Planning for Daylight and Sunlight,
A guide to good practice, P J Littlefair.

Recommendation by - Euan Calvert (Assistant Planning Officer) on 11th June 2021

This is planning permission in principle for erection of a dwellinghouse at a grass field in Nenthorn.

There is no planning history for the site.

Site Description and history

This is a grass field immediately adjacent to two new dwellinghouses recently completed: 19/00147/FUL and 18/01222/FUL. Both houses were constructed on a site that received permission and this consent was implemented for three dwellinghouses: 08/00279/REM, by installing drainage and road access.

Like the neighbouring houses in this hamlet, this site is accessed from the south by the adopted road leading between Nenthorn and Gerrick. This site is close to a fork in the road where a minor road leads south around the policies of Nenthorn House.

Proposals

A site plan has been submitted showing a red line boundary around this field which is said to measure 0.22Ha. The roadside frontage would measure almost 50m in length and this currently features a mature mixed hedgerow and specimen trees.

The existing field access is to the left of this frontage. The other three boundaries of the plot are also mature mixed species hedgerows. The plot is approx. 56m in depth and rises away from the roadside. There is a mound of soil shown in photos from 2018. There is a row of trees planted within the inside edge of the western boundary. There is a field shelter/horse stable type structure in the north western corner and a few trees along the northern boundary. This plot is regular and roughly square in shape and has clearly been divided from the wider field system (beyond the north and western boundaries). This adjacent field is rotational arable production. The eastern boundary is now a mutual boundary with a residential neighbour "Langlands". This dwellinghouse has been constructed to the rear of the plot (formerly plot A) and a caravan/ parkhome type structure is situated at the entrance to the plot on what would be the footprint of Plot C.

Policy

No Development Boundary is identified for Nenthorn in the LDP 2016. The principle is considered against policy HD2 which determines where Housing in the Countryside may be appropriately sited. Policy HD2 (A) of the LDP 2016 states:

The site must be 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 Local 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 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.

PMD2 and Design and Placemaking SPG

The character of the existing building group and the visual amenities of the area are material considerations and regard will be had as to whether the proposal is in accordance with scale, character and appearance being sought by the SPG.

All development must be high quality, integrate into landscape surroundings and not negatively impact on existing buildings.

EP13

Appropriate boundary treatments are considered essential to ensure proper effective assimilation with the wider surroundings.

IS7

The Roads Planning Officer has been invited to comment on safety and sufficiency.

HD3

The siting, scale and location of development is considered with regard to protecting neighbouring residential amenity.

Assessment

Principle

With the completion of neighbouring plots there is no doubt that this site now appears well related to the adjacent group forming the hamlet of Nenthorn. I find development to be in accordance with Policy HD2 in that this field character lends itself to development in that it will have a good sense of place.

The adjacent scheme also includes a live permission for a house on Plot C in a roadside frontage. I have considered this adjacent form and pattern of development and I have no concerns. A dwellinghouse can be accommodated on this site without impacting on neighbouring amenity or visual amenity of the area. The defining character of this field is the well tended and mature boundaries which appears to show strong elements of relatively new tree planting. The boundaries will ensure effective and immediate assimilation of a new development with the group provided conditions are used to protect the existing trees and hedges. Any proposals for a dwelling will have to demonstrate any potential impacts on these natural features which act to visually enhance the site and the wider area for that matter. I have considered Cakemuir Cottage located south west of the site and there are no amenity issues identified.

Given development on the adjacent site commenced, 08/00279/REM, in 2010 it must be determined that this addition does not breach the thresholds of LDP2016. Development on the adjacent site was under construction prior to adoption of LDP 2016. The developments seen on the site adjacent (and the respective permissions) are considered to be merely a change to house design and plot layout in this respect.

Site and Layout

Nenthorn is characterised by a scattered pattern of houses which display a variety of designs and materials. The sizes vary to include single, one-and-a-half storey and two-storey properties. The group is situated on a ridge elevated above the surrounding farmland. I find that a house central to this plot will not be unduly prominent or visually incongruous in appearance provided the roof is finished in natural slate to mirror the vernacular. A condition will require this.

Consideration of size and scale of dwellinghouse will be considered by a further application to ensure the visual amenities of the area and avoid any dwelling being unduly prominent in the landscape.

Residential amenity

Adjacent properties will be protected in terms of (loss of) light, overshadowing, privacy or overlooking.

SERVICES

Water supply and foul and surface drainage

A condition will require foul and surface water and evidence of public water supply. The requirements of policy IS9 are met. Scottish Water have not responded.

Developer Contributions

Policy IS2 requires consideration of burdens on infrastructure and services. A legal agreement can be used to secure the required contribution to Kelso High School. At this juncture, the applicant has notified the Council that they wish to conclude a s.69 agreement and make payment in advance.

Roads

The Roads Planning Officer notes that the vehicular access is appropriate in location currently but a service layby will be required by condition. A planning condition is applied to ensure parking and turning and water run off management, in the interests of design standards and road safety.

I shall request a boundary treatment plan/ a plan of levels, and a soft landscape plan to ensure that the Council maintains control over the character of the site (Policy PMD2).

The immediate neighbours comments are noted and full surface foul details are being requested. I can confirm that I have duly considered the position of this neighbouring house and the amenity impacts of development.

Nenthorn Community Council note a request for speed restriction on the road network passing the plot and note the difficult road junction. I will pass these observations to the Roads Planning Officer.

REASON FOR DECISION :

Subject to a legal agreement and 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 - conditions & Legal Agreement

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 Notwithstanding details hereby approved, road design details to be submitted with the first detailed or Approval of Matters Specified in Conditions application, incorporating the following:
 - i. Plans and specifications demonstrating vehicular access to the site to be formed as a DC-3 service layby.
 - ii. Parking and turning for a minimum of two vehicles, not including garages, must be provided within the curtilage of the plot.
 - iii. Measures to prevent any surface water flowing from the site onto the adjacent public road.

The access and parking then to be completed in accordance with the approved details before the dwellinghouse is occupied and thereafter retained in perpetuity. The works only to be undertaken by a Council approved contractor.

Reason: To ensure adequate form of access which allows provision for service vehicles and in-curtilage parking is provided and is designed in accordance with public standards, in the interests of road safety.

- 4 The development hereby permitted shall not be commenced until fully detailed design proposals for foul and surface water drainage, demonstrating that there will be no negative impact to public health, the environment or the quality of watercourses or ground water, have been submitted to and approved in writing by the Planning Authority. The development then to be completed in accordance with the approved details.
Reason: The Planning Authority have only established the land-use principle of the area of land identified in the submitted drawing(s). Further plans are required to ensure the site is adequately serviced.
- 5 A drawing showing the existing and proposed ground levels and the finished floor level of the dwellinghouse hereby approved to be submitted with the first detailed or Approval of Matters Specified in Conditions application. This to include a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights of the existing and proposed levels relative to the level(s) of the existing public roads. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.
Reason: To ensure that the consented development does not have any detrimental impact upon the appearance of the surrounding area or upon the amenity of neighbouring properties as a consequence of the levels within the site being raised to an inappropriate height.
- 6 Before any part of the permitted development is commenced, the hedge to be retained on the site shall be protected by a fence 1.5 metres high placed at a minimum distance of 2.0 metres from the edge of the hedge, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the hedges so retained shall not be altered.
Reason: In the interests of preserving the hedges which contribute to the visual amenity of the area.
- 7 Details of all proposed means of enclosure around the site to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
- 8 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority as part of the first Approval of Matters Specified in Conditions application or detailed application for the site, and shall include:
i. Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
ii. Location of new trees, shrubs, hedges and grassed areas, including replacement of any trees removed
iii. Schedule of plants to comprise species, plant sizes and proposed numbers/density
iv. Programme for completion and subsequent maintenance.
Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 9 The dwellinghouse hereby approved shall be roofed in natural slate.
Reason: To ensure an appropriate contribution to the group.
- 10 A Tree Survey (BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations) to be submitted with the first detailed or Approval of Matters Specified in Conditions application or detailed application for the site, concurrently with the submission of site layout drawings, and shall include:
a) Location, species, reference number, girth or stem diameter, accurately planned crown spread and an assessment of condition.
b) Existing ground levels at the base of trees shall be given where nearby changes in level or excavations are proposed.
c) Trees to be removed in conjunction with the proposed development shall be clearly marked as such on a plan.

d) Positions and details of fencing or hoardings, prohibited areas and other physical means of protecting trees shall be submitted to and agreed with the Planning Authority prior to carrying out any works on site.

Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.

Reason: To enable proper consideration to be given to the impact of the proposed development on existing trees.

- 11 No development is to commence until evidence of a public water supply having been granted by Scottish Water has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development.
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.

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