

SCOTTISH BORDERS COUNCIL

BERWICKSHIRE AREA COMMITTEE

25th SEPTEMBER 2007

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 07/01332/OUT

OFFICER: Mr David M Love
WARD: Mid-Berwickshire
PROPOSAL: Erection of Two Dwelling Houses
SITE: Land East of The Old Stables, Lennel House, Coldstream
APPLICANT: H Fleming and B Martin
AGENT: Smith and Garrett Rural Asset Management

SITE DESCRIPTION:

The site located in the East side of Lennel down a small track off the main road. The site runs away very steeply to the South towards the River Tweed. To the West of the site is the category 'B' listed Lennel Stables and further West is Lennel House.

APPLICATION DESCRIPTION:

The application is for the erection of two dwelling houses running down the slope away from the settlement form of Lennel. Some brief indicative details, although not binding, has been received stating that the buildings will be stepped and south facing to take account of solar gain.

The application also entails demolishing part of the category B listed wall running along the boundary of the road and Lennel Stables. Consent was granted for this previously but has since lapsed. It is not considered suitable to support such a move again considering the impact that would have upon Lennel Stables.

PLANNING HISTORY:

Pre-application discussions took place between the Duns Area Office and the agents where it was indicated that the proposal would not be consistent with policy.

REPRESENTATION SUMMARY:

Mrs Ruth Williamson – Objected on the basis of roads concerns and the effects of the new access onto the main road.

Ms Sarah J Calder – Objected on the basis of effect on the Lennel Stables wall, safety concerns over the proposed access and impact upon the visual amenity of her property.

Miss G Kennedy – Objected on the basis of the land apparently being communal and concerns over the safety of the proposed access road.

Mr Robert Kennedy - Objected on the basis of the land apparently being communal and concerns over the safety of the proposed access road.

Mr Simon Hogg – Objected on the basis over the questionable ownership of the land, impact on the immediate environment adjacent the two proposed properties, impact upon the listed buildings at Lennel Stables and Lennel House and road safety concerns.

Mrs Mossop – Road safety concerns and impacts upon the immediate environment adjacent the proposal.

Mrs Brown – Objected on the basis that the application would have an adverse effect upon Lennel Stables and Lennel House. Additionally, concerns over the breaking from the form of Lennel and road safety concerns.

APPLICANTS' SUPPORTING INFORMATION

The applicants agent has written a letter of support setting out how in his opinion the sites relate to the building group at Lennel, do not impact on the setting of Lennel House and give the opportunity for high quality low density development with innovative and energy efficient design. He believes that the site should have been in the settlement boundary and that there are no insurmountable servicing issues.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Director of Technical Services (Roads) – Objected on the basis of the inappropriate access would result in road safety compromise.

Director of Education and Lifelong Learning – Requested a developer contribution towards Berwickshire High School. If the Councillors are minded to approve the application, then this contribution will need to be secured through a suitable legal agreement prior to the consent being issued.

Other Consultees

None.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2011

POLICY N20 - Design

POLICY H5 - New Housing in the Countryside - Building Groups

POLICY N17 – Listed Buildings

Berwickshire Local Plan 1994

Policy 7 – Additions to Building Groups

Policy – 53 – Preservation of Listed Buildings

Policy 64 – Housing Design and Layout

Scottish Borders Local Plan: Finalised December 2005

POLICY D2 – HOUSING IN THE COUNTRYSIDE

POLICY G1 – QUALITY STANDARDS FOR NEW DEVELOPMENT

POLICY G5 – DEVELOPER CONTRIBUTIONS

POLICY G7 – INFILL DEVELOPMENT

POLICY BE1 – LISTED BUILDINGS

OTHER PLANNING CONSIDERATIONS:

- Supplementary Planning Guidance - New Housing In the Borders Countryside December 1993
- Supplementary Planning Guidance – Renewable Energy June 2007
- Memorandum of Guidance on Listed Buildings and Conservation 1998
- Supplementary Planning Guidance on Developer Contributions

KEY PLANNING ISSUES:

The application raises the following planning issues:

- Is the layout and form suitable for this section of the settlement?
- Does the proposal impact adversely on the category B listed properties nearby?
- Does the proposal represent a road safety issue?

ASSESSMENT OF APPLICATION:

Planning Policy

As the site lies outwith any identified settlement of Coldstream as defined the Development Plan it must be considered under the terms of the housing in the countryside policy. From the planning history it is clear that there is a building group at Lennel and that there may be potential for further development. The test is therefore whether this is a suitable addition to the group.

This part of Lennel runs in a very linear fashion maintaining a strong relationship with the main road running through the group with all the properties facing onto the road. The proposal intends to break with this from moving back from the main road thus forming back land development which is inappropriate to this part of Lennel. It is accepted however that the northern side of the group has produced some elements of back-land development but this is not apparent in this part of the group.

Impacts on Listed Building

The proposal intends demolishing and rebuilding part of the category B listed wall that bounds Lennel Stables in order to achieve a visibility splay. This was previously consented but has since expired. It is not considered reasonable to presume that the Department would consent to this a second time. This wall represents a strong character feature within Lennel and any applications that intend to damage this wall in any should be considered with caution. The proposal would also have an unacceptable adverse effect upon setting of the listed buildings at Lennel Stables and Lennel House. Policy BE1 indicates that development should not adversely impact upon listed buildings and it is considered that this proposal would contravene that policy.

Access

The Director of Technical Services (Roads) commented that the application cannot be supported due to road safety grounds in that it incorporates an unacceptably steep gradient leading into both plots and an insufficient visibility splay is proposed. The introduction of any access improvements would also impact on listed walls in the vicinity of the site.

RECOMMENDATION BY HEAD OF PLANNING AND BUILDING STANDARDS:

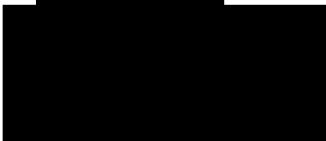
I recommend that the application be refused on the following grounds:

The proposal is contrary to Policies N17 and H5 of the Scottish Borders Structure Plan 2001-2011, Policy 7 and 53, Policies D2 and BE1 of the Scottish Borders Local Plan: Finalised December 2005 in that:

- the sites are not well related to the form and character of this part of the building group at Lennel constituting inappropriate backland development,

- the development would adversely impact on the setting of the category B listed Lennel House and Lennel Stables,
- the access is not suitable to serve further development and that its use would be to the detriment of road safety.
- the proposed access improvements would result in the removal of a section of listed wall to the detriment of the architectural and historic integrity of the listed structure.

Approved by

Name	Designation	Signature
Brian Frater	Head of Planning and Building Standards	

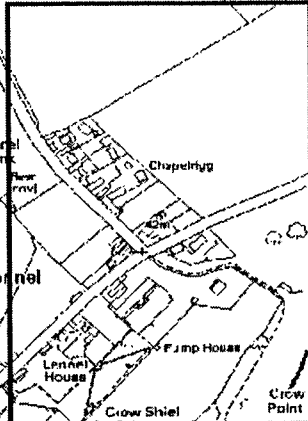
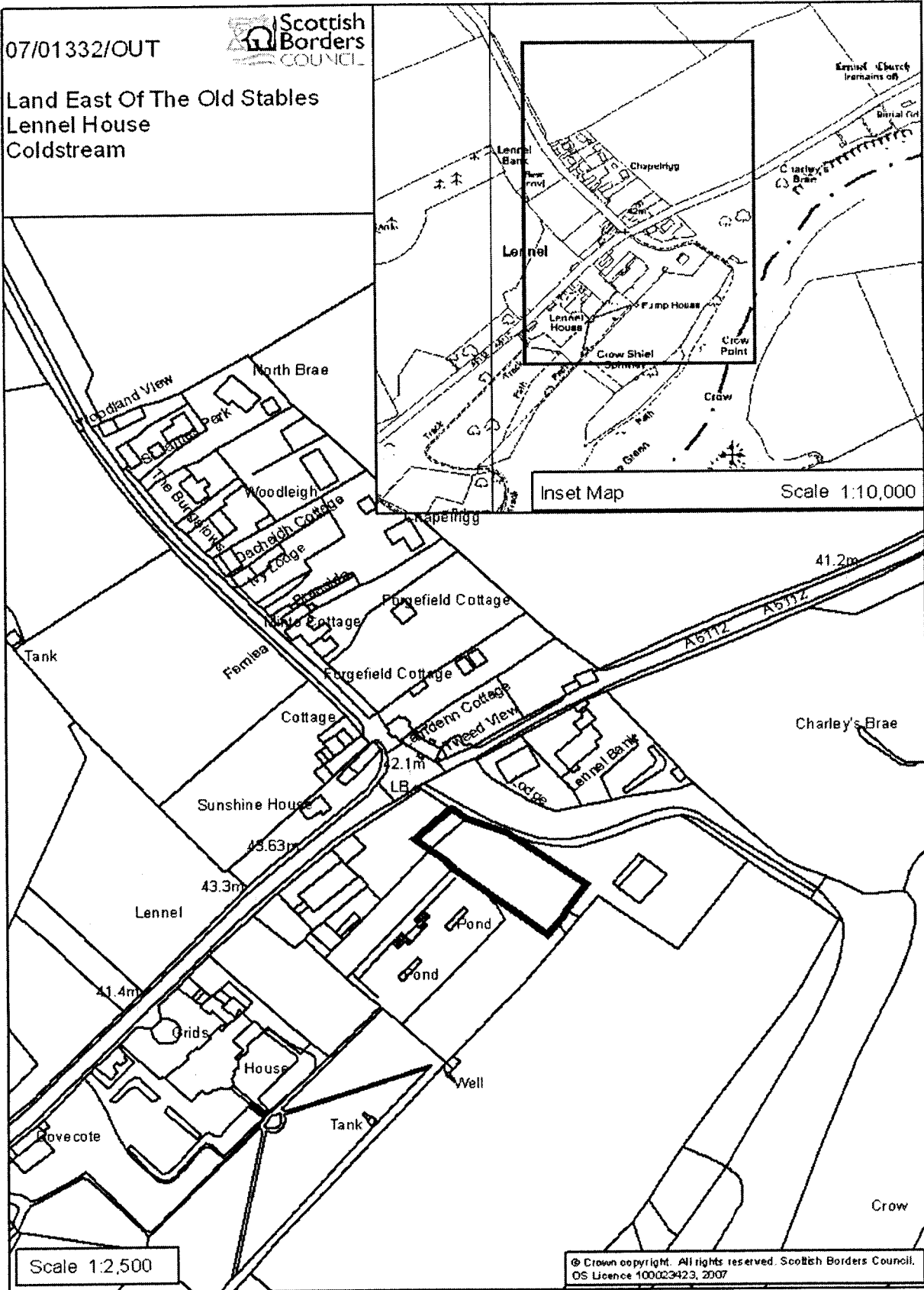
Author(s)

Name	Designation
Mr David M Love	Area Development Control Officer

07/01332/OUT



Land East Of The Old Stables
Lennel House
Coldstream



Inset Map

Scale 1:10,000

Scale 1:2,500

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