

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/00002/FUL

APPLICANT : Mr Richard Wood

AGENT : Hodgson And White Ltd

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Plot 1 Land South East Of Steading Buildings Greystonelees Farm
Burnmouth
Scottish Borders

TYPE : FUL Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
100 Rev E	Proposed Plans & Elevations	Refused
101 Rev B	Proposed Site Plan	Refused
102 Rev B	Proposed Sections	Refused
103	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 4

SUMMARY OF REPRESENTATIONS:

Two neighbours wrote in response to the application. The issues raised were as follows:

- no 1 and 2 Greystonelees have a right of servitude for the parking of vehicles at the entrance to the application property;
- the dwelling does not align with new builds on plots 2 and 3;
- the boundary line is inaccurate;
- health and safety considerations during construction;
- design - the glass design above the entrance door has been reduced by half but the window to the upper sitting area to the left, has been increased by a lot more than half;
- privacy impacts, including due to higher level of build;
- headlights will shine into the neighbouring property when vehicles park, turn or leave the property.

CONSULTATIONS

SBC Archaeology: No objection, no conditions. An informative is suggested. The application follows previous applications for the same area which have included more houses, though no previous archaeological conditions were been recommended. There are some archaeological issues that the applicants should consider if this application is to be progressed.

The archaeological consultation has been triggered by the application area lying within the surroundings of the historic planned farmstead of Greystonelees Farm. In this area the Medieval settlement (Canmore ID 353434) of Graestounlies is recorded on Timothy Pont's map, but the exact location, extent and survival of any remains is uncertain. Ordinarily a precautionary archaeological condition on the off-chance of recording any archaeological finds, features and/or deposits being

encountered would be recommended, but in this case the area also has a further historical feature means that this is not the case.

In this case an old pond is indicated by the Ordnance Survey first edition mapping of the area, which appears to have been the supply of power to the threshing machinery of the adjacent farmstead. This is not specifically recorded as an entry in the HER, but is no longer extant as a wet pond and aerial photography, as well as Google Street View, shows a substantial mound. This would normally be of local or perhaps regional significance if it still survived, but as it appears to have been lost some time ago then this of local significance. From estimation with the old Ordnance Survey mapping of the area, it looks like the proposed location for this house may straddle the original dam and the pond.

SBC Contaminated Land: The application appears to be proposing the redevelopment of land which was previously housed a mill dam and associated infrastructure. This land use is potentially contaminative. It is recommended that planning permission should be granted subject to a condition that would secure site investigation, risk assessment and remediation and verification where necessary.

SBC Education and LL: No response.

SBC Roads Planning (first response): There is a long history of approvals in this location, a number of which were dependant on the junction with the A1 being upgraded or stopped up and relocated. As the A1 is a Trunk Road this is a matter for Transport Scotland to consider. Previous approvals for this particular plot have shown the access to be towards the northerly corner of the site and have included an oversized service layby so as to include the existing service layby for No's 1 & 2 Greystonelees Cottages and to allow for servicing of this plot. I shall require an amended plan to be submitted taking the above on board before I am able to fully support this proposal. This will enable the existing informal layby to be retained and also limit the visibility obstruction caused by cross corner sight lines should a vehicle be waiting to turn right into the plot.

SBC Roads Planning (second response): The amended drawings address my previous concerns and I shall have no objection to the proposal provided the conditions set out below are included in any consent issued.

Community Council: No response.

Scottish Water: There is sufficient capacity at the water treatment works; there is no waste water infrastructure within the vicinity of the site.

Transport Scotland: No objection.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016:

PMD1: Sustainability
PMD2: Quality Standards
ED9: Renewable Energy Development
ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP5: Special Landscape Areas
EP7: Listed Buildings
EP8: Archaeology
EP13: Trees, Woodlands and Hedgerows
EP14: Coastline
IS2: Development Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and SUDS
IS13: Contaminated Land

Other Considerations:

Contaminated Land Inspection Strategy Supplementary Planning Guidance 2001
Development Contributions Supplementary Planning Guidance 2011 (Updated 2020)
Local Landscape Designations Supplementary Planning Guidance 2012
New Housing in the Borders Countryside Supplementary Planning Guidance 2008
Privacy and Amenity Supplementary Planning Guidance 2006
Placemaking and Design Supplementary Planning Guidance 2010
Renewable Energy Supplementary Guidance 2018
Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020
Waste Management Supplementary Guidance 2015

PAN 33: Contaminated Land

Recommendation by - Paul Duncan (Assistant Planning Officer) on 26th November 2021

Site Description

Greystonelees is located on the western side of the A1, between the Scotland/ England border and the village of Burnmouth. To the far north-west of the proposed site lies the listed Greystonelees Farm House. Between the farmhouse and the proposed site, two semi-detached houses with the appearance of former farm steading buildings front the old A1. Two detached dwellinghouses sit perpendicular to them, creating a partial courtyard effect on the opposite side of the proposed site. To the west of the proposed site lie two plots (numbered 2 and 3) which each have a recent approval for a single dwellinghouses. The proposed site, Plot 1, lies adjacent to Plot 2. A pair of semi-detached cottages are located to the north-east of the proposed site and front onto the minor road to Catch-a-penny. Land to the south and east of the proposed site is in agricultural use.

Planning History

Outline approvals have previously been granted at the proposed site (refs 03/01120/OUT and 08/01544/OUT) but were not followed by reserved matters applications and have therefore lapsed. A single full application was also approved in 2007, but is also considered to have lapsed. Work appears to have been carried out to the road layby, however this was outwith the site boundary and therefore not part of the consented development; furthermore no evidence has been presented to demonstrate that a fully suspensive planning condition was complied with prior to this work being carried out. Accordingly, the permission is not considered to have been implemented.

Relevant planning history elsewhere in the building group includes two live planning permissions for single dwellinghouses on the aforementioned Plots 2 (20/01206/FUL) and 3 (20/01389/FUL), both granted in March 2021.

Proposed Development

It is proposed to erect a single, detached, two storey dwellinghouse centrally within the site. The dwellinghouse would be served by a new enlarged service layby and passing place at the front of the property. Two nose-in parking spaces would be provided for the residents of the cottages opposite the site with further parking within the site for the occupants of the proposed dwelling.

Assessment

- Principle

The proposed site is outwith any recognised settlement boundary. The principle of the proposed development must therefore be assessed Local Development Plan (LDP) 2016 policy HD2 (Housing in the Countryside).

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. The policy is different to that which the 2008 application would have been assessed against.

There is an established building group at this location, comprised of the following 7 dwellinghouses:

- Greystonelees Farmhouse (detached, listed farmhouse)
- 1 Greystonelees Farm Cottages (semi-detached farm cottage to the north-east of the site)
- 2 Greystonelees Farm Cottages (semi-detached farm cottage also to the north-east)
- 1 Greystonelees Farm Steading (semi-detached steading reinstatement)
- 2 Greystonelees Farm Steading (semi-detached steading reinstatement)
- Steading House, 3 Greystonelees Farm Steading (detached new-build from late 2000s)
- 4 Greystonelees Farm Steading (detached more recent new-build)

Further dwellinghouses are located at Catch-a-penny and towards Burnmouth but are not considered to be within the sense of place of the building group, owing to topography, natural and man-made boundaries, and being located a considerable distance from Greystonelees. No party has advanced any argument to the contrary.

Under Policy HD2, a building group of 7 dwellinghouses would have capacity for two further dwellinghouses within the current LDP period. Since the current LDP was adopted, two dwellinghouses have been approved at Plots 2 and 3 (as detailed under 'planning history'). There is therefore no remaining capacity for new build housing development at the building group within the current plan period. Policy HD2 is unambiguous that the numerical limitations of the building group policy should be applied strictly, stating simply that no further development above the specified thresholds will be permitted. Accordingly, the application is considered to be premature and cannot be supported at this time.

Supporting arguments put forward on behalf of the applicant state that the Proposed LDP2 is now under Examination (by the DPEA), and that amended policy texts are now a material consideration. However, the LDP is still to be presented for approval to Council prior to submission to the Reporter for Examination. It is not a significant material planning consideration at this time. It is also not considered that the wording of the Proposed LDP2's Policy HD2 would alter the outcome of this assessment.

There is sympathy with those who wish to develop this brownfield plot which has lain vacant for many years. Consideration has been given to whether the circumstances at this site justify a departure from Policy HD2. However, the situation here is not considered to be so exceptional and significant as to justify overriding the clear and strict limit on expansion that is set by Policy HD2, and doing so would undermine the basis of this now well-established policy, potentially prejudicing its future application elsewhere.

- Placemaking and Design

It has been established by previous decisions that the site is sufficiently well related to the building group to accommodate a dwellinghouse. Suitable siting within the site is also required. Fronting the road would impact the neighbouring cottage opposite the site and create challenges in terms of parking and turning. A set-back can therefore be accepted at this site. The dwellinghouse has been aligned to share orientation with the new houses at plots 2 and 3, but would sit forward from the building line they set. The resulting arrangement would not achieve a strong relationship with the remainder of the building group, but should not appear arbitrary. Spill on the site would be cleared, but ground levels would remain higher than other plots and existing houses. The dwelling would sit higher than the houses approved on plots 2 and 3, and the cottages on the far side of the road, and considerably higher than the two existing detached dwellings. This is largely unavoidable given the site's naturally higher ground.

The scale of the dwelling would be fairly considerable compared to its neighbours. It would exhibit certain traditional cues such as 40 degree roof pitches, skews, and natural stone and slate finishes. However in gable depth and fenestration, the dwelling would be defined as a contemporary addition to the group. The frontage would be characterised by two large gabled protrusions, one heavily glazed and another with a first floor balcony. The frontage would also feature ground floor workshop doors, and a single storey garage extension. Integral garage style doors would normally be avoided on rural frontages, however the set-back and any intervening planting would reduce their prominence. An integral garage design was also accepted

previously on this plot, and policies in this regard have not changed so much as to justify a change of stance.

The design approach should relate well to the two recently approved dwellinghouses at plots 2 and 3 in particular and overall, whilst further front elevation revisions would have been appropriate, design would not be considered to be a reason for refusal.

Materials would require to be controlled by planning condition, along with the colour of PV panel frames. The planning condition for plots 2 and 3 sought control over the mortar to be used in the stone walling for the new dwellings and this would also be appropriate here. There are no interests within the site such as trees or hedging which are worthy protection, however it would have been appropriate to secure landscaping for the site and details of boundary treatments by condition, all of which would require further consideration.

- Vehicular Access, Road Safety and Parking

Transport Scotland are responsible for matters relating to the safety and operation of the trunk road network. Historically, Transport Scotland had sought improvements to sightlines at the junction with the A1. Transport Scotland have not objected to the application, and do not require any trunk road junction improvements.

The Council's Roads Planning Service (RPS) are responsible for the local public road network. The Service sought revisions to ensure existing parking for the two neighbouring cottages remains catered for at the entrance to the site. The applicant chose to make such changes to avoid a second reason for refusal. The Service is now satisfied with arrangements for vehicular access for the site, parking for the two cottages, and parking and turning for the proposed dwellinghouse. Had the application been supported, it would have been appropriate to secure the provision and retention of these arrangements within an appropriate time period by means of a suitably worded planning condition.

- Residential Amenity

In terms of privacy, there would be no windows to the north-west elevation so the consented dwellinghouse at Plot 2 would not be impacted. The angles and distances to other dwellings, including from the proposed balcony, would not be considered likely to give rise to unacceptable overlooking impacts, even accounting for levels changes. There are also no loss of light/sunlight concerns arising, given the relationship of the dwellinghouse to other existing and consented dwellings nearby.

The proximity of nearby pig arcs is noted. This form of agriculture is considered to be low intensity and should not harm the amenity of the future occupants.

An objector raises a concern that headlights will shine into their property when vehicles park, turn or leave the proposed new property. This concern is noted and acknowledged, however this type of issue is not uncommon and would not be a reason to refuse the application.

- Contaminated Land

The proposed site is thought to have housed a mill dam and associated infrastructure and is potentially contaminated. Further investigation and potentially mitigation would be required. This would have been explored further via the Contaminated Land Officer's recommended planning condition had the application been supported.

- Archaeology

The Archaeology Officer has reviewed the proposals and the history of the site and notes various points of potential historic interest. However, it does not appear such interests remain in situ, and the Officer does not recommend any form of mitigation. An informative note for the applicant has however been suggested which could have been provided had the application been supported.

- Other Designations and Interests

The proposed site is located within reasonable proximity to the Berwickshire Coast Special Landscape Area, the listed Greystonelees farmhouse, and Scheduled Monuments at Chesters Hill and Catch-a-penny. The development would not impact any of these interests either directly or indirectly, ensuring compliance with respective policies EP5, EP7 and EP8. Furthermore, as the site appears to hold negligible ecological value and as no off-site ecological implications have been identified, LDP Policies EP1-3 are also considered to be satisfied. Finally, as the proposed site is small in scale, appears to hold brownfield characteristics and the principle of developing the site has also been accepted previously, there is not considered to be any conflict with LDP policy ED10.

- Infrastructure

The dwelling would connect to the public water mains. Scottish Water confirm there is capacity at the local water treatment works. Such a connection could have been secured by planning condition to ensure the new dwellinghouse is served by a suitable water supply.

A private foul drainage system is understood to be in place to the north of the site, which the proposed dwellinghouse would connect into. The details of this would be considered further at the Building Warrant stage. A planning condition would have been appropriate to ensure the connection is secured prior to occupation.

Acceptable surface water drainage measures are proposed, satisfying Policy IS9 (SUDS).

- Development Contributions

The erection of a dwellinghouse at this location would require development contributions towards Eyemouth Primary School and Eyemouth High School (£2672 and £3757 respectively at current rates). As the third application for a dwelling unit at this location by this applicant, a contribution for affordable housing would also have been sought had the application been supported.

- Other Matters

Health and safety in and around the construction site would not be a planning matter.

REASON FOR DECISION :

The proposed erection of a further dwellinghouse at this location would be contrary to Local Development Plan 2016 Policy HD2 (Housing in the Countryside) as there is no remaining capacity for the expansion of the building group within the current plan period. The building group's capacity for expansion within the current Local Development Plan 2016 period was two units. This capacity was taken up by two consents for new build dwellinghouses granted under this part of the policy on neighbouring plots. Policy HD2 states that no further development above this threshold will be permitted, and there are no material considerations which would outweigh this.

Recommendation: Refused

- 1 The proposed erection of a further dwellinghouse at this location would be contrary to Local Development Plan 2016 Policy HD2 (Housing in the Countryside) as there is no remaining capacity for the expansion of the building group within the current plan period. The building group's capacity for expansion within the current Local Development Plan 2016 period was two units. This capacity was taken up by two consents for new build dwellinghouses granted under this part of the policy on neighbouring plots. Policy HD2 states that no further development above this threshold will be permitted, and there are no material considerations which would outweigh this.

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