

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/00355/PPP

APPLICANT : Buccleuch Estates Ltd

AGENT : Ferguson Planning

DEVELOPMENT : Demolition of agricultural building and erection of dwellinghouse

LOCATION: Land East Of
Deuchar Mill House
Yarrow
Selkirk
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|--------------------|------------------|--------------------|
| 2018/02/102 | Location Plan | Refused |
| 2018/02/102B | Site Plan | Refused |
| Planning statement | Other | Refused |

NUMBER OF REPRESENTATIONS: 2
SUMMARY OF REPRESENTATIONS:

Roads Officer: Objects on the grounds of road safety.

The use of the existing access together with the generation of additional conflicting traffic movements, resulting from the proposed development, would be prejudicial to road safety.

The proposed splays are considered to be inadequate to secure the visibility necessary for the safety and convenience of the traffic associated with the proposed development.

Contaminated Land Officer: No objection

Environmental Health Officer: No objection subject to conditions in respect of water supply and foul drainage.

Community Council: No response to date

Scottish Water: No response to date

Education: No response to date

2 representations have been received to the application, main points raised include:

Adverse impact on water supplies

Mix of uses in respect of traffic access to include agricultural traffic

PLANNING CONSIDERATIONS AND POLICIES:

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN (2016)

PMD1: Sustainability
PMD2: Quality Standards
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP1: International Nature Conservation Sites
IS2: Developer Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and Sustainable Urban Drainage

SUPPLEMENTARY PLANNING GUIDANCE

- Placemaking and Design (2010)
- Development Contributions (Revised 2018)
- New Housing in the Borders Countryside (2008)
- Householder Development (incorporating Privacy and Sunlight Guide) (2006)

Recommendation by - Lucy Hoad (Planning Officer) on 1st June 2018

Site

The site is located to the east of Yarrow within the Yarrow Valley of Selkirk. The application site is an area of agricultural land containing an agricultural shed. To the west lies a small building group comprising three dwellings. To the north, west and south the site is surrounded by agricultural fields. The A708 bounds the northern boundary of the site. The Tweedsmuir Uplands Special Landscape Area lies to the north of the road. The land slopes down from the roadside to the Yarrow Water (tributary to the River Tweed (SAC) to the south, and also slopes down from the application site to the west.

Proposed development

The application seeks Planning Permission in Principle for the erection of a single detached dwellinghouse and formation of a new driveway at the existing field access. It is intended to remove the existing shed which is set back from the main road. There is no planning history relevant to the proposal.

Neighbour notification process

The council was advised that not all properties within 20m of the development had received neighbour notification of the development, as required by legislation, and this matter was addressed by sending out the necessary notifications to the relevant properties, allowing time for any comments to be received on the proposals.

Policy

In terms of the principle of development, the application is required to be assessed principally in terms of policy HD2 of the Scottish Borders Local Development Plan 2016 and the supplementary planning guidance on New Housing in the Borders countryside. The policy allows for new housing associated with existing building groups, conversion of suitable buildings, and in cases where economic justification is present.

The supporting documentation has been reviewed in order to establish the relevant criteria of policy HD2 that applies in order to allow proper consideration of the proposals. Whilst criteria (c) of the policy allows for the consideration of the potential for the conversion of traditional farm buildings, the existing building on site comprises an open agricultural barn and is clearly not suitable for conversion purposes in order to form a dwelling house. Whilst criteria (f) allow for the consideration of a new dwelling for business needs, no evidence or business case has been provided within the supporting statement to indicate that the proposed dwelling would be for people requiring to live on site and mainly engaged in agriculture or forestry work.

Therefore, it is considered that review of the proposals is limited to an assessment against criteria (a) Building Groups and (b) Dispersed Building Groups.

Under criteria (a) Building groups, the initial consideration for new housing is to establish the presence of a building group (comprising at least three dwellings), with a review of whether the proposed site would have an appropriate relationship to the group, taking into account the requirements of supplementary planning guidance New Housing in the Borders Countryside. The policy states that any consent for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period

Under criteria (b) Dispersed Building groups, there is an allowance to accept a lower threshold when establishing the presence of a building group within the Southern Housing Market, with the prime consideration remaining the sense of place of the group.

Supporting statement

The application is accompanied by a Supporting Statement, setting out the applicant's position, and seeking to provide justification why this site should be approved. The statement refers to the location of the application site being within an area where criteria (b) Dispersed Building groups would apply and where a more dispersed pattern of development is the norm. The main argument put forward is that the application site is well related to the existing building group at this location, made up of the three dwellings, and that a new dwelling located within the site would share a sense of place with these houses. The argument points to an element of inter visibility existing between the site and the house located to the west, asserting that there is no robust boundary (such as woodland) creating a visual separation, with only a dyke separating the two, Whilst the statement acknowledges a slightly weakened relationship of the site to the three dwellings due to differing levels and lack of full inter-visibility, it considers that the relationship may be acceptable taken into account the location within the Southern Housing Market area.

Building group

The application site lies with the Southern Housing Market Area. The need to consider whether a lower threshold may be applicable when establishing the presence of a building group at this location is not necessary in this instance, given the presence of a group of three dwellings located to the west of the site. Numerically, the group has capacity to accommodate a dwelling within the current plan period. However, policy HD2 and supplementary guidance (New Housing in the Scottish Borders) require that all new developments relate well to the group.

Characteristics of the building group

The building group comprises three dwellings of traditional design, construction and materials (stone/slate). The buildings are accessed off one driveway taken from the A708 which slopes down in a curve from the main road positioned to the north. The position, orientation and height of each property vary, taking into account the slope of the land. The house to the east end of the group sits at a higher ground level than the others. The building group is screened from the roadway by mature vegetation. However, there is a glimpse of the house to the east from traffic negotiating a bend in the A708.

Taking into account the topography of the area and the context of the surroundings, to include mature vegetation there is a sense of enclosure of the building group, both as you arrive by the private access, and within the wider landscape.

Relationship to building group

The application site lies adjacent to the boundary of the building group. The applicant has provided an indicative layout to illustrate a dwelling with an L-shaped footprint of sitting in a central position within the site. A new driveway is to be formed, with access taken directly from the A708, at the point of the existing field gate access. Landscape planting is suggested on the western and southern boundaries of the field in order to provide an element of enclosure to the site.

Consideration has been given to any relationship the dwelling may have to the adjacent building group. The application site lies at a higher ground level than the building group as the land slopes both west and south, and the development of a house here would result in a building sitting in a more elevated and prominent position within the landscape, in comparison to the secluded building group. It would be more exposed from the road to the north.

In particular, consideration has been given to the defined boundary between the field and the house forming the eastern stop to the group. This boundary consists of a stone wall and mature vegetation. Whilst the roof and upper part of the gable of the dwelling is visible from the site behind the dyke, there is a strong

boundary edge to the group with the line of the walling and vegetation providing a clear demarcation of the building group from the field.

The open nature of the application site itself, and weak boundary (post/wire fence) to the east of the site results in the area proposed for development being viewed, and considered, as part of the wider field network.

Thus a dwelling situated within this field would be viewed as a more detached development outwith the sense of place created by the context of the group, rather than a logical extension to the existing building group. It would extend the group along the public road. While there is an existing shed, a dwellinghouse would have a much more pronounced visual impact. It is acknowledged that the applicant could provide planting but that could take years to establish and the same layout arrangement could be repeated with further houses along the road.

It is not considered that this development would respect the sense of place of the group, and therefore would be contrary to policy HD2 and related supplementary guidance, New Housing in the Borders countryside.

Residential amenity

Neighbouring amenity is afforded protection by policy HD3 of the Scottish Borders Local Development Plan 2016. This is enhanced upon by privacy and amenity standards set out in the adopted Supplementary Planning Guidance on Householder Development. In the case of these proposals there are no significant amenity concerns. The site is of a sufficient size that amenity standards could be achieved through sensitive siting and design considerations.

Road safety

Policy PMD2 and supplementary planning guidance New Housing in the Borders Countryside require that developments have a suitable means of access. The Roads Planning Service was consulted on the application. The Roads Planning engineer has assessed the proposal taking into account the geometry of the road and visibility splays. The officer is not able to support the development given the substandard quality of the splays which compromises road safety, for traffic exiting the proposed access and turning left onto the A708, and for traffic on approach to the access along the main road from the east.

The planning statement suggests that an improvement to visibility splays could be achieved by removing of a section of banking on the north side of the road, which is under the control of the applicant. No details on the works have been provided with the application.

This proposal would involve substantial engineering works to the steep banking on the north side of the road, and without the detail of how the engineering works would be undertaken, and a demonstration that sufficient sight lines could be achieved for road users, the issue of road safety remains a prime consideration in this instance. Should the applicant be able to provide engineering drawings and further details in respect of visibility splays in order to demonstrate that the current situation could be improved to meet a standard of visibility that would improve road safety, and address the concerns of the Roads Planning engineer, there may be potential for such matters to be controlled by use of a suspensive condition. These details have not been requested as the principle of the development in terms of being a suitable addition to a building group under planning policy on Housing in the Countryside has not been accepted. At this stage, therefore, it is not possible to establish that a safe means of access can be achieved and a condition would not be possible.

Accordingly, as matters stand, the principle of the new access for the use of the development cannot be supported as the splays are considered to be inadequate to secure the visibility necessary for the safety and convenience of the traffic associated with the proposed development.

Mix of uses

Concerns have been raised by neighbours with regard to agricultural vehicles requiring access to the field network system through the existing access, resulting in a mix of uses at this location. The Roads officer has also expressed concerns with regard to a potential mix of uses at the access to the application site to include agricultural vehicles seeking access to the field network system. The agent has subsequently advised that the proposed access would be solely for the use of the dwelling and not for any agricultural

traffic. It is also noted that there is a separate access to the field system further east along the public road. Removal of agricultural traffic could be addressed by condition.

Services

Concerns were raised by the neighbouring properties as to the impact on water supplies to dwellings stemming from an additional dwelling being added to the existing water supply. The agent has confirmed that the proposed means of water supply for the development would be via a new private water supply.

Under Policy IS9 of the Local Development Plan (Waste Water Treatment Standards and Sustainable Urban Drainage) development proposals should include satisfactory arrangements for dealing with foul and surface water drainage. SUDS (Sustainable Urban Drainage Systems) principles should be incorporated in the development. The site is located in a rural area. The planning statement confirms that surface water drainage will be installed on site to SUDS principles. It is intended that foul water drainage be provided on site with a septic tank. However, the statement advises that the applicant has sufficient land outwith the site to provide the infrastructure for drainage measure should this be required. Standard planning conditions would be appropriate to cover the means of water supply and foul and surface water drainage to serve the site.

Land contamination

There is no indication of any land contamination issues on the site and no mitigation is sought in this instance.

Natural environment

Policy EP1 requires an assessment of the development in terms of any potential impact on Special Areas of Nature Conservation and European Protected Species. In this case, the application site lies at a distance away from the River Tweed SAC/SSSI. The proposal does not raise concerns in respect of impact on the integrity of the designate habitat and there is no requirement for surveys.

It is proposed to remove the existing open agricultural barn on site. The design of this building is not considered to be suitable in respect of bat or bird presence and thus no surveys are necessary in this instance.

Developer Contributions

The Council has adopted supplementary planning guidance and planning policy covering development contributions. In this case contributions assessment is as follows:

Education - No contributions are sought for Education and Lifelong Learning

Affordable Housing - As only a single dwelling is proposed in this application, no affordable housing contribution would be due.

REASON FOR DECISION :

The proposed development at this site would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance Note (2008), in that the proposed development would not relate sympathetically to the sense of place of the existing building group, and would potentially lead to ribbon development along a public road. Furthermore, the means of access to the public road is inadequate and it has not been demonstrated that it is capable of sufficient improvement, contrary to Policy PMD2 and supplementary guidance New Housing in the Borders Countryside. This would have an adverse impact on road safety.

Recommendation: Refused

- 1 The proposed development at this site would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance Note (2008), in that the proposed development would not relate sympathetically to the sense of place of the existing building group, and would potentially lead to ribbon development along a public road.

- 2 The means of access to the public road is inadequate and it has not been demonstrated that it is capable of sufficient improvement, contrary to Policy PMD2 and supplementary guidance New Housing in the Borders Countryside. This would have an adverse impact on road safety.

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