

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 11/00447/FUL
APPLICANT : Ms Louise Weddell
AGENT : Timber Bush Associates Ltd
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land West Of Warlawbank Steading
Reston
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P03	Location Plan	Approved
P02	General	Approved
P01	Site Plan	Approved

NUMBER OF REPRESENTATIONS: 5

SUMMARY OF REPRESENTATIONS:

Five letters of objection received from a total of four households.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Structure Plan 2001-2018:

Policies N16, N20, H7, I11.

Scottish Borders Consolidated Local Plan 2011:

Policies G1, G2, BE2, H2, Inf4, Inf5, D2.

Adopted Supplementary Planning Guidance:

- New Housing in the Borders Countryside (2008)

Recommendation by - John Hiscox (Planning Officer) on 16th May 2011

Background/Site Description:

The following report relates to a full planning application, for the erection of a new dwellinghouse within the curtilage of an existing dwelling ('Warlawbank Steading') in a rural location at Warlawbank, near Reston in

Berwickshire. Warlawbank is a hilltop building cluster approximately 2km to the north-west of the nearest village of Auchencrow. It is actually situated on Horseley Hill, a landmark well-known locally as it includes a Scheduled Ancient Monument (hillfort) and a large telecommunications transmitter mast. It is reached via a series of public roads that eventually meet the B6437 road close to Sunnyside Farm some 2km to the south-east.

None of the buildings at the site are listed and the site is not within an Area of Great Landscape Value. Although visibility southwards from Warlawbank is generally excellent, views to the application site are either very distant or are shrouded by Warlawbank Cottage to the south. An important archaeological site exists to the north-west beyond a relatively modern single agricultural building. The agricultural building is not within the applicant's ownership and forms part of the farming operations of a separate party.

Description of Development:

The submitted drawings show how a building with accommodation over two floors would be built in the north-west corner of the yard area presently serving the applicant's dwelling. A fairly simple design based on traditional characteristics is utilised. The application is being considered on the basis that the new dwelling would provide subservient accommodation forming part of the overall dwelling at Warlawbank (conversion arising from planning permission ref. 05/01898/FUL). This would be compatible with pre-application exchanges.

Planning Consultation Responses:

The Reston and Auchencrow Community Council, while not objecting to the development, has listed several concerns which it feels should be taken into consideration during the planning process. A summary of these would be:

- external finish on the frontage elevation should match the neighbouring dwelling
- existing system of approach roads (and associated junction) already serve a significant number of other properties and operations - concern about the capacity of the road network to safely accommodate a further dwelling

A consultation response has been received from the SBC Archaeologist. This response confirms the sensitivity of the setting and potential for archaeology to be discovered if the ground is disturbed as a result of the development taking place. A condition would be applied to any condition issued that would address the matter of archaeology.

A further response has been received from the SBC Environmental Health Officer, confirming the potential for contamination of the ground to be present and the need for this to be assessed either during the current application period or, if that is not achieved, via a suitable planning condition.

Representation Summary:

A total of five letters of objection have been received, from a total of four households. A summary of the (relevant) planning matters would be as follows:

- inappropriate location for additional residential development
- modern appearance is not in-keeping with adjacent, existing development (local stone preferred)
- concern about small size of curtilage
- size of dwelling renders it out of proportion with its surroundings
- increased traffic could block existing garage
- local road network not adequate to deal with additional traffic
- additional passing places would be required
- junction with public road to east of Sunnyside would need to be improved
- insufficient parking opportunities exist to serve existing and proposed development
- proposed parking arrangements would give rise to localised concerns about the manoeuvring of vehicles (including farm machinery)
- plans show no landscaping
- tree screening required to the north
- drainage capacity insufficient for another house

- information relating to drainage unclear
- water supply insufficient to serve another dwelling

Assessment of Application:

For the purposes of rural housing policy, Warlawbank constitutes a rural building group made up from three dwellings, associated buildings and curtilages. In very basic terms, the principle of augmentation by the addition of further housing can be considered as it would not be argued that the building group is complete. However, although the current site relates well to the group in terms of location, taking into consideration the historical development of Warlawbank, the development would not meet all the policy objectives for new dwellings for the following reasons:

- a substantial agricultural building is situated very close to the application site, just over the wall to the north-west of the proposed building. Said building is used not intensively, but occasionally for livestock and is otherwise general purpose. The future relationship between a development (for a market dwelling) and the agricultural building is therefore unlikely to be agreeable because the farming operations would potentially conflict with an independent domestic use due to arising noise and odour;
- as discussed during pre-application discussions with the applicant, the site does not provide for adequate parking, turning, access and curtilage to serve two separate dwellings.

Having regard to these matters, support could only be given for the principle of a dwelling that is by its nature tied to the applicant's dwelling as subservient accommodation. For example, if it were to be utilised in connection with the principal dwelling for accommodation that is dependent on that dwelling and therefore would not give rise to a separate planning unit. Although the building is self-contained, by virtue of its modest scale and lack of independent access or curtilage it would only lend itself to being subservient accommodation. What this means is that any future occupiers would already be aware of the proximity of the agricultural building and the limitations of the site and occupancy would be regulated by the applicant (or any successor in title). To secure this, in the event of planning permission being granted a suitable condition would be applied to set limitations on future occupancy.

In general terms, including in the matters of siting and design, it is considered that the development is compatible with planning policy. However, representations and consultation responses identify areas where further consideration is necessary.

Road Network:

The existing road network is imperfect and the approach to Warlawbank is a little long and windy. However, taking into consideration the fact that support for the planning principle is only possible if the dwelling is viewed as a subservient item to the main house a new planning unit would not be created, it would be difficult to argue against the development on road safety grounds. In real terms it is likely that additional traffic could be generated whether the building is occupied by holidaymakers or other persons utilising the building in association with the main dwelling. For this reason it would be reasonable to impose a condition relating to the provision of an additional passing place along the approach road at a location to be agreed in the event of planning permission being granted.

Impact of Proposed Parking Arrangement:

Taking into consideration the proposed layout, which provides for the parking of at least one domestic vehicle within the main curtilage and then for two vehicles 'nose-in' to an existing outbuilding accessed directly off the lane, it is considered that this only represents a regularisation of what might currently occur. Although the lane through the steading is used for both domestic and agricultural movements, the development would not substantially change the situation. The application demonstrates that adequate parking exists within the site to provide for at least three vehicles of a domestic nature, which in these particular circumstances is considered to be adequate.

Landscaping/Screening:

Although the proposed development would be located within what effectively is a walled courtyard area, and no landscape planting is shown, it would be prudent to impose a condition relating to the provision of hard and soft landscaping in the event of planning permission being granted. This would ensure that the site would remain compatible with its locality and enable the planning authority to consider how the use of hard and soft items would relate to existing development.

Drainage:

The applicant has indicated an intention to utilise an existing non-mains drainage system available and presently serving the dwelling known as Warlawbank Steading. There is no evidence to suggest that it would not have the capacity to serve the additional accommodation. Indeed, the applicant indicated during a telephone conversation with the case officer that the system serving the principal dwelling was deliberately provided with spare capacity. What is most important from a planning point of view however, bearing in mind that a building warrant for this work would be required and would have to demonstrate adequate drainage provision, is that a facility for the discharge of drainage is available. Matters pertaining to drainage would not preclude a recommendation being made.

Water Supply:

For similar reasons to those relating to drainage, the matter of water supply would not preclude a recommendation being made. In the planning context, this is only really likely to be influential if it is known that a water supply is unavailable or so critically poor as to promote concerns about a supply being achievable. In this instance, there is no evidence to suggest that water supply is unavailable and if its output is poor or if any additional usage would affect existing users, this will become a matter for environmental health legislation/regulations and would not primarily be a planning matter.

Conclusion:

Taking into consideration the nature of the application, all other information above and relevant planning policies, it is considered that the development would accord with planning objectives relating to rural housing and other policies relating to technical/environmental matters. Furthermore, it is considered that the issues raised in objections and comments by members of the public and the Community Council would not give rise to any sustainable reasons to resist the proposals.

For these reasons, it is recommended that planning permission be granted, subject to suitable conditions being applied that would prevent the development becoming a separate, independent dwelling unit.

NB: No developer contributions would be applicable because the proposals would not give rise to a separate dwelling.

REASON FOR DECISION :

The development, by virtue of its scale, siting, design, relationship with existing development and usage would accord with planning policies relating to rural housing, design/development quality, parking provision standards, drainage discharge and the protection of residential amenity.

Recommendation: Approved - conditions & informatives

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 3 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

- 4 The development shall be utilised only as ancillary accommodation to the existing dwelling known currently as Warlawbank Steading (within the ownership of the current applicant) and shall at no time be sold off or let as a separate dwellinghouse, legally or physically subdivided from the principal dwelling so that it becomes occupiable as a separate dwellinghouse. The communal curtilage/amenity/parking area shown in the approved drawings shall be retained as such and shall not be subdivided into two separate curtilages at any point in the future.
Reason: the principle of ancillary accommodation forming part of a single planning unit accords with adopted planning policy, whereas the establishment of a separate dwelling unit in this location would conflict with the same policy due to (i) the proximity of the accommodation to the nearby livestock building to the north-west and (ii) the inability of the site to provide adequate curtilage/parking/turning areas for the service of two independent dwellings.
- 5 No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access shall be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority.
Reason: the site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore in the public interest to afford a reasonable opportunity to record the history of the site.
- 6 Prior to any development commencing on site, a scheme will be submitted by the developer to identify and assess potential contamination on site. No construction work shall commence until such scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the details agreed in response to this condition.
The scheme shall contain details of proposals to investigate and remediate potential contamination and must include:-
a) Development of a conceptual site model, measurement of pollutant linkages through a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. The scope and method of this investigation to be agreed in advance with the Council, and be undertaken in accordance with PAN 33 (2000) and BS10175:2001.
b) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the Council.
d) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.
Written confirmation from the Council, that the scheme has been implemented, completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.
Reason: the former usage of the site may have given rise to contamination of the ground, which it will be necessary to mitigate to ensure that the health and safety of future occupiers is protected.
- 7 Prior to the commencement of development, details shall be submitted to and agreed in writing by the planning authority relating to the provision and maintenance of a passing place for vehicles along the public road between Sunnybank and Warlawbank. The passing place shall be installed in accordance with the details agreed in response to this condition prior to the development being brought into use as ancillary accommodation and thereafter maintained in accordance with the approved details.

Reason: to ensure that the local road network has been improved in the light of the potential additional traffic that would use the road, in the interests of road safety and amenity.

- 8 A minimum of three parking spaces shall be provided within the area that will form the communal curtilage to both Warlawbank Steading and the new unit of accommodation prior to the first occupation of the new accommodation. Thereafter, it shall be kept available for the parking of domestic vehicles at all times.

Reason: in the interests of amenity and the safety of users of the roads in and around the development.

- 9 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

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