

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 20/00796/FUL

APPLICANT : Miss Dawn Kilpatrick

AGENT : Malcolm McEwen

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land West Of Causewayfoot Cottage Wolflee
Hawick
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
MM 2008 / 4	Proposed Elevations	Refused
MM2008 / 2	Proposed Plans	Refused
MM2008 / 3	Proposed Elevations	Refused
MM2008/1	Proposed Site Plan	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

One neutral comment has been received identifying that the private water supply which serves existing properties at Causewayfoot does not have capacity to serve a further dwelling.

CONSULTEES;

Community Council: No response at the time of writing.

Ecology Officer: No objection subject to a condition requiring a Construction Method Statement adopting good practice to control potential sediment and pollution run-off to the SAC and informative relating to advice should the developer encounter breeding birds.

Education and Lifelong Learning: Proposal is within the catchment area for Denholm Primary School and Jedburgh Grammar School. A contribution of £2,672 x 1 is sought for the Primary School.

Flood Risk and Coastal Management: SEPA's mapping confirms site is at risk of a flood event with a return period of 1 in 200 years. Require that a Flood Risk Assessment (FRA) is undertaken to develop a 1 in 200 year plus climate change flood level to assess if the new development is at risk of flooding and if appropriate how much flood plain storage is lost.

Following submission of a FRA, objection is maintained as it provides insufficient evidence that the dwellinghouse will not flood.

Landscape Architect: No response at the time of writing.

Roads Planning Service: No objection. The site is accessed of a minor public road. The existing access serve the storage shed associate with Causewayfoot Cottage. This property already benefits from off street parking. No concerns are raised provided a condition is attached which seeks for the access to be suitably upgraded with a related to seek that the works are undertaken by an approved contractor.

Scottish Water: No response at the time of writing.

SEPA: Identify that the site (or part thereof) lies within an area with a medium likelihood (0.5% annual probability or 1 in 200 year) of flooding on SEPAs mapping. The proposed development falls within the Highly Vulnerable Use Category of SEPAs classifications of vulnerability of proposed uses. Object to the development until a detailed Flood Risk Assessment (FRA) is undertaken in accordance with SEPAs guidance to demonstrate if the proposal complies with SPP and is outwith the 1:200year risk area of the Catlee Burn.

Following submission of FRA, maintain objection. The FRA has not adequately demonstrated flood risk to the site and should include, definition of the functional flood plain, impact of bridge blockage and confirmation that the small unnamed watercourse will not increase flood risk at the site.

SNH: No objection. The proposal meets SNH standards to ensure it is far enough away from the SAC to avoid impacts. An appropriate assessment is not require provided SEPA are satisfied with handling of sewage and runoff from the site.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016:

PMD2: Quality Standards
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP1: International Nature Conservation Sites and Protected Species
EP2: Local Biodiversity
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS7: Parking Provision and Standards
IS8: Flooding
IS9: Waste Water and Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Developer Contributions 2021
Householder Development (Privacy and Sunlight) 2006
Landscape and Development 2008
New Housing in the Borders Countryside 2008
Placemaking and Design 2010
Trees and Development 2008
Waste Management 2015
Sustainable Urban Drainage Systems 2020

Other considerations;

SEPA Guidance on;
Flood Risk and Land Use Vulnerability Guidance 2018

Report of Handling for application 10/01202/PPP

Recommendation by - Scott Shearer (Planning Officer) on 21st October 2021

Site Description

The application site is a parcel of land associated with Causewayfoot Cottage which is near the holding of Wolflee to the south of Bonchester Bridge. A minor road which provides access to the site separates the site from Causewayfoot Cottage. The site is used as garden ground and with a garage and storage shed sited on the land. A hedge encloses the site from the road. The site narrows to the north where there is mature planting and the Catlee Burn. A dry stone dyke runs along the western boundary of the site with the planting enclosing the southern boundary of the site from an open field.

Proposal

Planning permission is sought to erect a single storey 'L' shaped house within the site. The building has a hipped corner with two pitched roofed ends. The building is to be finished with vertical timber cladding and grey interlocking tiles. Access is provided from the south eastern corner.

Planning History

There is no planning history at the land.

Before lodging this application 19/00041/PREAPP was submitted. The advice provided was that the Planning Authority could not support the application primarily because it was not suitably located to the existing building group.

Policy Principle

The proposal is located outside of a settlement and is required to be considered against the Councils Housing in the Countryside Policy HD2. Criteria A of this Policy requires that new housing sites are well related to an existing group of at least three houses. The Councils SPG on Housing in the Countryside recommends that a building group is identifiable by its sense of place which is contributed to by its natural or man-made boundaries.

The site lies opposite Causewayfoot Cottage on the opposite side of a public road. Causewayfoot Cottage lies at the foot of a track which provides access to Gardens Cottage, Stables Cottage and Wolfelee House with East Wolfelee Cottage located to the north at the opposite end of the track. These properties are set within a woodland plantation which provides an enclave for the housing between the B6357 to the east, the minor road to the south and Rule Water to the west. These 5 properties are not located close to one another and nor does there appear to be any inter-visibility between the dwelling units. They are physically linked by the same access track and historically they appear to have been developed as a singular estate to support Wolfelee House.

In 2010 an application was lodged for the erection of a dwelling within the walled garden which lies to the east of Causewayfoot Cottage and Gardeners Cottage, ref 10/01202/PPP. This application was refused due to landscape and tree concerns. The principle of the house would have required at that time to also be well related to a building group of three houses. Although it is not overtly stated within the aforementioned Report of Handling, because that development was not refused under building group addition policies suggest that the Planning Authority accepted that there was a building group at Wolfelee.

Having considered the context of Wolfelee and accounting for its planning history, there is an identifiable sense of place which is influenced by the historical relationship of the 5 dwellings and their physical linkage by the same access track and positioning within the woodland which confirms there is a recognisable building group at Wolfelee.

The application site is currently in residential use. The land provides additional garden ground for Causewayfoot Cottage and currently accommodates two ancillary buildings, a shed and garage. These are relatively modern buildings but there is no planning history for these structures. Googlestreetview imagery

confirms that these buildings were present in June 2009 which would deem that these structures and the use of the land as part of the curtilage of Causewayfoot Cottage to be deemed to be its lawful use.

The existing domestic use of the site which support the residential use at Causewayfoot Cottage is a material consideration but the key question posed by policy HD2 is still whether the development of a further dwellinghouse on the land would be well related to the character of the building group.

This site is located out with the woodland which encloses the group at Wolfelee and on the opposite side of the public road where all other houses in the building group area located. This positioning means that the site falls out with both the woodland and road which act as identifiable natural and manmade boundaries of the Wolfelee building group. Unlike other dwellings within the group this site is not accessed via the access track which links the existing dwellings at Wolfelee together. Furthermore the group at Wolfelee appears to have been designed with a distinct gatehouse at either end of the access towards Wolfelee House, with these properties being Causewayfoot Cottage and East Wolfelee Cottage. The addition of a further house on the opposite side of the road from Causewayfoot Cottage and out with the woodland would detract from the historical setting of the group.

The proposal is considered to be divorced from the existing building group by finding itself positioned outside of the woodland and on the opposite side of the public road which are the identifiable boundaries of the building group. This location is not found to be well related to the character and sense of place of the adjacent Wolfelee building group. The proposal fails to comply with the requirements item a) of the Building Group category of Policy HD2. There are no other building groups in the vicinity of the development which this site relates to.

No supporting evidence is provided in support of the application which suggest that there are any economic justification for this development against Criteria (F) of Policy HD2. The proposal does not meet any other of the development criteria for supporting residential development in the countryside under Policy HD2.

Placemaking and Design

Policy HD2 seeks that all new housing development within the countryside is appropriate in scale, siting, design, access and materials. Policy PMD2 which seeks to ensure that all new development respect the environment it is contained within. These LDP policy provisions are also supported by the Councils New Housing in the Borders Country Side SPG and the Placemaking and Design SPG.

The scale of the dwellinghouse is modest and does not appear challenging within the local area. The dwelling is positioned close to the road which in principle is suitable. The existing roadside hedge is to be maintained. This hedge does add value to the amenity of the rural area and the character of the countryside road so its retention would be welcomed. The house its self appears far enough away from the hedge. Protective fencing would be required to protect the hedge during construction works and thereafter the hedge should be retained. These matters could be handled via planning condition.

The design of the house includes a hip which may take hues from the traditional hipped Causewayfoot Cottage on the opposite side of the road. The 'L' plan and in particular the treatment of the east elevation of this proposal is unbalanced. Although the East elevation is close to the road, its angled and unbalanced appearance doesn't appear compatible with the traditional building form of the Scottish Borders or provide a principal elevation which adds to the charm of this rural road. Window proportions on the exposed elevations also require to be more vertical. The proposed design appears to conflict with the traditional character of Causewayfoot Cottage rather than complementing its appearance.

Turning to materials, the use of timber cladding may be acceptable however the house is set under an interlocking tile roof. The New Housing in the Borders Countryside SPG encourages the use of natural slate roofs or potentially artificial slates in less sensitive locations. The Placemaking and Design SPG specifically advises against the use of interlocking tiles. A grey tile is used on the extension at Causewayfoot Cottage however this is a rear extension where the roof slope doesn't directly face towards the road. The roof of this proposal is visually prominent from the public road and the interlocking tile would provide more of a suburban material which would conflict with the character of the rural area. Use of an interlocking roof tile conflicts with Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 and criteria j) of Policy PMD2 and the Placemaking and Design SPG however this could be remedied by condition if the application were to be approved to agree a more suitable roof material.

In summary, the form and design of the proposal fails to integrate with the sensitive rural character of the surrounding area and the use of interlocking materials would appear unsympathetic to the rural location. The proposal would fail to comply with design requirements of Policy HD3 and criteria h), j) and k) of Policy PMD2.

Flooding

Development plan policies on flooding which are covered by SPP and policy IS8 of the LDP both take a precautionary approach to prevent development taking place in areas which would have a significant probability of being flooded or increase probability elsewhere.

SEPA's Flood Maps show that this site is located within the flood extent of the Catlee Burn which is located directly to the north of the site and close to the western boundary of the site. A development in this location would have a 1 in 200 annual probability of being flooded from this water course. The flood risk framework contained within SPP classifies these areas to have a medium to high risk of being flooded. Under SEPA's Land Use Vulnerability Classification, proposed residential uses fall within the Highly Vulnerable category. Within original consultation responses, both SEPA and the Council's Flood Risk and Coastal Management Engineers considered this type of development would be required to be situated out with the 1 in 200 year flood plain. A detailed Flood Risk Assessment (FRA) was required to demonstrate if this is possible.

An FRA was submitted. Following assessment from SEPA and the Flood Risk and Coastal Management Engineers both flooding advisors maintained their objections and observed that the FRA failed to;

- o Define the functional floodplain (including climate change allowance)
- o Consider the impact on flooding of the adjacent to the north being blocked and from unnamed watercourse at NE boundary of the site (shown in Fig 1 of the FRA)
- o Provide details of mitigation measure including ensuring safe access and egress

The submitted FRA provides insufficient evidence that the proposed development will not flood. Consequently, insufficient information has been provided to demonstrate that this development would not place a residential property and its occupiers at a significant risk of flooding. This is in direct conflict with the flood avoidance requirements of SPP and Policy IS8 and cannot be supported on flood risk grounds.

Access and parking

The site is served by an existing access, this will be required to be upgraded to serve the development. Roads Planning are satisfied that the access can be upgraded to a suitable standard. This will require upgrading the existing unbound surface. The proposal does not provide suitable space for parking and turning. If the development were to be approved, agreement of suitable works to form the access and completion of parking and turning before occupation of the dwelling could be handled via planning condition.

Residential Amenity

The proposed development does not adversely impact on the residential amenity of any neighbouring properties by causing loss of light, sunlight or affecting outlook and nor does the proposal affect privacy of any neighbours. The development would comply with the requirements of Policy HD3 of the LDP.

Ecology

Water to the north forms part of the River Tweed SAC. This is a site of international ecological significance which is protected by policy EP1. SNH (now Nature Scot) are satisfied that the development is located far enough away from the water course to ensure that the development will not have a significant impact on its qualifying interest. This view is generally shared by the Council's Ecologist who recommends that a Construction Method Statement adopting good practice to control potential sediment and pollution run-off. This matter can be addressed by planning condition if the development were to be approved.

Our Ecologist also recognises that the development may be located in an area which could be used by breeding birds. If the application were to be approved an informative is recommended to alert the developer to their responsibilities under the Wildlife and Countryside Act 1981 should they encounter nesting birds.

Developer Contributions

The development of a single dwellinghouse in this location would only trigger developer contributions towards local schools. A financial contribution is currently being sought towards Denholm Primary School of £2,672 to manage capacity issues. No contributions are being sought towards the Jedburgh Grammar School. Through the course of the application the applicant has not opposed the need for a developer contribution. If the development were to be approved the required contribution towards the primary school would require to be settled via a legal agreement. This would allow the development to accord with the requirements of Policy IS2.

Other Matters

No dedicated area is shown on the site plan for bin storage however there is ample space within the site to provide a dedicated bin stance which meets the requirements of the Councils SPG on Waste Management.

A private water supply and a drainage treatment plant are to be used. Agreement of the precise details of these services could be agreed by condition to ensure a suitable water supply is provided the infrastructure does not detrimentally impact on any other

The application form indicated the development does not make provision for surface water to be handled via any SUDS compliant methods. This would not align favourably with the requirements of Policy IS9 and the Sustainable Urban Drainage Systems 2020. It would be feasible to agree alternative SUDS complaint methods for this development therefore if this proposal were to be approved this matter could be addressed by planning condition.

I have assessed this proposal against the Councils development plan and I have not found there to be any other areas of conflict.

REASON FOR DECISION :

The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposed development is located outside of the identifiable boundaries of the Wolfelee building group which is contained by the woodland and public road to the north of the site. This development would appear divorced from the building group and would fail to respect its character and historic sense of place. No economic case has been substantiated to support a house out with the extent of the building group

The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 and criteria h) and k) of Policy PMD2 and the Placemaking and Design SPG in that the form and design of the proposal would fail to sensitively integrate with the architectural style of the countryside location and would detract from the character and sense of place of the rural area.

The development would be contrary to Policy IS8 of the Local Development Plan 2016 in that the site is located within the 1 in 200 year functional floodplain of the Catlee Burn. This development would be at significant risk of flooding from the Catlee Burn and no information has been provided to demonstrate that the proposal can be safely developed on this land free from flood risk and without increasing the probability of flooding elsewhere.

Recommendation: Refused

- 1 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposed development is located outside of the identifiable boundaries of the Wolfelee building group which is contained by the woodland and public road to the north of the site. This development would appear divorced from the building group and would fail to respect its character and historic sense of place. No economic case has been substantiated to support a house out with the extent of the building group.

- 2 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 and criteria h) and k) of Policy PMD2 and the Placemaking and Design SPG in that the form and design of the proposal would fail to sensitively integrate with the architectural style of the countryside location and would detract from the character and sense of place of the rural area.
- 3 The development would be contrary to Policy IS8 of the Local Development Plan 2016 in that the site is located within the 1 in 200 year functional floodplain of the Catlee Burn. This development would be at significant risk of flooding from the Catlee Burn and no information has been provided to demonstrate that the proposal can be safely developed on this land free from flood risk and without increasing the probability of flooding elsewhere.

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