

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 10/01202/PPP

APPLICANT : Emma Fishwick

AGENT :

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land In Walled Garden
Wolflee
Bonchester Bridge
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|--------------------------------------|------------------|--------------------|
| 10-293-1001 SITE SURVEY | Location Plan | Refused |
| 10-293-2001 PROPOSED ROAD/ACCESS LAY | Site Plan | Refused |
| 10-293-2002 SECTION THROUGH PROPOSED | Other | Refused |
| | Sections | Refused |

NUMBER OF REPRESENTATIONS: 2

SUMMARY OF REPRESENTATIONS:

The application was publicised by means of a press notice in the southern reporter and the direct notification of two neighbouring dwellings.

The following objection and representation were received to the application:

OBJECTION - SMITH -

I have objection to the above proposition on the following three points:

1. Supply of water: As you realise the supply comes from a private water supply which already services a number of houses. It worries me that in the future if there was a long period of drought the water table would drop to a level that even the present encumberents would have problems with water pressure and shortages.
2. Septic Tank: I assume the property would require a septic tank (including a soak away/overflow pipe). Due to my property being at a lower level it again worries me that any excess etc. might soak into my land or even worse get into the stream that runs through my property. Our grandchildren (all under 10) often stay with us and the unhygienic element would also cause me great concern.
3. State of the stream through Wolflee: This stream which eventually comes through my property is in a dangerous state caused by fallen, dead trees and land slides etc. About ten years ago because of the state of this stream it flooded and caused flooding damage on my land (this cost our insurance company a claim of over £5000 to clear up the destruction). I feel that as a safety precaution the new owners should ensure the stability of the stream. The present owner and her deceased husband were aware of the dangers that could ensue from this water problem.

PLANNING AUTHORITY COMMENTS: These comments are noted. Had a suitable access been achievable, I would have been content to control these matters via planning conditions. The technical details of water supply and drainage would have been for consideration by Building Standards and Environmental Health colleagues.

OBJECTION - Mr & Mrs M McManmon

This dwelling would share a private water supply with six other properties. While there would be sufficient supply for domestic purposes for one dwelling, any further use would not be possible. There is no mains drainage and no nearby watercourse for septic tank outfall. Two other properties lie directly below the proposed dwelling, and adequate sewage arrangements are essential to ensure that these are not affected.

PLANNING AUTHORITY COMMENTS: These comments are noted. Had a suitable access been achievable, I would have been content to control these matters via planning conditions. The technical details of water supply and drainage would have been for consideration by Building Standards and Environmental Health colleagues.

The following consultation replies were received to the application:

ARCHAEOLOGY OFFICER: There are archaeological implications for this proposal. Wolflee is known to have been a medieval grange belonging to Jedburgh Abbey. While some of the earthworks to the south of the steading at Wolflee may be associated with the grange (though these may also have been landscaping associated with the former house and hotel of Wolflee), the exact location and extent of the grange and its buildings are unknown. Given the relatively flat and isolated nature of the development site, it is possible that at least part of the grange existed in the vicinity of the walled garden. Given this information, I will be seeking a condition for an archaeological evaluation of the site prior to development in order to determine the presence, absence, extent, age and significance of any archaeology that might be present. This can be done as part of this application or any FUL application that is submitted. The relevant condition is ARCH 02

EDUCATION DEPARTMENT: Education has no observations to make on this proposed development at this time and will not be seeking a developer contribution towards the provision of infrastructure for the schools in the catchment area.

ENVIRONMENTAL HEALTH: Provide a detailed reply on water and drainage which can be summarised as follows: it is noted from the Application Form relating to this application that the proposed water supply for the development is to be from a private source. As such, the following information relating to the proposed private water supply will be required to be supplied for consideration:

- A description of the source(s) of the supply – i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
- The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
- The name and address of every relevant person in relation to the supply – i.e. a “relevant person”, in relation to a private water supply, means a person (or persons) who: (a) provide the supply; (b) occupy the land from, or on which, the supply is obtained or located; or (c) exercise powers of management or control in relation to the supply.
- The addresses of the premises which are served by the supply, and the purposes for which the water is supplied – i.e. for domestic use or as part of a commercial/public activity.
- The estimated maximum average volume of water provided by the proposed supply, in cubic metres per day (m³/day), and the details of any pump tests/flow rate tests undertaken to determine this estimate.
- The existing and proposed occupancy levels of all of the properties to be served by the supply, as far as is reasonably practicable.
- Any treatment that is intended to be carried out in relation to the proposed supply.

In addition, where there are any existing users of the supply (i.e. if there are any other properties served by the supply), the applicant is likely to be required to provide a report from an independent, competent person advising how the proposed development will impact on the existing users.

LANDSCAPE ARCHITECT: There are a number of walled gardens throughout the Borders that are characteristic features of 17th, 18th and even 19th century estate improvements. Many are no longer in use. These areas have very benign microclimates and ideally they would continue to have some horticultural use. Although it can be argued that there would be some loss of landscape character if the feature is lost, I have no objection to it being used for construction of a house.

There are significant concerns however regarding the proposed access road. The applicant has provided a drawing (10-293-2001 dated 19/7/10) which indicates the proposed line of the road. This drawing does not represent the full extent of the work or associated disturbance. Firstly, no account has been taken of the 'cut and fill' earthworks that would be required on such steeply sloping ground. Once earthworks are allowed for, I expect that the actual land take for this road could be up to double the area shown on the drawing. In addition, a new road will require drainage which will involve various cut off drains and connections to existing drains, assuming there are drains in the vicinity of the proposed road?

Most of the length of the route is covered with mature woodland, up to 200 years old, consisting of large trees plus under-storey trees, shrubs, seedlings and groundcover vegetation (ferns etc.) There is no accurate information available on likely tree losses. The assessment of these effects should be detailed as part of the application as required on pages 3 & 4 of the 'Landscape and Development SPG. <http://www.scotborders.gov.uk/pdf/22547.pdf>

I expect the direct impacts, in terms of trees needing to be felled, to be substantial and certainly far more than the dozen or so shown on the drawing. Any tree which has roots disturbed by the track excavation will be affected to some extent. Root protection areas (RPA) can be estimated by use of BS5837 and this should be taken into account in estimating the full impact on trees. A detailed tree survey needs to be carried out to provide this information.

There will also be indirect effects on trees as a new track will change the water table in the surrounding areas and open up trees to the wind. This is likely the mean that further tree felling will be required. The overall effect on the stability and integrity of the woodland will be substantial.

I also have concerns about the appearance of the proposed access junction on to the B6357. The existing gate, hedgerow and woodland are attractive features in the view from the road. The new access would leave the existing gate redundant and require the removal of up to 45m of beech hedge to open up sightlines. Most of the existing mature beech trees visible from the road would also be lost and the overall effect would be to open up a big gap in an otherwise enclosed wooded view, adversely changing the character of the road.

TECHNICAL SERVICES (ROADS): I have no objections in principle to this proposal if the site is acceptable in planning terms in that it is deemed part of an existing building group. The access details are an improvement on the existing junction which will be a benefit to all road users. The following conditions must be adhered to.

1. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of the property and be retained in perpetuity.
2. The service lay-by at the junction with the B Class road must be formed to my specification, as per Detail DC-3, by a contractor on the Council's approved List 13 (DC-8).
3. The initial 6m of the access track must be constructed to my specification shown below and be constructed by a contractor on the Council's approved list.
4. The gradient of the initial 6m of the access must be not steeper than 1 in 15, the gradient of the parking and turning area must be not steeper than 1 in 15 and the gradient of the intervening section must be not steeper than 1 in 8.
5. I would recommend passing facilities are provided on the long section of the access track at locations to be agreed.
6. The visibility improvements required to provide visibility splays of 2.4m x 60m in either direction at the junction with the B Class road must be carried out prior to work commencing on the dwelling and be retained in perpetuity.

Access Spec.

40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Structure Plan 2001-2018

H7: Housing in the Countryside: Building Groups

Scottish Borders Local Plan (Adopted 2008, and incorporating changes following Reporters Report on Local Plan Amendment 2010).

H2: Protection of Residential Amenity

D2: Housing in the Countryside

G1: Quality Standards for New Development

G5: Developer Contributions

NE4: Trees, Woodlands and Hedgerows

Supplementary Planning Guidance:

- New Housing in the Borders Countryside (2008)
- Daylight and Privacy (2006)
- Placemaking and Design (2010)
- Trees and Development (2008)
- Landscape and Development (2008)

Recommendation by - Andrew Evans (Planning Officer) on 25th October 2010

This application seeks planning permission in principle for the erection of a single detached dwellinghouse within a walled garden at Wolflee, a substantial country house south of Bonchester Bridge.

The site includes a walled garden and a large area of the surrounding woodland in the grounds of Wolflee House, to the south of Bonchester Bridge in the valley of the Catlee Burn, a tributary of the Rule Water. It is mostly west facing at elevations of around 180-200m AOD. Because of the surrounding tree cover, the walled garden has low external visibility. The walled garden and the woodlands are elements of a small designed landscape created around Wolflee House. The layout appears largely unchanged from the OS 1st edition (1843-1893) indicating that the woodlands and landscape features are at least 120-170 years old but Peter McGowan's designed landscape survey (site ref 113) indicates that the grounds were planted by a James Elliott circa 1803 which indicates that the woodlands are over 200 years old.

The proposal is to build a single house within the existing unused walled garden, served by a long access road to be cut through the existing woodland. The road would be around 285m long and would meet the B6357 road at a new access point and lay-by immediately south of the existing gate, which forms the southern access to Wolflee House.

The application is a re-submission. An earlier application on the site was withdrawn. Following a subsequent site meeting earlier this year between the applicants and representatives of the roads and planning services, a potential access route was identified. The landscape service were given opportunity to comment at this stage, but were unable to visit the site. Pre-application discussion is of course offered without prejudice to the determination of any subsequent application.

The applicants have now submitted this current application. The consultation reply from the Council's Landscape Architect is key in the determination of the application. The applicant presented proposals for the proposed access route in the current application. Despite the tardiness of the landscape reply, it does however make a number of points which are crucial to the determination of the application.

I remain of the opinion that the lower section of the proposed access arrangement is acceptable. It clearly follows the route of a former private drive, now somewhat overgrown. It is the upper portion of the proposed access which causes the insurmountable issues.

The professional advice of the Council's Landscape Architect confirms the following:

- The submitted plans do not represent the full extent of the work or associated disturbance. No account has been taken of the 'cut and fill' earthworks that would be required on such steeply sloping ground. Once earthworks are allowed for, it is expected that the actual land take for this road could be up to double the area shown on the drawing. In addition, a new road will require drainage which will involve various cut off drains and connections to existing drains, assuming there are drains in the vicinity of the proposed road.

- Most of the length of the route is covered with mature woodland, up to 200 years old, consisting of large trees plus under-storey trees, shrubs, seedlings and groundcover vegetation (ferns etc.) There is no accurate information available on likely tree losses.

- It is expected that the direct impacts, in terms of trees needing to be felled, would be substantial and certainly far more than the dozen or so shown on the drawing. Any tree which has roots disturbed by the track excavation will be affected to some extent. Root protection areas (RPA) can be estimated by use of BS5837 and this should be taken into account in estimating the full impact on trees. A detailed tree survey needs to be carried out to provide this information.

- There will also be indirect effects on trees as a new track will change the water table in the surrounding areas and open up trees to the wind. This is likely the mean that further tree felling will be required. The overall effect on the stability and integrity of the woodland will be substantial.

- There are also concerns about the appearance of the proposed access junction on to the B6357. The existing gate, hedgerow and woodland are attractive features in the view from the road. The new access would leave the existing gate redundant and require the removal of up to 45m of beech hedge to open up sightlines. Most of the existing mature beech trees visible from the road would also be lost and the overall effect would be to open up a big gap in an otherwise enclosed wooded view, adversely changing the character of the road.

For these reasons it is considered that the proposed access would cause significant damage to an existing mature and attractive landscape, and would cause significantly adverse visual impacts from the adjoining B6357 and so the application cannot be supported.

Whilst the application is presented for refusal, it should be noted that in principle a dwellinghouse could be accommodated within the walled garden, however the access route would have to be demonstrated to be achievable in a satisfactory manner, which has not been the case so far.

REASON FOR DECISION :

It is recommended that the application be refused for the following reason:

Recommendation: Refused

- 1 The proposed access would cause significant damage to an existing mature and attractive landscape, and would cause significantly adverse visual impacts from the adjoining B6357 and it would be contrary to Policy NE4 (Trees Woodlands and Hedgerows) of the Scottish Borders Local Plan Adopted 2008 because it would cause serious damage to the woodland resource without any compensatory public benefits.

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