

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/00710/PPP

APPLICANT : Mr N & Mrs C Cameron

AGENT : Ferguson Planning

DEVELOPMENT : Erection of dwellinghouse with access, landscaping and associated works

LOCATION: Land South And West Of Greywalls
Gattonside
Scottish Borders

TYPE : PPP Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P01 B2	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations have been received.

CONSULTATIONS:

Roads Planning Service: I have no objections to the principle of this application. The existing access is surfaced to an acceptable standard and has appropriate visibility. The main issue I have is that the track, once it is beyond the initial section, is of a gradient which I would normally deem unacceptable. As such, the levels of the track beyond 6m from the existing public carriageway should be amended to provide a gradient of not steeper than 1 in 8 and this appears to be accounted for in McKay & Partners drawing 21/011/02. Provided the driveway is constructed as per the submitted drawings, I will not object. Given the proposed levels, the applicant should satisfy themselves that any surface water run-off from the public road does not have a detrimental impact on the driveway.

Community Council: No comments or objections.

Education and Lifelong Learning: No response.

Scottish Water: No objections. There is sufficient capacity in the Howden Water Treatment Works to service the development in terms of water supply but there is no waste water infrastructure in the vicinity to serve the development and so private options should be investigated.

Ecology Officer: I am satisfied with the Preliminary Ecological Appraisal (The Wildlife Partnership, December 2020) and further climb and inspect survey (The Wildlife Partnership, April 2021).

Habitats within the site included rank neutral grassland with areas of scrub and are of low ecological value. Four ash trees of higher ecological value, including veteran ash trees, were recorded in the survey, plus a further untagged tree. All had potential bat roost features and were subject to the further aerial survey.

No evidence of bat roosts were found although suitable bat roost features were present in the ash trees. A potential outlier badger sett was recorded. A licence from NatureScot would be required for any works within 30m of the potential sett. A badger protection plan will be required. A barn owl roost was discovered in one of the surveyed trees. Habitats that could support nesting birds may be affected by the development. A barn owl box should be provided as part of the mitigation and works should avoid the breeding season or require checking surveys prior to commencement of works. A bird protection plan will be required. No trees are identified for removal in the tree survey, although the ash trees surveyed were identified as category C. Should these trees be proposed for management or felling as part of the development, checking surveys for protected species will be required. A bat protection plan will be required.

Re-consultation: No response.

Landscape Architect: No response.

Archaeology Officer: The application site is alternately set aside and in arable cultivation. At times the cropmarks of a number of features have been identified. These include the cropmarks of pits, quarries as well as the furrows of rig and furrow (Canmore ID 361290); the nature of the pits is as yet unexplained. Additionally the lines of trackways have been digitised across the field to the south (Canmore IDs 343345, 343346 and 343347), one of which crossing the plot (and the area proposed for garden ground) of this development running north to south, as well as the find of a Roman coin made from somewhere in the general area (Canmore ID 11119). There is thus a moderate potential that further archaeological finds, features and/or deposits might be located in the area.

Whilst only the trackway is so far recorded as an HER entry crossing the area it would be recommended that some form of evaluation work be undertaken across the whole of the area, whether that be geophysical survey or trial trenching, to examine if there are any further archaeological finds, features or deposits to be encountered in this area. The ground-based impacts of trenching to progress would be clear enough for impact, but further the creation of the garden ground would also likely mean the cessation of cropmarking in this area also, so this too would also need to be considered if an acceptable loss.

Therefore whilst not objecting to the development in principle, it would be recommended that an archaeological evaluation condition be attached to any granted planning permission should this be granted consent, in line with Scottish Planning Policy.

Access Officer: No response.

Forward Planning: No response.

SEPA: No response.

Flood Protection Officer: In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

Review of the SEPA flood maps indicate that the Southern part of the house is partially within an area of medium to high risk of both fluvial and pluvial flooding. The indicated surface water flood risk covers 1:10 year and 1:200 year flood events. The fluvial flood risk is indicated for a 1:200 year flood event.

Due to the indicated flood risk and the fact that the indicative mapping does not account for climate change, I would require that a Flood Risk Assessment (FRA) is undertaken and submitted with a detailed planning application.

Alternatively, the dwellinghouse could be located further north on the site away from the indicative flooding extents, in which case a FRA may not be required.

Second Response: A Flood Risk Assessment would still be required. For the benefit of the agent, the reasons for this are:

1. The SEPA flood maps are of a much more detailed scale (up to 1:200) than the on-line version, which only provide detail up to a 1:19000 scale.
2. As stated in my previous response, the SEPA flood maps are indicative and therefore unlikely to be as accurate as a Flood Risk Assessment.
3. The SEPA flood maps only consider flooding up to 1:200 year events and do not consider an allowance for climate change. The current climate change allowance is 35%. This can considerably alter the extent of a 1:200 year flood envelope shown on the SEPA maps.

Third Response: As this application is for Planning Permission in Principle we advise that this is not the best location for a residential building. This is because the proposed dwellinghouse is located at the edge of the indicative 1:200 year flood envelope of the river Tweed, with additional areas at risk of surface water flooding also indicated at the edge of the proposed building.

At this moment in time a Flood Risk Assessment (FRA) is not required. However, this may be subject to change depending on the plans and details which are submitted when/if full planning permission is sought. If full planning permission is sought, initially 3 sections through the site (north to south) to determine ground levels would need to be submitted to determine if a FRA is required. We would also require spot levels for the entire site to determine if the currently proposed Finished Floor Levels of 85.3mAOD are suitable.

APPLICANT'S SUPPORTING INFORMATION:

- o Inspection Report for Ash Trees (Climb and Inspect)
- o Planning Statement
- o Preliminary Ecological Appraisal
- o Tree Surveys
- o Badger Protection Plan

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

PMD4: Development Outwith Development Boundaries

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP4: National Scenic Areas

EP6: Countryside Around Towns

EP7: Listed Buildings

EP8: Archaeology

EP13: Trees, Woodland and Hedgerows

IS2: Developer Contributions

IS3: Developer Contributions Related to the Borders Railway

IS7: Parking Provisions and Standards

IS8: Flooding

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Biodiversity (2005)

Countryside Around Towns (2011)

Sustainable Urban Drainage Systems August 2020

Development Contributions (2021)

Householder Development (incorporating Privacy and Sunlight Guide) (2006)
Landscape and Development (2008)
New Housing in the Borders Countryside (2008)
Placemaking and Design (2010)
Trees and Development (2008)

Recommendation by - Julie Hayward (Lead Planning Officer) on 11th November 2021

Site and Proposal

Friarshaugh is situated to the east of Gattonside, to the south of the B6360 and is a building group comprising of the main house, a category B Listed Building, surrounded by a number of houses. The site is a field situated to the south west of the main house. There is an area of woodland to the north, fields to the south and west and Greywalls, a bungalow, is to the east/north, with a hedge along its boundary with the site. The woodlands along the access from the road and between the houses are protected by a Tree Preservation Order.

The application seeks Planning Permission in Principle to erect adwelling house on the site. The indicative drawings show that this would be a large two storey dwellinghouse with three bedrooms.

Access would be from the B6360 to the north west and the house would be served by a long access road through the field.

Planning Policy

The site is outwith the Development Boundary for Gattonside and so the proposal has to be assessed against the Council's housing in the countryside policies.

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. Calculations on building group size are based on the existing number of housing units within the group at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point. The cumulative impact of the new development on the character of the building group, landscape and amenity of the surrounding area will be taken into account in determining applications.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group. Sites close to rural industries will be given careful consideration to ensure no conflict occurs. Existing groups may be complete and may not be suitable for further additions.

It is accepted that there is a building group at Friarshaugh as there are three or more houses. However, it is considered that the proposed development is not well related to the building group and would not be an appropriate addition to it. The other houses within the building group are served by two existing accesses from the public road and the site would have no relationship with the access roads or access onto them and the proposed dwellinghouse would have to be served by a new, long access road formed through the field from the public road to the west. The proposal would constitute development within an undeveloped field, some distance to the west of the majority of the existing houses, with the exemption of Greywalls. The proposed dwellinghouse would not share a sense of place with other houses within the building group. The boundary of Greywalls and the protected woodland to the north east of this existing property appear to define the edge of the building group.

It is considered that the proposal does not comply with policy HD2.

It should be noted that no new houses have been granted planning permission within the building group within the current Local Development Plan period and so the proposal does not breach the threshold in policy HD2.

Policy EP6 states that within areas defined a Countryside Around Towns proposals will only be considered for approval where they meet the following criteria

- a) There is an essential requirement for a rural location and the use is appropriate to a countryside setting;
- b) It involves the rehabilitation, conversion, limited extension or change of use of an existing traditional building of character;
- c) It is located within the confines of a building group and it must be shown that the high quality environment will be maintained;
- d) It enhances the landscape, trees, woodland, natural and man-made heritage, access and recreational facilities;
- e) It has a proven national or strategic need and no alternative is suitable.

This policy seeks to prevent piecemeal development in the countryside and avoid coalescence of settlements. In this case, the proposal would result in the building group expanding towards Gattonside and the proposed access road would provide the opportunity for further housing development, resulting in the building group becoming part of Gattonside over time and the loss of the individual identity of the building group. The proposal fails to comply with the criteria contained in policy EP6.

Siting and Design and Impact on Visual Amenities

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

The site is within the National Scenic Area and policy EP4 seeks to protect the special qualities of the area.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the scale and siting of new development should reflect and respect the character and amenity of the existing building group. The Supplementary Planning Guidance on Placemaking and Design contains design guidance.

The drawings of the proposed dwellinghouse are indicative and show a large two storey dwellinghouse; no details of the external materials are proposed. The scale and design require further consideration at the Approval of Matters Specified in Conditions application stage as it is felt the proposal is lacking in architectural merit and is not in keeping with the character of the building group, to the detriment of the visual amenities of the area.

The site is below the level of the public road and there are trees and shrubs that screen the site and so the development would not be prominent when viewed from the north or west. The site would read as an outlier of the building group within the field when viewed from the south resulting in an unacceptable adverse impact on the landscape and visual amenities of the surrounding area.

Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new household developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The only property that could be potentially affected is Greywalls to the east. The proposed dwellinghouse should be sited and designed so as to ensure no overlooking or loss of light occurs to the neighbouring property.

The garden ground would extend to the south of Greywalls and so the proposed development would wrap around two sides of the existing property, which would be an inappropriate relationship. If planning permission is granted for this proposal, a condition should remove permitted development rights for means of enclosure and curtilage buildings for this area of garden ground to protect residential and visual amenities.

Access, Parking and Road Safety

Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The Roads Planning Service has no objections to the principle of this application. They advise that the existing access onto the public road is surfaced to an acceptable standard and has appropriate visibility. The main issue is that the track, once it is beyond the initial section, is of a gradient which would normally be deemed unacceptable. As such, the levels of the track beyond 6m from the existing public carriageway should have a gradient of not steeper than 1 in 8. This has been demonstrated in the indicative drawings. Provided the driveway is constructed as per these drawings, the Roads Planning Service has no objections.

A long access track is required across the field to serve the property, with the re-grading and raising of ground levels to meet the required gradients. This emphasises the unsuitability of this site for a new dwelling as the site is some distance from a road to serve it and upgrading the field access to serve the plot, in compliance with the standards of the Roads Planning Service and Building Standards would result in an urban form of development that would harm the visual amenities of the area. The indicative site plan shows a hedge along the southern side only to screen the access.

Two car parking spaces and a turning area could be accommodated within the site.

Trees and Woodlands

Policy EP13 seeks to protect trees from development. The trees along the access road to Friarshaugh are protected by a Tree Preservation Order. There are also trees within and overhanging the site to the north and along the western boundary.

A tree survey, including an Arboricultural Impact Assessment, has been provided. This indicates that the dwellinghouse can be sited outwith root protection areas but the access road would have to pass through a section of woodland. The Arboricultural Impact Assessment contains no assessment of the potential impact of the development, which has not been superimposed on the root protection area plan to allow an assessment of the impact.

A further tree survey has been provided of the trees to the western boundary and the proposed route of the access. This indicates that 1 tree would need to be felled (a category C ash suffering from ash-dieback) and an area of gorse, elder and shrub cleared. The trees to the north would not be affected, subject to appropriate tree protection during construction, controlled by condition.

Flooding

Policy IS8 of the Local Development Plan advises that as a general principle, new development should be located in areas free from significant flood risk and developments will not be permitted if it would be at significant risk of flooding or would materially increase the probability of flooding elsewhere. The ability of flood plains to convey and store flood water should be protected.

The Flood Protection Officer advises that the SEPA flood maps indicate that the southern part of the proposed dwellinghouse is partially within an area of medium to high risk of both fluvial and pluvial flooding. The indicated surface water flood risk covers 1:10 year and 1:200 year flood events. The fluvial flood risk is indicated for a 1:200 year flood event. They requested that either a Flood Risk Assessment (FRA) be submitted or the dwellinghouse located further north on the site away from the indicative flooding extents.

The agent has submitted a revised indicative site plan that shows the proposed dwellinghouse repositioned outwith the area at risk of flooding and with a finished floor level of 750mm above the 200 year flood event.

The Flood Protection Officer has been re-consulted and still contend that this is not the best location for a residential building as the proposed dwellinghouse would be located at the edge of the indicative 1:200 year flood envelope of the River Tweed, with additional areas at risk of surface water flooding also indicated at the edge of the proposed building. However, they advise that a Flood Risk Assessment is not required as part of this Planning Permission in Principle application but this view may change depending on the plans and details that are submitted when full planning permission is sought. Additional information including section drawings and levels would be required as part of the detailed application to determine if a FRA is required and if the currently proposed Finished Floor Levels of 85.3mAOD are suitable.

Listed Buildings

Policy EP7 of the Local Development Plan states that the Council will support development proposals that conserve, protect and enhance the character, integrity and setting of Listed Buildings.

Friarshaugh is a category B Listed Building but due to the distance from the site, the proposal is unlikely to affect the setting of this Listed Building.

Archaeology

Policy EP8 states that development proposals which will adversely affect local archaeological assets will only be permitted if it can be demonstrated that the benefits of the proposal outweigh the heritage value of the asset. All proposals that adversely affect such an asset must include an acceptable mitigation strategy.

The Council's Archaeology Officer has set out the history of the site and recommends that an archaeological evaluation condition be attached to any granted planning permission.

Ecology

Policy EP3 states that development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development outweigh the value of the habitat for biodiversity conservation.

A Preliminary Ecological Assessment has been submitted with the application.

The habitats identified within the site were generally of low ecological value; however, there are four ash trees on the western boundary of the site. These are of high biodiversity value and present features that could be exploited by nesting birds, bats and barn owl. A report outlining an inspection of these trees found no evidence of bats but recommends that if these trees are to be felled this work should be completed outwith the active bat season. One tree was identified as a likely roosting site for barn owls and the report recommends its retention or if it is to be felled, it should be surveyed first and replaced with a barn owl box.

A suspected badger sett was identified on the south western boundary of the site. If any works are sited within 30m of this location then further monitoring would be necessary to demonstrate whether this is an active sett and to determine its status.

The Council's Ecology Officer advises that a licence from NatureScot would be required for any works within 30m of the potential badger sett and also a badger protection plan. A barn owl roost was discovered in one of the surveyed trees. Habitats that could support nesting birds may be affected by the development. A barn owl box should be provided as part of the mitigation and works should avoid the breeding season or require checking surveys prior to commencement of works. A bird protection plan will be required. The ash trees surveyed were identified as category C. Should these trees be proposed for management or felling as part of the development, checking surveys for protected species will be required. A bat protection plan will be required.

The Species Protection Plan for bats and birds would be secured by condition, should the application be approved. A Badger Protection Plan has been submitted and a condition would ensure that the mitigation measures proposed are implemented as part of the development.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The proposed dwellinghouse would connect to the public water supply. There are no public sewers close to the site and so foul drainage would be to a private septic tank and soakaway and details would be secured as part of the detailed planning application and Building Warrant.

Developer Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out in policies IS2 and IS3.

Contributions are required towards Earlston High School (£3,809), Melrose Primary School (£2,709) and the Borders railway (£2,093). These would be secured by a legal agreement should the application be approved.

REASON FOR DECISION :

The development is contrary to Policies HD2 and EP6 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group, within a previously undeveloped field, outwith the sense of place, out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and visual amenities of the surrounding area. This conflict with the development plan is not overridden by other material considerations.

Recommendation: Refused

The development is contrary to Policies HD2 and EP6 of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group, within a previously undeveloped field, outwith the sense of place, out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and visual amenities of the surrounding area. This conflict with the development plan is not overridden by other material considerations.

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