

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 20/00024/FUL

**APPLICANT :** Mr Tony McDonald

**AGENT :** Domestic Architecture Development

**DEVELOPMENT :** Demolition of existing steading and erection of dwellinghouse

**LOCATION:** Site Of Derelict Farm Cottages  
North West Of Townhead Farmhouse  
Yarrowfues  
Yarrow  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
19001 AL(90) 001	Location Plan	Approved
19001 AL(90) 002	Existing Site Plan	Approved
19001 AL(90) 003 A	Proposed Site Plan	Approved
19001 AL(20) 002	Proposed Plans	Approved
19001 AL(20) 003	Proposed Roof Plan	Approved
19001 AL(21) 001	Existing Elevations	Approved
19001 AL(21) 002	Existing Elevations	Approved
19001 AL(21) 003	Proposed Elevations	Approved
19001 AL(21) 004	Proposed Elevations	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

**Representations**

Although not logged on the the uniform system, one representation has been received from from the Community Council in respect of the design, appearance and the use of a oil burning boiler and stove. This was accounted for during the handling of the application, as explained in the assessment.

**Consultations**

Archaeology Officer: No objections subject to conditions relating a historic building survey and a watching brief.

Ecology Officer: No objections to the application subject to condition relating to no works during the bird breeding season and a informative relating to bats.

Education & Lifelong Learning: Have not responded at the time of writing this report.

Environmental Health: No objections subject to a condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

Ettrick & Yarrow Community Council: See the above comments under representations.

Roads Planning Officer: No objections subject to a condition for 2 No. parking spaces to be provided within the curtilage of the plot prior to occupation of the dwelling and thereafter retained in perpetuity.

Scottish Water: Have not responded at the time of writing this report.

## **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 and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP8: Archaeology

EP13: Trees, Woodlands and Hedgerows

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and Sustainable Urban Drainage

Other

Scottish Planning Policy (SPP) June 23, 2014

Supplementary Planning Guidance

Scottish Borders Woodland Strategy (2005)

Landscape and Development (2008)

Trees and Development (2008)

Householder Development (incorporating Privacy and Sunlight Guide) (2006)

Waste Management 2015

New Housing in the Borders Countryside 2008

Sustainable Urban Drainage Systems 2020

**Recommendation by** - Brett Taylor (Planning Officer) on 18th November 2020

Site

The site at Yarrow Feus is lies 6 miles west of St. Mary's Loch and 11 miles west of Selkirk. The application site is accessed from a short private track from the A 708. There are a number of modern detached houses located to the east of the site. A stand of mature trees is located within the western edge of the site beyond the existing outbuildings.

The site is bounded to the north and west by rough pasture land and to the south by the public road. The site slopes north east to south west across the site.

Proposal

The planning application seeks to demolish an existing steading and to erect a 1 and 3/4 storey dwellinghouse with a pitched roof. It will be positioned approximately of the same position as the former

steading and will measure 28.5m by 6.6m and will be 8.8m in height. The proposals show a balcony on the front (south) elevation of the building. To take advantage of the southern aspect, two sets of sliding doors and seven windows are proposed for the front (south) elevation, a door, sliding doors and two windows are proposed for the rear (north) elevation, with two windows for the side (west) elevation and one window for the side (east) elevation. The external finishes consist of white render for the walls, grey aluminium windows/doors and natural slate roof.

Other proposals shown on the submitted plans include an oil tank (positioned behind the proposed dwelling).

#### Relevant Planning History

02 June 2008 - Planning permission granted for the erection of three dwellinghouses, change of use and extension of steading to form two dwellinghouses and alterations and extension to cottage (07/02451/FUL).

13 June 2007 - Planning permission granted for the erection of four dwellinghouses (06/02269/FUL).

18 October 1999 - Outline planning permission granted for the demolition cottages and farm store and erection of two dwellinghouses (99/00905/OUT).

#### Principle

Policy HD2 allows for housing within building groups of three or more existing houses, or two or more existing houses within the Southern Housing Market area. This proposal would relate well to an established group meeting HD2 criteria and the group has not been subject to any other consents during the current LDP period. The principle of the development is therefore acceptable.

#### Placemaking and Design

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 policy contains a number of standards that would apply to all development.

The locality to the east is characterised by a range of modern house types, designs and materials. This site previously had planning permission for two modern designed dwellinghouses and is situated on the western edge of the building group. The proposed building would be reasonably be in keeping with the scale, character and appearance with the adjoining properties. It would be appropriately positioned and would be an acceptable addition to the area. Accounting for the existing context of the other houses and distance of set back from the road the proposals are, on balance, acceptable in their visual relationship to the area. The proposed dwelling can be accommodated within the site whilst allowing for adequate garden ground, access and parking. The development would read as part of the existing settlement. It would not harm the visual amenities of the area or be prominent in the landscape. However, to further safeguard the visual amenities of the area a condition has been attached requesting more information regarding boundary treatment.

In terms of design, it will have a rectangular plan, simple roof profiles and fenestration. The house proportions, eaves and ridge heights and will respect the old croft vernacular and as such, I consider this to be satisfactory. I note the balcony feature on the front south elevation, however, given an adjoining property has the same feature on the south facing elevation, I consider this to be acceptable in this context. The choice of materials are considered to be acceptable and are similar to the other properties in the location. Nevertheless, to ensure compliance with policy PMD2 of the Scottish Borders Local Development Plan 2016, the details of the external finish of the proposal will require to be controlled via planning condition. As insufficient details on have been provided on the submitted plans.

The installation of the oil tank is a relatively minor feature and will be screened by the proposed building. As such I consider this element of the application to be acceptable.

Overall, the proposal accords with Policy PMD2 and the aims of Placemaking and Design standards sought by the SPG, in that this development will assimilate well with the surrounding built and natural environment.

#### Archaeology

The steading buildings are of local historic interest and the alteration of them has the potential to impact on the local historic environment. Consequently, the Archaeology Officer has recommended a watching brief for the site and Written Scheme of Investigation (WSI) outlining a Historic Building Survey and should conform to the ALGAO: Scotland Basic standard of historic building recording as set out in the document linked through the recommended condition. The proposal is considered to meet the general aims of Policy EP8.

#### Air quality

Two chimneys are shown on the new dwelling building and although Environmental Health have not asked for the standard informative referencing a 45kw limit. As such, it is recommended that it is applied here.

#### Cultural and Natural Heritage.

The site is located adjacent to the Tweedsmuir Special Landscape Area. However, the proposals raises no concerns in respect of both cultural and natural heritage assets.

#### Developer Contributions

There is no requirement for developer contributions in respect of education and affordable housing.

#### Contaminated land

Whilst no objection has been made by Environmental Health on grounds of contaminated land, it is noted that the former agricultural steading may be potentially contaminative. It is therefore the responsibility of the developer to demonstrate that the land is suitable for the proposed use. The Contaminated Land Officer has recommended a suspensive condition requiring a site investigation and risk assessment be carried out. Any further requirements arising from those will also require to be submitted for approval.

#### Ecology

The council's ecology officer was consulted during the determination of the application. Following the submission of a bat and bird survey no evidence of bats was found within the building. A mitigation plan was included within the report as an active blue tit nest was found within the building. The ecology officer recommends that a condition is attached to this permission in respect of no development shall take place during the bird breeding season (March to August) and an informative for bats.

#### Residential Amenity and relationship to neighbouring land uses

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 developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

There would be no loss of light or privacy to the existing houses due to the distances, topography and orientation of the proposed house.

#### Road Safety, Access and Parking

The Council's Road Planning Officer was consulted during the determination of this application. The RPO has no objections to the site provided two parking spaces are provided within the curtilage of the plot. These matters can be covered by a suitable worded condition.

The proposal is considered to comply with policy PMD2.

#### Services

The applicant has indicated on the submitted application form that foul drainage would be to a septic tank and soakaway, surface water to a soakaway and the water supply coming from the mains supply. The submitted plans show the installation of an oil tank situated behind the proposed building. Given the discreet location, I consider this to be acceptable and would have no adverse impact on the surrounding area. Only basic information has been shown on the submitted plans concerning the drainage proposals though the technical aspects are for Building Standards. Confirmation of the water mains connection will be required.

#### Trees

Policy EP13 states that the Council will refuse applications that would cause the loss of or serious damage to the woodland resource unless the benefits of the development clearly outweigh the loss of landscape, ecological, recreational, and historical or shelter value. Given there are a number of trees within the site and the agent has nevertheless provided a site plan that accurately shows the position of the trees to the west of the site to be retained and are outwith the foundations of the proposed building. Overall, it is considered that the proposal will fit comfortably within the immediate landscape setting without significant adverse impacts on the on the surrounding area. Appropriately worded conditions, will ensure existing trees are retained, full details of proposed landscaping are submitted for approval and existing trees are protected during the construction phase.

Overall, it is considered that the proposals would comply with policy EP13.

#### Waste

The application drawings shows provision of bin storage at the rear of the proposal. This is considered acceptable for the purposes of waste storage.

#### Letter of representation

One letter of representation was received from the community council in respect of the application. The material considerations concerning design and choices of materials have been addressed in the above sections. The proposals have incorporated a number of features in respect of reducing the carbon footprint. With respect to the oil boiler and stove, these are common ways of providing heating for rural based properties and are acceptable in this context.

#### Conclusion

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

#### **REASON FOR DECISION :**

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

**Recommendation:** Approved - conditions & informatives

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The development shall not be completed until precise details of the materials to be used for the proposal have been submitted to and approved in writing by the 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.
- 3 Details of the boundary treatment, walls, fences and gates (position, material, height, design and colour/finish) to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.  
Reason: To safeguard the visual amenities of the area.
- 4 No development shall take place except in accordance with implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report.  
Reason: To preserve by record a building of historical interest.
- 5 No development shall take place until a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief has been submitted to and approved by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) agreed to by the Planning Authority. Access shall be provided to 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. Any significant data and finds shall 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 desirable to afford a reasonable opportunity to record the history of the site.
- 6 No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme.  
Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.
- 7 No development shall be undertaken during the breeding bird season (March to August), unless written confirmation has been submitted for the approval in writing of the Planning Authority that the detailed Species Protection Plan for breeding birds, as outlined in Bat & Breeding Bird Survey, Townhead Steading, Yarrow Feus, The Wildlife Partnership, June 2020 shall be implemented in full. Thereafter, no development shall take place except in strict accordance with the approved plan.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
- 8 Two parking spaces shall be provided within the curtilage of the dwellinghouse in accordance with details which shall be submitted for the written approval of the Planning Authority prior to occupation of the dwellinghouse and thereafter retained in perpetuity, unless otherwise agreed in writing with the Planning Authority

Reason: To ensure the development hereby approved is served by an adequate level of parking.

- 9 No development shall commence until written evidence is provided to the Planning Authority on behalf of Scottish Water to confirm that a mains water connection shall be made available to serve the development. The mains water supply service and the approved surface water and foul drainage schemes shall be operational prior to occupancy of the dwellinghouse. Surface water drainage shall maintain pre-development off-site run-off levels and the development shall incorporate any additional sustainable drainage measures necessary to maintain run-off levels  
Reason: To ensure the development can be adequately serviced.
- 10 The dwelling hereby permitted shall not be occupied until the foul drainage scheme has been implemented in accordance with further details (including maintenance arrangements) that have been provided in writing and approved by the Planning Authority.  
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.
- 11 Trees located within the western section of the site shall be retained in accordance with the approved site plan (Drawing No: 19001 AL(90) 003 A) and shall not be lopped or felled without the prior written approval of the Planning Authority. Before development commences, protective fencing (of a specification compliant with BS5837:12) shall be erected along the routes identified on the approved site plan and shall not be removed until all construction works are complete. There shall be no works (including utilities) or storage undertaken within the protected areas unless agreed in writing with the Planning Authority.  
Reason: To protect and retain trees that will assist with the visual integration of the development with its surroundings.

### Informatives

It should be noted that:

- 1 If a solid fuel stove is intended, this should be specified as being under 45kw. If specified to be larger, a screening assessment will be required in liaison with the Council's Environmental Health Service to ensure there is no risk of a statutory nuisance from emissions.
- Solid fuel heating installations can cause smoke and odour complaints and Planning Permission for this development does not indemnify the applicant in respect of nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted Planning Permission. It is recommended, therefore, that:
- o the flue should be terminated with a cap that encourages a high gas efflux velocity.
  - o the flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.
  - o the appliance should only burn fuel of a type and grade that is recommended by the manufacturer.
  - o if you live in a Smoke Control Area you must only use an Exempt Appliance ([www.smokecontrol.defra.gov.uk](http://www.smokecontrol.defra.gov.uk)) and the fuel that is approved for use in it
  - o in wood burning stoves you should only burn dry, seasoned timber. Guidance is available on [www.forestry.gov.uk](http://www.forestry.gov.uk)
  - o treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.
- 2 The applicant is reminded that, under the Conservation Regulations (Natural Habitats & c.) 1994 (as amended) it is an offence to deliberately or recklessly damage or destroy a breeding site or resting place of bats (whether or not deliberately or recklessly), capture, injure or kill a bat, harass a bat or group of bats, disturb a bat in a roost (any structure or place it uses for shelter or protection), disturb a bat while it is rearing or otherwise caring for its young, obstruct access to a bat roost or otherwise deny an animal use of a roost, disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species, disturb a bat in a manner or in

circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652 or 01463 725 364) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at [www.bats.org.uk](http://www.bats.org.uk). Further information and articles available at:

[http://www.bats.org.uk/pages/bats\\_and\\_buildings.html](http://www.bats.org.uk/pages/bats_and_buildings.html)

[http://www.bats.org.uk/pages/existing\\_buildings.html](http://www.bats.org.uk/pages/existing_buildings.html)

<https://cdn.bats.org.uk/pdf/Bats-Trees.pdf?mtime=20181101151317>

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