

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF: 22/00081/FUL

APPLICANT: C & V Developments

AGENT: Ferguson Planning

DEVELOPMENT: Erection of two dwellinghouses with access and associated works

LOCATION: Land West Of
1 The Wellnage
Station Road
Duns
Scottish Borders

TYPE: FUL Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P759-PL-LOC	Location Plan	Refused
P759-PL-001	Proposed Site Plan	Refused
P759-PL-002	Proposed Plans & Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations have been received.

Consultations

Access Officer: No response has been received at the time of writing this report.

Archaeology Officer: They advise that no archaeological mitigation is required for the application.

Community Council: No response has been received at the time of writing this report.

Education and Lifelong Learning: No response has been received at the time of writing this report.

Heritage and Design Officer: Objections were raised to proposed development of two houses in this location in 2016, at which point the proposed development was amended to remove these plots and development of the remaining plots was granted. The houses granted (4 plots, set to the side of The Wellnage although also within its setting and former grounds) were considered still to have an impact on the setting of The Wellnage but the impact was considered acceptable given the landscaped area in front of the house was preserved.

With this proposal, the listed building would be largely surrounded by later development, leaving it isolated from its historic setting. It would considerably erode the relationship between the house and the road, which forms a primary part of its setting. This relationship and the experience of arrival along Station Road and along the driveway would also be adversely impacted, as currently the driveway

accesses views across the undeveloped former grounds of the property, providing a 'rural' approach to the house.

The development requires a further access to be created onto Station Road, which requires loss of a further section of historic stone boundary wall and further erosion of the historic character, layout and integrity of the historic estate.

Although later hedging/vegetation has been inserted which obscures some views between the house, grounds and road, there are still glimpsed views. The concept of setting is also wider than just views, taking in how the listed building is experienced and understood within its surroundings. The open space and former grounds subject to this application contribute to this experience and understanding and should be retained as open space.

Accordingly, they object to the application.

Landscape Architect: No response has been received at the time of writing this report.

Roads Planning Service: They do not object to the application subject to standard conditions and informatives being attached.

Scottish Water: They confirm that there is currently sufficient capacity in the Rawburn Water Treatment Works to serve the development. They also confirm that there is sufficient capacity for a foul only connection in the Duns Waste Water Treatment Works to serve the development.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
PMD5: Infill Development
HD3: Protection of Residential Amenity
EP7: Listed Buildings
EP8: Archaeology
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS5: Protection of Access Routes
IS7: Parking Provision and Standards
IS8: Flooding
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Developer Contributions 2011 (updated 2022)
Landscape and Development 2008
Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development 2008 (updated 2020)

Recommendation by - Cameron Kirk (Assistant Planning Officer) on 29th June 2022

Site description

The application site is located within the settlement of Duns and relates to a section of garden ground that was once associated with the property, The Wellnage, which is a category B listed building and lies to the east of the application site. The Wellnage is a large two storey property that dates back to the 19th century. The property has been split into two dwellinghouses in recent years.

The application site slopes slightly from the east to the west. There are neighbouring residential properties to the north, east and south, while Duns Public Park lies to the west of the application site. There are a number of trees located within and adjacent to the application site which are protected by a Tree Preservation Order (BCC6).

Proposed development

Planning permission is sought for the erection of two two-storey dwellinghouses. The proposed dwellinghouses would be set back from and angled slightly from the public road, orientated towards one another. The proposed dwellinghouses would have rectangular plans and they would have a gable roofs. A modern design approach has been adopted for the proposed dwellinghouses.

Some of the materials that would be used for the external finish for the proposed dwellinghouses would include scraped off white render, vertical natural scot larch cladding and natural stone to the walls and natural slate to the roofs.

Vehicular access to the site would be taken from Station Road (A6112) to the west boundary of the application site.

The proposed dwellinghouse would be connected to the public water supply network and public drainage network. Surface water would be dealt with in a sustainable manner.

Relevant planning history

16/01061/FUL Erection of four dwellinghouses, access, landscaping and associated infrastructure works. Granted 27 March 2017.

Assessment

Principle of development

The application site lies within the development boundary for the settlement of Duns. It is not designated or allocated for a particular use. In order to establish the principle of development it must be assessed against Policy PMD5.

Policy PMD5 advises that the development must not conflict with the established land use of the area. The application site is located within a residential area it would therefore be in keeping with the established use and character of the area.

Other issues required to be considered under Policy PMD5 are whether the proposed development would detract from the character and amenity of the surrounding area; lead to over-development or 'town and village cramming'; would respect the scale form, design, materials and density in context of its surroundings; can be adequately accessed and serviced; and it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking. The aforementioned issues will be considered in greater detail in subsequent sections of this report as a number also have supporting/complementary policies in the Local Development Plan, particularly Policy PMD2, which must also be considered.

The general principle of exploring residential development is acceptable subject to other site specific considerations as explored below.

Layout, siting and design

Policy PMD2 aims to ensure that all new development is of a high quality and respects the environment in which it is contained. As the property lies within the setting of a category B listed building, The Wellnage, it must also be considered against Policy EP7. Policy EP7 aims to protect listed buildings from works that would spoil their historic and, architectural interest or setting.

The application site relates to garden ground that was once associated with The Wellnage. The proposed dwellinghouses would be set back from and angled slightly from the public road, orientated

towards one another. The primary concern is the location of the proposed dwellinghouses and the impact they would have on the setting of The Wellnage.

Planning permission 16/01061/FUL was sought in 2016 for the erection of six dwellinghouses within the setting of The Wellnage, two of which were located within the application site for this application. During the assessment of the aforementioned application the Council's Heritage and Design Officer objected to two dwellinghouses being built in this location as they considered them to adversely impact upon the setting of the listed building, The Wellnage. The development was subsequently amended to omit the two dwellinghouses proposed in this location, reducing the total number of dwellinghouses to four. The four dwellinghouses granted under planning application 16/01061/FUL, which are located to the south and south west of the application site, have since been constructed.

The Council's Heritage and Design Officer was consulted on the application. They have considered the Heritage Statement submitted by the agent. They advise that with this proposal, the listed building, The Wellnage, would be largely surrounded by later development, leaving it isolated from its historic setting as a result of the proposed development. They consider it to considerably erode the relationship between The Wellnage and the public road, which forms a primary part of its setting. This relationship and the experience of arrival along Station Road and along the driveway would also be adversely impacted upon, as currently the driveway accesses views across the undeveloped former grounds of the property, providing a 'rural' approach to The Wellnage.

The development would require a new access to be created from Station Road, which would result in the loss of a further section of historic stone boundary wall, which would further erode the historic character, layout and integrity of the historic estate.

Although later hedging/vegetation has been inserted, which obscures some views between The Wellnage, its ground and the public road, there are still glimpsed views. From the imagery available to the Planning Authority the hedging/vegetation has matured slightly since the previous planning application 16/01061/FUL, although it does not result in a significant visual change.

The Heritage and Design Officer further states that the concept of setting is also wider than just views. It also takes into account how the listed building is experienced and understood within its surroundings. The open space and former grounds subject to this application contribute to this experience and understanding and should be retained as open space. Accordingly they object to the application.

In consideration of the Heritage and Design Officer's comments, the proposed development would adversely impact upon the setting of the listed building, The Wellnage. The proposed development therefore fails to comply with Policy EP7 of the Scottish Borders Local Development Plan 2016 for the aforementioned reasons outlined by the Heritage and Design Officer.

This position is consistent with that taken by the Planning Authority during consideration of planning application 16/01061/FUL. There are no new material considerations that would suggest that housing development in this location would be acceptable now and there are no known extenuating circumstances of other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016.

The proposed dwellinghouses would be of an appropriate scale, character and appearance. The materials to be used for their external finish would be of a good quality. Purely in design terms, they would relate well to the four dwellinghouses built under planning application 16/01062/FUL.

Residential amenity

Policy HD3 aims to protect neighbouring residential properties against inappropriate development that would result in the loss of amenity or privacy. The proposed development would not result in the loss of daylight or sunlight to neighbouring properties, nor would it create undue overshadowing. Considering the position and orientation of the proposed dwellinghouses relative to neighbouring properties, they would not adversely impact upon their amenity or privacy.

The proposed dwellinghouses contained within the application site would not adversely impact upon the amenity or privacy of each other.

Trees

Policy EP13 aims to give protection to the woodland resource and in turn, to the character and amenity of settlements. The existing trees located within and adjacent to the application site are protected by a Tree Preservation Order (BCC6).

The proposed site plan identifies the location of trees within and adjacent to the application site, the root protection areas of the mature trees, and the position of the protective fencing to be erected during the construction phase of the development. The proposed site plan suggests that the proposed dwellinghouses would be located outwith the root protection areas of the existing trees.

It is not clear whether any trees will be felled to accommodate the proposed development. Details should be provided for any trees to be felled. Further detailed information is required to be submitted to fully assess the impact the proposed development would have on the existing trees. This should include a tree survey/arboricultural assessment and comprehensive tree protection plan. This information could be sought by way of condition.

Access and parking

Policy PMD2 aims to ensure that there is no adverse impact on road safety, including but not limited to the site access. In addition, Policy IS7 states that development proposals should provide car parking in accordance with the approved standards. Vehicular access to the site would be taken from Station Road (A6112) to the west boundary of the application site.

Parking and turning for two vehicles must be provided for each dwellinghouse. This could be achieved within the application site.

The Roads Planning Service was consulted as part of the application process. They do not object to the application subject to standard conditions and informatives being attached in relation to access and parking.

Services

The proposed dwellinghouse would be connected to the public water supply network and public drainage network. Scottish Water has confirmed that there is currently sufficient capacity in the Rawburn Water Treatment Works to serve the development. They also confirm that there is sufficient capacity for a foul only connection in the Duns Waste Water Treatment Works to serve the development. The proposed servicing means for the development would be acceptable.

A suitable sustainable urban drainage system must be provided to deal with surface water generated by the development. Two soakaways would be located to the western corner of the application site to serve each of the dwellinghouses. This approach is acceptable in principle and the precise details for drainage would be agreed at the Building Warrant stage. Conditions would be required to ensure that the proposed development is serviced as specified, unless otherwise agreed in writing by the Planning Authority.

Flooding

SEPA flood maps indicate that a very small section of application site is at a medium risk, 0.5% annual risk, from surface water flooding each year. Although the Council's Flood and Coastal Management department was not consulted on the current application, they were consulted on the previous planning application 16/01061/FUL, which encompassed the application site. They did not object to the application on the ground of flood risk. However, they advised that the design should incorporate measures to route surface water runoff away from the dwellinghouses.

On the basis of Flood and Coastal Management's consultation response to the previous application it would be prudent to ensure that appropriate measures are implemented for this application to ensure that surface water runoff is diverted away from the proposed dwellinghouses. This can be controlled by way of condition.

Developer contributions

Policy IS2 aims to ensure that the quality of services and facilities is not compromised by new development. The cost of new or additional infrastructure required for new development must be met by the developer. Developer contributions are sought towards education and lifelong learning, specifically Duns Primary School and Berwickshire High School. This would be dealt with by way of a legal agreement, should the application be granted.

Archaeology

The Council's Archaeology Officer was consulted on the application and they advise that no archaeological mitigation is required.

Waste

There would be sufficient space within the application site to store refuse bins.

Access Routes

A promoted path runs alongside the western boundary of the public road that flanks the west boundary of the application site. It is not expected that the proposal would inhibit the use of the promoted path during construction of the development or once it is complete.

Conclusion

In consideration of the above, the proposed development fails to comply with Policy EP7 of the Scottish Borders Local Development Plan 2016 as it would have a significant adverse impact upon the setting of The Wellnage, a category B listed building. The proposed dwellinghouses, in the location identified, would isolate The Wellnage from its historic setting and erode the relationship between The Wellnage and the public road, which forms part of its primary setting. Furthermore, the proposal would result in the loss of a further section of historic boundary wall to create vehicular access to the application site, which would further erode the historic character, layout and integrity of the historic estate.

REASON FOR DECISION:

The proposed development fails to comply with Policy EP7 of the Scottish Borders Local Development Plan 2016 in that the development would have a significant adverse impact upon the setting of The Wellnage, a category B listed building. The proposed dwellinghouses, in the location identified, would isolate The Wellnage from its historic setting and erode the relationship between The Wellnage and the public road, which forms part of its primary setting. Furthermore, the proposal would result in the loss of a further section of historic boundary wall to create vehicular access to the application site, which would further erode the historic character, layout and integrity of the historic estate.

Recommendation: Refused

- 1 The proposed development fails to comply with Policy EP7 of the Scottish Borders Local Development Plan 2016 in that the development would have a significant adverse impact upon the setting of The Wellnage, a category B listed building. The proposed dwellinghouses, in the location identified, would isolate The Wellnage from its historic setting and erode the relationship between The Wellnage and the public road, which forms part of its primary setting. Furthermore, the proposal would result in the loss of a further section of historic boundary wall to create a vehicular access to the application site, which would further erode the historic character, layout and integrity of the historic estate.

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