

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/01753/PPP

APPLICANT : Mr Alec Dale And Fjordhus Ltd

AGENT : Ferguson Planning

DEVELOPMENT : Demolition of agricultural building and erection of dwellinghouse and garage together with access and associated works.

LOCATION: Land North And East Of Tweed Lodge
Hoebridge East Road
Gattonside
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1035.PL1.1	Location Plan	Approved

NUMBER OF REPRESENTATIONS: 5
SUMMARY OF REPRESENTATIONS:

Two objections and three general comments (two from the same property) have been received raising the following planning issues:

- o Increased traffic and parking problems and a mix of residential and agricultural traffic.
- o Loss of privacy.
- o Development within the countryside.
- o The agricultural building has breeding birds and bats.
- o The access road from Hoebridge East is in need of repair and should be reinstated before new development is allowed, and then maintained.
- o A cherry tree was felled and the corner has been encroached by farm vehicles, there are pot holes in the road, the wall to the Inn has been damaged and this will be exacerbated by the proposal.
- o The site is not designated for housing.
- o Agricultural traffic damages properties and construction traffic may do the same.
- o Disruption caused by building work may have financial implications for the Hoebridge Inn.

- o The proposed house should be no higher than the barn to avoid overlooking.
- o The proposal may set a precedent for similar developments in the area.
- o The demolition of the barn is welcomed as it is an eyesore, blocks light and is used by farm vehicles resulting in the track becoming pot-holed and muddy. However, it may contain asbestos and this should be removed safely.
- o The development should be within the development boundary.
- o The position, scale and design of the proposed dwelling house should not overlook or impact on Tweed Lodge; a two storey house would be significantly higher and not in keeping with the area.
- o Odour and noise from the restaurant have a significant impact on the neighbouring property, especially since the installation of a noisy air conditioning unit.
- o Increased traffic to the field may impact on the safety of the access to Tweed Lodge.

CONSULTATIONS:

Roads Planning Service: I have no objections to the principle of this proposal. There are several issues which would have to be addressed to the satisfaction of the Planning Authority via any detailed application, these being:

1. The existing access route, from its junction with the public road, would have to be improved to provide a level, self-draining running surface, capable of taking a 14 ton axle loading. Given the use of the access by agricultural traffic, I would recommend that the surfacing be by way of a bituminous material.
2. Parking and turning for a minimum of two vehicles, excluding any garages, must be included within the curtilage of the property prior to occupation and be retained in perpetuity thereafter.

Community Council: No comments.

Education and Lifelong Learning: This proposed development is within the catchment area for Melrose Primary School and Earlston High School. A contribution of £2,612 is sought for the Primary School and £3,672 for the High School, making a total contribution of £6,284.

Landscape Architect: No response.

Environmental Health: The site located in a developed area of mixed uses. An undeveloped field is to the east with an existing dwelling and restaurant adjacent to the south and west respectively. Very quiet area with little background noise.

Environmental Health has concerns regarding the potential impact to amenity of this proposed dwelling given the close proximity of the Class 3 property to the west. Whilst the existing business does not conduct late night operations, Environmental Health understands that no conditions are in effect to prevent such use. Concerns also exist regarding the potential for commercial cooking odours to affect amenity.

The above concerns cannot be mitigated by planning conditions; Environmental Health recommends refusal of this proposed development.

Scottish Water: No response.

Contaminated Land Officer: The application appears to be proposing the redevelopment of land which was previously operated as agricultural land including a sheepwash within the wider steading area. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is recommended that planning permission should be granted on 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. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

Principal Officer (Heritage and Design): The site is located within the Gattonside Conservation Area, designated its special character and appearance. The long history of the settlement can be seen in its Medieval-influenced plan form, with principally 18th and 19th century core and larger villas set in landscapes. The relationship between the village and its natural setting is notable, and this makes a positive contribution to the special character and appearance of the village.

Within this context, the site in question was outside of the principal settlement until the latter part of the 19th century, when the extant historic buildings around the site on the east of Hoebridge East Road were established, and the agricultural building subject of this application appears to post-date the 1919 OS survey of Roxburghshire, as its design and materials suggest. As a positive contributor to the Conservation Area and potential non-designated heritage asset, the setting of the Hoebridge Inn should also be considered from a heritage perspective, in a proportionate manner.

The existing agricultural shed does not make a positive contribution to the character and appearance of the Conservation Area, and therefore its removal does not have any adverse heritage impact. Given Gattonside's particular character and relationship to wider landscape context, careful consideration should always be given to additional development on the fringes/setting of the settlement. In this particular case, given the historic precedent for built form in the overall site area, and the fact that this is a single dwellinghouse proposed only, the principle of the proposal is acceptable, on balance, from a heritage perspective.

However, the ultimately acceptability of the proposed development in heritage terms will depend on a number of factors, principally:

- o Demonstrable and careful consideration of design with respect preserving or enhancing the special character and appearance of the Conservation Area in design, proportions, materials, siting, size, height (eaves and ridge heights no higher than those of its immediate context), boundary treatment, orientation, landscaping and detailing;
- o The above expressed clearly in a Design Statement.

Ecology Officer: I am satisfied with the preliminary ecological appraisal (Hoebridge Road East, Gattonside, Extended Phase 1 habitat survey, Ellendale Environmental 20th September 2019).

The site consists of an agricultural yard with associated common perennials, tall ruderal vegetation, a species-poor hawthorn hedgerow and scrub habitat. A steel agricultural barn is within the site. The barn is of negligible suitability for bats. No information on use of the barn by nesting birds is provided.

No evidence of protected species was found. Hedgerow, tress and scrub on the boundary may provide nesting habitat for birds. A brash pile within the site may support nesting birds, small mammals, reptiles and amphibia. The agricultural barn may provide opportunities for nesting birds.

Small scale biodiversity enhancements are proposed through provision of bat boxes and bird nesting boxes. Precautionary mitigation for breeding birds is recommended.

APPLICANT'S SUPPORTING INFORMATION:

- o Planning Statement
- o Extended Phase 1 Habitat Survey

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
PMD4: Development outwith Development Boundaries
PMD5: Infill development
ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils
HD3: Protection of Residential Amenity
EP3: Local Biodiversity
EP4: National Scenic Areas
EP6: Countryside Around Towns
EP9: Conservation Areas
IS2: Developer Contributions
IS3: Developer Contributions Related to the Borders Railway
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Development Contributions 2011 (updated January 2018)

Recommendation by - Julie Hayward (Lead Planning Officer) on 12th February 2020

Site and Proposal

This application seeks Planning Permission in Principle for a dwellinghouse and garage on a site on the south-east edge of Gattonside. There is an agricultural building on the site and the remainder is part of an agricultural field. To the north west is a dwellinghouse, Cedarwood Bank, to west is the Hoebridge Inn, to the south west is a dwellinghouse, Ashtrees, and to the south of the agricultural building is another house, Tweed Lodge. There are fields to the east.

The proposal is to remove the farm building and the dwellinghouse would be accessed from an existing track from the public road, which currently serves the farm building, field, restaurant and Tweed Lodge.

The application includes an indicative layout for a house and garage with the relocation of the existing access (outside the site boundary) to maintain access to the adjacent field.

Planning History

13/00988/PPP: Erection of two dwellinghouses. Withdrawn 4th November 2013.

14/00935/PPP: Erection of dwellinghouse. Withdrawn 26th March 2016.

Planning Policy

The dwellinghouse and garage would be sited within the Development Boundary for Gattonside and so the proposal must be assessed against policy PMD5. Within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met. These criteria will be assessed within this report. One criterion is that the proposal should not conflict with the established land use of the area. This is an edge of settlement site but there are dwellinghouses in close proximity of the site and so a dwellinghouse would not be out of keeping with the character of the area.

Policy PMD4 states that Development Boundaries indicate the extent to which settlements should be allowed to expand; development should be contained within the Development Boundary and development outwith such boundaries will normally be refused. The land beyond the Development Boundary is designated as Countryside Around Towns and policy EP6 contains criteria to assess development proposals in such areas. Policy ED10 seeks to protect prime quality agricultural land.

The section of site to the south, garden ground, would be outwith the Development Boundary, within the area designated as Countryside Around Towns and on land designated as prime quality agricultural land. This area is within the field margins and clearly not of prime quality and so policy ED10 is not undermined in this case. The built development itself would not stray beyond the defined Development Boundary, and enclosing this southern area of the field as garden ground would not conflict with the objectives of policy EP6. Approving this development presents an opportunity to reinforce this boundary, consolidating the existing arrangement of buildings and agricultural land in a more formal manner, tying in with the field boundary immediately to the north. It is accepted that the development does not strictly comply with policy EP6, however, it does not significantly undermine the policy objectives.

It is also noted that the previous application for this site was approved subject to the completion of the legal agreement to secure developer contributions, but later withdrawn when the legal agreement was never completed and so the principle of this development on this site has been accepted in the past.

Impact on the Conservation Area, National Scenic Area and 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 policy contains a number of standards that would apply to all development. Policy PMD5 requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming; the proposal should not detract from the character and amenity of the surrounding area.

Policy EP4 states that development that may affect the National Scenic Area will only be permitted where the objectives of the designation and overall landscape value of the site and its surroundings will not be compromised and any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance.

Policy EP9 states that the Council will support development proposals within or adjacent to Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces.

The removal of the agricultural building would improve the character and appearance of the Conservation Area.

This is a Planning Permission in Principle application so the site plan is indicative and no elevation drawings have been provided. The site plan indicates that a house, garage, parking and turning area can be provided within the site and so the proposal would not constitute overdevelopment of the site.

The Heritage and Design Officer advises that, given Gattonside's particular character and relationship to wider landscape context, careful consideration should always be given to additional development on the fringes/setting of the settlement. In this particular case, given the historic precedent for built form in the overall site area, and the fact that this is a single dwellinghouse proposed only, the principle of the proposal is acceptable on balance from a heritage perspective.

An appropriate scale and high quality of design and materials would be required that enhances the character and appearance of the Conservation Area. The site is also in a prominent location on the edge of the village and so careful consideration of boundary treatments and landscaping are required to assimilate the development into the settlement and safeguard the visual amenities of the area. This issues will be controlled by conditions.

Impact on Residential Amenities

Policy PMD5 states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. 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.

As this is a Planning Permission in Principle application no detailed elevation and floor plan drawings have been provided. It is for the Approval of Matters Specified in Conditions application to demonstrate that the proposal complies with policy HD3 and the SPG. Given that the existing building has a harmful effect on outlook and light at the moment, the indicative proposal should reduce impacts, with the garage being a much smaller building, and the dwellinghouse being sited further away from Tweed Lodge.

Environmental Health is concerned with the odour and noise from the Hoebridge Inn and the impact this will have on the residential amenities of future occupants of the house. This issue was not raised when the previous application was assessed and approved. There are other existing residential properties closer to the Inn and any complaints in terms of noise and odour can be dealt with by Environmental Health's legislation.

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.

An Extended Phase 1 Habitat Survey (including a protected species survey) has been submitted with the application. No evidence of protected species were found.

The Council's Ecology Officer is satisfied with the report and requests small scale biodiversity enhancements through the provision of bat boxes and bird nesting boxes. Precautionary mitigation for breeding birds is also recommended. These will be secured by conditions.

Access and Parking

Policy PMD5 requires that adequate access and servicing can be achieved. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The proposed development would utilise the existing access from the public road

The Roads Planning Service has no objections to the principle of this proposal subject to the existing access route, from its junction with the public road, being improved and parking and turning for a minimum of two vehicles, excluding any garages, included within the curtilage of the property. These can be secured by conditions.

There would be no effect on public access routes

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new development would be a direct connection to the public sewerage system.

The development would connect to the public water mains and drainage. The exact details would be agreed via the Building Warrant process.

Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be required.

Contamination from the previous agricultural use can be addressed by condition. The removal of asbestos is not a planning consideration.

Developer Contributions

Financial contributions, in compliance with policies IS2 and IS3, are required in respect of education (Melrose Primary School: £2,612 and Earlston High School: £3,672) and the Borders railway (£2,018). These would be secured by a legal agreement.

REASON FOR DECISION :

Subject to a legal agreement and 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, inform & LA

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme shall be submitted to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).

d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.

e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

- 4 A design Statement shall be submitted with the first detailed or Approval of Matters Specified in Conditions application for the approval of the planning authority. The design statement shall outline the design rationale in terms of design, proportions, materials, siting, size and height of the dwelling, as well as boundary treatment, orientation and landscaping.

Reason: To demonstrate that the development preserves and enhances the special character and appearance of the Conservation Area.

- 5 A Species Protection Plan for breeding birds and reptiles shall be submitted with the first detailed or Approval of Matters Specified in Conditions application for the approval of the planning authority. The Species Protection Plan shall incorporate provision for a pre-development supplementary survey and a mitigation plan, as appropriate. Once approved in writing by the Planning Authority no development shall be undertaken except in accordance with the approved SPP.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.

- 6 A proportionate Biodiversity Enhancement Plan (BEP), including provision of bat boxes and bird boxes (giving number, type and location of boxes) shall be submitted with the first detailed or Approval of Matters Specified in Conditions application for approval by the planning authority. Once approved in writing by the Planning Authority no development shall be undertaken except in accordance with the approved BEP.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.

- 7 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

i. Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration

ii. Location of new trees, shrubs, hedges and grassed areas, including replacement of any trees removed

iii. Schedule of plants to comprise species, plant sizes and proposed numbers/density

iv. Programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

- 8 Details of all proposed means of enclosure around the site shall be submitted with the first detailed or Approval of Matters Specified in Conditions application for the site. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.

Reason: To enable the proper effective assimilation of the development into its wider surroundings.

- 9 No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage systems shall be made available to serve the development,

Reason: To ensure the development can be adequately serviced.

- 10 A scheme of details for improving the existing access track from the public road (to provide a level, self-draining running surface capable of taking a 14 ton axle loading) and further details of the diverted farm access (including route, dimensions, surfacing and drainage, and including details of trees and planting to be protected and retained, those to be removed and proposals for their replacement, including planting timescale and future maintenance) shall be submitted with the first detailed or Approval of Matters Specified in Conditions application. Once approved in writing by the Planning Authority, the access road improvements and diverted farm access shall be completed in accordance with the approved plans prior to occupancy of the dwellinghouse and replacement planting, where specified, shall be carried out in accordance with the approved timescale and maintained as approved.
Reason: To minimise conflict between residential and agricultural vehicles, and to ensure the access track is suitable to serve the approved development in the interests of maintaining road safety, all in as visually sympathetic a manner as possible.
- 11 Parking and turning for a minimum of two vehicles, excluding any garages, must be included within the curtilage of the dwellinghouse and shown on a site plan drawing to be submitted with the first detailed or Approval of Matters Specified in Conditions application. Once approved in writing by the Planning Authority the parking and turning to be provided in accordance with the approved drawing prior to occupation of the dwellinghouse and to be retained in perpetuity thereafter.
Reason: To ensure adequate on-site parking and turning is provided within the plot to prevent parking on the public road, in the interests of road safety.

Informatives

It should be noted that:

- 1 Approval of this application does not establish the principle for a replacement agricultural building elsewhere, should one be required. If a replacement building is required, the applicant should ensure the potential for agreeing a suitable site has been established with the Planning Authority before progressing with this site as a building plot and releasing the site for redevelopment.
- 2 In respect of condition 4, it is anticipated that the detailed application for the layout of the site should reflect the indicative scheme. However, this will be subject to detailed consideration of design, scale, materials and amenity impacts. In particular, avoiding overlooking of neighbouring properties from first floor windows is recommended, including the nearby wedge of garden ground of Cedarwood Bank to the north west.
- 3 With respect to conditions 7 and 8: landscaping and boundary treatments, hedging to the easterly boundary is, in particular, recommended to provide a firm but soft landscaped edge to the settlement. In addition, opportunities exist to enhance the local habitat network for biodiversity through planting of locally native species within the landscaping scheme.
- 4 In respect of condition 10, the Roads Planning Service advises that, given the use of the access by agricultural traffic, the surfacing should be a bituminous material.

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