

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 16/00844/FUL

**APPLICANT :** Mr J M & R Bayne

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Erection of 2 No dwellings for holiday let, and associated infrastructure works

**LOCATION:** Land North West Of 4 Rink Farm Cottages  
Galashiels  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:** Late Consultation Reply

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
P415-SK-003B OS EXTRACT	Location Plan	Refused
A097556_001 ACCESS DRAWING	Other	Refused
A097556_701 ACCESS LONGITUDINAL SECT	Other	Refused
A097556_002 ACCESS VISIBILITY SPLAY	Other	Refused
P415-SK-004A PLANS AND ELEVATIONS	Elevations	Refused
P415-SK-001A PLOT 1 PLANS AND ELEVATI	Elevations	Refused
P415-SK-002A PLOT 2 PLANS AND ELEVATI	Elevations	Refused
SDA PROPOSED VISUALS	Photos	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

**ROADS PLANNING SERVICE:**

Whilst no objections were raised at pre-application stage, the following points must be incorporated into the design in order to gain the support of the Roads Planning Service Engineer for these holiday units;

- o First 20 metres of the new access to be constructed to the following specification "40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1."
- o Remainder of access track to be formed with a well compacted, free draining smooth running surface. This will involve the removal of the central grass strip along the length of the track and upgrading the existing running surface which is only suitable at present for 4x4 type vehicles.
- o The bellmouth of the access must be a minimum of 5.5 metres wide for the first 7.5 metres.
- o The width of the private access road would benefit from a reduction from 4.5 metres to 3.7 metres. The reason for this is that 4.5 metres gives an impression that two vehicles can pass each other. The minimum width for two way movements is 4.8 metres. Reducing the road width to 3.7

metres will remove any confusion of passing and will also reduce construction costs. The passing places are adequately spaced out.

- o Existing access to be grubbed up to the satisfaction of the Council once the new access has been formed. This must be carried out prior to the holiday units becoming available for use.

- o New access to be formed and available for use prior to works commencing on the holiday units, to ensure construction traffic benefits from the new and improved access. The phasing of the new access works can be agreed to ensure that the final wearing course is laid prior to occupation of either of the holiday units.

- o Visibility splays of 2.4 by 90 metres to be provided in both directions onto the public road and maintained as such in perpetuity.

- o An appropriately worded condition or legal agreement restricting the use of these units for holiday accommodation only and no permanent residency.

Given the above requirements for the access, The RPS engineer will require an amended plan to be submitted for approval. It should be noted that all works within the public road boundary must be undertaken by a contractor first approved by the Council.

#### ECONOMIC DEVELOPMENT SECTION:

Supports the application for the provision of new holiday accommodation at land north west of Rink Farm Cottages, Galashiels. The application fits with the Scottish Borders Tourism Strategy 2013-2020 strategic target by:

- o Increasing volume of overnight visitors.

- o Increasing overnight visitor spend.

- o Ensure the Region's accommodation offerings meet consumer demands and where opportunities are available can act as an attractor of demand in themselves.

- o Ensure a relevant range of types of accommodation is available across the Region to meet evolving market demand and expectations. Identify opportunities where better quality and new products can 'lead' and generate new demand and continue to raise average quality quotient across all forms of accommodation.

#### LANDSCAPE ARCHITECT:

In summary, the site is part of the larger Tweed/Gala Ettrick Confluences LCA and is deemed as having High Visual Sensitivity given the "dense and widespread network of road routes on valley floors and lower valley sides" - The Landscape Architect considers contemporary style development in the countryside can contribute to the vibrancy of an area, if it can be shown that it will not detract from the wider landscape setting. The Landscape Architect considers the two holiday cottages in this particular location would be seen from a short section of the minor road -B7060-immediately to the south, breaking the skyline, as seen from Viewpoint 3 (fig 7) but is more likely to be seen from locations across the valley and from elevated locations in the area. From the A707 - Viewpoint 5 (Fig 9a and 9b) there will be stretches of the road that will have visibility of the cottages on the hillside across the valley as a built feature on the side of a largely bare hillside, and at certain times of day, the glazed elevation will make the cottages more noticeable and this is a concern to me.

The Landscape Architect has the following additional concerns:

1. The track improvements, and especially the entrance/ exit improvements including visibility splays, will alter the character of this road and may require the felling of a number of roadside trees to the west to improve visibility.

2. The almost flat roofed form of both these cottages will contrast with the rolling hillside landform. This is seen in the visualisation.

3. The effort to create a landform into which the cottages would fit has not addressed the impact of the car parking which could be very prominent when seen across the valley.

4. Concerned if it was envisaged that even more cottages of this style could be accommodated in this location - considers that due to the visual sensitivity of the site the proposal is not acceptable and would not safeguard landscape quality of this part of the SLA.

In conclusion, while the Landscape Architect considers that in certain locations new development that offers another, contemporary experience of the Borders and its high quality landscape, can be accommodated this site is not such a location, given its prominent location on the side of Rink Hill. The principle of development, at some distance from the nearest building group in an SLA gives added

concerns. Therefore on landscape and visual grounds, the Landscape Architect cannot support this development.

#### ARCHAEOLOGY OFFICER:

For full details of reply see IDOX. In summary, the Council Archaeology Officer is largely in agreement with the applicant's archaeological assessment. It notes the presence of designated and undesignated assets in the surrounding area, most significantly the Scheduled Rink hill fort and undesignated line of the Pict's Work prehistoric or early historic boundary.

- Direct Impact Mitigation - In line with the recommendation in the applicant's archaeological assessment, recommends that a condition for an archaeological watching brief is required. This should cover areas of the development not previously disturbed by the existing access track.

- Recommended Conditions - The Archaeology Officer supports the principle of the application and feels that impacts to cultural heritage can be mitigated. If the Council is minded to approve this application, recommends the following:

- o A suitably worded condition to facilitate open access and interpretation of the Rink fort from the development area. This can be negotiated at a later date with the Archaeology and Access Officers.

- o A suitably worded informative that seeks a proposal to emphasise the heritage elements within the site itself as outlined above

- o Archaeology: Developer Funded Watching Brief

#### ENVIRONMENTAL HEALTH:

In summary, the application was assessed in terms of Air quality, Noise, Nuisance, Private Water Supply. For full details of reply see IDOX. This is an Application to construct two holiday cottages with a plant room. The development is to be serviced by private drainage and water supply systems. These can impact on public health and amenity if not properly installed and maintained. If the dwellings are to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity. In order to do this the application should provide the following information:

1. The type of supply ie borehole, spring, well etc
2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one)
4. Estimated volume of water that the supply will provide (details of flow test)
5. Evidence that this supply will not have a detrimental effect on supplies in the area
6. Details of any emergency tanks
7. Details of treatment to be installed on the system.
8. Details of any laboratory tests carried out to ensure the water is wholesome.

Conditions and informatives are proposed in the EVH reply.

#### PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan (Adopted 2016)

PMD1 Sustainability

PMD2 Quality Standards

ED7 Business, Tourism and Leisure Development in the Countryside

ED9 Renewable Energy Development

HD2 Housing in the Countryside

HD3 Protection of Residential Amenity

EP5 Special Landscape Areas

EP8 Archaeology

EP13 Trees Woodlands and Hedgerows

IS5 Protection of Access Routes

IS7 Parking Provision and Standards

IS9 Water Supply

Other  
SPG - Householder Development  
SPG - Placemaking and Design  
SPG - Landscape and Development  
SPG - Local Landscape Designations  
SPG - Renewable Energy

**Recommendation by** - Andrew Evans (Planning Officer) on 23rd September 2016

## SITE

This application relates to an area of agricultural land at Rink Farm. The site is sloping, and accessed from the B class road by means of an existing track. The site is located within the Tweed, Ettrick and Yarrow Confluences Special Landscape Area. The land rises from the road up towards Rink Hill to the North. The site is part of an agricultural pasture on the south west slopes of Rink Hill which is a prominent hill on the north side of the Tweed.

## PROPOSED DEVELOPMENT

The application seeks full planning permission for the erection of two holiday let dwellings. These would be located on the side of Rink Hill. The proposed dwellings are contemporary single storey structures, detached from each other. They would be set into the slope of the hill. The proposed dwellings would feature extensive south facing glazing. They would be accessed via an updated access track and upgraded junction with the B class road. The proposed development would incorporate solar panels. Behind each of the dwellings would be positioned a 2.5km solar array, set into the slope of the hillside. A new parking area would also be formed adjacent to the track.

## POLICY PRINCIPLE

The application requires to be considered principally in terms of policy ED7 of the Local Development Plan on Business, Tourism and Leisure development in the countryside. Policies PMD2 and HD3 of the Scottish Borders Local Development Plan 2016 are also relevant to this proposal, as is policy ED9 on Renewable Energy. The development will not conflict with policy HD2 if controlled as holiday accommodation only.

## ECONOMY AND TOURISM

As noted above, the application requires consideration against policy ED7 of the LDP on Business, Tourism and Leisure Development in the Countryside. The application is supported by a business plan (which is sensitive and marked as such on the Council back office system to prevent publication on the PublicAccess website). The Economic Development Service of the Council was consulted on the application, and is supportive of the application. I also note the support provided in principle from the regional director of Visit Scotland, which is set out in the supporting planning statement. I am content that a tourist development in the countryside could be possible in the correct location. This site is however elevated, and is sensitive in landscape and visual terms.

## LANDSCAPE AND VISUAL IMPACT

Policy EP5 of the LDP sets out the council position in terms of development proposals within Special Landscape Areas. Further policy context is provided within the adopted SPG on Local Landscape Designation. Policy EP5 provides that the Council will seek to safeguard landscape quality and will have particular regard to the landscape impacts of proposed developments, including visual impacts. Proposals that have significant adverse impacts will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local significance. The Landscape Architect confirms the site lies within the Tweed/Gala Ettrick Confluences - an Upland Fringe Valley with Settlements, as described in the Borders Landscape Assessment, a Landscape Character Area (LCA) unique in the Borders, characterised as a 'Medium to large scale flat bottomed valley, enclosed by undulating upland fringe hills' with 'Mature broadleaf woodlands and shelterbelts prominent along valley floor and lower slopes.'

- Special Landscape Area

The site is located within the Tweed, Ettrick and Yarrow Confluences Special Landscape Area, and is on an elevated hillside location. The adopted SPG on Local Landscape Designations sets out a statement of Importance for each of the new Special Landscape Areas. It notes that East of Thornielee, the area in which this site is located, the Tweed flows in to a narrower section, winding between steep valley sides which are often densely forested. The statement goes on to note forces for change, in the SLA, of which the following are relevant to this proposal:

- o Development pressure at the edges of Galashiels and Selkirk
- o Development of wind farms and wind turbines, and hillside access tracks

The Statement makes Management recommendations, and those relevant here are as follows:

- o Continue to promote sustainable estate management to balance the needs of biodiversity, recreation and tourism
- o Careful management of land use at settlement edges.
- o Consider landscape and visual impacts of proposed developments in and around settlements
- o Consider the effects of development on hilltops, such as masts or wind farms, which may be visible within the valley

#### - Submitted Mitigation

The Landscape Architect notes that the proposal is to build two detached holiday cottages on the hillside at approximately 180m AOD, the local landform altered and terraced with sweeping mounds to provide a degree of landform screening of the rear and side elevations of the cottages, with the south west facing elevation glazed and bowed under a slightly sloping roof. Improved access up an existing field track will access the parking bays and paths leading to the separate cottages. I note that the design incorporates some measures which attempt to minimise the landscape and ecological impacts of the development. The accompanying information with the application sets out that the design of the dwellings has been carefully considered to seek to minimise the visual impact of the development. This is accepted, though only to a limited degree. Further mitigation would have been possible in terms of the parking areas, and the proposed solar panel positions.

#### - Impact and Visibility

The visibility of the site was subject to a submitted Landscape and Visual Impact Assessment (LVIA) that accompanied the application. A subsequent addendum was also lodged prior to the determination of the application. Also lodged were photographic proposed visuals of the proposed development on the hillside. The development would be prominent in views of Rink Hill from the opposite side of the valley.

The LVIA information lodged with the application sets out the locations where there would be visibility of the proposed development. Primarily, the greatest area of concern on the part of the planning authority is the stretch of approximately 600 m of the A707 with open views of the site. It is noted that the existing forestry planting within the forestry commission land screens the site effectively from the woodland tracks within the hillside. However the site is not screened from the roadside and it is in this area that the development will be visible. There is no mitigation possible to reduce the impact of the view at this location to an acceptable level. The LVIA addendum identifies that the proposed development would be experienced transiently by road users along this 600m. This area of road is not just experienced by passing motorists however. There is a forestry commission car park towards Yair Bridge, and the road is well used by horse riders and cyclists as well as passing motorists.

The LVIA addendum sets out that these dwellings have been positioned lower down the slope of the hillside so as to not appear against the skyline. Whilst this is correct, and the development would not be considered against the skyline, I would contend that the location is still highly visible from the A707, and that a much lower location than is proposed would reduce the impact.

The sections of visibility further east, north of Sunderland Hall are of less concern, there being extensive planting within the estate, and the roads within this area being private.

Sections 5.32 and 5.33 of the LVIA confirm that from this location at Yair, visual effects are as follows:

5.32 - The proposal sites openness and elevated slopes means there will be clear views of all the construction works as they progress on the site. These views will include the movement of site workers, deliveries, and machinery such as evacuators, telescopic loaders and storage of material occurring at various stages of the works which will be of a temporary nature. The distance of approximately 750-800m will lessen the visual prominence of the activity from this viewpoint.

5.33 - The proposed development will add two distinct new built features into this distinct rural view, as illustrated in the photomontage (see Figure 9b in the appendix). Views will contain full front profiles of the two proposed holiday cottages sited within the slope of the site and partial views of the proposed energy features and pathway from this point. Views of the main parking area will be partially contained by the shaped embankments around it. There will be some minor light emissions from these buildings at night. There will be also be some movement of visitors through the proposed site and travelling to/from it.

The Council Landscape Architect advises of concerns regarding this proposal and its impacts upon the SLA. The site is prominent from the opposite side of the valley. This is greatest at the section of road between the old Yair Bridge, and the Substation (and particularly the section of roadside before the substation. Here the site will appear above the road level, half way up the hillside.

The Council Landscape Architect sets out concerns that the track improvements, and especially the entrance/ exit improvements including visibility splays, will alter the character of this road. The almost flat roofed form of both these cottages will contrast with the rolling hillside landform. This is seen in the submitted visualisation. The Landscape Architect also notes that the effort to create a landform into which the cottages would fit has not addressed the impact of the car parking which could be very prominent when seen across the valley. There would be concern if it was envisaged that even more cottages of this style could be accommodated in this location - The Landscape Architect considers that due to the visual sensitivity of the site the proposal is not acceptable and would not 'safeguard landscape quality' of this part of the SLA.

The landscape impact of the access junction onto the B7060 would be unwelcome, as would the exposure of the buildings out from the hillside, though there is an existing track here and views of the works from that road will be localised and short-lived.

Despite the efforts to minimise the impacts of the development by earthworks, and setting into the hill slope, it remains the case that the development will likely have an adverse impact on views from the A707, which is considered to be unacceptable. I am satisfied that a significant adverse impact on the landscape would arise as a result of changes to the landscape and placing of the buildings and associated track and other works in such an exposed and isolated hillside location. I am further satisfied that this impact would be contrary to policy EP5 of the Local Development Plan, and contrary to the recommendations set out in the adopted Supplementary Planning Guidance on Local Landscape Designation.

Policy PMD2 of the LDP sets out that developments should respect the character of the surrounding area, neighbouring uses, and neighbouring built form. The proposals in this case are considered not to respect the character of the surrounding area, due to the elevated and isolated location of the site, relative to surrounding dwellings and buildings.

#### ALTERNATIVE SITING OPTIONS

Policy ED7 of the LDP sets out the criteria against which tourism developments in the countryside will be assessed. The policy is explicit in criteria (c) that where a new building is proposed, the developer will be required to produce evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding.

I note the planning statement lodged in support of this application. The agent has discounted use of the existing buildings in the farm complex. An option for a lower lying site was also not pursued. Sections 5.14 to 5.17 of the submitted planning statement set out the applicant's position in terms of sequential analysis. It is contended that no suitable alternative exists. It is contended that no existing building or brownfield site is available for development. It is further contended by the agent that it is desirable that the tourism development be located away from the noise and odour encountered on the farm. The option for an alternate site or building conversions has been in my view been too readily discounted. A master planning

exercise could have further considered in greater detail the development potential of the existing traditional agricultural buildings at the farm steading.

Furthermore, even if a conversion was not pursued, there are potential locations either side of the Existing Rink Farm Cottages where development of two holiday lets could have been accommodated on the edge of an existing building group. These would have been at a much lower topographic level than the current proposals, and would have been compatible with the Special Landscape Area status. Again, this option was not explored in sufficient detail, the submitted statement only covering brownfield options and existing buildings as noted above, in terms of policy ED7, and not considering other options around the farm, in terms further reducing visual impact of policy EP5. I do not consider that the assessment of brownfield sites and existing buildings has been done in sufficient depth. I am not convinced that the examination of existing opportunities is comprehensive. I accept however that the applicants are not willing to develop within the steading. While I believe that a lower lying site than is proposed would also be possible alongside the steading, this is not an explicit requirement of Policy ED7.

However Policy ED7 also requires that developments respect the character of the surrounding area. The proposals in this case are considered not to respect the character of the surrounding area, due to the elevated and isolated location of the site, relative to surrounding dwellings and buildings.

#### PLACEMAKING AND DESIGN

The proposals require to be assessed in terms of the adopted Supplementary Planning Guidance on Placemaking and Design. Policy PMD2 of the Local Development Plan is also relevant to this application. It is noted that the proposed contemporary design approach seeks to minimise the form and visual mass of the building, and to maximise the views from, and solar gain to the property. The design approach taken is generally appropriate; however some further finessing of details would have been possible, were the principle of development acceptable in terms of landscape impact.

#### ARCHAEOLOGY

An archaeological desk based assessment was lodged with the planning application. Policy EP8 of the LDP sets out the Council position in terms of archaeology. In this case, archaeology was identified at registration stage as a potential issue. The Archaeology Officer was consulted on the application and advises that he can support the proposal, subject to full consideration being given to the matters he goes on to raise. The Archaeology Officer noted discrepancies between the submitter Archaeology Assessment, and the submitted planning statement. He supports the principle of the application and considers that impacts to cultural heritage can be mitigated. Were the application otherwise acceptable, the matters raised by the archaeologist could be dealt with via condition, and the proposals should be capable of compliance with policy EP8 of the LDP.

#### TREES

Existing trees, woodland, and hedgerows are protected by policy EP13 of the Local Development Plan. Policy EP13 of the LDP is relevant here. There are existing trees to the south of the access, between the site access and the minor road serving the site. These are sufficiently distant and downslope of the site and access that I would be satisfied no adverse impacts on these trees would arise from the proposed dwellings or access.

In terms of the proposed visibility splay at the site entrance, I note that there are existing trees here. These appear not to be impacted by the proposed visibility splay. However, the submitted drawings do not accurately plot the positions of these trees. These are self-seeded trees along the edge of the field boundary.

I note also the supplementary submissions made by the agent and consultants in regard the comments of the Council Landscape Architect. It is contended again in the applicant's statement that there is no need for tree removal at the access. I do not have reason to doubt this position, however that the drawings do not accurately plot the locations and positions of these trees would appear to be part of the source of this issue. It is quite clear there are sporadic trees along the line of the field boundary wall to the west of the access junction with the B road. These are however outwith the visibility splay identified on the submitted access drawings.

The proposals are considered not to conflict with policy EP13 of the LDP on Trees, Woodland and Hedgerows. Were the application otherwise acceptable, a condition requiring a detailed plan plotting the tree locations to BS: 5837 would be required.

## ROAD SAFETY AND ACCESS

Roads Safety is a material planning consideration. The existing junction of the access road with the N7060 is at an acute angle, and visibility west is poor, due to vegetation and a bend in the road. A technical note setting out the proposed access accompanies the proposals. Detailed drawings of the proposed junction and altered access have been lodged with the application. Also included are details of the proposed visibility splay.

The Roads Planning Service was consulted on the application and advises of no objection in principle. The RPS Engineer was satisfied that safe access was achievable. Were the application otherwise acceptable, then the location and position of the trees adjacent to the splay would have to be established in line with adopted policy and guidance.

Subject to conditions to address the RPS requirements and subject to suitable confirmation being forthcoming in regards tree positions, then it would be possible for the proposals to be considered acceptable in terms of impacts on road safety.

## PRIVACY AND AMENITY

Policy HD3 of the Scottish Borders Local Development Plan sets out that residential amenity will be afforded protection. The Council has adopted supplementary planning guidance on Householder Development which sets out standards for privacy and amenity. I am content that the proposal would not affect the daylight to neighbouring properties, or the privacy of neighbours. The proposals are considered to comply with policy HD3 of the LDP and with the standards on privacy and amenity set out in the adopted SPG on Householder Development.

## RENEWABLE ENERGY DEVELOPMENT

It is noted that the proposals make modest provisions for installation of renewable energy technology. Policy EP9 along with PMD1 supports the development of small scale renewable energy developments which include micro-scale photovoltaic/solar where they can be satisfactorily accommodated into their surroundings whilst ensuring that impact on the natural and built environment and upon the amenity of neighbouring properties is not significant.

The cutting into the slope to accommodate the panels reduces their visual impact, and they will be screened by the proposed holiday lets. A condition would have been appropriate in terms of end of life removal of panels.

## WATER SUPPLY AND DRAINAGE

The site is located in a rural area. Policy IS9 of the Local Development Plan on Waste Water Treatment Standards and Sustainable Urban Drainage is relevant to this application. Water and drainage services would require confirmation in due course, and this could be ensured via standard planning condition.

The Council Environmental Health Service was consulted on the application. Subject to suitable conditions to meet the issues covered in the EHO reply, the requirements of policy PMD2 and section 4.2 (Water and Drainage) of the SPG on New Housing in the Borders Countryside could be met.

## CONCLUSION

It is accepted that significant economic benefits would arise from this proposed tourist development. It is recognised that to a certain degree, some mitigation of the impacts of the proposed development is possible. There remain however concerns regarding the landscape and visual impacts of the proposed development, which is on an exposed hillside location within a Special Landscape Area. There remains potential to



develop in a less exposed, lower lying area, and that being the case, the application cannot be supported in the current location.

**REASON FOR DECISION :**

By virtue of the elevated, isolated and visible location of the proposed holiday lets and associated works, the proposed development will result in unacceptable landscape and visual impacts and will adversely affect the landscape quality of the Tweed, Etrick and Yarrow Confluences Special Landscape Area within which the site is located. This is contrary to Policies PMD2, ED7 and EP5 of the Scottish Borders Local Development Plan 2016. The potential economic benefits of the development are not considered to outweigh the adverse landscape and visual impacts

**Recommendation:** Refused

- 1 By virtue of the elevated, isolated and visible location of the proposed holiday lets and associated works, the proposed development will result in unacceptable landscape and visual impacts and will adversely affect the landscape quality of the Tweed, Etrick and Yarrow Confluences Special Landscape Area within which the site is located. This is contrary to Policies PMD2, ED7 and EP5 of the Scottish Borders Local Development Plan 2016. The potential economic benefits of the development are not considered to outweigh the adverse landscape and visual impacts

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