

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 22/00296/FUL

APPLICANT : Mr Robin Purdie

AGENT : Aitken Turnbull Architects

DEVELOPMENT : Erection of dwellinghouse

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

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|-------------------|---------------------|--------------------|
| L(-1)001 | Location Plan | Refused |
| L(-2)101.220113 | Proposed Plans | Refused |
| L(-2)102.220113 | Proposed Plans | Refused |
| L(-1)102.220510 | Proposed Site Plan | Refused |
| L(-4)101.220426 | Proposed Elevations | Refused |
| L(-4)102.220426 | Proposed Elevations | Refused |
| L(-1)102.220510 A | Proposed Site Plan | Refused |
| L(-4)103 | Proposed Elevations | Refused |
| L(-4)104 | Proposed Elevations | Refused |

NUMBER OF REPRESENTATIONS: 10

SUMMARY OF REPRESENTATIONS:

Three representations objecting to the proposal have been received, raising the following planning issues:

o A property of this size will use a large volume of water and Scottish Water cannot guarantee mains drainage and sewage. Soakaways and a septic tank will be needed. This could be problematic in an area with a high water table close to the river Tweed in an area that floods. A new building could contribute to future flooding.

o The volume and footprint of the proposed property is not like the size or position of the proposed property in 2020 and has a much larger footprint than the barn on the site.

o There have been issues for neighbours with cooking smells emitting from the extractor fan in the adjacent commercial kitchen. The large building proposed would cause the extracted air to pool and cause further problems of air quality for the surrounding properties.

- o The development is not within the village boundary. Policy PMD4 states that this should only be allowed under exceptional circumstances and this development fails to fulfil the exceptions.
- o The development will result in the loss of prime agricultural land (policy ED10).
- o The development encroaches into the designated Countryside Around Towns (policy EP6).
- o The development is not an appropriate infill development within the Conservation Area (policy PMD5).
- o A two-storey structure immediately in front of Tweed Lodge would have a significant negative impact on the amenity of the property.
- o Loss of light and sunlight to Tweed Lodge. The fence behind the two-storey annexe would be 2.9m from the front door/porch. The proposal does not comply with the standards in the Supplementary Planning Guidance on Daylight and Privacy.
- o Loss of privacy; the rooms facing south would overlook habitable rooms of Tweed Lodge.
- o The scale, footprint and massing of the proposed development are considerable and be overbearing next to Tweed Lodge.
- o Policy PMD2 and the Supplementary Planning Guidance on Placemaking and Design require developments to be finished externally in materials, colours and textures which complement the highest quality of architecture in the locality and be compatible with and respect the character of the surrounding area, neighbouring uses, and neighbouring built form. The proposal features black cladding. This would result in a prominent building that will visually impact at odds with the existing built forms within the Conservation Area.
- o None of the existing modern houses are flat-roofed, two-storey, black buildings. The choice of black cladding would also emphasize the prominence of the structure, given the relatively exposed location of the plot on the edge of the conservation village, especially when entering the village from the east on the B6360 or looking towards the village from the south.
- o The existing sparse deciduous trees provide very little screening.
- o The proposal includes a septic tank positioned outside the site (and village) boundary and is contrary to policy IS9. Scottish Water cannot guarantee mains drainage and sewerage.
- o The proposal would result in the loss of prime quality agricultural land and land used for recreation, with access to the Borders Abbey Way, Southern Upland Way and St Cuthbert's Way.
- o Hoebridge East Road cannot support an increase in traffic during construction and afterwards.

Seven representations supporting the proposal have been received, raising the following planning issues:

- o This area needs to attract young families, whose future vision will have beneficial effects on housing design and add to the diversity of the community.
- o This is another example of sensitive contemporary design in Gattonside. Peter Womersley's The Rig and The Rig Office already provide exciting and varied ways of living. This philosophy of diverse design is also seen in the flat roofed house near Abbotscroft.
- o The village is full of contemporary designs, traditional buildings and a large number of variations of style working well together to present a location of amazing architecture blended with rural landscaping. This building proposed takes elements of houses already in existence, such as the Rig Office, the Rig and Orchard Park and is well considered. Its design is spectacular in the use of the space and has a sense of beauty that will be concealed in its landscaping and environment.

- o Bringing another young family into the village will allow Gattonside to continue to thrive and maintain its community spirit.

- o The construction of an attractive, light-filled family home carries forward Gattonside's long tradition of modernist structures. Contemporary, design-led architecture such as this should be encouraged, as it adds greatly to the attractiveness and desirability of the Borders.

CONSULTATIONS:

Roads Planning Service: Whilst I have no objections to this proposal in principle, I shall require a block plan showing how the parking and turning area to be provided within the curtilage of the property. I shall also require details of the improvements to the access route, which were mentioned during the PPP application process. These details can be covered by a suitable condition, however I shall require the block plan prior to offering formal support.

Re-consultation: I am satisfied that the additional information now clarifies the parking and turning aspect of the proposal. I can see no details of improvements to the access route, however provided conditions secure the improvements and parking I shall not object to the proposal.

Community Council: No comments or objections.

Education and Lifelong Learning: No response.

Scottish Water: No objections. There is currently sufficient capacity in Howden Water Treatment Works to service the development. The proposed development will be serviced by Melrose Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals the applicant should complete a Pre-Development Enquiry (PDE) Form and submit it directly to Scottish Water. Scottish Water will not accept any surface water connections into our combined sewer system.

Landscape Architect: No response.

Heritage and Design Officer: Objects. The site in question is located within the Gattonside Conservation Area, designated for 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 formerly on this development site appears to post-date the 1919 OS survey of Roxburghshire, as it's design and materials suggested. The nearby Hoebridge Inn is a positive contributor to the Conservation Area and potential non-designated heritage asset.

General

- o The proposed development site is very visible from the B6360 road on the approach to the village from the east. There are also likely viewpoints from the river, albeit likely glimpsed between hedges. This, and its location within the Conservation Area, require a high quality design to be brought forward, which responds to its specific location. The use of high quality materials and detailing will be paramount.

- o Whilst there are some flat-roofed late 20th century/contemporary developments in the Conservation Area (notably The Rig), these are generally of one storey and integrated with their landscape. They are generally less prominent than the proposal.

- o The information provided in this application is limited in detail. Elevations are only shown within the design document and no full proposed site plan with landscaping is provided. Sufficient information is required to demonstrate the quality of the proposal, its impact on the Conservation Area and its landscape setting.

Design

A contemporary design is acceptable. The design is intended to recede in views due to its materials and dark colour, which is an appropriate approach. However there are concerns as to whether this would be achieved due to the below:

- o The proposed development occupies a much greater footprint than that typical of the Conservation Area and that previously consented in principle for the site, and sits hard up against the development boundary.
- o Although the drawings indicate the building height falls below ridge height of the neighbouring cottage, the walls rise above eaves height and the flat roofed form will result in a larger massing. It is unclear from the information provided how the building relates to the eaves and ridge height of the Hoebridge Inn.
- o The proposed footprint and massing will result in a large building, which is prominent in the landscape. This is particularly apparent due to its two storey height combined with the length of the east elevation and the unrelieved parapet height.
- o The scale of the building would appropriately be reduced.
- o The single storey section helps break up the massing, however the perception of scale should be reduced through further breaking up the massing into smaller elements.
- o Given the prominence of the site, and in order to break up the massing, it would also likely be appropriate for the form/roofscape of the building to respond to those characterising the Conservation Area, which are predominantly pitched.
- o There are some areas of unrelieved cladding. Further relief could also be provided through use of different materials which are prevalent in the Conservation Area, such as stone.

Landscape Integration

- o Limited detail and no definitive detailed landscape plan have been provided to demonstrate how the development will be integrated with the landscape. There are discrepancies between the schematic landscape diagrams provided.
- o The building sits hard against the development area boundary and red line boundary of the proposal and therefore it is unclear if planting is proposed here (outside the red line?). The design, length and landscaping combined may result in a very prominent and unrelieved elevation.
- o It is considered soft vegetative boundaries would be most appropriate for the site. Whilst there are tall boundary walls in the Conservation Area, these generally are associated with the historic roads and/or properties. This site does not have such a characteristic.

Contaminated Land Officer: The application appears to be proposing the redevelopment of land which previously operated as an agricultural steading with a sheepwash located within the wider steading. 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.

A preliminary risk assessment has previously been undertaken for this application site, under planning application 19/01753/PPP by a previous applicant.

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.

APPLICANT'S SUPPORTING INFORMATION:

- o Design Statement
- o Landscape Concept
- o Agent's Response to Consultations and Representations
- o Applicant's Supporting Statement
- o Site Appraisal
- o Boundary Wall Materiality

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

IS13: Contaminated Land

Supplementary Planning Guidance:

Placemaking and Design 2010

Householder Development (Privacy and Sunlight) 2006

Development Contributions 2022

Recommendation by - Julie Hayward (Lead Planning Officer) on 23rd June 2022

Site and Proposal

This application seeks full planning permission for the erection of a dwellinghouse on a site on the south eastern edge of Gattonside. There was an agricultural building on the site, which has been demolished, and the remainder of the site 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/south west is another house, Tweed Lodge. There are fields to the north, east and south.

The proposal is to erect a single and two storey, detached dwellinghouse on the site. This would be a modern design, with a flat roof, large areas of glazing and clad in thermally treated timber cladding. The proposal would provide 4 bedrooms, an integral garage with an office, guest bedroom and shower room above, with the two storey elements linked by a single storey entrance/element.

The dwellinghouse would be enclosed by a new 1.8m high brick wall along the front boundary, the existing timber fence along the southern boundary with Tweed Lodge and a hedge of native species (hazel, hawthorn, holly and blackthorn) to be planted along the eastern boundary. Tree planting is proposed within the field to the east outwith the site boundary but on land owned by the applicant.

The dwellinghouse would be accessed from an existing track from Hoebridge East Road, which currently serves the Hoebridge Inn and Tweed Lodge. A site plan has been submitted showing two parking spaces and a turning area.

Planning History

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

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

19/01753/PPP: Demolition of agricultural building and erection of dwellinghouse and garage together with access and associated works. Approved 12th March 2020.

20/00985/CON: Demolition of agricultural building. Approved 21st October 2020.

21/00469/PREAPP: Erection of dwellinghouse.

Planning Policy

The dwellinghouse 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 existing uses in this part of Gattonside.

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, proposed 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. The built development itself would not stray beyond the defined Development Boundary. Enclosing this southern area of the field as garden ground would not conflict with the objectives of policy EP6. The amount of prime quality agricultural land that would be lost is not considered to be significant. Planning permission has previously been granted for a dwellinghouse on this site and it was considered that approving the development presented an opportunity to reinforce the boundary of the settlement, 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 was accepted that the development did not strictly comply with policy EP6, however, it did not significantly undermine the policy objectives.

Therefore, the principle of this development on this site has been accepted in the past and there has been no change in policy to warrant a different view in this case.

Siting, Scale and Design and the 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.

An indicative site plan was submitted with the Planning Permission in Principle application (19/01753/PPP) for this site showing a smaller, more traditional house positioned on the north eastern part of the site with a garage in front of Tweed Lodge. Informatives attached to the Planning Permission in Principle advised that the detailed application for the layout of the site should reflect the indicative scheme and hedging to the easterly boundary was recommended to provide a firm but soft landscaped edge to the settlement.

The agent has submitted a number of documents in support of the proposal, setting out the landscape context and justifying the scale and design.

Gattonside is characterised by a traditional centre, dating from the 18th and 19th centuries, surrounded by more modern buildings. Narrow winding streets contribute to the distinctive spatial identity. Buildings range from single to two storey, traditional materials prevail within the Conservation Area and architectural details contribute to the sense of place. The Settlement Profile in the Local Development Plan requires new development within the Conservation Area to contribute to the retention of its character.

Gattonside can be viewed from many points across the Tweed Valley. The application site is in a prominent location on the eastern edge of the village within the Conservation Area and National Scenic Area.

The buildings in the surrounding area are single, one-and-a-half and two storey, both traditional and modern constructed of render, timber, stone and slate.

The proposal is for a large detached dwellinghouse of contemporary design, with flat roofs, large areas of glazing and timber clad walls.

The proposed development occupies a much greater footprint than that typical of the Conservation Area and that previously consented in principle for the site. The dwellinghouse would be built up to the eastern site boundary and hard up against the Development Boundary leaving no space for planting to soften the development and help to integrate it into the landscape and so this reads as overdevelopment.

The scale and mass appears out of keeping with the neighbouring properties. There are other houses in the surrounding area with large footprints, but these are predominantly single storey. Although the building height is shown to be below ridge height of the neighbouring cottage, Tweed Lodge, the walls rise above eaves height and the flat roofed form results in a larger massing.

There are examples of modern architecture from the 20th century including the Rig (by Peter Womersley, now a category B Listed Building) and more recently, the house to the south of Abbotscoft Priors Road (10/00491/AMC). These tend to be single storey and integrated into the landscape and not as prominent as this site.

The dwelling would be clad in thermally treated timber cladding, which is shown as black or grey in the elevation drawings. Although there are large areas of glazing, there would be areas of unrelieved cladding where the use of different materials that are prevalent in the Conservation Area, such as stone, would provide some relief.

The proposal, due to its footprint, massing and height, and the lack of planting to relieve the impact, would result in a large building that would be prominent in the landscape would very visible from the B6360 road on the approach to the village from the east, where there are open views across the fields, from local footpaths and from various points from the river.

No detailed landscaping scheme has been submitted but the landscape concept plan shows a hedge along part of the eastern boundary. Tree planting is proposed, grouped at corners of the field outwith the red line site boundary but not within the site. This in time may help to screen the development from some views but it is considered that the development would be unduly prominent in the landscape, due to its scale, design and materials, and would adversely affect views into the village and Conservation Area to the detriment of visual amenities.

The proposal has been revised to show a 1.5m high brick wall and timber gates at the front of the property. It is considered soft vegetative boundaries/hedging would be most appropriate for the site. Whilst there are tall boundary walls in the Conservation Area, some in brick, these generally are associated with the historic roads and/or properties. This site does not have such a characteristic.

For the above reason, the application cannot be supported.

A pre-application enquiry for this proposal was submitted in 2021 and the agent was advised that the proposal could not be supported due to the scale, design and materials. In addition, the proposal does not reflect the indicative scheme submitted with the Planning Permission in Principle application.

It is felt that the pre-application advice and Planning Permission in Principle informatives were not taken into account when designing the proposal, though the hedge on part of the the eastern boundary was added during the processing of this application.

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.

There was a large agricultural building on the site, 5m from the front elevation of Tweed Lodge, abutting the front garden boundary, and its removal has improved access to light of the existing property for some time now.

The indicative site plan that accompanied the Planning Permission in Principle showed the proposed house positioned to the east and not directly in front of Tweed Lodge, a siting that would have preserved the light and outlook now enjoyed by the occupants of Tweed Lodge.

The proposed house would be 5.5m from the front elevation of Tweed Lodge. Windows are proposed to the utility room, WC and boot room (door) in the south elevation at ground floor level, none to habitable rooms and none at first floor level, separated by the existing fence. It is accepted that there would be no loss of privacy or overlooking of Tweed Lodge.

There would be no loss of sunlight to Tweed Lodge as the proposed house is to the north and a site appraisal drawing has been submitted showing the position and relationship with sun.

The Supplementary Planning Guidance contains advice on assessing the impact of a proposed development on the light of an existing property. The 25 degree approach can be used where a new building directly faces the window of an existing property. Suitable daylight for habitable rooms is achieved when a 25 degree vertical angle taken from the centre of the lowest window is unobstructed.

When applying this approach, the proposed dwellinghouse would breach the 25 degree line, even taking into account the existing fence, demonstrating that the proposal would have a detrimental impact on the light to Tweed Lodge. In addition, siting a house of this scale so close to the existing house would be overbearing, have a dominant impact and would harm the outlook from the property.

Therefore, it is considered that the proposal would harm the residential amenities currently enjoyed by the occupants of Tweed Lodge following the removal of the agricultural building, contrary to policies PMD5 and HD3.

There would be no detrimental impacts on the residential amenity of Cedarwood Bank to the north west.

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) was submitted with the Planning Permission in Principle application. No evidence of protected species was found.

The Council's Ecology Officer was satisfied with the report and requested small scale biodiversity enhancements through the provision of bat boxes and bird nesting boxes. Precautionary mitigation for breeding birds was also recommended. These can be secured by conditions should the application be approved.

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. A site plan has been submitted that includes on-site parking and turning.

The Roads Planning Service has no objections provided conditions secure improvements to the access track and on-site parking.

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 proposed development would be connected to the public water supply and Scottish Water has confirmed sufficient capacity.

Scottish Water has now confirmed that the proposed development would be serviced by Melrose Waste Water Treatment Works and so a septic tank is no longer required.

The water supply and foul and surface water drainage would be secured by conditions. The site is not within an area prone to flooding (1:200 flood risk) and adequate surface water drainage would ensure no flooding occurs to adjacent properties or land.

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.

The Council's Contaminated Land Officer advises that the application proposes the redevelopment of land which previously operated as an agricultural steading with a sheepwash located within the wider steading. 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 the condition requested by the Contaminated Land Officer should be attached to any consent for this proposal.

Developer Contributions

Financial contributions, in compliance with policies IS2 and IS3, were secured by way of a Section 69 Agreement as part of the Planning Permission in Principle (19/01753/PPP) and no further contributions are required as part of this application.

REASON FOR DECISION :

The proposed development is of a scale, mass, design and materials that are out of keeping with the character of the Conservation Area. The large footprint extends hard up to the eastern boundary, which constitutes overdevelopment of the site. The development would be prominent in the landscape and harmful to the visual amenities of the area and views into the Conservation Area.

In addition, the proposal would have a detrimental impact on the light of the neighbouring property, Tweed Lodge, and siting a house of this scale so close to the existing house would be overbearing, have a dominant impact and would harm the outlook from the property.

Recommendation: Refused

- 1 The proposal is contrary to policies PMD2 and EP9 of the Local Development Plan 2016 in that the scale, mass, design and materials are out of keeping with the character of the Conservation Area, the proposal would constitute overdevelopment of the site and would be prominent in the landscape and harmful to the visual amenities of the area and views into the Conservation Area.
- 2 The proposal is contrary to policies PMD5 and HD3 in that the proposal would have a significant detrimental impact on the residential amenities of the neighbouring property, Tweed Lodge. The scale and siting of the proposed house would result in a loss of light and outlook to the detriment of resultation amenity, leading to an overbearing and dominant form of development.

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