

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF: 21/01618/FUL

APPLICANT: Mr P J Lewis

AGENT: RM Architecture Ltd

DEVELOPMENT: Erection of dwellinghouse

LOCATION: Land South West Of Castleside Cottage
Selkirk
Scottish Borders

TYPE: FUL Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
21-001/SD/002H	Proposed Site Plan	Refused
21-001/SD/001K	Proposed Plans & Elevations	Refused
21-001/SD/003B	Proposed Elevations	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

Consultations

Community Council: If approved, consent must be conditional upon measures being undertaken to cope with the additional sewage. Unless it is possible to prevent the sewage polluting the river periodically this application is unacceptable. The Ale water regularly floods. Any new additions would make an existing problem worse unless effective mitigation is possible and is a condition of consent. The proposal is not appropriate the scale, design or materials which in no way relates to the style and design of the building group

Flood Officer: Originally commented that only a small section of the site was at flood risk, and that there were no objections if the following conditions were met:

- o Finished Floor Level of at least 183.6mAOD
- o Pollution prevention measures are put in place during construction.

In April, July and August 2022, the applicant submitted amended site plans, most recently (Drg No: 21-001/SD/002 Rev H), which states that the Finished Floor Level of the proposed dwellinghouse will be 183.6mAOD. This drawing also changes the orientation of the building from the site plan issued in October 2021, of which their original response was based upon. Considering the above and the change in orientation, the FO is content that their flood risk requirements have been met and has no objections. It is still advised that pollution prevention measures are put in place during the construction phase to ensure the works do not cause siltation or contamination of the watercourse.

Scottish Water: No objections, though note that mains water and foul drainage services are not available

Roads Planning Service: Raised concerns with the initial proposal, requiring the access to be within the plot and not segregated by the farm track. In response to an amended proposal which relocates the access to the north-east side, the RPS confirm they are content. They do not consider there will be adequate room for turning though this is not essential. Construction details are required by condition. Any boundary treatments should be no higher than 900mm so they do not impact on visibility splays.

Education and Lifelong Learning Service: No reply

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2, HD2, HD3, EP1, EP2, EP3, EP16, IS2, IS3, IS7, IS8, IS9, EP13

SPGs Development Contributions 2011 (updated 2022); Landscape and Development 2008; New Housing in the Borders Countryside 2008; Placemaking and Design 2010; Guidance on Householder Development 2008; Sustainable Urban Drainage Systems 2020; Trees and Development 2008; Waste Management 2015

Recommendation by - Carlos Clarke (Lead Planning Officer) on 5th August 2022

This application seeks consent for a detached house within what is described in the application as former garden garden and cleared woodland. The site is approximately 1km south-west of Ashkirk, alongside the C20 public road. It is adjacent a pair of cottages, beyond which are residentially-converted farm buildings and a detached former farmhouse.

During the processing of the application, the applicant submitted a revision to the orientation of the building, altered the site boundaries and relocated the access. The amendments ordinarily would have required a fresh planning application, but the adjacent land/property is within the applicant's ownership, so the amendments can be accommodated within this application. The amendments also did not justify further wider public consultation (the design is fundamentally the same as that considered by the Community Council).

Principle

There is an existing building group here that has not expanded during the LDP period, and this site relates comfortably to it and the wider landscape. Its development will retain adequate garden ground for the existing house and not conflict with farming operations. The proposal, in principle, complies with Policy HD2.

Services

A private water supply is proposed, for which a condition should require a standard report demonstrating its suitability. There is no public drainage infrastructure, and the application refers to connection to existing private treatment that has spare capacity. Though technical details are for the Building Warrant, it would be appropriate to impose a condition requiring no development to commence until further information is submitted demonstrating the proposal will meet BW and SEPA requirements. Surface water drainage can be addressed by condition, for which permeable surfacing would be a preferred specification for hardstandings.

Development contributions

A legal agreement for a contribution to the Waverley Line reinstatement would be required in the event consent were to be granted. No contributions are required for schools in this catchment area

Flood risk

The proposal now incorporates the floor level recommended by the Flood Officer. Informative notes could refer to the FO's other advice regarding flooding

Ecology

The site is not directly within or adjacent a designation, and no buildings or trees are to be removed. However, the River Tweed Special Area of Conservation is on the opposite side of the public road and the FO refers to the need to ensure pollution prevention measures are employed during construction. Though the risk of pollution appears unlikely, it would be prudent to ensure such safeguarding measures are in place by condition.

Access/parking

The amended proposal addresses the Roads Planning Service's original concern, subject to construction details being agreed and a limitation on boundary treatment heights. Visibility splays extend outwith the site, though aside from control on boundary treatments, the RPS otherwise applies no other requirements as regards these.

Placemaking and design

LDP Policy PMD2 requires, as regards design and materials that developments - h) create a sense of place, based on a clear understanding of context, though not excluding contemporary designs; i) are of a scale, massing and height appropriate to their surroundings; j) are finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality; and k) are compatible with and respect the character of the surrounding area and built form.

LDP Policy HD2 requires that developments should be appropriate in scale, siting, design and materials, and be sympathetic to the character of an existing group.

Guidance within Placemaking and Design and New Housing in the Borders Countryside SPGs further develop on these policy objectives. Fundamentally, though contemporary designs and materials are not, by any means, ruled out, the key issue here is whether the proposal will suit the context and ultimately achieve what is required in this particular case i.e. a development that relates sympathetically to the character of the existing building group to which it would be added.

In this case, the proposal's scale does not relate sympathetically, given its height and bulk, particularly in juxtaposition with the adjacent cottages, a relationship not aided by the applicant's decision to reorientate the building. The orientation also limits the extent of enclosed 'private' garden ground away from public view. The building's depth is also greater than others, and its roof shallower. However, given the variety of existing buildings; height of the farmhouse (which this proposal would not exceed); the existing orientation of buildings, which include gables onto the road; and the extent and scope of public visibility (whereby this building would be seen in context with the overall group), these factors (though concerns) are not determinative.

A contemporary approach to elevations is not a concern in principle, and it would be quite possible to achieve a fit with the existing variety of building designs while being honest and simple in the elevational treatment. However, the proposal's massing and fenestration is not complementary to neighbouring buildings, most objectionable of which is the south-west elevation which would be directly in public view on approach to the group from that direction. Wide doors and windows would considerably benefit from a vertical orientation, as used on other openings on the building. However, the applicant is unwilling to amend the proposals in this regard.

Further to this, the proposal is for the roof and walls to be clad in corrugated fibre cement sheeting, with a timber element incorporated in the frontage gable. The timber element, if recessed a little, would mimic that of the nearby existing roadside gable, however, the cement sheeting exists nowhere else within the group. All buildings have natural slate roofs and, aside from some timber elements, all walls are rendered and stone. The applicant is, however, not agreeable to changing materials, so imposing a condition that requires that would not be appropriate.

The applicant raises some key points in their supporting statement as regards their design approach, summarised below:

- o That there is no single architectural style in the group

- o They note a large steel framed cattle court formerly occupied a part of the group and, prior to this, a number of buildings including full height steel barns existed
- o Their proposal 'looks back' to the form and simple agricultural style of the former cattle court and predecessor barns
- o Great consideration has been given to the design which takes its cue from the form of the barns that previously occupied part of the group.
- o The proposal also aligns with new Permitted Development rights that support conversion of barns to residential use.
- o The proposal will be an attractive addition to the group
- o Attempting to 'replicate the irregular and worn-in style of the original adjacent buildings would not be practically possible' and any new linear structure in that style would weaken the original character of the group

However, the former farm buildings do not exist; the existing group is fundamentally domestic in character and it is not clear why a well-designed building that incorporates a contemporary aesthetic, while being respectful to existing buildings in its massing and materials, could not be practically achieved. The applicant's wish to avoid a poor replication of existing buildings is contradicted by the sense that their own proposal is an attempt to replicate a converted farm building, despite being an entirely new-build dwellinghouse. The fact that PD rights have been introduced for conversions of farm buildings cannot justify a new house designed to look like a converted barn within a group that no longer has any. If this proposal were to improve its south-western fenestration and use a mix of traditional (slate, render, stone) materials in combination with timber or metal wall claddings, to assist with massing, it would relate better to existing buildings without its contemporary aesthetic being compromised. The applicant is not, however, agreeable to any fundamental amendments to their proposal.

Ultimately, it is not considered that the design is appropriate to the existing group's character. This proposal would harm the character of the group in its current form, and any benefits to be derived from the type of construction would not override that harm. The proposal fails to comply with Policies PMD2 and HD2 and does not apply the fundamental principles of supporting guidance. Other material considerations will not outweigh the harm this proposal will cause in this case.

On other matters, if approved, a condition should obtain level information (to confirm the proposed floor level relates well to existing and proposed ground levels and off-site datum, as implied in the context elevation); a matt black finish to the flue; boundary treatments (ensuring the RPS's requirements are not compromised); and a simple landscape scheme.

Neighbouring amenity

The proposal is acceptable in terms of privacy impacts, based on the understanding that the entrance elevation faces north-east (the direction of elevations is not specified, though can be reasonably interpreted) and subject to no Permitted Development rights being available to add further openings.

In terms of sunlight, daylight and outlook, the proposal is acceptable other than the potential risk it poses to the kitchen of the adjacent cottage, which has two windows likely intruded on in these regards. The applicant owns this property, however, and their agent refers to the potential of a planning condition requiring an additional window. This is potentially achievable by suspensive planning condition in this case, though the first option should be to examine further (by means of assessing the 'vertical sky component') whether the level of breach actually justifies this mitigation. If approved, a condition could seek to address this matter. Removal of PD rights for extensions would also be recommended.

Air quality

A stove and flue are proposed. The flue is higher than neighbours so should not pose a risk. Nonetheless, if consent is granted, a standard Informative would be recommended as regards emissions.

Waste storage

No storage for bins is shown, though this would appear to be capable of being achieved. A condition of consent should secure details.

REASON FOR DECISION:

The proposed development would, due to its design and materials, be unsympathetic to, and adversely impact on, the character of the existing building group, contrary to Policies PMD2 and HD2 of the Local Development Plan 2016, and contrary to Placemaking and Design Supplementary Planning Guidance 2010 and New Housing in the Borders Countryside Supplementary Planning Guidance 2008. Other material considerations do not override these policy conflicts and the harm that would arise as a result of the development.

Recommendation: Refused

- 1 The proposed development would, due to its design and materials, be unsympathetic to, and adversely impact on, the character of the existing building group, contrary to Policies PMD2 and HD2 of the Local Development Plan 2016, and contrary to Placemaking and Design Supplementary Planning Guidance 2010 and New Housing in the Borders Countryside Supplementary Planning Guidance 2008. Other material considerations do not override these policy conflicts and the harm that would arise as a result of the development.

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