

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01355/FUL

APPLICANT : Mr I. Maxwell

AGENT : RM Architecture Ltd

DEVELOPMENT : Erection of holiday chalet and change of use of land to form 3 holiday pitches for motor homes

LOCATION: Land At Disused Railway Line Rachan
Broughton
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
14-032/00/005 B	Site Plan	Approved
14-032/PP/02	Elevations	Approved
14-032/PP/006	Location Plan	Approved
14-021/PP/01	Floor Plans	Approved
PLANNING STATEMENT	Report	Approved
BUSINESS PLAN	Report	Approved

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

Roads Planning:

My comments to the previous application (13/00413/FUL) for a similar proposal are relevant to the current application and I have copied them below for your information;

I have no objections in principle to the proposal, however before I am able to fully support the application I shall require the following points to be incorporated into the design for the access arrangements:

- o The north east radius to be increased to a minimum of 6m to assist left turn out of the junction.
- o The visibility splay to the South West to be increased to the woodland at the site boundary and the splay to the North East to be increased to 90m. This will give the maximum available visibility in both directions.
- o The visibility splays to be kept clear of any obstruction in perpetuity.
- o The first 6m of the access to be surfaced to my specification i.e. 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 The first 6m of the access to be at a gradient no greater than 1 in 18.

- o Measures to be put in place to prevent the flow of water on the public road.

I look forward to receiving amended plans taking the above into account.

I note that the site is located on the former railway line and, as there is a presumption against any development on the route which may prejudice its future use, the comments of the Rights of Way officer/Forward Planning officer for the area should be sought.

When taking into consideration the land available under the applicants control, along with the low traffic volumes on the public road and from the development site, I am content with the proposed junction upgrades contained within the latest revised drawing (14-032-PP005 Rev B). It should be noted that all work within the public road boundary must be undertaken by a contractor first approved by the Council.

Access Officer:

I note from checking this planning application that this section of the line is already built upon and that the screening application for creating a multi-use route along the bed of the railway actually runs parallel on the east side at this point. Therefore, I assume that this section of the line is no longer critical for future use.

Archaeology Officer: No implications.

Economic Development:

Economic Development supports the application for the erection of holiday chalet and change of use of land to form three holiday pitches at disused Railway Line, Rachan, Broughton. Specifically, the application for change of use fits with the Tourism Strategy by seeking to:

- o Ensuring the regions accommodation offerings are in direct relation to consumer demands and where opportunities are available, act as an attractor of demand in themselves.
- o Increasing volume of overnight visitors.
- o Increasing overnight visitor spend.

Whilst a Business Plan has been done, we recommend consultation with the Tourism Business Adviser in Business Gateway to further maximise potential opportunities.

Environmental Health:

Assessment of Application

Nuisance

Private Water Supply

This is an Application to erect a holiday lodge and three motorhome pitches.

The documents submitted in connection with the Application indicate that private water supply and drainage arrangements will be made. These can impact on public health if not properly maintained.

If the dwelling is 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.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three day's worth of supply, in order to allow for supply interruption/failure.

As the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

Recommendation

Delete as appropriate -Further Information Required Before Application is Determined

Conditions

No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.

Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition

Reason: To ensure that the development does not have a detrimental effect on public health.

Informatives

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

Visit Scotland:

Upper Tweed Community Council:

We should like to object to the application on the following grounds:

We consider that the proposed dwelling is too large to be considered as a holiday chalet and there is a danger that in future it will be used as a house. The location is not part of an existing building group.

We do not see any need for 3 caravan sites. Caravans here would spoil the attractive local environment. If the hardstandings are indeed intended for motor homes, access for the vehicles is likely to be difficult on this narrow site.

There are concerns about drainage.

The road suffers from flooding.

Concerns were also expressed from an adjoining landowner over potential drainage onto a field adjoining the development, the arrangements for sludge disposal from the motor homes and the capacity of the public road leading to the site.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development
Policy NE4 Trees, Woodlands and Hedgerows
Policy EP1 National Scenic Areas
Policy Inf2 Protection of Access Routes
Policy Inf4 Parking Provisions and Standards
Policy D1 Business, Tourism and Leisure Development in the Countryside

Recommendation by - Craig Miller (Lead Planning Officer) on 9th February 2016

There was an earlier planning application for a single holiday chalet on this site which was withdrawn due to the lack of supporting Business Plan information and the precise positioning of the chalet being locally prominent in the landscape. The new application has repositioned the chalet, provided background information and added a hardstanding area for three motorhomes to the west of the chalet.

I was content with the principle of a modest holiday development previously but felt that the withdrawn application had not provided sufficient information to support the case under Policy D1. A Business Plan and Planning Statement now accompany this application and have been accepted by Economic Development who feel that the proposals comply with the Scottish Borders Tourism Strategy, by:

- o Ensuring the regions accommodation offerings are in direct relation to consumer demands and where opportunities are available, act as an attractor of demand in themselves.
- o Increasing volume of overnight visitors.
- o Increasing overnight visitor spend.

They still recommend consultation with the Tourism Business Adviser in Business Gateway to further maximise potential opportunities - and this can be attached as an Applicant Informative. The Planning Statement was augmented to improve the section in relation to sequential assessment of sites, given that D1 still looks for building group and existing building opportunities first. The agent has stated the lack of suitable sites in the area and the unsuitability of the applicant's existing building to the west of the site. Notably, the Policy replacing D1 in the Proposed Local Development Plan reduces the importance of the sequential test as a qualifying criterion.

The issue of landscape impact is important, given D1 refers to the issue and the fact that the site lies within the Upper Tweeddale National Scenic Area - and is controlled by Policy EP1. The area of former railway embankment is not prominent in any wider sense and much less prominent than the continuation of the embankment across the minor road. There is also strong tree cover to the south of the embankment which tends to shield the area from public view from the B road. Towards Rachan Home Farm, there are viewpoints of the site which show the elements of local elevation and prominence that the site possesses. The previous proposal was positioning the chalet on the escarpment immediately adjoining the minor road - which led to an overbearing, dominant development with no intervening softening of the impact, given the slope of the land down to the minor road.

The new proposal positions the chalet between two Silver Birch trees which will be retained. The chalet will still be on the saddle of the embankment but with the tree retention and space for new forecourt planting, the impacts will be much less locally prominent than the earlier proposal. Much detail will still be necessary, including tree protection measures and new planting proposals, not only for the chalet but also for the motorhome hardstanding which is a little further west. In terms of overall impacts, it should also be noted that there is an existing workshop at the end of this section of the railway embankment and a commenced and validated site for a dwellinghouse - there being no restrictions placed upon the land or occupancy of the house at the time of Committee approval. There is, therefore, already development underway on the railway embankment and the additional holiday accommodation on the remaining section should not impact to any

significant degree on the landscape, locally or, particularly, wider afield. It would be justifiably more concerning if any development was proposed on the railway embankment further east.

In terms of use, the chalet will need to be controlled to ensure that the objections of the Community Council are not realised. It is not, generally, felt that the small three-bedroomed nature of the chalet would lead to any inevitability of permanent residential use. As the location is not within a building group, the normal holiday accommodation condition should be imposed. With regard to the motorhomes (or any touring caravan which could utilise the consent), the Supporting Statement mentions that they will only be positioned on site for one overnight stay only. It would seem harsh to condition them in this respect as they could be replaced every day by three different motorhomes or touring vans. It would be best to secure the same length and transient nature of occupancy as the chalet, albeit with a requirement to remove the van at the end of each period of occupancy - to ensure that there could be some alleviation in visual impact corresponding with lack of bookings.

The issue of the railway line has been brought up by consultees in terms of compliance with Inf2 and protection of access routes. However, as stated by the Access Officer, this section of the railway is already occupied with a storage building and a commenced dwellinghouse. The interruption in it's usage is already in place and there would be nothing to be gained by refusing further use of this section of the line.

Other infrastructure matters can be handled by planning conditions, including the issues of drainage design and water supply which are of interest to Environmental Health and the local farmer. Road junction improvements with the track and the public road have been submitted on revised plans and have been accepted by Roads Planning, subject to an Informative.

Given the elevation of the site, the chalet is designed to be modest in design, height and scale. It will be no more than 4.5m in height with shallow slate clad roof - but sufficiently sloping to achieve slate. The walls will be timber split log clad and the windows and doors in stained timber. Subject to materials and colours controlled by condition, I have no problem with the chalet looking like a chalet - which will appear appropriate given the wooded setting and backdrop.

REASON FOR DECISION :

The application complies with Development Plan Policies on tourist accommodation development in designated countryside in that the proposals, with conditions, will represent appropriate development in accordance with the Scottish Borders Tourism Strategy and without significant impact on the amenity of the area or designated landscape.

Recommendation: Approved - conditions & informatives

- 1 The occupation of the chalet and motorhomes shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times. No more than three motorhomes shall be positioned on the site at any time and they shall be removed from the site at the end of each occupancy period.
Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area.
- 2 No development to be commenced until further details of the external materials of the walls, roofs, windows and doors of the chalet are submitted to, and approved by, the Planning Authority.
Reason: To safeguard the landscape and visual amenity of the area.
- 3 All access and parking as shown on the approved site plan 14-032/PP/005 B to be completed in accordance with the plan before occupation of the chalet.
Reason: In the interests of road safety.

- 4 No motorhomes to be positioned on site until the associated access and hardstanding are completed in accordance with a scheme of details to be firstly submitted to, and approved by, the Planning Authority.
Reason: In the interests of road safety.
- 5 Should a public water supply not be used, then no development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the chalets hereby approved.
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
- 6 The chalet not to be occupied and the motorhomes not to be positioned on site until works for the disposal of surface water and sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Planning Authority, including the maintenance arrangements for the system.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 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 (as appropriate):
 - 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
 - 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.

Informatives

It should be noted that:

- 1 You are advised to consult with the Tourism Business Advisor at Business Gateway to discuss potential opportunities for the development.

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