

**Notice of Review Supporting Statement**

**Land to north of Belses Cottage, Jedburgh, Scottish Borders**

**Erection of dwellinghouse**

**Application Ref. 23/00034/PPP**

**On behalf of**

**Mr Kenneth Short**

**March 2023**

**Aitken Turnbull Architects**

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## EXECUTIVE SUMMARY

This Notice of Review is submitted on behalf of Mr Kenneth Short, following the decision of Scottish Borders Council, under delegated powers to the Planning & Development Standards Manager and based upon the Case Officer's recommendation, to refuse planning permission for erection of a dwellinghouse (application ref.23/00034/PPP, registered 11<sup>th</sup> January 2023) at land north of Belses Cottage, Jedburgh, Scottish Borders, on 6<sup>th</sup> March 2023.

The site comprises grazing land within the established Belses building group between Lilliesleaf and Ancrum. The site is bound by the B6400 to the west, a tree-lined former rail line to the east, Belses Cottage and a minor road to the south and a field boundary to the north.

Access is currently taken into the field from the minor road to the south and a supporting Access Technical Note sets out how this access can be improved to meet required standards and provide a safe access.

The proposal is for a single detached dwellinghouse (the applicant seeks approval in principle) with associated landscaping around the plot boundary. The site is well contained and at the centre of the established Belses building group which comprises of 15 existing houses, 6 potential conversion units and 3 plots with planning approval. The site is immediately adjacent to 3 existing houses to the south.

The granting of consent of two plots to the north of the application site has recently extended the building group with the Local Review Body with the committee noting the group had the capacity to absorb additional plots notwithstanding LDP policy criteria.

The applicant is willing to agree that any application for matters specified in conditions is not submitted before at least 1<sup>st</sup> August 2023 to assist with phased development of other consented plots within the Belses building group.

The proposed house can meet wider Placemaking and Design policy aspirations and there are no detrimental impacts in relation to amenity, local character, landscape/trees or traffic impact whilst biodiversity can be enhanced.

Whilst Road Safety has been raised an issue by Council Officers, the supporting information demonstrates that a safe access can be provided with the pattern of development suitable for this rural building group context.

There were no representations or objections made to the application other than the Council's Roads Officer with regard to road safety which is considered not to be justifiable.

It is asked that the Local Review Body, whilst considering matters, take account of the supporting documentation which accompanied the application. A site inspection is also requested to appreciate the specific nature of the site.

It is respectively requested that the Local Review Body reconsider the delegated decision and find favour in the applicant's proposal, subject to conditions, as deemed appropriate.

## **1.0 BACKGROUND TO THE APPLICATION**

### **1.1 Description & Location**

- 1.1.1 The site comprises grazing land within the established Belses building group between Lilliesleaf and Ancrum. The site is bound by the B6400 to the west, a tree-lined former rail line to the east, Belses Cottage and a minor road to the south and a field boundary to the north. The location and physical boundaries of the existing site are shown within the location plan and Belses building group plan (**Appendices 2 & 3**) which illustrates the site within the context of surrounding houses and approved plots.

### **1.2 The Development Proposal**

- 1.2.1 The applicant seeks planning permission in principle for erection of a dwellinghouse with associated landscaping and access, as illustrated within the Indicative Site Layout (**Appendix 4**).

### **1.3 Relevant Planning History**

- 1.3.1 The application site has not been the subject of previous planning applications.
- 1.3.2 The applicant built the house to the north of the application site ("Karma") (ref.05/01661/REM).
- 1.3.3 Recent planning approvals for house plots in the immediate vicinity are discussed below.

## **2.0 GROUNDS FOR REVIEW OF THE PLANNING DECISION**

- 2.0.1 The applicant considers the proposal reflect the pattern of development within the established Belses building group and the plot can be comfortably accommodated contrary to the first reason for refusal, being within the centre of the group and having well defined boundaries. Access can be provided on a suitably safe basis contrary to second reason for refusal.

### **2.1 Statutory Consultees & Local Comments**

- 2.1.1 Firstly, it is noted that there were no objections to the development proposals from the local community and the only statutory consultee objection was from the Council's Roads Planning officer (as included within **Appendix 7**) which are addressed below with regard to the second reason for refusal.

## 2.2 Addressing the Reasons for Refusal

2.2.1 The Case Officer's Report of Handling (**Appendix 8**) and associated Decision Notice (**Appendix 9**), recommended refusal for the following reasons:-

1. *The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not relate well to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. In any case, the capacity of the building group has exceeded the limitations allowed for by Policy HD2. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2. Furthermore, there is no overriding economic justification to support the development, and the development has no support from NPF4. This conflict with the development plan is not overridden by any other material considerations.*
2. *The development is also contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements. This conflict with the development plan is not overridden by any other material considerations.*

### Reason for Refusal No.1

2.2.2 The principle of development of the proposed plot was addressed within the Application Planning Statement (**Appendix 5**). In summary:

- LDP Policy HD2 supports appropriate rural housing development associated with existing building groups where this does not adversely affect their character or that of the surrounding area and requires that the site is well related to an existing group of at least 3 houses or buildings currently in residential use or capable of conversion to residential use. As set out in the Planning Statement and supporting Belses building group plan (**Appendix 3**), the site adjoins 3 existing houses and forms part of a wider cluster of 24 residential/potential residential units. The site sits at the centre of this grouping and is well related to the immediate three houses to the south and contrary to the Case Officer report, the field was previously sub-divided to provide the site for "Karma", a detached house located to the north of the application site. There are existing strong physical boundaries to the south, east and west with a field boundary to the north. As illustrated within the Indicative Site Layout (**Appendix 4**), additional landscaping can further reinforce the boundaries, in particular the northern boundary. The additional landscaping and associated garden ground would enhance biodiversity links.
- The approval of two plots to the north-west of the proposed site, across the B6400, have solidified the wider building group (as per Local Review Body decisions set out in **Appendix 10**). It is also noted that the Local Review Body considered the Belses building group had the capacity to accommodate these plots, notwithstanding the policy

requirement for a maximum of 2 new plots or 30% increase in the group within the Local Development Plan period (there has been 3 approvals within the current plan period including those noted within **Appendix 10** plus a further plot to the west of the group as per the Local Review Body decision within **Appendix 11**). It is contended that the current proposed plot is more centrally located and within a far more defined site than those approved in the plan period to date.

- The applicant is also willing to delay an application for matters specified in conditions with the Council having the power to set out specific timings under *Scottish Government Planning Circular 3/2022 (Development Management Procedures)*. As set out in the Application Planning Statement, it is proposed that the earliest date for submission of such an application is set for 1<sup>st</sup> August 2023 to allow for further applications (and consequent build stages) of consented plots to the north to come forward and provide a phased growth of the established building group. This date would also provide potential for the new Local Development Plan examination report (and adoption) to take place, thereby re-starting the building group growth policy test.
- The refusal reason also asserts that the proposal would be contrary to LDP Policy PMD2 due to its visual impact. This is not supported by any landscape professional opinion or consultee response. It is considered that the proposed plot could be integrated within the existing building group and local landscape through the proposed landscape enhancement of the plot boundaries (with particular reference to the northern boundary given the existing containment on all other sides). There is no evidence to suggest the plot could not be accommodated with a suitable detailed landscape scheme, as per the approved plots to the north of the B6400 which extend into open fields.
- It is noted that during the application process, NPF4 was adopted by the Scottish Government and now forms part of the Development Plan. The Case Officer contends that the application does not draw support from NPF4 with particular reference to Policies 4, 9, 12, 14, 17, 18 and 22. The applicant contests this opinion as the application can gain support from the following NPF policies:
  - Policy 3 – the proposal will provide enhancement of biodiversity through landscaping proposals
  - Policy 4 – the proposal will not have an adverse impact on the natural environment as the plot can be satisfactorily accommodated with a detailed landscape scheme. The proposal does not impact on any designated natural assets.
  - Policy 9 – the proposed development of a greenfield plot is justified as it accords with LDP Policy HD2 with regard to expansion of established building groups.
  - Policy 12 – the Case Officer refers to this policy but there is no constraint with regard to zero waste requirements.
  - Policy 14 – the proposal can be integrated into both the building group and local landscape in terms of urban design pattern and context. Suitably high quality design can be achieved through detailed approval of built form, materials, boundary treatments and landscaping.

- Policy 17 – the proposal is for a suitably sited house and can be in keeping with the character of the local area (and is supported by LDP policy which provided for expansion of established building groups). NPF4’s wider Spatial principles support rural revitalization (NPF4 p.4), stating “*we will encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together*”.
- Policy 18 – the proposal can be accommodated within existing infrastructure. The suitability of the access to the proposed plot is set out within the Access Technical Note (Appendix 6).
- Policy 22 – the Case Officer refers to this policy but there is no constraint with regard to flooding or drainage (with private waste water proposals being a standard approach for rural areas).

2.2.3 Overall, it is considered that the principle of development is supported by both national and local policy. The plot sits at the centre of an established building group and has well contained boundaries with proposals for landscaping assisting with maintaining local character and enhancing biodiversity.

## **Reason for Refusal No.2**

2.2.4 The second reason for refusal contends that the proposed access would create a road safety issue and is therefore contrary to LDP Policy PMD2. The justification for the access proposals was set out within the Access Technical Note (**Appendix 6**) that supported the application. In summary, this technical assessment by ECS Transport Planning, set out the following:

- Two access options were assessed for the proposed plot, being either a new simple priority junction with the B6400 on the western boundary (supplemented with a layby for refuse collection) or formalisation of the existing field access on the minor unnamed road to the south.
- ECS, via an independent traffic survey company, undertook speed surveys of the B6400 in the vicinity of the Belses building group and proposed plot. This established that the average (85<sup>th</sup> percentile) speed in either direction was 34.4mph and 37.5mph. The route was identified as lightly trafficked. The recorded speeds provide a real assessment of road usage and inform visibility splay requirements, as set out in the SCOTS National Roads Development Guidance (which is adopted by Scottish Borders Council). SCOTS guidance indicates that for speeds of 30mph a 90m splay is required and for speeds of 40mph a 120m splay is required. A pro-rata calculation based on actual recorded speeds provides for splays of 103.2m to the east and 112.5m to the west if a new junction onto the B6400 was required.

- The vehicle speeds on the minor road off the B6400 will be considerably less than the recorded speeds on the B6400. The assessment notes that vehicles turning right from the B6400 will have a clear view but vehicles turning left will have view obscured by hedgerow. The supporting plan illustrates the extent of hedgerow that would require to be removed to facilitate a clear view based on 20mph and 30mph speeds. This is a minor loss of hedgerow with any loss capable of being compensated by new planting within the plot (including the northern plot boundary).
- The technical report demonstrates that access can be safely achieved based on the proposed formalisation of the existing field access into the site, in line with SCOTS guidance. The Indicative Site Layout illustrates the access via the formalised field access which is the preferred access option but the speed survey assessment indicates that there would be no road safety grounds to negate a new access into the plot from the B6400.
- The Council's Roads Planning Officer also refers to the unsuitability of the rural road network to accommodate further development. However, as set out in the recent Belses plots approvals noted within Appendices 10 and 11, this was not a determining factor and the character of a rural building group is well accepted. A previous consent within the Belses group (**Appendix 12**) further reinforces the acceptability of the minor road / B400 junction as a means of access – the Council's Roads officer in that case stating:

*“The junction of the minor public road with the B6400 is not ideal in that forward visibility for a driver making a right turn off the B6400 is restricted by obstructions on the inside of the bend. As long as a driver undertakes this manoeuvre with caution road safety should not be compromised to any great extent and on balance he is able to recommend in favour of this planning application. I can confirm that there have been no reported injury accidents at this junction in the last 25 years.”*

- Lastly, attention is also drawn to a further Local Review Body decision in relation to a plot at Scotsmill, Peebles (**Appendix 13**). In that particular case, the Council's Roads Planning service had raised a similar objection with regard to unsuitability of the rural network and wishing to avoid further access points. The LRB overturned the decision based on a practical assessment of the actual roads situation.

2.2.5 Overall, it is considered that there are no grounds for refusal on road safety grounds. The applicant has commissioned a transport planning professional to accurately assess traffic speeds on the B6400 and assess the required interventions to facilitate access into the plot via a formalised existing field access point. This demonstrates that there would be no road safety concerns on the basis of removal of a minor element of hedgerow (which could be compensated by additional planting within the plot) and endorses the view of the Council with regard to a previous plot approval which utilised the B6400/minor road junction. A secondary access option would be that of a new junction into the plot from the B6400 which assessed speed surveys indicate would be achievable on road safety grounds with sightlines in line with SCOTS guidance.



### 3.0 CONCLUSION

3.1 This Statement, in conjunction with the appended supporting documentation, demonstrates that the proposal accords with the Development Plan and there are no grounds for the two reasons of refusal set out by the planning case officer. The grounds of review of the delegated decision specifically relate to the following:

- Contrary to the Case Officer's opinion, the proposed plot forms part of the established Belses building group and can be satisfactorily accommodated without any detrimental visual impact. The plot is well contained on three sides and sits within the centre of the group – which is a cluster and the proposal would not form ribbon development (with the plot being sited within a field that has already been sub-divided to form the detached house to the north). Detailed design including landscaping proposals (as indicatively shown in the application proposal) can facilitate biodiversity enhancement and ensure a high quality boundary treatment to integrate the plot within both the group and local landscape character. The principle of expanding the building group beyond the LDP policy threshold has been established via recent Local Review Body decisions and there is no reason why this plot cannot be satisfactorily accommodated with scope for an application for approval of detailed matters to be controlled by the planning authority.
- The applicant has, via a commissioned professional technical report, demonstrated that safe access into the plot can be achieved and would reflect existing arrangements for plots within the Belses building group (including a previously consented plot which utilises the same B6400/minor road junction). A secondary access option with a direct junction from the B6400 would be achievable in terms of road safety based on SCOTS guidance on visibility splay requirements.
- There were no objections from the local community.

3.3 On the basis of the foregoing, it is respectfully requested that the submitted planning application be viewed positively and approved by the Local Review Body.