

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 22/01416/PPP  
**APPLICANT :** Mr Andrew Douglas-Home  
**AGENT :** Camerons Strachan Yuill Architects  
**DEVELOPMENT :** Erection of 2no dwellinghouses  
**LOCATION:** Land South Of  
1 Kelso Road  
Coldstream  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
10148_1_1	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 1**  
**SUMMARY OF REPRESENTATIONS:**

One letter of representation has been received by the Planning Authority, objecting to the planning application. All issues raised have been considered. The letter raises the following material planning considerations:

- The principle of housing in this location;
- The position of the application site relative to neighbouring properties;
- The visual appearance of the development and its impact on the visual amenities of the area;
- Impact on residential amenity and privacy of nearby properties;
- Impact on biodiversity, habitats and protected species;
- Impact on trees.

**Consultations**

Community Council: They are supportive of this application.

Education and Lifelong Learning: No response received at the time of writing this report.

Roads Planning: No objection. They do not raise any concerns regarding the proposed development. They recommend that standard conditions and informatives are attached should permission be granted.

Scottish Water: No objection. There is currently sufficient capacity in the Rawburn Water Treatment Works to service the development. There is currently sufficient capacity for a foul only connection in the Coldstream Waste Water Treatment works to service the development.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016

PMD1: Sustainability  
PMD2: Quality Standards  
PMD4: Development Outwith Development Boundaries  
ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils  
HD2: Housing in the Countryside  
HD3: Protection of Residential Amenity  
EP1: International Nature Conservation Sites and Protected Species  
EP2: National Nature Conservation and Protected Species  
EP3: Local Biodiversity  
EP10: Gardens and Designed Landscapes  
EP13: Trees, Woodland and Hedgerows  
IS2: Developer Contributions  
IS7: Parking Provisions and Standards  
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Affordable Housing 2015  
Biodiversity 2005  
Development Contributions 2001 (updated 2022)  
Householder Development (incorporating Privacy and Sunlight Guide) 2006  
Landscape and Development 2008  
New Housing in the Borders Countryside 2008  
Placemaking and Design 2010  
Trees and Development 2008 (updated 2020)

**Recommendation by** - Cameron Kirk (Assistant Planning Officer) on 21st December 2022

Site description

The application site is located on the outskirts of the settlement of Coldstream, south of Kelso Road (A698). The main portion of the application site is located approximately 135 metres west of Coldstream's defined development boundary. The application site relates to the north east corner of a large agricultural field. The application site is currently grassland and it is fairly level.

An area of mature trees lie immediately to the north, while the cemetery lies to the east of the application site. The dwellinghouse, The Lodge, is located on the opposite side of Kelso Road, to the north, and there are three residential properties which lie to the north west of the application site.

The application site lies within Lees Designed Landscape (Scottish Borders Council) and it is identified as being an area of prime quality agricultural land.

Proposed development

Planning permission in principle is sought for the erection of two dwellinghouses. Vehicular access to the application site would be taken from the cemetery access road that flanks the east boundary. The proposed dwellinghouses would be connected to the public water supply network. Foul water would be dealt with by private drainage arrangements.

Relevant planning history

21/00852/PREAPP - Pre-application enquiry.

Assessment

## Principle

Planning permission in principle is sought for the erection of two dwellinghouses. The application site is located approximately 135 metres west of the development boundary for the settlement of Coldstream. The intervening land between the development boundary and the application site is woodland and a cemetery. Therefore, Policy PMD4: Development Outwith Development Boundaries would be applicable in determining the principle of development. Policy PMD4 states that where development boundaries are defined on proposal maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Development Plan period. Development should be contained within the development boundary and proposals for new development outwith this boundary, and not on allocated sites identified on the proposals map, will normally be refused.

Exceptional approvals may be granted provided strong reasons can be given that:

- a) it is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2, OR
- b) it is an affordable housing development that can be justified under in terms of Policy HD1, OR
- c) there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
- d) it is a development that it is considered would offer significant community benefits that outweigh the need to protect the development boundary.

The proposed development would not result in a job-generating development. It would not result in an affordable housing development. It would not provide additional housing through an identified shortfall through the housing land audit. The proposed development would result in the addition of two dwellinghouses that would not offer significant community benefits. Therefore, the proposed development fails to comply with Policy PMD4.

As the site is not located within the defined development boundary of a settlement and as such would equate to development in the countryside the proposal may also be considered against Policy HD2: Housing in the Countryside. The site is not located in the Southern Housing Market Area. At present, the application site is agricultural land and the proposal would not result in the conversion of an existing building to a house, the restoration of an existing house or result in the proposed replacement of an existing house. In addition, no justification has been provided to demonstrate that there is an economic requirement for houses to be built in this location. Therefore, sections (B) - (F) of Policy HD2 would not be applicable in establishing the principle of development in this particular location. It would only be appropriate to assess the proposal against section (A) Building Groups of Policy HD2.

Section (A) Building Groups of Policy HD2 advises that additional dwellings should only be permitted where the site relates well to an existing building group of at least three dwellings and will only result in the addition of two dwellings or a 30% increase to the group, whichever is greater, during the period of the Local Development Plan. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining applications.

Additionally, the Council's Supplementary Planning Guidance titled 'New Housing in the Borders Countryside 2008' states that the existence of a group will be identifiable by a sense of place, which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

It is acknowledged that there is a building group, consisting of three dwellinghouses, to the north west of the application site. There is the numerical capacity within the building group to add an additional two dwellinghouses under the current Local Development Plan period. Therefore, the main consideration is whether the proposed development would be an appropriate addition to the existing building group.

The building group is linear in form and all of the dwellinghouses front the public road. The application site is positioned to the rear of the existing dwellinghouses found within the building group. Furthermore, there is an area of mature trees between the public road and the application site that create a visual barrier.

The application site is not considered to relate well to the linear pattern of building group and it is separated from the public road to the north. The proposed dwellinghouses would be positioned behind the existing dwellinghouses found within the building group, which would break this linear pattern of development. Additionally, the application site breaks into an undeveloped field. Considering the position and orientation of the application site relative to the building group it is not felt that it would positively contribute its character or appearance of the building group or to the overall sense of place felt within it.

In consideration of the above, the proposed development, at the location identified, would have a significant adverse impact upon the composition and quality of the landscape character as the application site would be visually detached from the settlement of Coldstream. Accepting housing in this location would set an undesirable precedent which would erode the integrity of the development boundary for the settlement of Coldstream.

In addition, the application site is identified as being an area of prime quality agricultural land. The principle of development must also be assessed against Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils. Policy ED10 states development which results in the permanent loss of prime quality agricultural land will not be permitted unless:

- a) the site is otherwise allocated within this local plan;
- b) the development meets an established need and no other site is available;
- c) the development is small scale and directly related to a rural business.

The application site is not allocated within the current Local Development Plan. The proposed development would not be for an established need and while it may be small scale, it would not be directly related to a rural business.

There are no material planning considerations which suggest that housing development in this location would be acceptable and there are no known extenuating circumstances of other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016.

Therefore, the proposed development would be contrary to Policy HD2 and Policy ED10, as well as the Council's adopted Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008'. Therefore, the principle of development could not be established in this location.

#### Layout, design and materials

Policy PMD2 aims to ensure that all new development is of a high quality and respects the environment in which it is contained. Notwithstanding the matters raised in the previous section of this report in relation to the principle of development, it is acknowledged that the application site is of a size that could accommodate two dwellinghouses. An indicative site plan has been provided to demonstrate the layout for the proposed development. As the application is for planning permission in principle, the layout, siting and design of the proposed dwellinghouses cannot be considered at this time. The precise details of the layout, siting and design of the proposed dwellinghouses would be assessed on receipt of a subsequent planning application.

The application site lies within Lees Designed Landscape and it must be assessed against Policy EP10. Policy EP10 aims to protect the character of Gardens and Designed Landscapes from development that would adversely affect their special interest. Landscapes can be sensitive to change and any development should try to minimise its impact on a designated landscape. Two dwellinghouses in this location would be visible within the immediate and wider landscape. The impact the proposal would have on Lees Designed Landscape cannot be fully considered at this stage. The impact the proposed development may have on the aforementioned landscape designation would be assessed fully on submission of a subsequent application which details the layout, siting and design for the proposed dwellinghouses.

## Residential amenity

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity or privacy. As previously mentioned, the application is for planning permission in principle and no detailed information has been provided at this stage to show the layout, siting and design of the proposed dwellinghouses. The impact the proposed development would have on the amenity and privacy of neighbouring properties cannot be fully assessed at this stage. Further consideration would be given to the impact the proposed development would have on neighbouring properties on receipt of a further planning application detailing the layout, siting and design of the proposed dwellinghouses.

## Services

The proposed development would be connected to the public water supply network. Scottish Water was consulted as part of the application process and they advise that there is currently sufficient capacity in Rawburn Water Treatment Works to service the proposed development. This approach is welcomed by the Planning Authority.

As indicated in the application, foul water for the proposed dwellinghouses would be dealt with by private drainage arrangements. Policy IS9 advises that in accordance with the Council's hierarchy of preference for dealing with waste water associated with new development, it emphasises that private septic tanks are regarded as a last resort and they are not encouraged. The application site lies close to the development boundary for the settlement of Coldstream and in proximity to the public sewer network. Scottish Water has confirmed that there is currently sufficient capacity for a foul only connection in the Coldstream Waste Water Treatment works to service the development.

The proposed development should be connected to the public drainage system, considering its proximity to the public sewer network, unless it can be justified otherwise through evidence.

Conditions will be required to ensure that further details are provided in respect of water supply and drainage to demonstrate that they are achievable.

## Roads

Vehicular access to the application site would be taken from the cemetery access road that flanks the east boundary. Parking and turning for two vehicles must be provided for each dwellinghouse. It is expected that this requirement could be achieved.

Roads Planning Service was consulted as part of the application process. They do not raise any concerns regarding the proposed development. They recommend that standard conditions and informatives are attached should permission be granted.

## Ecology

Concerns were raised in the letter of representation received by the Planning Authority over the lack of information submitted to consider the ecological implications for the site. The proposed development has the potential to impact upon protected species, notably bats, badgers and breeding birds. The River Tweed Special Area of Conservation and SSSI is approximately 230m to the south.

The agent was advised at the pre-application enquiry stage that a Preliminary Ecological Assessment must be submitted to support any planning application, including protected species surveys and mitigation, as necessary. This information has not been submitted in support of the application and it has not been sought by the Planning Authority as the principle of development is considered to be unacceptable.

Therefore, the potential ecological impacts the proposed development may have on the application site and surrounding area cannot be fully considered.

## Trees

There are mature trees to the north of the application site that relate to a large tree belt. These trees are an important feature within the landscape and they should be protected. Their retention would also help to minimise the impact the proposed development would have on the visual amenities of the area.

It is anticipated that the proposed dwellinghouses could be accommodated to the south section of the application site without adversely impacting upon existing trees. Some branches overhang the application site and their root protection areas will fall within it. A condition is recommended to ensure the trees located to the north boundary of the application site are appropriately protected during the construction phase of the development.

## Developer contributions

Policy IS2 aims to ensure that the cost of new or additional infrastructure required for new development is met by the developer. Developer contributions are sought towards education and lifelong learning, specifically Berwickshire High School, and affordable housing. A Section 69 or 75 Legal Agreement would secure the developer contributions sought by the Council.

## Waste

There would be sufficient room for a dedicated bin storage area within the application site to serve the proposed dwellinghouses. They should be located in a discreet position within application site. The precise details can be agreed by condition.

## REASON FOR DECISION :

The proposed development would be contrary to Policy PMD4 and Policy HD2 of the Scottish Borders Local Development Plan 2016, as well as the Council's Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would erode the integrity of the development boundary for the settlement of Coldstream, it would not relate well to an existing building group, it would break into an undeveloped field outwith the group's sense of place, to the detriment of the character and appearance of the building group.

Furthermore, the development is contrary to Policy ED10 of the Local Development Plan 2016 as the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource.

There are no material planning considerations which suggest that housing development in this location would be acceptable and there are no known extenuating circumstances of other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016. It is recommended that the application be refused.

## **Recommendation:** Refused

- 1 The proposed development would be contrary to Policy PMD4 and Policy HD2 of the Scottish Borders Local Development Plan 2016, as well as the Council's Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would erode the integrity of the development boundary for the settlement of Coldstream, it would not relate well to an existing building group, it would break into an undeveloped field outwith the group's sense of place, to the detriment of the character and appearance of the building group.

Furthermore, the development is contrary to Policy ED10 of the Local Development Plan 2016 as the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource.

This conflict with the development plan is not overridden by any other material considerations.

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