

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 20/01076/FUL
APPLICANT : Mr & Mrs David Megahy
AGENT : Gordon Scott Architectural Services Ltd
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land South East Of Applecross Pyatshaw Lauder
Lauder
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
SF29848-001	Proposed Elevations	Approved
SF29848-101	Proposed Site Plan	Approved
SF29848-103	Proposed Site Plan	Approved
SF29848-102	Proposed Site Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

There are no representations.

CONSULTATIONS:

Roads Planning Service: This application is effectively for a change of house type to that approved under application 18/00622/AMC and as such I shall have no objections to the proposal provided the same roads related conditions are attached to this consent that were attached to the previous approval.

Community Council: No response.

Education and Lifelong Learning: No response.

Scottish Water: No response.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2: Quality Standards

Policy HD2: Housing in the Countryside

Policy HD3: Protection of Residential Amenity
EP10: Gardens and Designed Landscapes
Policy EP13: Trees, Woodlands and Hedgerows
Policy IS1: Developer Contributions
Policy IS7: Parking Provision and Standards
Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

New Housing in the Borders Countryside 2008
Placemaking and Design 2010

Recommendation by - Julie Hayward (Lead Planning Officer) on 11th November 2020

Site and Proposal

Pyatshaw is situated to the east of Lauder. The application site is an area of agricultural land immediately adjacent to the applicant's farm steading, to the south east of the Pyatshaw building group. It is surrounded by fields and the A697 (Carfraemill to Greenlaw road) is to the south west.

The proposal is to erect a detached dwellinghouse to the south east of the existing farm buildings. This would be one-and-three quarter storeys, with 3 bedrooms. It would have timber cladding, render and stone cladding for the walls, grey UPVC doors and windows and a slate roof.

The proposed dwelling would utilise the existing vehicular access from the A697 used by the farm steading, to the north west. It would be upgraded to include a service layby and visibility splays each side. A gravel driveway, with a passing place, a turning area and parking area would be provided within the site. Foul drainage would be to a treatment plant to an attenuation pond within the adjacent field and surface water drainage would discharge to the attenuation pond, the outfall from which would be directed to existing field drains.

The site is enclosed on three sides by a post and wire fence and there is a dry stone dyke along the south west/road boundary. A new post and wire fence would be erected along the driveway. Indicative planting is shown in the site plan.

The principle of a dwelling on this site was approved on the basis of economic justification in 2016; the justification for the dwellinghouse was that the applicant needed to be closer to the farm steading to manage the farm. A business case showed that there was evidence of a sustained and continuing business and the level of farming activity reflected the standard man day requirement of more than one on the unit. The Planning Permission in Principle was subject to a Section 75 Agreement that required:

- o The whole of the land including the new dwellinghouse and buildings to be held as a single property and farmed as a single agricultural unit and no part to be sold or disposed of;
- o Occupation of the new dwellinghouse to be limited to a person employed or last employed in the full time management of the farm for the purpose of agriculture or their dependants;
- o No further dwellinghouses to be erected on the land without the consent of the Planning Authority;
- o The developer to pay the required developer contributions.

An application was approved in May 2019 (19/00513/MOD75) to remove the clause that ties the dwellinghouse to the land holding.

The Approval of Matters Specified in Conditions application was approved in 2018. This was for a larger, five bedroom, one-and-a-half and two storey dwellinghouse.

Planning History

15/00193/PPP: Erection of dwellinghouse. Approved 14th December 2016.

18/00622/AMC: Erection of dwellinghouse ((Approval of Matters Specified in Conditions pursuant to planning permission 15/00193/PPP). Approved 16th November 2018.

19/00513/MOD75: Modification of Planning Obligation. Approved 28th May 2019.

Policy

Part F of policy HD2 supports housing with a location essential for business needs if the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise.

This application is for the same applicants as the previous Planning Permission in Principle and Approval of Matters Specified in Conditions applications and on the same site. The justification remains and the applicant now wishes to downsize to reduce construction costs to within his budget.

A new Section 75 agreement would be required to apply the restrictions within the (modified) legal agreement.

Siting, Design and Impact on 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 proposed dwelling would be sited to the south east of the farm buildings, with a clear relationship between the two. It would be significantly smaller in footprint and scale to that approved. The design and materials are considered to be acceptable, as it would be one-and three quarter storey, with a single wing to the side to break up the bulk of the building, pitched roof dormers, a front gable and porch to provide interest, vertical emphasis to the windows and a symmetrical frontage. The walls would be predominantly timber clad but with the front gable clad in stone and the rear gable part rendered. A condition would agree the exact details of the materials,

Photos taken in 2018 show large agricultural buildings to the north east and a row of small trees and hedging along the road boundary. Additional tree planting along the boundaries of the site would help the development integrate into the landscape. It is considered that the visual impact would be significantly less than the previously approved house and there would be no adverse detrimental impact on the visual amenities of the area.

Impact on Residential Amenities

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 household developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

There are no residential properties close to the site that would be affected by the proposal.

Access, Parking and Road Safety

Policy PMD2 requires that a development incorporates adequate access and turning space and for vehicles and ensures that there is no adverse impact on road safety. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The site would utilise the existing access onto the public road from the farm steading and a new access track would be formed along the south west boundary. There is sufficient space within the site for on-site parking and turning.

The Roads Planning Service has no objections as this is a change of house type to that previously approved provided the same roads related conditions are attached to this consent that were attached to the previous approval.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

Drainage would be to a treatment plant and attenuation pond discharging to field drains. The exact details would be agreed at the Building Warrant stage. The water supply would be from the public mains.

Development Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out in policies IS2 and IS3.

Contributions are required towards Lauder Primary School and Earlston High School. These would be secured by the Section 75 agreement.

REASON FOR DECISION :

Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

Recommendation: Approved - conditions, inform & LA

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls, doors, windows and roofs of the dwellinghouse have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 The finished floor levels of the dwellinghouse hereby approved shall be consistent with those indicated on a scheme of details which shall be submitted to and approved in writing by the Planning Authority before the development commences. Such details shall indicate the existing and proposed levels throughout the application site and shall be measurable from a fixed datum point in a location clearly indicated in the scheme of details so approved.
Reason: To ensure that the proposed development does not have an adverse effect upon visual amenities.

- 4 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 before the development commences. This to include:
 - 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, including replacement of any trees removed
 - 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.
- 5 Details of all proposed means of enclosure around the site to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
- 6 Visibility splays of 2.4m by 160m to the north west and 2.4m by 215m to the south east shall be provided to the specification of the Planning Authority prior to occupation of the dwellinghouse hereby approved and retained thereafter in perpetuity.
Reason: To ensure adequate visibility splays in the interests of road safety.
- 7 Two parking spaces, not including any garages, and turning shall be provided within the site prior to occupation of the dwellinghouse hereby approved and retained thereafter in perpetuity.
Reason: To ensure the property is served by adequate off street parking provision at all times.
- 8 The vehicular access to the site to be formed to the specification of the Planning Authority prior to occupation of the dwellinghouse.
Reason: To ensure satisfactory access to the property and to provide for adequate servicing.

Informatives

It should be noted that:

- 1 In respect of condition 8, the access to the site must be formed as a service layby as per diagram DC-3 (attached).

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

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