

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01034/FUL

APPLICANT : Mrs Patricia Crippin

AGENT : Ericht Planning & Property Consultants

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land West Of Craigerne Coachhouse
Ederston Road
Peebles
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	PLANNING SUPPORTING STATEMENT	Report Refused
	SITE PHOTOGRAPHS Photos	Refused
2014/12/104	Elevations	Refused
2014/12/102A	Site Plan	Refused
2014/12/103	Floor Plans	Refused
2014/12/101	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

There is satisfactory space for the parking of 2 vehicles and turning within the curtilage of the site. The site is served by a single track road however there are several passing opportunities. Overall I have no objections to the above proposal provided the following conditions are adhered to :-

1. Parking for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of the property prior to occupation and be retained thereafter in perpetuity.
2. A contribution of £1000 will be required for the development as per the Scottish Borders Local Plan revised Development contributions 2011.
3. No access, either pedestrian or vehicular, is to be taken directly off Ederston Road.

Landscape Architect: Response awaited.

Archaeology Officer: No implications.

Director of Education and Lifelong Learning:

Primary School Contributions

£9823

High School Contributions

£1383

Total = £11206

Rolls over 90% place strain on the school's teaching provision, infrastructure and facilities and reduce flexibility in timetabling, potentially negatively effecting quality standards within the school environment. Contributions are sought to raise capital to extend or improve schools, or where deemed necessary to provide new schools, in order to ensure that over-capacity issues are managed and no reduction in standards is attributed to this within the Borders Area.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index – therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2016.

Environmental Health:

Amenity and Pollution

Assessment of Application

Nuisance

This is an application for planning permission in principle for a new house.

It is proposed to utilise a solid fuel stove within the premises.

These can cause smoke and odour problems if not properly installed and maintained.

Recommendation

Delete as appropriate – Agree with application in principle, subject to Informative.

Informative

Solid Fuel Stove

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

Scottish Water: Response awaited.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development

Policy G5 Developer Contributions

Policy G7 Infill Development

Policy NE4 Trees, Woodlands and Hedgerows

Policy H2 Protection of Residential Amenity

Policy Inf4 Parking Provisions and Standards

Policy Inf5 Waste Water Treatment Standards

"Development Contributions" SPG

"Trees and Development" SPG

Recommendation by - Craig Miller (Lead Planning Officer) on 26th October 2015

Craigerne Coach House was previously a Category B Listed Building when extensions were consented to it to create an additional five dwellinghouses. This involved a new wing to the west towards Edderston Road and a reconfigured and enlarged wing to the east. The design was carefully negotiated during processing of the application to ensure that the character of the listed building and its landscaped, former parkland, setting were preserved. However, that development proceeded in an unauthorised manner with numerous changes which necessitated new applications for listed building and planning consent. Subject to conditions, consents were granted to rectify some of the less appropriate changes. A new application has now been submitted to attempt to keep some of the changes which were sought to be rectified by condition.

Before those conditions could be enforced, Craigerne Coach House was de-listed by Historic Environment Scotland for the reasons given by the agent in her Supporting Statement. Therefore, any assessment of this current application for a new house cannot take into account listings or the previous listed status of the house. Assessment must be based principally upon Local Plan Design, Infill and Tree Policies - G1, G7 and NE4. It is important to note that, although subsequent applications sought to create a cleared site without significant landscaping on the land between the proposed west wing and Edderston Road, no such approval has been granted for the final landscaping scheme on the overall site. Indeed, two TPO trees were removed within the site and an unauthorised retaining wall erected which is also the subject of this application.

The agent has submitted a Supporting Statement which gives the background to the site, justification for the application, reports on pre-app consultation and draws parallels with other recent infill developments. I have looked carefully at this Statement and the examples given elsewhere but do not believe that any of them can be considered direct comparisons which form a compelling case to allow this development. Despite Craigerne Coach House being delisted, the overall property, with extensions, would lie in attractive landscaped grounds whereby the amenity of the area is preserved by protected trees, walls, hedges and a general green apron and setting to the site. There is no doubt that these trees, hedges and walls form a strong positive characteristic of Edderston Road and the retention and protection of this setting was considered vital in the decisions to allow the enlargement and extension of the Coach House. Despite the western wing being allowed which would bring the built form nearer to the public road, it was felt that, with

retention and augmentation, the landscaped framework could enhance the attraction and amenity of the building despite its enlargement. Although there have been subsequent revisions and a delisting of the building, the landscaped framework is still considered essential to the success of the development and amenity of the area - and has never been finally consented through successive conditions and landscaping submissions.

Two trees were felled within and at the northern end of the site which have been agreed to be replaced. Five trees are shown on the plan at the northern end but it was also noted that services appear to run through this part of the site which also raises questions about the success and suitability of new planting in this area. Furthermore, only 6-7 metres space is given between the site boundary and the northern gable of the proposed house which is considered wholly inadequate for the replanting of appropriate tree replacements and their subsequent growth. The comments of the Landscape Architect on the revised application make it clear that the reservation of green apron and appropriately planted space with hedging and dry stone walling are essential to be retained in line with Local Plan Policy NE4 and the requirements of Policies G1 and G7.

Indeed, no matter what size, shape or height of house proposed on the site, the hardening of the space would be detrimental to the green setting of the enlarged Coach House, exacerbated by the intrusive retaining wall which has been formed along the length of the site and the circulation space required around the house. Although the wall and hedge are intended to be retained along the roadside, the face of the house will be no more than 3-4 metres from the hedging, its 15.5m length and 6-7m height dominating the boundary treatment and reducing the attraction and setting currently created by the wall and hedge. If the application is refused, then it is partially retrospective in relation to the retaining wall and this would need to be addressed in the overall discharge of the landscaping condition.

Although the agent has responded to these points and it is noted that the access and parking now occur to the rear without impact on the hedge and wall, the development removes the attractive green apron to the proposed Craigerne Coach House development from Edderston Road and provides both insufficient space for adequate replacement planting and creates a hard, congested and inappropriate setting. The final landscape treatment of this area has still to be agreed and should not be dictated by the achievement of a dwellinghouse on the ground.

The Landscape Architect opposes the proposal for the above reasons but also makes the point that due to the congested nature of the proposal and lack of garden ground around it, there would be increased pressure on the remaining and replacement TPO trees as a result, which will undermine the integrity and protection of the Tree Preservation Order.

Apart from the impacts on amenity, there are also issues of congestion and overdevelopment caused by the actual proposal on both the site and immediate surrounds itself and on the approved western wing of the Coach House development. Whilst the agent has sought to reference other plot ratios on modern developments elsewhere, none compare to this particular case where significant enlargement and development of Craigerne Coach House has already been allowed, partly on the basis of retention and augmentation of its landscaped and wooded grounds. To place a large house (over 200 square metres) on an intervening space of no more than 15m and within 5m of the new western gable of the Coach House would result in a congested and cramped visual relationship, to the detriment of the carefully design Coach House extension and the overall amenity of the area. The 5m separation between properties is further congested by the retaining wall, timber fencing and beech hedging. It is insufficient space without creating a strong impression of overdevelopment and congestion. Even if the house was proposed as a smaller single storey house, these impacts would still be considerable and considered inappropriate, the main restriction being the lack of depth of the site and the current house only being 6.5m deep - there is no further reduction possible in this respect.

The relationships of other existing houses to new houses referenced by the agent do not, in my opinion, create any compelling case for arguing that the relationship proposed at the application site is part of the general density or built fabric of the area. There is no accurate assessment of plot ratios on the other cases mentioned at Tantah Lodge or Craigmount and, in any case, both those cases involved retention of older houses to the site frontages where the relationship is already existing. The facts are that the relationship created by the proposal would represent overdevelopment and cramping both in terms of buildings to buildings and hard to soft buffer space and landscaping.

Impacts on residential amenity are not severe enough to warrant refusal of the application, the design of the proposed house limiting windows to the rear to ground floor level looking into the retaining wall. Three upper floor velux windows serve a bathroom and landing and there will be no significant detrimental impacts in this respect. In terms of the design of the house, however, there are improvements that could be made in terms of the fenestration which is dominantly horizontal in emphasis along the frontage. The dormers are oversized and the triple and quadruple window arrangements provide an inappropriate suburban form within the context of more vertical window patterns nearby and forming the character of the area. Had the application been acceptable in other respects, then there would have been further negotiation over the fenestration but, as it stands, the design represents a further reason to oppose the application, in line with Policies G1 and G7.

REASON FOR DECISION :

The application is contrary to Policies G1, G7 and NE4 of the Scottish Borders Consolidated Local Plan 2011 in that the proposed development will represent overdevelopment, and significant reduction, of an area of ground which is required for landscaped and wooded setting for the approved Craigerne Coach House development, resulting in an inappropriate congested appearance between the development and Edderston Road, providing insufficient space for new and replacement planting, undermining the retention of preserved trees and being out of character with the design of the Coach House development and the traditional houses in the area.

Recommendation: Refused

- 1 The application is contrary to Policies G1, G7 and NE4 of the Scottish Borders Consolidated Local Plan 2011 in that the proposed development would represent a cramped form of development, out of character with this part of Edderston Road. The proposed house would result in an overdevelopment and significant reduction, of an area of ground which is required for landscaped and wooded setting for the approved Craigerne Coach House development, resulting in an inappropriate congested appearance between the development and Edderston Road, providing insufficient space for new and replacement planting, undermining the retention of preserved trees and being out of character with the design of the Coach House development and the traditional houses in the area.

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

APPENDIX

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 16/00001/RREF

Planning Application Reference: 15/01034/FUL

Development Proposal: Erection of dwellinghouse

Location: Land west of Craigerne Coachhouse, Edderston Road, Peebles

Applicant: P Crippin

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice on the following grounds:

The application is contrary to Policies G1, G7 and NE4 of the Scottish Borders Consolidated Local Plan 2011 in that the proposed development would represent a cramped form of development, out of character with this part of Edderston Road. The proposed house would result in an overdevelopment and significant reduction, of an area of ground which is required for landscaped and wooded setting for the approved Craigerne Coachhouse development, resulting in an inappropriate congested appearance between the development and Edderston Road, providing insufficient space for new and replacement planting, undermining the retention of preserved trees and being out of character with the design of the Coachhouse development and the traditional houses in the area.

DEVELOPMENT PROPOSAL

The application relates to the erection of a house on land to the west of Craigerne Coachhouse in Peebles. The application drawings consisted of the following drawings :

Plan Type	Plan Reference No.
Planning Supporting Statement	
Site photographs	
Elevations	2014/12/104
Site Plan	2014/12/102A
Floor Plan	2014/12/103
Location Plan	2014/12/101

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 15th February 2016 that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review and accompanying papers; b) Decision Notice; c) Officer's Report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicants for a site inspection.

Within the Notice of Review it was noted that new material had been submitted. These were :

- 1) An artist's 3D sketch of the house showing its relationship with the Coachhouse and how it related to other features within the site. Although it was accepted that this sketch was not part of the application proposal and there seemed little reason as to why this had not been included within it, it was considered that this sketch provided useful information that was a material consideration for decision making purposes. Consequently Members decided it could be considered as part of the Review in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997.
- 2) New information had also been submitted by the appellants stating that the Coachhouse and the appeal site were now in separate ownership and consequently the planning condition attached to the Coachhouse consent which required landscaping to be carried out could not be applied to the appeal site. Members noted that when the appeal site application was submitted the owner, Glentress Homes, owned both the sites. It was assumed the new owner had only recently taken over the site, although the appellants' appeal statement did not state who the new owner was. Members decided that given it appeared the ownership had recently changed this information could not have been raised earlier and as material information to the decision making process could be considered as part of the Review in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and

(2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the consolidated Scottish Borders Local Plan 2011. The LRB considered that the most relevant of the listed policies were:

- Local Plan policies : G1, G7 and BE4

The proposed Local Development Plan 2013 had now been agreed by the Scottish Borders Council and is awaiting confirmation of adoption by Scottish Ministers. Reference was made to the corresponding policies within the proposed Plan. It was agreed that these corresponding policies within the proposed Plan did not raise any new material considerations in respect of this proposal.

Members noted that consent was initially granted for alterations and extensions to the Coachhouse which was a B listed building at the time. Works were carried out in an unauthorised manner and a retrospective application was submitted to rectify the deviations. The applicants then applied to have the building delisted. This was ultimately agreed by Historic Scotland and Members agreed that in essence this meant that any impacts on the Coachhouse could not now be considered in terms of it being a listed building.

The issue of ownership of the site was discussed and there was concern that there was no identification as to who the new owner of the site was, and that this apparent sale of the land allegedly prevented landscaping being carried out on the appeal site as desired by the planning case officer in terms of the existing Coachhouse consent. Debate ensued as to whether or not further information should be sought in order to confirm who the new owners of the land were. However, it was decided that this was not necessary and there was sufficient information for members to determine the proposal without this confirmation.

Members noted the relationship between the proposed house and the new western wing on the Coachhouse and raised no issues in terms of overlooking or any detrimental impacts on privacy or amenity.

Members noted that the planning officer and landscape architect had reservations regarding the physical practicalities of planting 5no proposed trees on the northern part of the site. It was noted that one of the proposed trees was to replace a mature tree covered by a Tree Preservation Order which had been removed. On this part of the site there is only some 6 to 7 metres between the proposed house and the mutual northern boundary and some services had also been installed in this area which would raise some conflict with tree root systems. This raised issues as to how successful the proposed landscaping would be. Reference had been made in the Council's landscape architect response to "BS5837 : 2012 - Trees in relation to design, demolition and constructions", and members accordingly considered this document. Members noted table A.1 within BS5837: 2012 which suggested safety distances new trees should be planted from services and buildings. Reference was made to future issues when the trees grew and that lopping or topping of trees may be required should the house be permitted in the location proposed. This would be a particular issue for the replacement TPO tree which should not be subject to measures which would prevent its natural growth. Members noted that the planning case officer stated that any tree planting should have been carried out first rather than the proposed house being built first which consequently dictated what landscaping may or may not be possible to be carried out.

The submitted site plan and photographs of the site were discussed in detail. Members considered that the proposal would represent a cramped form of development out of character with this part of Edderston Road and that it would detract from the setting, context and rural aspect of the Coachhouse. Some stated that even if the Coachhouse was not there they would still consider the proposal to be overdevelopment of the site.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed...Councillor R Smith
Chairman of the Local Review Body

Date...2nd March 2016