

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/00162/PPP

APPLICANT : Mr H. Armstrong

AGENT : RM Architecture Ltd

DEVELOPMENT : Erection of dwellinghouse and garage

LOCATION: Garden Ground Of Lindisfarne
The Loan
Gattonside
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
15-020/SD/001 B	Location Plan	Refused
	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

One representation has been received on behalf of one of the owners of the field and hedge to the west in which concerns are raised that the visibility splay shown will necessitate that their hedge would have to be cut to achieve the proposed sight line. It is not clear from the drawing as the hedge is not indicated. Further clarification is sought and a more detailed drawing showing how the sight line can be achieved without affecting their hedge

Consultations

Landscape Service: The revised plan shows a clear developable area outwith the recommended root protection area. Robert Gray's original tree report applied the root protection area from the existing TPO'd trees' stem diameter along the western boundary. While recommended removal of the mature Firs would have an impact, this species can become prone to failure in adverse conditions. Any new dwelling would pose a potential target for such failures.

Replacement of the Firs with a suitable species is required once removed, the applied RPA allows sufficient room for the replacements to establish and co-exist with a new dwelling. The protective fencing must be erected as a single line to agreed RPA distance prior to any development on site. Thereafter no storage of materials or disruption of ground within the RPA zone.

Detail is required on the screen planting, species, numbers, positions, sizes and maintenance schedule. Suggest that the existing hedge is reduced in height as a whole to accommodate the required visibility splay, as opposed to the plan showing it partially clipped. Cypress hedges would not respond too well to that type of pruning.

Community Council: No comments

Education and Lifelong Learning: Contributions of £3209 and £4512 required for Melrose Primary School and Earlston High School respectively

Gattonside Village Sub Planning Committee: No reply

Roads Planning Service: Made the following comments in response to the initial application submission:

They consider that the surrounding public road network is unsuitable to cater for any new build development at this proposed location. The main vehicular access to serve this site is via The Loan. This route is a very narrow, constrained and largely single file road, with restricted visibility sightlines in either direction due to buildings and walls bounding each side of the road. There is a sign at the bottom of this road stating that it is "unsuitable for heavy goods vehicles". The Loan is also very steep and winding, with very limited passing opportunities resulting in vehicles having to reverse when they meet. To compound their roads concerns even further, there is almost no on-street parking available on The Loan, and any parked cars make the route even more torturous than it currently is. All of these concerns are particularly relevant during inclement weather. Although there is an alternative, but significantly longer (secondary) access route to the west of the proposed site, it is not without its own roads issues. It is a single lane road with limited passing opportunities, and has numerous visibility impingements along its entire length. While the proposed passing opportunity associated with this application would result in some road safety gain for motorists using the public road in that vicinity, this would not help with the tortuous part of The Loan serving the bulk of the housing.

In the Planning Statement supporting this application, previous planning records are referred to. One is a fairly historic application for a new house at 'Wellbank' in The Loan. Of more relevance is the application for a house next door to 'Wellbank' at 'Springbank' in 2002. The RPS strongly recommended against the proposal expressing serious roads concerns and this view was supported by the (then) Head of Development Control. The application was approved by the Eildon Area Committee against officer's recommendation. The other applications referred to for new houses at 'Lower Greenwells' and opposite 'Abbotscroft' are of little significance, being served by different roads.

The Planning Statement also refers to observations of the Roads Planning Service on the application for a new vehicular access to serve 'Rosebrae' on The Loan. For that application, while expressing concern on the constrained nature of the road, they were able to support the proposal for a new access which had the potential to help with parking deficiencies in the vicinity. It was recognised that the constrained nature of the road helped enforce relatively slow traffic speeds, but there was no implication given that this would be justification for new housing served by the road.

The proposed new access driveway and parking/turning provision within the site meet requirements.

In summary, they recommend the application be refused in the interests of road safety.

The RPS have since reviewed, in detail, the submission of a traffic report (Access Appraisal April 2016 Andrew Carrie Traffic & Transportation Ltd). Their response to this specific report is noted in full below.

The Loan, when compared with certain aspects of the 'Designing Streets' manual, does have a few similarities, such as restricted visibility, slow speeds and restricted widths. However, when you investigate the design and geometry of The Loan in greater detail, significant road and safety deficiencies become evident. Gradients on The Loan vary between 1 in 6 and 1 in 9, which are considerably steeper than the recommended maximum gradient of 8% (1 in 12) as detailed in The 'National Roads Development Guide' which acts as the technical backup to 'Designing Streets'. Where gradients are steeper than 8%, the guide requires the provision of a handrail for pedestrians, but this cannot be provided on The Loan due to the boundary constraints of walls and buildings. While there are limited passing opportunities on The Loan, they are poorly located and are not inter-visible, resulting in vehicles having to reverse when they meet. This fundamental design flaw of not having inter-visible passing facilities on The Loan is quite disconcerting, and is a safety issue to both vehicular and pedestrian movements. Furthermore, any reversing manoeuvre is unsafe and does not conform to

current design requirements, particularly as the road is a shared space with pedestrians. To compound the gradient and poor inter-visibility as detailed above, there is a distinct lack of on-street parking. Any car that is parked, generally in the wider areas, creates enhanced difficulties to other users of this road as these areas are usually utilised as passing locations.

The Loan is very constrained with regards to road width, particularly as the boundaries are walls and properties, rather than the standard road kerb and/or verge. Its width varies between 2.8m and 4.1m along its length, with the average being around 3.1m, though at one particular pinch point it is reduced to 2.6m at road surface level. In the National Development Roads Guide the minimum recommended road width for vans is 3.0m, and for HGVs it is 3.4m. This minimum width applies to straight lengths of road while The Loan is curving in nature including at the pinch point. It should also be noted that the operation width required for a fire tender is 3.7m.

Although no swept path analysis has been carried out on the Loan, the provision of a road sign at the junction with the main road informing motorists that The Loan is "unsuitable for heavy goods vehicles" immediately warns HGV drivers that this route should not be used.

It should be noted, that during winter conditions many residents park their vehicles on the main road through Gattonside, as The Loan can be inaccessible during snowy and icy conditions, mainly with respect to its excessive gradient, constrained road width and lack of forward visibility. There is also clear evidence that a residential property located on the narrowest part of The Loan has been struck and damaged on several occasions by vehicles negotiating this part of the road.

The following comments relate specifically to the "top" secondary access route to the west of the application site. While they accept that some residents on the "top" road may on occasion use this access route, particularly if travelling towards the Galashiels area, the dominant access route will be via The Loan. The majority of the traffic and pedestrian movements will utilise The Loan as being the shortest and quickest way to all other destinations. Pedestrians must use The Loan to access the bus stops in Gattonside. The local footpath network into Melrose and the nearby riverside walks can only be accessed via The Loan. Furthermore, vehicles travelling east towards the A68 Trunk Road, south and west towards the A6091 and A7 Trunk Roads will use The Loan as the shortest and most direct route.

It should be noted that the holiday cottage development is located significantly further to the west than the proposed single house. Because of this, apart from vehicles travelling east towards the A68 Trunk Road who will use The Loan as their preferred route, all other destinations will be accessed by the shorter and quicker route to the west. It should also be noted that the holiday cottage development was a renovation of an existing farm steading which generated its own traffic, some of which would have accessed The Loan at that time. This traffic would have been taken into account when assessing the planning application for the farm steading development.

There are no recorded injury accidents on The Loan, as speeds are very low. However, there is a considerable amount of anecdotal evidence with regards to bumps and scrapes and damage to property which occurs on The Loan.

In summary, while 'Designing Streets' encourages slower traffic speeds by: use of narrow street widths; constrained geometry; and restricted forward visibility, such roads still have to be carefully designed so that, widths, forward visibility, passing and parking provision are all in sync and meet minimum standards. Acceptable gradients are equally important in particular where the road serves as a shared surface. The Loan does not meet these standards and they have to recommend against it serving further development. 'Designing Streets' is not a licence to deem all constrained roads as being fit for purpose.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2, PMD5, IS2, IS3, IS7, 1S9, EP3, EP4, EP13, HD3

SPG Guidance on Householder Development 2006; Placemaking and Design 2010; Trees and Development 2008; Landscape and Development 2008; Biodiversity 2005; Developer Contributions 2015

Recommendation by - Carlos Clarke (Lead Planning Officer) on 16th May 2016

Site and application description

This application seeks Planning Permission in Principle for a house on garden ground associated with a detached house (Lindisfarne) located at the northern end of Gattonside. It is below a single track public road to the north, with hedging along the roadside, trees within it and trees and hedging to the boundaries, and agricultural fields to west and south.

The application seeks consent in principle for a house, though is supported by an indicative house and garage layout served by a driveway leading from a new access and lay-by from the public road to the north.

Policy principle

The site is within the settlement boundary as identified in the Local Development Plan 2016. It has no allocations. Policy PMD5 principally applies, whereby the principle of infill development can be explored subject to meeting certain criteria. There would be no loss of open space of value, and the site has a roadside frontage. There would be no amenity conflict with neighbouring uses.

Developments must meet quality standards in Policy PMD2, including impacts on road safety, and this and other policies are covered in the following assessment.

Ecology

There are no ecological designations here or nearby. The loss of mature trees (see below) is limited to the removal of low height fruit trees and four conifer trees. The removal of the conifers is required due to their height and increasing falling potential, rather than the development itself. An informative on potential disturbance to bat habitat is considered appropriate in this case, as is guidance covering effects on potential bird nests.

Services

Contributions are required towards local schools and the Waverley Line. A legal agreement would be necessary to secure these contributions

Mains services are required in this settlement location. Here, public foul drainage and water supply connections are proposed. The applicant will need to ensure these (and a surface water drainage scheme), can be achieved without affecting trees or hedging to be retained (see below). A condition should seek to secure their protection. A condition would also be necessary to ensure Scottish Water confirm mains water and drainage connections, including surface water if required (unless achieved on site).

Neighbouring amenity

I would not expect that a sensitively designed two storey house in the general location proposed would affect neighbouring amenity in this location by way of daylight, privacy, sunlight or outlook loss. Care would be needed over windows facing Lindisfarne.

Siting, design and layout

This site is elevated above the village, but with a high hilly backdrop. A two storey house, set down from the road, in the general location and of the layout proposed, would sit fairly comfortably alongside the existing house. Though a preferred approach is usually to place houses fronting a roadside (with parking to the side or rear), here, in order to align with the existing house, it makes sense to set the house to face away from the road. It would be set lower than the road in this location, where hedging would partially screen views from the road. Provided the driveway can be swept into the site, with retaining walls discretely placed and

hedging used to frame the driveway, then it should be possible to design a house that complements the existing houses. The indicative plan proposed here suggests as much, though there is insufficient information on levels to confirm quite how the driveway will appear and how the house will sit. This can be covered at the detailed application stage.

Fruit trees within the site would be removed but their loss would have no significant visual impact on the public realm. Trees and hedging frame the site, and the more that can be retained the better for setting the development into the context. Hedging is to be retained to the north, though the drawing suggests it will be partially lowered to achieve visibility for the access. A tree survey (submitted at the pre-application stage) suggests trees to the west (which include trees protected by Tree Preservation Order) should be removed because of their height and risk of collapse. Smaller trees (not specified in the tree survey or plan submitted with this application) would be retained. This is agreeable as the indicative layout suggests new replacement planting can be achieved with room alongside the house footprint. This would re-establish the western boundary with more suitably sized trees. To the south, trees and hedging would be capable of being retained under the current proposal.

A condition can require a scheme showing only removal of the four conifers, with the remaining boundary trees retained and protected by fencing during the works, allowing only for the lowering of the roadside hedge (which should be reduced completely, and not partially clipped as proposed). It would be expected that an AMC application should account for the hedging and trees as part of the detailed layout.

Parking

The RPS accept the proposed site access and parking arrangements, which allow for parking and turning of two cars. The plan is relatively detailed, but a more thorough scheme would be necessary as part of a detailed application.

Visibility requirements on the east side would be achieved by lowering the hedge. To the west, the visibility splay appears to stray over the neighbouring property and I agree with the adjacent landowner that it is unclear how this may affect neighbouring hedging. The RPS was asked to look into this in detail and, following a further visit, they have confirmed to me that the visibility splay does not require any works over the neighbouring property in order to achieve and maintain it. It would not have been competent to impose a condition requiring provision of this splay since it would require that it be maintained in future over third party land. It appears, however, that this is not necessary.

Road capacity

The site is served by narrow single-track roads, both through the village (from the south-east on The Loan) and from the west. The RPS has clear concerns regarding the traffic implications of this development on the local road network.

The applicant's supporting statement originally submitted with the application refers to possible benefits to road safety, including rebuilding of the retaining structure that supports the road alongside the site. However, that is a matter that requires attention in any case, and will not be a net safety improvement to the road network itself. The proposal would also incorporate a passing place as part of the site access, but this will not be in a position that assists with passing problems on The Loan. The supporting statement also refers to previous cases for houses, alterations to existing houses and new parking spaces in the area. The Roads Planning Service has considered these. They point to the fact that the last house approved here was approved contrary to officer recommendation to refuse on road safety grounds. Of the applications referred to in the supporting case, none of these firmly support the case for a further house here. Any other benefits that may be realised (such as consolidating, to some extent, the settlement boundary at this point, for example), don't weigh significantly in favour of a development that would increase traffic on very poor, constrained roads.

The applicant was given the opportunity to respond to these concerns regarding the impact of the development on the road network. In response, a further report (Access Appraisal, April 2016 Andrew Carrie Traffic & Transportation Ltd) has been submitted in support of the application. Principally, the report

o acknowledges that The Loan has an historic layout which does not meet current design standards

- o contends that this would be a single house contributing an insignificant amount of traffic to the existing levels
- o identifies that a route to the west would also be attractive for residents, not just The Loan, where traffic would pass a recently consented holiday cottage development (nb this comprises 4 holiday cottages, not 2 houses and 2 holiday cottages as stated in the report)
- o identifies no recent accident history of note
- o contends that this would perhaps be the last house within the settlement built to use the Loan
- o refers to the changing policy position as regards road design, whereby a novel street design is advocated by Scottish Planning Policy, Designing Streets and the Council's SPG Placemaking and Design. The Loan is considered to be an example of such a street.

The RPS commented on this report (as noted above) and, in turn, the consultants have commented on the RPS comments (dated 18th May).

Having considered this report, the views of the RPS, and the response by the consultants to the RPS, I would account for the following key issues:

- o Consideration of this application must be treated on its own merits. The future prospects for further development that might use The Loan are not for assessment here, and it is not prudent to conclude with certainty that other infill opportunities will not become available.

o The RPS concludes that, while The Loan may have some similarities to the novel street design advocated by planning policy guidance, including Designing Streets (and the Council's Placemaking and Design guidance), The Loan does not meet even the relaxed standards that these current policies apply in several regards. Its key failing is its steepness. It also has limited passing opportunities, with restrictions on intervisibility. The result leads to unsafe reversing manoeuvres. There is also a lack of on-street parking, with cars that are parked adding to the difficulties for passing vehicles. The Loan is also constrained in width, and current signage indicates it is not suitable for HGVs. Even a novel street design that may be applied to a new development using 'Designing Streets' guidance must demonstrate it can safely accommodate larger vehicles, including refuse and emergency vehicles. The RPS notes that the average width of The Loan is less than that required for a fire tender. The road is particularly inaccessible during snowy and icy conditions due to these particular constraints as regards gradient, width and lack of forward visibility. I note the consultants accept that The Loan has constraints, but challenge the RPS's view as to their significance (including of HGVs which, they say, could come from the western route). They also point to the Monkswood road development as a comparison. That is, however, an established 1960s approval and I do not see it as a useful comparison with this development. This proposed development must be served by an appropriate route, and it is evident that The Loan has serious shortcomings. Its physical suitability for promoting any additional residential traffic must be questioned. The Loan may not be the only route to this site, and HGV drivers during construction may find the westerly route more appropriate, but it is not possible to rule out the potential that much of the traffic for this proposed house will use The Loan.

o As regards accident history, traffic speeds are very low, so the lack of recorded accidents is not surprising. The RPS contends, however, that there is significant anecdotal evidence, and some physical evidence, of damage to property along The Loan. I note the consultants acknowledge that passing locations and visibilities are not ideal, but that the absence of an injury record (and objections to this planning application) suggest there is no difficulty in this regard. I am unable to establish that either of these considerations point to The Loan being a suitable route on which to encourage any further traffic.

o The availability of the westerly route is acknowledged, albeit it has its own constraints as the RPS notes and the consultants appear to acknowledge. The consultants compare this site with a holiday cottage development at Gattonside Mains in likely use of the western route. Unlike the holiday cottage development, however (which I note will have transient occupants) this site is clearly closer to the village and it is arguable that traffic patterns for the two can be sufficiently comparable to be of significant value in this assessment. The RPS contends that, while the western route may be attractive for prospective residents who wish to travel west, the dominant access route will be The Loan. This is because it will be the shortest and quickest way to other destinations, including the bypass and A68. The RPS also notes that residents from the proposed house would have to use The Loan in order to access bus stops in the village. I note the consultants challenge this, consider that the quickest route is not necessarily the shortest and draw comparison to the holiday cottage development. I also acknowledge the fact that the availability of the alternative route is a key benefit to the development. However, I do share the RPS' view that much of the

vehicular traffic, and most of the pedestrian activity, for this development will likely use The Loan and that will lead to a net increase in traffic on a substandard road network used by both car drivers and pedestrians.

o This development would comprise a single house. Of itself, the level of traffic generated will, clearly, be relatively low particularly since the site has an alternative access route to the west as noted. However, both the RPS and the consultants acknowledge that The Loan has serious shortcomings that affect road and pedestrian safety. The RPS is firmly of the view that The Loan is simply not safe enough to endorse any further traffic, however limited, particularly to access a house proposed at the very top of the route. However limited, the net increase in traffic will increase the safety risk on a substandard road and this would run against the grain of Policy PMD2 which requires that there be "no adverse impact on road safety".

Ultimately, Policy PMD5 requires that infill developments be served by adequate access. As noted above, the RPS is content to endorse the access arrangement which would likely be achieved into the site itself. However, as noted, the access road network, particularly The Loan, is considered to be substandard. Policy PMD2 also requires that there are no adverse impacts on road safety, including but not limited to the site access. Accounting for the clear and unambiguous concerns of the RPS, it seems that additional development on The Loan, while in its current state, would not comply with Policy PMD2 as regards potential implications on road safety. Indeed, both road and pedestrian safety are likely to be compromised by adding further traffic onto The Loan as a consequence of the proposed development. I acknowledge the consultant's case with respect to the relatively limited extent of traffic that may be associated with this development. However, I would conclude that the risk to the safety of road users, including pedestrians, appears evident when we consider that this development will lead to extra traffic, however small, on what is clearly a substandard road shared by both cars and pedestrians.

REASON FOR DECISION :

The development would comply with the Local Development Plan 2016 in most respects, subject to conclusion of a legal agreement and schedule of conditions. However, the development would fail to comply with Policy PMD5(e) because the access leading to the site is not adequate. The development would also fail to comply with PMD2(q) because it would lead to an adverse impact on road safety. In particular, the development would lead to increased traffic on The Loan, which is significantly constrained as regards gradient, visibility and passing opportunities, and this increased traffic would lead to an unacceptable risk to the safety of vehicular drivers and pedestrians using the route. This conflict with the development plan is considered to be overriding in this case.

Recommendation: Refused

- 1 The development would fail to comply with Policy PMD5(e) of the Local Development Plan 2016 because it would not be served by adequate access and the implications of the development would potentially be detrimental to road and pedestrian safety
- 2 The development would fail to comply with Policy PMD2(q) of the Local Development Plan 2016 because it would lead to an adverse impact on road safety. In particular, the development would lead to increased traffic on The Loan, which is significantly constrained as regards gradient, visibility and passing opportunities, and this increased traffic would lead to an unacceptable risk to the safety of vehicular drivers and pedestrians using the route

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

