

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

26 MARCH 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 17/01709/FUL
OFFICER:	Carlos Clarke
WARD:	Galashiels and District
PROPOSAL:	Erection of four dwellinghouses
SITE:	Land east of Craigpark Court, Galashiels
APPLICANT:	Eildon Housing Association
AGENT:	Camerons Ltd

SITE DESCRIPTION

The site is located at the south-easterly end of, and to be accessed via, Craigpark Gardens, a well-established, albeit relatively modern, residential street. It comprises part of a residential development that is currently being constructed and is referred to as Craigpark Court. It is bound to the north-east by a wooded area (which includes some trees subject to Tree Preservation Order), and to the south-east and south-west by residential properties (which include a Category C Listed Building (The Manse)). As noted below, the site is subject to past and current planning applications for dwellinghouses totalling eleven detached and semi-detached units. To date, nine houses have been approved of which two (Plots 1 and 2) have been built.

PROPOSED DEVELOPMENT

This application seeks full planning consent for four houses within a pair of semi-detached buildings. These would be on the site of two detached house plots, consented under a previous approval (15/00832/FUL) as Plots 4 and 5. The proposed houses would be single-storey-and-attic on former Plot 4 and single-storey on former Plot 5. The house types are described as 4, 5 and 5A. The houses would be served by ten communal parking spaces within a turning head (revising the consented road layout). The ten spaces would serve the four houses and approved Plot 6.

This development would comprise four of what would then be a total of eleven houses. As noted, two of these have been built (plots 1 and 2). The remaining plots (3 and 6-9) are to be built by the applicants under the original planning consents (subject to the parking for Plot 6 being adjusted to accommodate this revised proposal).

PLANNING HISTORY

Relevant applications and consents include:

00/01119/FUL – Erection of ten dwellinghouses approved in October 2000

12/00811/FUL – Erection of three dwellinghouses (Plots 1-3) approved in June 2014

13/01109/FUL – Erection of six dwellinghouses (plots 4-9) – withdrawn

14/00412/FUL – Change of house type on Plot 3 and erection of four houses on plots 7-10 (renamed Plots 6-9) approved in February 2015

14/01227/FUL – Amendments to Plots 1 and 3 approved in December 2015

15/00832/FUL - Erection of two houses on Plots 4 and 5 approved in August 2016

17/01328/FUL – Erection of seven houses (replacing consented Plots 3 - 6) - withdrawn

17/01757/MOD75 - Modification of planning obligation pursuant to planning permissions 12/00811/FUL, 13/01109/FUL, 14/00412/FUL and 14/01227/FUL – currently being processed

REPRESENTATION SUMMARY

Representations on behalf of twelve households have been submitted. These are available to view in full on *Public Access*. A summary of the key objections is as follows:

- Clarification was sought on the type of house proposed for house type 5 because the site plan and drawing description differed (*note - this has since been corrected in the current site plan*)
- Insufficient information has been submitted to enable an informed view as to whether issues raised in response to 17/01328/FUL have been adequately addressed, if at all. There are only minor changes
- Neighbour notification was inadequate, and why were neighbours notified just before Christmas?
- The road is not capable of accommodating the extra traffic. The road has deteriorated since only two houses have been built and is already very busy and full of cars. Young children tend to play on the road (as there is no play area). The road was built in the 1970s for Craigpark Gardens only and a new access should have been considered for Craigpark Court.
- Council collection vehicles will not be able to gain access along the narrow road when cars inevitably park on it, and there is a lack of visitor parking. The ability of emergency services to access the site is questioned, and it is noted that no swept path analysis has been provided
- The density is objectionable. This proposal increases the number of occupants compared to the previous application. The Council previously concluded only ten houses should be built
- Impact on privacy
- Noise from residents
- Two bungalows would have been more amenable
- Effects on view and property values

APPLICANT'S SUPPORTING INFORMATION

The application is supported by a Planning Design Statement

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD2 Quality Standards
PMD3 Land Use Allocations
IS2 Developer Contributions

IS3 Developer Contributions Related to the Borders Railway
IS6 Road Adoption Standards
IS7 Parking Provision and Standards
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
EP1 International Nature Conservation Sites and Protected Species
EP7 Listed Buildings
EP13 Trees, Woodlands and Hedgerows
HD1 Affordable and Special Needs Housing
HD3 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy 2014
Designing Streets 2010
SPG Affordable Housing 2015
SPG Development Contributions 2011 (updated 2018)
SPG Trees and Development 2008
SPG Landscape and Development 2008
SPG Green Space 2009
SPG Placemaking and Design 2010
SPG Guidance on Householder Development 2006
SPG Waste Management 2015
SPG Designing out Crime in the Scottish Borders 2007

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: Confirmed that they have no objections to the proposal in principle. The site is already allocated in the Local Development Plan for 13 houses and the previous approval was for 9 houses so the level of this application is acceptable as regards overall traffic flows. Also noted that the parking level is acceptable in terms of numbers (10 spaces is suitable for 175% for five houses). However, in response to the original application submission, the RPS raised concerns regarding parking space positions relative to approved drainage (and that drainage proposals are inconsistent) and parking space positions hard up against Plots 3 and 6 and close to access/egress for Plot 5 (northern house).

Following subsequent submission of amendments to the parking proposals, the RPS raised a number of detailed issues with respect to boundary treatments, drainage and levels, though made no requests for amendments to the proposed layout. They also advise that technical approval before Roads Construction Consent is issued is required for all retaining walls adjacent the public road and that the site boundary does not include the full extent of access road which will need completed as part of this application.

Housing Strategy Officer: The project is identified in the Council's agreed Strategic Housing Investment Plan 2018/23, which was agreed by the Council in October 2017 and submitted to Scottish Ministers. The Scottish Government have agreed to grant-assist delivery of the project.

Landscape Architect: The revised proposal has reduced the potential conflict of building works with existing trees along the north side of, and outwith, the site. As long as a robust boundary fence is in place along the north boundary, on the line of the existing/previous fence, and protective fencing is erected as shown on the site plan around the Root Protection Area (RPA) of Tree 36 which is located just outside the east boundary of the site, the landscape architect is satisfied that the existing trees will be adequately protected from

possible damage to their RPA. A simple scheme of planting to the front gardens and common areas should be a condition of approval.

Archaeology Officer: There are no known implications

Statutory Consultees

Galashiels Community Council: No reply

Scottish Water: No reply

Other Consultees

None

KEY PLANNING ISSUES:

Whether or not the proposed development would comply with development plan policies and guidance, particularly with regard to density, design and layout; impact on residential amenity; and, impact on road and pedestrian safety, including whether the proposed development would be adequately served by the public road network and sufficient parking provision

ASSESSMENT OF APPLICATION:

Principle

The site is allocated for housing in the Local Development Plan 2016, with a capacity of 13 houses. The allocation includes the wooded area to the north, so comprises a larger site than that accommodating the eleven dwellings that would be developed if this application were consented. There are no known plans to develop the remainder of the allocation, albeit this development could potentially be extended into it in the future. However, no such proposal is for consideration here.

The main part of the allocation already has extant consents for nine dwellinghouses and access road. The site was also subject to consent for 10 houses granted in 2000, but not implemented. The principal issue here is whether the two additional units are acceptable as regards the impact of the development on the site and surrounding area. Aside from ensuring the additional units can be adequately serviced with parking and infrastructure (as considered below), the key considerations are whether the resulting eleven-house development would be visually sympathetic to the remainder of the development and surrounding area, and safeguard neighbouring amenity. These matters are considered in more detail further in this assessment, which is guided by other LDP policies and related supplementary guidance.

Trees

The LDP allocation requires that development account for trees subject to Tree Preservation Order. The application is not supported by a tree survey, and the information presented on the site plan with respect to trees is not sufficient in itself. However, a tree survey undertaken for earlier applications allows for an informed assessment. Trees subject to Tree Preservation Order will not be affected to the north, and our landscape architect is content that retention or replacement of an existing fence along the edge of the woodland here will protect trees during construction. To the east, the site layout accounts for a TPO'd tree outside the site and refers to protective fencing being used to safeguard it. A condition can

secure this, though it is noted that retaining walls and boundaries are shown within it, so it will be for the applicant to apply mitigation to limit any potential of root damage here, or adjust proposals at this point. It will also be necessary (as with the original consent 15/00832/FUL) to restrict future Permitted Development rights here to protect the roots of this tree.

Scale, density, design and layout

The houses are set in the same basic layout as the approved development, albeit incorporating semi-detached houses, rather than detached units. However, the layout and scale of the houses will fit with the existing and approved townscape. The areas of garden ground are not substantial, but neither are they out of sorts with the remainder of the development. The house types are similar to each other and, though they share few obvious characteristics with the other houses in the overall development, they do share some aspects (such as external cladding). Their scale, form, design and details, as well as external materials (which are specified in the design statement as being to reflect existing houses), will allow them to complement the other houses in the development. It should form a varied but cohesive grouping of houses that does not stray significantly from the character of Craigpark Gardens.

The four houses will generate more parking requirements than two houses and, as a result, the turning head is predominantly derived of parking. However, most parking will not be in view on approach from Craigpark Gardens and the frontages of all four plots will be free of parking. Despite that, the layout initially appeared overdeveloped, with parking very close to plots 3 and 6 in particular. The most recent layout has, however, relaxed the arrangements. The resulting layout is now acceptable, with a gap between parking and Plot 6, and parking alongside a blank wall and rear garden of Plot 3. The revised proposal does rely on an amendment to Plot 3 (approved under a separate consent) by handing that house type so it no longer has windows directly adjacent to the parking. This amendment can be agreed as non-material and, since it is within the applicant's control, its implementation can be sought by condition. A condition should also require fencing along the boundaries of plots 3 and 6 as this is necessary in order to achieve a buffer from communal parking. The fencing need not be higher than 1 metre beyond the frontage of Plot 6, and can be higher to the rear of both plots.

Level information suggests cut and fill across the site, with large retaining walls limited to the northern and southern areas where they have no real impact on the public realm. During the processing of the application, more indication of retaining wall and underbuilding requirements has been provided, suggesting walls are required between plots and that the northernmost plot will require steps wrapping the gable corner in order to access the rear garden. These works are all to the rear and provided the walls and associated boundary fencing tie neatly into the boundary wall behind, the visual effects will be reasonable. A full levels scheme will, in any case, be required as the plans and drawings are not comprehensive enough.

As regards boundary treatments, boundary walls are already established to the south-west and south-east. As regards other boundaries within the site, the proposals make vague reference to fencing, though a clearer scheme is required. Though there is a need to provide some screening and demarcation of communal parking spaces, this layout should otherwise be capable of being complemented by an appropriate fencing scheme and, therefore, a condition can cover this aspect.

The development will not adversely affect the setting of the nearby Listed Building to the south-west (Manse), or a Category C Listed church hall to the north-east, due to the location of the site and scale and siting of the dwellings.

Other requirements of Policy PMD2, such as energy efficiency and mobility, will be addressed by the Building Warrant process, however, the layout does not raise any particular concerns in these regards. There are also no planning-related concerns regarding safety and security. There are limitations on future adaptability of the buildings, because of the potential implications for neighbouring amenity (as noted below), but this is not an overriding concern, given the need to safeguard the amenity of existing properties.

Neighbouring amenity

The proposals demonstrate that clear efforts have been made on the part of the applicants to reduce effects of the development on neighbouring amenity, with limitations on window positions, single-storey houses on former plot 5, and no windows at all applied to the rear of the northernmost plot (5A). Rooflights within that house will direct light to the ground floor only. In terms of privacy, having accounted for distances, levels, siting and orientation of existing and proposed houses, our SPG and existing obstructions to view, the proposals are agreeable. As noted above, due to level changes, it is unfortunate that the plot 5A requires steps and underbuilding but the arrangement will largely be functional, and planting will filter views from the neighbour behind. The overall proposal should be subject to planting being provided along the entire south-eastern boundary to filter views as well as controls over Permitted Development rights (due to the proximity to the neighbouring properties and number of dwellinghouses now proposed) and rooflight heights above floor level.

As regards daylight and sunlight, the applicant has submitted sectional drawings which are of some assistance in making a judgement as regards potential light loss. However, accounting for these as well as known level differences, house types, distances and existing light obstructions, the proposals should not have any significant effect on light levels for neighbouring properties such that their amenity would be seriously compromised. Similarly, though the proposals will have some bearing on outlook from neighbouring properties, the potential effects will not be seriously adverse.

Effects on views and property values are not material planning considerations. Potential noise from normal residential use of the proposed houses is not going to be inappropriate for what is a residential area.

Access and Parking

The LDP allocation refers to the preference for vehicular access to be taken from Craigpark Gardens, as is proposed here. The connection into Craigpark Gardens has already been consented for nine dwellinghouses. This proposal would add two further houses, and modify the approved turning head. However, the Roads Planning Service has advised that the number of dwellinghouses now proposed is not a concern. The road leading to this site already has planning consent, and the RPS raise no concerns with respect to its capacity to accommodate the level of traffic likely to be generated, or its capacity for refuse or emergency vehicles. This proposal modifies only the turning head at the end to accommodate communal parking. The RPS has noted that the site boundary does not include the full extent of the access road leading to the site. Its completion, however, can be secured by a condition as it falls within the applicant's control, albeit outside the site boundary.

The number of spaces proposed complies with LDP standards. The communal arrangement did, however, generate some concerns at how the parking spaces relate to the houses. As noted above, the layout has been revised and now provides better spacing between them and neighbouring plots. The amended road and parking layout is acceptable overall as regards RPS requirements, subject to conditions. All spaces will be sized to meet standards,

and detailed levels will be considered by planning condition. The RPS also has control over the road specifications via the Roads Construction Consent, though this proposal appears to be fundamentally agreeable.

Services

Public foul drainage and water supply connections are proposed. A condition is necessary to ensure the connections will be provided. This will satisfy Policy IS9.

As regards surface water drainage, the layout is supported by an indicative drainage plan that shows the use of filter drains before connection with an existing drain (for onward disposal to mains sewer). The scheme is, therefore, SUDs-based providing at least one level of treatment. The proposal will also be designed to maintain pre-development run-off rates. The communal parking spaces will not be porous (due to level issues) but they will be surfaced in non-porous blocks. Following submission of further information, the RPS has advised that the proposal is agreeable, and that only details are likely to be changed at the RCC stage. On this basis, the proposal is agreeable. It will be for the RCC, Building Warrant and Scottish Water adoption processes to be concerned with the scheme's engineering details.

Affordable Housing and development contributions

The applicants are a Registered Social Landlord and the site is earmarked for affordable housing in the Strategic Housing Investment Plan. The applicants intend to operate all but one of the eleven units as affordable housing. On the basis that the four proposed houses are managed and occupied for the purposes of affordable housing, then this will satisfy Policy HD1, and will exempt the development from contributions due under Policies IS2 and IS3. A condition can be imposed to this effect.

Affordable housing developments are not exempt from contributions for green space. In this case, because the development would exceed ten units overall, this will require a contribution towards play space. The site is too small to require a play area on site when applying current planning policies and guidance. As nine units have already been approved, a financial contribution to off-site play space would apply to the two additional units. A legal agreement will be necessary to secure these contributions.

Archaeology

No archaeological mitigation is required.

Ecology

The site is not designated and is already subject to development. No tree removal is proposed. There are, therefore, no notable ecological implications.

Waste

Supplementary Planning Guidance on Waste Management requires that developments adequately accommodate bin storage. This proposal provides for storage for two bins within each plot behind their frontages.

Neighbour Notification

Notification of neighbours was carried out in accordance with the Development Management Procedure (Scotland) Regulations 2013, requiring notification of neighbouring properties

within 20 metres of the application site. There is no requirement to notify any further properties, albeit all representations on behalf of any property that are submitted and raise valid planning objections are considered. The fact notification occurred just before Christmas is due to timing of the application submission.

CONCLUSION

The proposed development will provide affordable housing within a consented housing development. The number of units exceeds that which was originally approved, and the resulting layout has proven a challenge in terms of fitting it comfortably with other plots, in a way which also maintains neighbouring amenity to a reasonable level. However, following amendments, the layout, design and density of the houses and their gardens suggest they will reasonably sympathetically relate to the remainder of the development and the surrounding area. Subject to conditions, the development will not have a significantly adverse effect on the amenity of neighbouring properties. The development will also be adequately served by the existing access road and proposed parking, and there are no known issues with respect to mains services. Subject to a legal agreement and compliance with the schedule of conditions, therefore, 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 BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement and the following conditions and informatives:

1. All approved residential units shall meet the definition of "affordable housing" as set out in the adopted Local Development Plan 2016 and Supplementary Planning Guidance "Affordable Housing" 2015 and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority prior to development commencing.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools and the reinstatement of the Borders Railway.
2. No development shall commence until a protective fence is erected in accordance with BS5837:12 alongside the tree to the east of Plot 4, as identified on the approved site plan, and the fence shall not be removed until all construction activities on site are fully complete. The existing fence along the northern boundary of Plot 5A shall be retained (or reinstated before works commence) until after construction works are complete. There shall be no construction works, including storage of plant or machinery or provision of retaining walls/boundary treatments (notwithstanding the approved site plan) within the protected areas unless construction details of such works have been submitted to and approved by the Planning Authority, and there shall be no services installed unless compliant with National Joint Utilities Group Guidelines.
Reason: To safeguard trees of value adjoining the site, including trees subject to Tree Preservation Order
3. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage services shall be made available to serve the development, and until a surface water drainage connection to the mains has been approved, and the means of maintenance of the surface water drainage scheme have been submitted to and agreed with the Planning Authority. The development shall

be serviced by a surface water drainage scheme based on the indicative proposals on drawing 9307 L(52)001 B and existing pre-development run-off rates from the site during and after construction shall be maintained. All services shall be operational prior to the occupancy of any dwellinghouse hereby approved.

Reason: To ensure the development can be adequately serviced, without flood risk to other properties

4. No development shall commence until specifications (and samples where required by the Planning Authority) of all materials for the parking spaces, paths, house roofs, external walls, basecourses and retaining walls have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved specifications.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

5. No development shall commence unless in accordance with a scheme of ground, house and road/parking area levels that has been submitted to and approved by the Planning Authority. The scheme shall be related to an off-site datum and shall include existing and proposed levels throughout the application site. The development shall be carried out in accordance with the approved scheme.

Reason: Further information is required regarding finished house and site levels to ensure the development is visually sympathetic and acceptable as regards road safety

6. No development shall take place except in strict accordance with a scheme of landscaping works, which shall first be submitted to and approved in writing by the planning authority. The scheme of works shall include:

- a) details of new fences/walls, their route, height, design and materials (notwithstanding references on the approved site plan)
- b) schedule of planting, including screen planting for the easterly boundary, to comprise location, species, plant sizes and proposed numbers/density
- c) programme for completion (including timescale for fencing alongside parking spaces and all planting) 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 and to mitigate effects of the development on the privacy of adjacent properties

7. No dwellinghouse shall be occupied until the road serving the development leading from Craigpark Gardens and the road and parking layout approved under this consent have been completed in accordance with the Council's adoptable standards and until bin stances specified on the approved site plan have been provided. The layout shall accord with the approved site plan and the development shall only be implemented and occupied where the development of Plot 3 has been implemented in accordance with the same site plan

Reason: To ensure each dwellinghouse can be adequately serviced by road, parking and bin storage provision, and that parking arrangements relate sympathetically to the adjacent approved development

8. Notwithstanding the General Permitted Development (Scotland) Order 1992 (as amended 2011 or any subsequent revision or replacement of the Order) there shall be no development involving excavations to finished ground levels within the hatched area identified on the approved plan, and there shall be no extension, enlargement or other external alteration of the dwellinghouses, and no outbuilding, deck or other raised platform erected within the curtilage of any dwellinghouse without a planning application having first been submitted to and approved by the Planning Authority

Reason: To minimise risk of damage to the roots of a protected tree and minimise risk to the amenity of neighbouring properties

9. All rooflights identified on the plans and elevational drawings approved under this consent located on the easterly-facing (rear) roof slopes shall be set a minimum of 1.8 metres above the internal floor level to which they relate

Reason: To safeguard the privacy of adjacent properties

Informatives

The Council's Technical Approval (Roads Planning Service) shall be required for all retaining walls adjacent to the public road

An amended Road Construction Consent will be required for the site. This must include amendments to the lighting, drainage and road layouts and details

DRAWING NUMBERS

9307 L(52)001 B Indicative surface water drainage proposals

9307 L(2-)002 G Proposed site plan

9307 L(2-)004 E House Type 5A

9307 L(2-)005 B House Type 5

9307 L(2-)006 C House Type 4

9307 L(2-)008 D Site Sections

9307 L(2-)009 B Proposed Site Sections

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Carlos Clarke	Team Leader Development Management



17/01709/FUL

Land East Of Craigpark Court
Galashiels

