

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01617/PPP
APPLICANT : Mr And Mrs A Matthew
AGENT :
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land North West Of The Gables
Gattonside
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1	Location Plan	Refused
2	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 8

SUMMARY OF REPRESENTATIONS:

Seven representations have been received raising the following planning issues:

- o Priors Road, onto which the property would exit, is an unadopted, narrow private lane. The proposal would increase traffic on this lane and exiting onto the very dangerous blind corner of the B6360. More traffic would be an accident risk or increase the burden on the Loan to the west.
- o There is a house to be built adjacent Abbotscroft and new houses built at the top of Priors Road and the Loan, which would add to the traffic.
- o There have always been problems meeting cars coming onto Priors Road off the B6360 and there are no passing places.
- o Priors Road is in a poor state of repair and would suffer further with construction vehicles, for which it is totally unsuited. Access is already an issue for delivery lorries and there is no access for bin lorries.
- o The alternative access to the B6360 proposed via the Loan should not be encouraged as this is already a dangerous road with blind corners, sharp bends and steep gradient.
- o The tree at the junction of Priors Road and the B6360 should be protected.
- o The Conservation Area and rural setting would be diminished by the erection of another large dwelling on a small site. Any dwellinghouse should be single storey.

- o Loss of amenity due to the loss of open space within the Conservation Area and adjacent to the Listed Building.
- o Loss of privacy.

CONSULTATIONS:

Roads Planning Service: I am unable to support this application on the grounds of road safety.

The junction of the private road (Priors Road) serving the site and the B6360 is not suitable for additional traffic. The acute angle at which Priors Road joins the B6360 means that any vehicle making a left turn in has to utilise the opposite lane to make the manoeuvre in a single movement. This geometry combined with the width of the junction and private road means that vehicles cannot pass in the junction area or on the initial length of road. This means that when a driver is coming out of Priors Road and another driver is trying to enter, the main road driver is stranded, possibly having to reverse to allow the Priors Road driver out. Alternatively, the main road driver has to wait while the Priors Road driver attempts to reverse around the tight 90 degrees bend. This situation is exacerbated by the steep gradient of Priors Road in the junction area and excessive amount of loose road material and uneven nature of the surface. Furthermore, junction visibility where Priors Road joins the B6360 is slightly below standard.

Priors Road itself, between the B6360 and The Loan, suffers from poor construction make-up, tight geometry, lack of width combined with limited forward visibility, inadequate passing provision, absence of on-street parking and inadequate street lighting.

The junction of the road serving the site and The Loan is substandard in geometry meaning that a left turn out of Priors Road or a right turn in is extremely difficult.

All matters considered, I am unable to support further development served by Priors Road and recommend this application be refused in the interests of road safety.

Melrose Community Council: Additional traffic on these already congested lanes may have a detrimental effect on existing residents.

Director of Education and Lifelong Learning: The proposed development is within the catchment area for Melrose Grammar and Earlston High School. A contribution of £2,438 is sought for the Primary School and £3,428 is sought for the High School, making a total contribution of £5,866.

Landscape Architect: The site is garden ground of The Gables and there are quite a number of trees along the west, north and east boundaries in the northern half of the site, as well as trees in other locations in the southern half. A number of conifers have been recently granted permission to be felled along the west boundary and the south boundary, and this work has been carried out. The site lies within the Gattonside Conservation Area.

Before an assessment of the proposal can be made, a tree survey should be undertaken by a competent arboriculturalist to BS 5837:2012 to establish whether there is adequate area to allow a dwellinghouse to be built, i.e. to establish the developable area of the site, including access and service runs.

Once we have the requested tree survey information we will be better able to assess the impact of the proposal

Archaeology Officer: There are no known implications for this proposal. However, the location is within an area of some archaeological sensitivity. Gattonside formerly had a medieval grange linked to Melrose Abbey. The remains of a supposed 'castle' were identified near Springbank House to the north-west in the 18th or 19th century. This may partly have been the remains of the grange. Its extent is unknown, and it may have extended further to the south into Gattonside.

I do not anticipate related archaeology being present on this development site. However for the sake of precaution on the basis of the above evidence I recommend an informative.

Principal Officer (Heritage and Design): The application site lies within the Gattonside Conservation Area but is located away from the main street. The land appears not to have been developed before (nothing evident on the first OS mapping) and appears have been used previously as "orchard" land. The site lies adjacent to the category B listed The Rig, designed by Peter Womersley.

I consider that there is some scope for residential development on this site which would not adversely impact on the character and appearance of the Conservation Area. Care would be needed in terms of the positioning within the site, scale and massing of any house to ensure that this does not have an adverse impact on the setting of the important Womersley designed house to the west; this may suggest that a single storey house may be more appropriate.

No objections to the principle of development on this site, but there would need to be a series of appropriate conditions to cover the detailed design, including siting, scale, mass and external materials.

APPLICANT'S SUPPORTING INFORMATION:

- o The road is a private road with access onto the B6350, used in both directions with limited passing places. There have been no accidents on this road or at the junction in the last 50 years or problems with delivery vehicles.

- o The road is used by 7 or 8 properties and by other village users and so it is not possible to calculate the actual numbers of vehicles using the road. This number has fluctuated over the years. An estimate would be 16 or more cars and also service and maintenance vehicles including the post van, delivery vans and the road is no narrower than other roads within the village. Other vehicles use the road from further up the village when going east as the access here into the B6350 is most convenient.

- o Planning permission has been granted for a site on Priors Road and to convert a garage into ancillary residential accommodation, adding to this traffic. Therefore the principle of the development has been accepted by the Council.

- o Other developments have been constructed in the area without causing restrictions on the use of the road or problems to road users.

- o In terms of the access into Priors Road from the B6350, the approach from Leaderfoot provides no apparent problems whilst the approach from Galashiels through the village does require the use of the whole road to turn but there is open sight of any approaching vehicle from Leaderfoot. There is also an alternative access using the Loan.

- o Photos have been provided showing the access from Priors Road onto the B6350. These show unlimited views of approaching vehicles from Leaderfoot and cars are visible from 55m from the Galashiels direction. The junction is within the 30 mph limit and the estimated stopping distance would be 23m.

- o This is the last viable development site in Priors Road.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards

PMD5: infill Development

HD3: Protection of Residential Amenity

EP4: National Scenic Areas

EP8: Archaeology

EP9: Conservation Areas

EP13: Trees, Woodland and Hedgerows

IS2: Developer Contributions

IS3: Developer Contributions Related to the Borders Railway
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development 2008

Recommendation by - Julie Hayward (Lead Planning Officer) on 19th January 2018

Site and Proposal

The site is garden ground belonging to the Gables, a single and one-and-a-half storey dwellinghouse situated within the Development Boundary and Conservation Area of Gattonside. The plot is situated to the north of Priors Road, a narrow, private road with a junction onto the B6360 to the south east. The site is above the level of the private road with a wall and hedge on the road boundary. The site slopes up to the north and is laid to grass and there are mature trees within it.

There are two dwellinghouses on the southern side of the private road, Abbotscroft, a two storey stone and slate dwellinghouse, and Pear Tree Cottage, a one-and-a-half storey dwellinghouse with rendered walls and a slate roof. The Rig, a category B Listed Building is to the west; this was designed by Peter Womersley and is a modernist, flat roof building designed as a home and office and built in 1957.

The proposal is to erect a single or one-and-a-half storey dwellinghouse with a garage on the site. The application form states that this would be a chalet style modern house with brick, blockwork and timber walls, depending on the design, and a slate roof. The existing access serving the Gables would be widened to provide a shared access. The indicative site plan shows the dwellinghouse towards the rear of the site.

Planning History

There is no planning history for this site.

Planning Policy

The site is within the Development Boundary for Gattonside and so must be assessed against policy PMD5. Within Development Boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met. These criteria will be assessed within this report.

One criterion is that the proposal should not conflict with the established land use of the area. In this case, the surrounding area is residential in character and so the proposed development of the site to provide a dwellinghouse would be in keeping with this part of Gattonside.

Siting, Layout and Design

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 policy contains a number of standards that would apply to all development. Policy PMD5 requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming; the proposal should not detract from the character and amenity of the surrounding area.

The site is within a residential area characterised by predominantly detached dwellinghouses set within large plots, single, one-and-a-half and two storey in height and render and stone walls and slate roofs. Most properties have a road frontage but there is no defined building line.

The site is part of the garden ground of the Gables. It is considered to be large enough to accommodate a dwellinghouse, access, parking and garden ground whilst ensuring that adequate garden ground remains for the Gables. The proposal would not constitute an overdevelopment of the site.

As this is a Planning Permission in Principle application no details of the design have been submitted and full consideration of the design and materials would be required at the Approval of Matters Specified in Conditions stage to ensure the proposal would be of a high quality of design and materials to reflect the character of the area and safeguard the character and appearance of the Conservation Area.

The Council's Principal Officer (Heritage and Design) advises that care would be needed in terms of the siting, scale and massing of the proposed house to ensure that this does not have an adverse impact on the setting of the important Womersley designed house to the west (the Rig); he suggests that a single storey house would be more appropriate than a one-and-a-half storey house.

It should be a condition of any approval that the roadside hedge and wall is retained, as this provides a degree of screening and appropriate means of enclosure that contributes towards the character of the Conservation Area.

Impact on the Conservation Area, National Scenic Area and Visual Amenities of the Area

The site is within the Gattonside Conservation Area but is well screened by existing houses and mature trees. Details of the design and materials of the dwellinghouse would be agreed at the Approval of Matters Specified in Conditions stage. It is considered that with appropriate siting, design and materials the proposal would not harm the character and appearance of the Conservation Area or the visual amenities of the area.

The site is within an existing settlement and so the proposal would not affect the special qualities of the National Scenic Area.

Access and Parking

Policy PMD2 requires that there is no adverse impact on road safety. Policy PMD5 requires that adequate access and servicing can be achieved. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The site would share an access with the Gables from Priors Road and there would be sufficient space within the site to park and turn two cars. Policy IS7 is satisfied.

The Roads Planning Service objects to the application on road safety grounds. In their view, the junction of the private road (Priors Road) serving the site and the B6360 is not suitable for additional traffic. The acute angle at which Priors Road joins the B6360 means that any vehicle making a left turn in has to utilise the opposite lane to make the manoeuvre in a single movement. This geometry combined with the width of the junction and private road means that vehicles cannot pass in the junction area or on the initial length of road. This means that when a driver is coming out of Priors Road and another driver is trying to enter, the main road driver is stranded, possibly having to reverse to allow the Priors Road driver out. Alternatively, the main road driver has to wait while the Priors Road driver attempts to reverse around the tight 90 degrees bend. This situation is exacerbated by the steep gradient of Priors Road in the junction area and excessive amount of loose road material and uneven nature of the surface. Furthermore, junction visibility where Priors Road joins the B6360 is slightly below standard.

Priors Road itself, between the B6360 and The Loan, suffers from poor construction make-up, tight geometry, lack of width combined with limited forward visibility, inadequate passing provision, absence of on-street parking and inadequate street lighting. In addition, the junction of the road serving the site and The Loan is substandard in geometry meaning that a left turn out of Priors Road or a right turn in is extremely difficult.

Concerns have also been raised by local residents and the inadequacy of the private road and junction to cater for additional traffic.

Planning permission (17/00680/FUL) was granted for the erection of a dwellinghouse on a site adjacent to Abbotsford, to the south east of this application site. The Roads Planning Service expressed concerns regarding this application:

"The private road is narrow with limited forward visibility at several locations due to the proximity of the existing buildings. These buildings also limit the passing opportunities along this road and it is likely that it acts as an informal one-way system. The junction with the B6360 is constrained in terms of geometry, surfacing and visibility. Furthermore, vehicles turning left into the junction can only do so using the full width of the B6360 and/or several manoeuvres. As such, I would not normally support another dwelling served by this private road including its junction with the B6360."

However, the site has a long history, with planning permission having been granted for a house on the site in 1989, 1998 (98/00240/OUT), 2007 (06/00223/OUT) and 2010 (10/00491/AMC), and the Roads Planning Service felt there were no grounds to object to the proposal as the principle of residential development on the site had already been established.

The concerns of the Roads Planning Service and local residents are accepted. As this is a narrow, private road the applicant would not be able to provide the necessary upgrading works that would overcome these concerns.

The circumstances relating to the site to the south east do not apply to this current site, as there are no previous approvals. Policies PMD2 and PMD5 require an adequate access and no adverse impact on road safety. It has not been adequately demonstrated that the site can safely be accessed without adversely affecting other road users, both on Priors Road and on the B6360, and so the application is recommended for refusal.

Trees

Policy EP13 seeks the protection of trees and hedgerows. There are a number of mature trees along the west, north and east boundaries in the northern half of the site, as well as trees in other locations in the southern half. A number of conifers have been recently granted permission to be felled along the west boundary and the south boundary, and this work has been carried out.

The Council's Landscape Architect advises that before an assessment of the proposal can be carried out, a tree survey is required to establish whether there is adequate area to allow a dwellinghouse to be built. This would identify the developable area of the site outwith the root protection areas of the trees. It would also investigate the impact of services and drainage on these trees.

The applicant has not been requested to submit a detailed tree survey, as this Department is unable to support the proposal for the road safety reasons discussed above. However, any detailed application for this site should be accompanied by a tree survey to enable a full assessment of the impact of the development on the trees to be carried out and to inform the site layout.

Impact on Residential Amenities

Policy PMD5 states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. 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 developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The site is large enough to set the proposed dwellinghouse back so that it would have no adverse impact on Pear Tree Cottage and Abbotscroft. The Rig has large window in the side elevation adjacent to the side boundary, which is defined by a low post and rail fence. The indicative site plan shows the proposed dwellinghouse set back beyond the Rig, which would ensure that there is no impact on this property,

including its setting, but this siting would have to take into account the position and root protection areas of trees within the site.

Careful siting of the house and placing of windows at the detailed application stage and adequate boundary treatment would ensure that no loss of light or privacy occurs to occupants of neighbouring properties.

Archaeology

Policy EP8 states that development proposals which will adversely affect local archaeological assets will only be permitted if it can be demonstrated that the benefits of the proposal outweigh the heritage value of the asset. All proposals that adversely affect such an asset must include an acceptable mitigation strategy.

The Council's Archaeology Officer advises that there are no known implications for this proposal. However, the location is within an area of some archaeological sensitivity. He does not anticipate related archaeology being present on this development site. However for the sake of precaution on the basis of the consultation response, an informative is recommended.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new development would be a direct connection to the public sewerage system.

The application form states that drainage would be to the public sewer and the water supply would be from the public supply. A condition would secure details of the water supply and foul and surface water drainage at the Approval of Matters Specified in Conditions application stage.

Developer Contributions

Financial contributions, in compliance with policies IS2 and IS3, are required in respect of education (Melrose Grammar School and Earlston High School) and the Borders railway. These would be secured by a legal agreement.

REASON FOR DECISION :

It is considered that the proposed development would not comply with policies PMD2 and, PMD5 of the Local Development Plan 2016 in that adequate access to the site cannot be achieved resulting in an adverse impact on road safety, for the following reasons:

- o The junction of the private road (Priors Road), serving the site and the B6360 is not suitable for additional traffic due to the acute angle at which Priors Road joins the B6360, its width, steep gradient, visibility, loose material and uneven surface making it difficult for vehicles enter and exit the junction and for each other to pass at the junction.
- o Priors Road itself, between the B6360 and The Loan, suffers from poor construction make-up, tight geometry, lack of width combined with limited forward visibility, inadequate passing provision, absence of on-street parking and inadequate street lighting.
- o The junction of the road serving the site and The Loan is substandard in geometry making a left turn out of Priors Road or a right turn in extremely difficult.

Other material considerations do not outweigh these conflicts with policy

Recommendation: Refused

- 0 It is considered that the proposed development would be contrary to policies PMD2 and, PMD5 of the Local Development Plan 2016 in that adequate access to the site cannot be achieved resulting in an adverse impact on road safety, for the following reasons:

- o The junction of the private road (Priors Road), serving the site and the B6360 is not suitable for additional traffic due to the acute angle at which Priors Road joins the B6360, its width, steep gradient, visibility, loose material and uneven surface making it difficult for vehicles enter and exit the junction and for each other to pass at the junction.
- o Priors Road itself, between the B6360 and The Loan, suffers from poor construction make-up, tight geometry, lack of width combined with limited forward visibility, inadequate passing provision, absence of on-street parking and inadequate street lighting.
- o The junction of the road serving the site and The Loan is substandard in geometry making a left turn out of Priors Road or a right turn in extremely difficult.

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