

Local Review Reference: 15/00008/RCOND

Planning Application Reference: 15/00111/FUL

Development Proposal: Erection of boundary fence and garden shed
(retrospective)

Location: 1 Old Mill Cottages West Linton

Applicant: Mr Ronnie Wells

SESPLAN

None applicable.

CONSOLIDATED SCOTTISH BORDERS LOCAL PLAN 2011:

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
11. it provides for recycling, re-using and composting waste where appropriate,

12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
14. it incorporates, where required, access for those with mobility difficulties,
15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

POLICY G4 - FLOODING

As a general principle, new development should be located in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of floodplains to convey and store floodwater should be protected.

Proposals for the development of land where there is evidence of flood risk that has been the result of unanticipated planning applications, historical land use allocations or the emergence of new information on flood risk, must give consideration to ensure any such risk is managed in accordance with the principles set out in the Risk Framework provided in the Scottish Planning Policy (SPP) or any subsequent government guidance which supersedes it.

In particular, within certain defined risk categories, particularly where the risk is greater than 0.5% annual flooding probability or 1 in 200 year flood risk, which will normally be the case for functional flood plains, some forms of development will generally not be acceptable. These include:

1. Development comprising essential civil infrastructure including schools, emergency services and telecommunications;
2. Additional built development in sparsely developed areas.

Other forms of development will be subject to an assessment of the risk and mitigation measures.

Developers will be required to provide, including if necessary at outline stage:

1. A competent flood risk assessment and/or drainage assessment in support of the application; and
2. A report of the measures that are proposed to prevent and minimise the flood risk.

The information used to assess the acceptability of development will include:

1. Information and advice from consultation with SEPA and where appropriate, the Flood Liaison and Advice Group;
2. Flood risk maps provided by SEPA including, when available, the second generation flood maps which will indicate the extent of the flood plain;
3. Historical records and flood studies held by the Council and other agencies, including past flood risk assessment reports carried out by consultants and associated comments from SEPA, held by the Council.

POLICY BE1 - LISTED BUILDINGS

1. The Council will support development proposals that protect, maintain, and enhance active use and conservation of Listed Buildings.
2. All Listed Buildings contained in the statutory list of Buildings of Special Architectural or Historic Interest will be protected against all works which would have a detrimental effect on their listed character, integrity or setting.
3. Internal or external alterations and extensions to Listed Buildings, or new developments within their curtilage, must meet the following criteria:
 - i) must be of the highest quality,
 - ii) must respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design,
 - iii) must maintain, and should preferably enhance, the special architectural or historic quality of the building,
 - iv) must demonstrate an understanding of the building's significance.Applications for Listed Building Consent or applications affecting the setting of Listed Buildings may be required to be supported by Design Statements.
4. New development that adversely affects the setting of a Listed Building will not be permitted.
5. The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.
6. Decisions on proposals for any alterations or demolition of a Listed Building will be made in accordance with the advice contained within the Scottish Historic Environment Policy (SHEP) produced by Historic Scotland and in consultation with the appropriate heritage bodies.

POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.