

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01734/PPP
APPLICANT : Susan Aitchison
AGENT :
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land South West Of 1 Hill Terrace
Stow
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 10

SUMMARY OF REPRESENTATIONS:

Ten objections from nine households have been submitted. The main issues raised are, in basic summary:

- o The road is unadopted and in very poor condition which will be made worse by construction vehicles, for which it is unsuitable. There is a lack of responsibility for maintenance. The road was damaged when the existing house was built previously. If this house is approved, the road should be fully repaired from top to bottom
- o The road junction has impaired vision and there have been collisions near this access point previously
- o The road is used by pedestrians as a right of way including children and elderly
- o Construction work will block access, cause noise nuisance and cause damage
- o Density is already high here - development will lead to increased sense of overpopulation
- o Effect on parking which is already a serious issue
- o Plan vague, and no room for garden once three cars are parked, and the requirement for three spaces is queried.
- o Removal of the last area of open space. Don't need another house crammed into little space that is left
- o Overlooking of neighbouring property; effect on light (blocking during day and polluting at night); noise
- o Ownership of part of site is queried
- o Effect on drainage
- o Subsidence exacerbated and pressure on retaining walls
- o Very little demand

Consultations

Roads Planning Service: Are unable to support on the grounds of road safety. Hill Terrace, serving the site, is not suited to serving another dwelling. There are issues with the geometry, surfacing, gradient of the access road and visibility available at the junction with the A7 which cannot be improved to the standard to enable it to serve any more development. Furthermore, poor parking provision in Hill Terrace impacts on availability for vehicle turning and the narrowness of the initial length of access road from the A7 means that vehicles cannot pass each other and access for larger vehicles is extremely difficult.

Community Council: Object to the proposal on the grounds of historic and unresolved concerns about sewage and access

Education and Lifelong Learning: A contribution of £3567 is required towards Galashiels Academy

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2, PMD5, HD3, EP1,EP13, IS2, IS3, IS6, IS7, IS9

SPGs Placemaking and Design 2010; Guidance on Householder Development 2006; Landscape and Development 2008; Trees and Development 2008; Development Contributions 2011 (updated 2018); Waste Management 2015

Recommendation by - Carlos Clarke (Lead Planning Officer) on 20th February 2018

Site and application description

This application seeks Planning Permission in Principle for what is described in the application form as a single-storey house.

The site is located towards the northerly end of the village, accessed from a narrow road in evidently poor condition that leads from the A7 to the south. It is roughly triangular in shape, bounding the gardens of residential properties that front the A7 (Galashiels Road) to the south-west, garden ground of a single-storey detached house to the north-west and the garden of a two-storey modern house (29 Cockholm Crescent) to the north. It flanks the access road to the south-east and east, beyond which is a terrace of six houses (Hill Terrace) to the north-east, and various residential properties to the south-east fronting onto Craigend Road. The site is maintained as garden ground, albeit it is not currently associated with any property having been previously garden ground for 5 Craigend Road to the south-east. It has two existing parking spaces.

Site ownership

I note queries regarding land ownership. The applicant has advised that the land is owned by her. This matter does not affect the planning merits of the development in this case.

Policy principle

The site is within the settlement boundary as identified in the Local Development Plan 2016, and is not allocated or safeguarded for any use. The site was previously approved for development in 1996, though that was for a single house, eventually developed to the north as no 29 Cockholm Crescent. That decision has little bearing on current considerations. Policy PMD5 principally applies, allowing for the prospect of residential infill development, provided policy criteria are met. The application need not demonstrate that there is a demand for the development.

With respect to requiring that the development does not conflict with the established land use, the site is located within a residential area, so there should be no land use conflicts. However, conflict between residential occupiers can arise (see later in this report). Other issues required to be considered by Policy PMD5 are whether the development of the site will detract from the character and amenity of the surrounding area; lead to overdevelopment; will be appropriate in its visual impact; can be adequately serviced and accessed; and, will significantly affect neighbouring amenity in terms of daylight, sunlight or

privacy loss. These issues are considered further in this report, as a number also have supporting/complementary policies in the LDP (particularly Policy PMD2) that also need considered.

Visual impact

The site is not public open space of townscape or recreational value, and has no features of note within it. Development would not risk trees of value on or nearby the site. The site is elevated, but below houses to the north. Though a house on the site would not have a public road frontage, neither does the terrace to the east and, in any case, it could front the private road allowing for an appropriate street frontage. There is a varied townscape here, and there is scope for a detached house that could contribute to the existing variety. The proposal for a single-storey house would keep the building low, albeit would not be such a comfortable fit as a taller narrower house would and would likely have a larger footprint. There are single-storey houses in the area, though, so this doesn't affect the broad principle.

That said, the site is constrained because of its layout and size. Development of the site must be achieved in a manner which is scaled, designed and arranged sympathetically so it relates comfortably to the context. It must also address potential effects on neighbouring amenity (as noted below). At this stage, it is not absolutely clear that it could be sympathetically developed. The applicant was asked for indicative proposals to demonstrate this but advises that proposals will be submitted at the detailed application stage. Ultimately, there is the prospect of achieving a visually sympathetic development, but one constrained by neighbouring amenity impacts as well as the size and layout of the site. Given that the broad principle of an infill dwellinghouse on the site is not objectionable in townscape terms I would, however, on balance consider this test to be best left for the detailed application stage. Developing this site sympathetically in a manner which does not appear as overdevelopment will, however, be a challenge.

Access and parking

Policy PMD5 requires that suitable access be achieved. Policy PMD2 also requires that developments should not lead to adverse effects on road safety including, but not limited to, the site access. Adequate parking should also be provided to satisfy Policy IS7.

As regards the access to the site, this is by means of a narrow rising lane leading from the A7. It is not adopted by the Council and is in poor condition. The Roads Planning Service has advised that it is not suitable to serve another house. The geometry of the road, its surfacing, gradient and poor visibility at its junction with the A7 are all constraints. On-street parking affects the scope for turning, and the initial section leading from the A7 is narrow such that vehicles cannot pass one another and large vehicles are significantly hindered. Importantly, the RPS advise that it cannot be improved to enable it to serve any more development. There is no requirement to upgrade the road to adoptable standards, but the access should still be adequate and it appears not to be.

The route appears constrained for potential construction of a house, albeit this will be temporary, and some control of construction traffic accessing the site could be employed by means of a construction traffic management plan. For the longer term, it appears unsuitable for encouraging any further traffic. Though the applicant uses the road now to access the land for maintenance this will amount to relatively low activity compared to an additional house. The applicant has apparently explored the potential for upgrading the road, and would contribute a large share, but has not received the support of other residents. As it stands, the road appears highly constrained, and not a route on which to encourage further residential traffic. The development of the site would not appear to meet the requirements of Policies PMD2 and PMD5 regarding suitable access.

As regards parking, the site has two existing parking spaces used to access the site for maintenance. The RPS has not raised any concerns regarding these spaces as being suited to provide the two parking spaces required by the LDP to serve a single dwellinghouse (though the application refers to three spaces, only two are required). There should also be no reason to suspect that level pedestrian access within the site is not achievable.

Neighbouring amenity

The applicant was asked to submit an indicative proposal and shading diagrams to help inform the assessment of potential impacts on neighbouring property. However, no submission has been made. Fully

assessing the potential for adverse impacts is not possible at this stage. However, considering the location of the site relative to its neighbours, an initial assessment can be made.

Privacy impacts could be overcome by an appropriate design and layout, accounting for window positions. However, the property itself will be significantly overlooked by no 29 Cockholm Crescent. It is highly questionable whether any development here could achieve reasonable privacy for itself, while meeting other constraints on its layout and design. The applicant advises that no 29 will simply look over the roof of development on this site. However, how privacy within the house and its garden would be achieved remains to be seen. To not achieve a suitable level of privacy could lead to conflict between this and the existing property.

Impacts on sunlight are likely limited to no 29 and the rear garden of No 1 Hill Terrace, though the former benefits from an elevated position, and the latter is a relatively small garden positioned behind the existing terrace. Daylight impacts may also potentially largely be limited to effects on no 29 which will, again, avail of its elevated position. Impacts on outlook (visual intrusion) will also likely be most severe with respect to no 29. Its elevated position will, again, be of value, albeit the visual intrusion of any house, even a modest single-storey house, will be very firmly apparent on this property.

Ultimately, it is a matter for the detailed application to demonstrate that the development will not significantly adversely impact on neighbouring amenity, achieve a development that is visually sympathetic and achieve a level of amenity that does not lead to conflict between it and neighbouring uses. Ideally, an indicative proposal now would have established if this is all achievable. However, the absence of an indicative proposal is not determinative. This challenge would need to be addressed at the detailed stage.

Noise during construction is an understandable concern, though it is temporary and governed by separate environmental protection legislation, enforced by the Environmental Health Service. Noise from occupancy of a single house is not a particular concern given this is a residential area.

Light pollution is not an issue likely to be any more serious for development of this site than any other property. If lights fixed to the house in the future become a nuisance, they can be subject to potential action by the EHS.

Contributions

Contributions towards Galashiels Academy and the Borders Railway are required to ensure compliance with Policies IS2 and IS3. A legal agreement would be necessary to secure these contributions.

Services

Mains water and drainage are proposed. Provided evidence is submitted which demonstrates that Scottish Water have granted connections to these mains services, there is no reason to consider the principle of development unacceptable in these regards. A standard condition can require this evidence.

As regards surface water drainage, given the elevated site it would be appropriate to ensure the development can address surface water in a sustainable manner that protects neighbouring property and the road from additional run-off, both during and after construction, albeit the engineering details of such works are for the Building Warrant process. Again, a condition can address this, requiring the detailed application to consider any proposal.

Waste

Storage for two bins is required. The details of stances for bins within the site should be addressed at the detailed application stage.

Ecology

There are no ecological designations and no mature trees or large buildings to be removed, so there should be no risk to protected species and no ecological consequences of note.

Subsidence and damage

Concerns regarding subsidence are understandable, though this is a matter for the Building Warrant process, rather than this application. Damage to neighbouring property during construction is a private matter between the parties affected

REASON FOR DECISION :

The access road serving the site is unsuitable for further traffic and is not capable of being improved to a standard that is adequate to support the additional traffic generated by the proposed development. The development would, therefore, be contrary to Policies PMD2 and PMD5 of the Local Development Plan 2016. This conflict would potentially lead to serious risk to road and pedestrian safety. There are no other material considerations that would outweigh this conflict with the development plan.

Recommendation: Refused

- 1 The access road serving the site is unsuitable for further traffic and is not capable of being improved to a standard that is adequate to support the additional traffic generated by the proposed development. The development would, therefore, be contrary to Policies PMD2 and PMD5 of the Local Development Plan 2016. This conflict would potentially lead to serious risk to road and pedestrian safety. There are no other material considerations that would outweigh this conflict with the development plan.

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

