

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/00270/PPP

APPLICANT : Mrs Clare Fleming

AGENT : R G Licence Architect

DEVELOPMENT : Erection of dwellinghouse with associated access road, parking area and combined entrance/layby

LOCATION: Land West Of Langton Birches
Duns
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY: No Reason

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
CFPP01	Location Plan	Refused
CFPP02	Site Plan	Refused
CFPP01	Location Plan	Approved
CFPP02	Site Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

CONSULTATIONS:

ROADS PLANNING SERVICE: The applicants have attempted to take on board the previous comments raised by this Section in terms of serving both the existing property and the proposed site with a shared service lay-by. Whilst in theory this is acceptable, the current proposal stretches the service layby to approximately 60m in length. A standard service lay-by to serve two accesses is 24m in length including tapers. Whilst there is some leeway in terms of modifying the standard specification to fit a particular situation, the current proposal takes this to an unacceptable extent. I shall require an amended drawing to be submitted showing the service lay-by reduced in size by at least half before I am able to support this proposal. The applicant may wish to consider closing the existing access to Langton Birches and relocate this to a new access serving both properties at the proposed location shown on the location plan submitted.

COMMUNITY COUNCIL: No response received. Consultation expired.

I note that in relation to previous application (17/01145/PPP) on this site the Community Council objected to the application due to the impact of the development on the road between Langton Birches and Middlewood Farm, the condition and lack of drainage of the road, the poor visibility at the proposed access, the impact of construction traffic and lack of parking for delivery vehicles and visitors to the property. The full response can be viewed on Public Access.

EDUCATION & LIFELONG LEARNING: No response received. Consultation expired.

I note that in relation to previous application (17/01145/PPP) on this site they advised the proposed development is within the catchment area for Duns Primary School and Eyemouth High School. A contribution of £4,639 is sought for the Primary School and £3,428 is sought for the High School, making a total contribution of £8,068.

SCOTTISH WATER: No response received. Consultation expired

PUBLICITY AND REPRESENTATIONS

The application was publicised by means of the placing of an advert in the Berwickshire News, and via a public notice on the national website "Tell Me Scotland". No objections or representations were received to the proposals.

PLANNING CONSIDERATIONS AND POLICIES:

ADOPTED SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN (2016)

PMD1: Sustainability
PMD2: Quality Standards
ED10: Protection of Agricultural Land and Carbon Rich Soils
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP3: Local Biodiversity
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and Sustainable Urban Drainage

SUPPLEMENTARY PLANNING GUIDANCE

- Placemaking and Design (2010)
- Development Contributions (Revised 2018)
- New Housing in the Borders Countryside (2008)
- Trees and Development (2008)
- Householder Development (incorporating Privacy and Sunlight Guide) (2006)

Recommendation by - Andrew Evans (Planning Officer) on 18th April 2018

SITE

The site is located at Langton Birches to the south of Duns. The application site is an area of land in the garden ground of the existing dwelling at Langton Birches, Duns. The existing house is located to the east of the application site. The house has a mature garden ground. To the south of the site is agricultural land. To the north is the minor road to Gavinton. The site is level.

PROPOSED DEVELOPMENT

The application seeks Planning Permission in Principle for the erection of a single detached dwellinghouse. Indicative drawings were submitted with the application. These show a dwelling positioned west of the existing house at Langton Birches, in garden ground. Adjustments to the access proposals have been made in comparison to the previous, refused, application on the site (17/01145/PPP).

POLICY PRINCIPLE

In terms of the principle of development the application is required to be assessed principally in terms of policy HD2 of the Scottish Borders Local Development Plan 2016 and the Supplementary Planning Guidance on new housing in the countryside. This policy allows for new housing associated with existing building groups, conversion of suitable buildings, and in cases where economic justification is present.

PLANNING HISTORY

Planning permission has previously been refused in this site on multiple occasions as follows:

17/01145/PPP: The erection of a single dwellinghouse on the site was refused planning permission on 2nd October 2017 for the following reasons:

1. The proposed development of a single dwellinghouse at this site would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Guidance Note (2008), in that the proposed development would not form part of or be well related to an existing building group, would not reflect the character of the building group and would lead to ribbon development along a public road.
2. The proposed development of a single dwelling at this site would be contrary to the access requirements of policies HD2 (Housing in the Countryside) and PMD2 (Quality Standards) of the Local Development Plan 2016, in that the development would result in a proliferation of accesses, and represent a further access onto an unrestricted and unlit section of public road to the detriment of Road Safety.

12/00343/FUL: The erection of a single dwelling on the same site was refused planning permission on 11th May 2012 and the subsequent appeal was dismissed. The Local Review Body varied the decision of the Appointed Officer and refused planning permission for the following reasons:

1. The proposal would be contrary to Policy D2 of the Consolidated Local Plan and Policy H7 of the Consolidated Structure Plan in that a dwellinghouse on this site would be located outwith the identifiable limits of the established group, would not be well related to the group and would lead to ribbon development along a public road.
2. The proposed dwelling would be contrary to Policy G1 of the Consolidated Local Plan and Policy N20 of the Consolidated Structure Plan in that the development would not reflect or respect the character of the houses within the existing building group.
3. The proposed development would be contrary to Policy G1 of the Consolidated Local Plan in that the proposal would constitute an unacceptable over-development of the plot and that the dwellinghouse could not be satisfactorily accommodated on the application site.

This third reason was added in by the Local Review Body and was not part of the original officer's delegated decision.

13/01025/FUL: The application for the erection of a single dwelling on the same site was withdrawn.

There has been no major change in the Housing in the Countryside policies and guidance of the Council since the determination of the previous 2017 application on the site.

SUPPORTING STATEMENT

The application is accompanied by a six page Supporting Statement, setting out the applicant's and agent's position, and seeking to provide justification why this site should be approved. It can be viewed in full on the Public Access website.

POLICY PRINCIPLE / BUILDING GROUP

My previous 2017 consideration of this site concluded:

"An existing building group is located to the north east of the site. Numerically, the group has capacity to accommodate a dwelling within the current plan period. However, in terms of the position of the site relative to the group, there is a clear conflict with adopted policy; my view is that the group itself is on the other side of the minor road, and also offset from the application site. The application site is remote from the building group, and does not form part of it. "

This remains the case. A building group is present nearby, but this site is not well related to it, and a house on this site is not acceptable, when considered against the adopted planning policy on Housing in the Countryside.

The agent's response in the Supporting Statement in respect of the current application to the view (of myself and the LRB in relation to the earlier application) that the proposal constitutes ribbon development is " The definition of "ribbon development" relates to the development of multiple dwellings on each side of a road on greenfield sites and does simply not apply in this instance." This does not bear up to scrutiny. Ribbon development is defined as follows:

"The building of houses along a main road, especially one leading out of a town or city." - Oxford English Dictionary.

"Ribbon development is a line of buildings, served by individual accesses, extending along a road, without accompanying development of the land to the rear." (Northern Ireland planning policy).

"Ribbon Development - a narrow bank of development extending along one or both sides of a road." Shetland Islands Council Planning.

Scottish Planning Circular No. 24/1985 Development in the Countryside and Green Belts sets out that ribbon development should be avoided.

Fundamentally however, the application requires to be assessed against policy HD2 of the Local Development Plan on Housing in the Countryside.

CHANGES RELATIVE TO PREVIOUS APPLICATION

Since the refusal of the previous application on the site, the access arrangements have been revised. One of the previous reasons for refusal was in relation to the proliferation of accesses. The agent attempts to address this by revising the proposals to show a combined access and layby arrangement. However the details of the layby are unacceptable to the RPS engineer. This is discussed further below.

BUILDING GROUP / CONSIDERATION OF PRINCIPLE AND PLACEMAKING

The Local Review Body in 2012 reached a view that there was a building group at Langton Birches. Members agreed that the group consisted of 1 and 2 Duns Mill Cottages, The Bungalow, Oakridge and Langton Birches itself and that the locus had a distinct sense of place. However, they were unclear as to the precise boundaries or extent of the group and the relationship of the proposed house to the existing properties. Members were also concerned about the capacity of the site itself to accommodate the proposed development. The Planning Authority has previously been of the view that the applicant's existing dwelling, Langton Birches, forms part of a wider building group consisting of 5 existing dwellings, 4 of which are located on the north side of the public road.

I note the contention of the agent in the Supporting Statement (Section 4.03) that:

"Most of the houses forming the group are on the north side of the road. This group now needs a balance by the addition of a house on the south side adjacent to Langton Birches and we would also note that under the terms of the Council's definition of a housing group that garden areas and boundary planting are included in the group."

Whilst there is a building group present at Langton Birches, this current planning application site does not form part of it, and is not well related to it. The notion of "Balance" is an invention of the agent presented in this statement, and is not part of the actual policy wording of the policy HD2 A of the LDP. The proposed site of the new dwelling would not respect or reflect the character and amenity of the group as it would be

located outwith the area contained by the sense of place and would result in the loss of existing trees and shrubs which contribute to the identified sense of place. The garden woodland within which the site is positioned serves a landscaping function to the edge of the building group. There is considered no justification for a dwelling on this site. Concerns over ribbon development remain.

PRIME QUALITY AGRICULTURAL LAND

Policy ED10: Protection of Agricultural Land and Carbon Rich Soils is notionally applicable to the site. This aims to protect prime quality agricultural land from development. Despite being identified as PQAL, it was apparent at the time of my site visit, that the application site is now completely positioned within the maturing garden ground and planting, and is not agricultural in nature. I have no concerns in terms of any conflict with policy EP10 of the LDP.

TREE, WOODLAND AND HEDGEROWS

Existing trees, woodland and hedgerows are protected by policy EP13 of the LDP on Trees, Woodlands and Hedgerows. The Council has also adopted Supplementary Planning Guidance on Landscape and Development, and on Trees and Development, which are both relevant to these proposals. The SPG on Trees and Development requires application of the relevant British Standard for Tree Protection, British Standard 5837: Trees in Relation to Construction. In the case of these proposals, it would have been possible for a house to be suitably positioned within the existing trees.

I am satisfied that the proposed development could comply with the requirements of policy EP13 and the adopted SPG on Trees and Development. However, had the application been acceptable in principle, I would have been minded to consider imposition of conditions to protect trees to be retained, and identify which trees can be removed.

AMENITY

Neighbouring amenity is afforded protection by policy HD3 of the Scottish Borders Local Development Plan 2016. This is enhanced upon by privacy and amenity standards set out in the adopted Supplementary Planning Guidance on Householder Development. In the case of these proposals there are no significant amenity concerns, as given the poor spatial relationship of the site to the remainder of the building group, there is as a result, no overlooking or poor amenity relationship arising.

ROAD SAFETY

Road safety is a material planning consideration. The Roads Planning Service was consulted on the application. The RPS engineer advises that the proposed service layby is unacceptable due to its excessive length. He would consider a revised proposal. However I am not prepared to enter into negotiation on a site which is unacceptable in principle. The road safety issue may be capable of resolution. The principle of development on this site is unacceptable. I would include road safety in the reasons for refusal of this application, but note that a suitable detail for the access layby could be achieved, with a reduction in the shared access layby being possible, though not yet demonstrated.

WATER SUPPLY AND DRAINAGE

Policy IS9 of the Local Development Plan on Waste Water Treatment Standards and Sustainable Urban Drainage is relevant to this application. This requires development proposals to make satisfactory arrangements for dealing with foul and surface water drainage. SUDS (Sustainable Urban Drainage Systems) principles should be incorporated in the development. The site is located in a rural area. The submitted Supporting Statement specifies that the proposed means of water supply is via public water supply. It further advises that surface water drainage will be installed on site to SUDS principles. Foul water drainage will be provided on site with a sewage treatment plant and soakaway. Standard planning conditions would be appropriate to cover the means of water supply and foul and surface water drainage to serve the site.

DEVELOPMENT CONTRIBUTIONS

The Council has adopted supplementary planning guidance and planning policy covering development contributions. In this case contributions assessment is as follows:

- Education

I note that in relation to previous application (17/01145/PPP) on this site the Education and Lifelong Learning requested a contribution of £4,639 for Duns Primary School and £3,428 for Eyemouth High School, making a total contribution of £8,068.

- Affordable Housing

As only a single dwelling is proposed in this application, no affordable housing contribution would be due.

REASON FOR DECISION :

The proposed development of a single dwellinghouse at this site would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance Note (2008), in that the proposed development would not relate sympathetically to an existing building group and would lead to ribbon development along a public road.

Recommendation: Refused

- 1 The proposed development of a single dwellinghouse at this site would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance Note (2008), in that the proposed development would not form part of or be well related to an existing building group, would not reflect the character of the building group and would lead to ribbon development along a public road.
- 2 The proposed development of a single dwelling at this site would be contrary to the access requirements of policies HD2 (Housing in the Countryside) and PMD2 (Quality Standards) of the Local Development Plan 2016, in that the development would result in an unacceptable access arrangement with the public road to the detriment of road safety.

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