

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

4 MARCH 2019

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 18/00910/FUL
OFFICER:	Mr Scott Shearer
WARD:	Leaderdale and Melrose
PROPOSAL:	Demolition of existing garages and erection of four dwellinghouses
SITE:	Land East And South Of 3 Heriotfield Oxton
APPLICANT:	Scottish Borders Housing Association
AGENT:	ECD Architects

PLANNING PROCESSING AGREEMENT: Expires 25th March 2019

SITE DESCRIPTION

The application site occupies a parcel of land at the corner of Heriotfield in Oxton. A range of garages are currently located on the site which are leased to Scottish Borders Housing Association (SBHA) tenants. These buildings are constructed with timber walls under felt roofs. Two shipping containers are also positioned within the site. Hedging separates the site from the road. Heriot Field playpark which is identified in the Local Development Plan as Key Greenspace and has recently been upgraded bounds the site to the north with a new close boarded timber fence separating sites. A playing field lies to the south of the site. Residential properties are located directly to the east and west with a mature hedge separating the site from the properties on Justice Park. On street parking exists immediately to the northwest and south west of the site.

PROPOSED DEVELOPMENT

The existing outbuildings are to be demolished and consent is sought to erect four dwellinghouses within two matching semi-detached blocks. The proposed dwellings are two storey set under hipped roofs and finished with concrete roof tiles. The walls are to be externally finished with render except from a central block/stone area. The fenestration consists of grey uPVC windows and doors with a membrane canopy cover above the front doors. The sites are to be enclosed with low walls to the front with 1.8m high walls to the side and rear.

Originally, the application included proposals to form a concrete base for a community hub building to the south of the proposed houses as well as a new parking area which included provision for relocated parking spaces to compensate on street spaces which were being lost as a result of this development. The development of a community hub was only at an early stage so no precise details about its function or appearance were available. As a result of this it was not possible to determine if the merits of the development including parking requirements were appropriate in planning terms at this stage. This aspect of the original proposals was

viewed to be premature and has been removed from this application. The planning merits of a community hub can be fully considered following submission of a separate detailed application.

PLANNING HISTORY

There is no site planning history.

REPRESENTATION SUMMARY

In total 9 letters of objections from separate households have been received, 7 of which were notified neighbours. All objection comments are available in full on *Public Access*. A summary of the objection comments are provided below;

- Proposals are too dense and represent overdevelopment of the site.
- Results in the loss of key greenspace with fencing already erected which has reduced the size of this space.
- Removes direct link from the playpark (key greenspace) to the planning fields.
- Height. The 2 storey height fails to respect the height of neighbouring buildings, primarily houses to the east at Justice Park which were restricted to 1.5 storeys.
- Site is 1m above the ground level of properties at Justice Park resulting in overlooking and loss of privacy for principle rooms and rear gardens. For amenity reasons the dwellings should be single storey.
- Loss of light would be caused to neighbouring properties including loss of access to light of solar panels at neighbouring properties.
- The site is not allocated for houses and more appropriate sites which area allocated for housing exist in Oxton.
- Increased noise.
- Poor design.
- Inadequate access.
- Road safety.
- There is a culvert underneath the site so development of this land could cause flooding and subsidence problems.
- Provision of water supply and means of site drainage have not been considered.
- Loss of biodiversity.
- Contrary to LDP.
- Development may result in the loss of a boundary hedge and trees in neighbouring properties.
- Insufficient information is provided.
- Development of a community hub in this location would adversely impact on residential amenity. It would be more suitable to site this building at the opposite side of the park where there are no neighbours and better access to services
- When Justice Park was being developed it has been suggested the no further development would take place at Heriotfield.

APPLICANTS' SUPPORTING INFORMATION

The application is supported by a range of plans which includes a 'Concept Design Sheet'. An Ecological Assessment has been submitted. These submissions are available on Public Access.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD2 Quality Standards
PMD5 Infill Development
HD3 Protection of Residential Amenity
EP1 International Nature Conservation Sites and Protected Species
EP3 Local Biodiversity
EP11 Protection of Greenspace
EP13 Trees, Woodlands and Hedgerows
IS2 Developer Contributions
IS7 Parking Provision and Standards
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

SBC Supplementary Planning Guidance

Housing (2017)
Affordable Housing (2015)
Waste Management (2015)
Development Contributions (2011) updated January 2018
Trees and Development (2008)
Placemaking and Design (2010)
Privacy and Sunlight Guide (2006)
Biodiversity (2005)

Strategic Housing Investment Plan 2019/2024

Technical Advice Note#1 Bat Surveys 2016

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Director of Education and Lifelong Learning: The development falls within the catchment area of Channelkirk Primary School and Earlston High School. Recommend that financial contributions towards the High School are sought.

Ecology Officer: The consultation response identified that the structures on the site which were being removed and the surrounding habitat may offer potential to support bats and breeding birds. Having considered further information submitted by the applicant about the existing buildings and the surrounding habitat it was felt that the potential for this environment supporting bats was limited. In this case a full bat survey would not be required and a preliminary roost assessment would suffice. Impacts on breeding birds could be addressed as a condition of any consent first seeking a survey and where evidence of breeding birds exists no development should be carried out in the breeding season unless a species protection plan is agreed.

Environmental Health: No objection. Construction noise can temporality lead to a loss of neighbouring amenity. Recommend that an informative note is attached to control when noisy works can be carried out and that operations should adhere to noise control measure stipulated in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

Housing Strategy: No objection. Understand that the site is no longer needed for garage provision and SBHA have been exploring other options for the land. The site has been included in the Councils SHIP 2019/24 as a potential affordable housing project with an anticipated completion in 2019/20. Housing Strategy advise that the Scottish Government, More Homes Division have indicated a willingness to grant assist the applicants with the delivery of this project.

Roads Planning Service: No objection. In response to the original proposals recommended the existing on-street parking provision could accommodate the parking requirements of the residential development. Insufficient details of the community hub proposals were included in the submission therefore it was difficult to determine if sufficient parking was being provided.

An updated comment was provided on the 19th of Feb 2019, following the removal of the community hub building and the associated parking area which confirmed that the amended layout was acceptable in roads planning terms. Roads Construction Consent will be required for the new footway because this is outwith the existing public road boundary.

Statutory Consultees

Community Council: Object on the following grounds:

- The development causes the loss of part of the key greenspace with this area already been fenced off.
- The site occupies a higher ground level than neighbouring properties resulting in the proposals causing loss of sunlight and overlooking.
- Development of this site may cause drainage problems for existing properties
- Relocation of the community hub would address privacy and noise concerns
- A claimed Right of Way may have been formed between Justice Park and the park which would be lost.

Amenity issues could be addressed if the houses were reduced or re-oriented within the site. Recognise there is a need for affordable house, however this need is not outweighed by the impact of the development on existing residents.

Scottish Water: No response received at the time of writing.

KEY PLANNING ISSUES:

The main determining issues with this application are whether the application complies with Development Plan Policies and Supplementary Planning Guidance on infill development within the residential area, parking and the protection of residential amenity.

ASSESSMENT OF APPLICATION:

Principle

The site is located within the village's settlement boundary. Policy PMD5 is generally supportive of suitable infill development proposals. The site mostly comprises of land currently used for lock up's which the applicant has identified as being surplus to requirements. They consider the site could be developed for residential purposes. The Councils Strategic Housing Investment Plan (SHIP) 2019/24 has identified that there is a need for the development of four affordable units in Oxton. This development would meet the current demand for affordable housing in the village.

The application site does include a small proportion the play park to the north which is identified in the LDP as Key Greenspace (ref; GSOXT001). Policy EP11 of the LDP does seek to protect greenspaces within the Borders from being lost to development unless it is demonstrated that there is a justification for the loss of open space.

Under Class 30 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, the Council undertook permitted development works to upgrade Heriot Field play park. These works included the erection of a new fence which has subsequently reduced the area of the playpark and ties in with the northern boundary of this application site. Nevertheless because of the allocation within the LDP, the removal of an area of Key Greenspace proposed within this application requires to be justified. The size of the area of Key Greenspace which is being lost is marginal, measuring approximately 140 square metres with 1,860 square metres being retained. The functionality of the play park will remain with the loss of strip of play space enabling local affordable housing needs to be met within Oxton. The removal of a small area of place space is arguably compensated by the works which have been undertaken to improve the equipment available at this play park. Given the circumstances outlined above the loss of a small part of Key Greenspace is outweighed by the benefits associated with this development.

This residential development does not result in the loss of any ground which currently forms part of the playing field to the south of the site.

It has been suggested within objection comments that the proposed residential development would be better located at the site on the allocated housing site at Station Yard. The erection of dwellinghouses on this site would not lead to land use conflicts however applicant may not have control over this land to develop 4 affordable homes. Furthermore, the existence of other sites, whether acceptable or not, is not justification to reject a proposal. The application site is accessible from the public road network and local amenities are readily accessible from this location. The site is judged to present a genuine infill development opportunity, consistent with the established land use of the area, compatible with the character and amenity of the surrounding area and subject to the consideration of the proposals against the remaining criteria within PMD5 which are assessed below.

Tenure

The application is submitted by SBHA who are a Registered Social Landlord (RSL). If approved, each of the four units would be owned and managed by SBHA as part of their affordable housing stock.

If Members are minded to agree the recommendation, it is advised that a planning condition to control the occupancy of the development for affordable housing tenures only (which comply with the Council's definition of affordable housing listed in the SPG) is required. This control will ensure that the development is delivered in accordance with its proposed tenure avoiding the accommodation being available on the open market and being liable for developer contributions which affordable housing proposals are currently exempt from.

Placemaking and Design

The site is located within a developed part of the village and does not appear visually prominent from the wider surrounding area. This part of Oxtun is characterised by residential development to the south east of the village centre. The existing buildings which occupy the site are dilapidated and this development presents an opportunity to improve the contribution of this site within the surrounding area.

The proposals have a slightly higher density than the existing development on Heriotfield and Justice Park. That said, the density is not significantly different and it does relate to plot densities elsewhere in the village, particularly along The Row and central part of St Cuthbert's View. Each of the four plots has usable garden space to the rear now that the dwellings have been moved towards the public road. The development does not represent overdevelopment of application site and the proposals allow the existing greenspace to function as intended.

The amended positioning of the dwellings has enabled the development to have a stronger road frontage which is reflective of the traditional development along Main Street and The Loan. The site is located in between what appears to be a post war residential development on Heriotfield and more modern suburban architecture of Justice Park. The original proposals were for pitched roofed buildings. This roof design was not considered to be objectionable because there is a mixture of roof designs within the wider area; however, Officers were of the view that the design response could be improved. The change to a hipped roofed design has enabled the development to compliment the hipped roofed form of the existing development on Heriotfield creating a much more appropriate street frontage consistent with the pattern of development locally. The revised roof design has helped to reduce the scale and mass of the buildings which reduces their dominance when viewing from the playing field and on entering Heriotfield from The Loan.

It is considered that the proposed change in the external finishes of the dwellings will help break up the development. Revised drawings indicate off-white coloured render and buff coloured stone which are an improvement over the original plans however these finishes still require further consideration to ensure the proposed dwellings sit comfortably on site and relate well to the neighbouring dwellings. With this in mind it is recommended that external wall finishes are agreed by condition. The use of grey coloured concrete roof tiles is suitable in this location.

The fenestration of the proposed dwellings appears a little suburban in places however it is felt that the houses will be compatible with the character of the surrounding area and neighbouring built form. Window patterns and proportions are similar to those on existing houses on Heriotfield.

The existing hedge along the front of the site will be required to be removed to enable the site to be developed. This hedge offers little amenity value and its loss does not have a significant impact on the character or appearance of the wider area. Enclosing the development with a low wall to the front is appropriate and relates to

the means of enclosure for the properties along the initial stretch of Heriotfield. The use of a taller boundary wall along the southern boundary of Plot 4 is appropriate as this will help protect the residential amenity of the dwelling and the visual amenities of the surrounding area. The precise finishes to be used on the boundary walls can be agreed by condition. The rear of the development is currently enclosed by a robust hedge. Erecting a wall immediately next to this hedge could result in it being damaged or lost. The hedge provides a good degree of screening for the properties on Justice Park and would be an appropriate boundary enclosure if retained. Because of its amenity value Policy EP13 would seek to retain this hedge. Other than the boundary wall, there is no other part of this development which could jeopardise this hedge therefore its retention can be controlled by condition. Such a condition would likely remove the ability to build a wall along the rear boundary of the site. A close boarded fence may be more appropriate in this location. The precise details of the proposed boundary treatments can be handled by way of a planning condition.

Overall, the revised scheme is recommended to represent an improvement from the original submission. The siting and design of the proposals respect the character and visual amenities of the surrounding area in accordance with policy provision on Placemaking and Design. Detailed matters regarding external wall finishes and means of enclosure can be handled by conditions attached to this planning consent.

Residential Amenity

The original proposals did raise privacy concerns as a result of overlooking from the upper floor bedrooms on the rear elevations towards principal rooms on the rear of No 13 and 14 Justice Park. The proposed dwellings have been moved forward within their sites so that they are further away from the mutual boundaries and the neighbouring dwellings. The distance between the proposals and neighbouring properties on Justice Park now complies with the recommended window to window distances (18m) within the Council's SPG on Privacy and Sunlight. The rear elevation of Plot 4 is approximately 22m from the rear elevation of No 14 Justice Park and Plot 2 is approximately 25m from the rear elevation of No 13 Justice Park. Overlooking of the private gardens of these neighbours is generally screened by the mutual boundary hedge however moving the houses further away also reduces the potential for overlooking of neighbouring garden ground. The revised location of the dwellings does not cause any adverse privacy impacts on the properties on Heriotfield which face towards this site where a distance in excess of 20m is maintained between windows of principal rooms.

The height of the development does not adversely affect the access to light or sunlight of any surrounding properties and would be consistent with the Council's SPG on privacy and sunlight.

The proposal will affect the outlook of the neighbours to the east and west of the site. This is a residential area and the development is not introducing something which is out of context with this village. The proposals do occupy ground which does lie above the ground level of properties on Justice Park. The change in ground level is modest and the revised positioning of the development coupled with introduction of hipped roofs which reduces the length of the upper area of the buildings ensures that these proposals do not have an adverse impact on the outlook of neighbouring properties.

Construction noise associated with the development may temporarily lead to a loss of amenity to the neighbouring residences but this can be regulated outwith the planning process. The Council's Environmental Health Team has however recommended an applicant informative be attached to any grant of consent that may

be issued. This would advise the applicant of recommended hours for noisy work and advise contractors of their obligations to adhere to British Standard noise control measures. An informative is recommended.

Access and Parking

The site is readily accessible from the existing road network which has the capacity to serve a development of this scale without the need for any further upgrades.

The Parking Standards listed within the LDP recommends that a housing development within this location would typically require to be served by 2 parking spaces per unit plus 0.25 visitor parking spaces per dwelling. These figures a guide and LDP states that;

“The Council’s ‘Standards for Development Roads’ provides an indication of the car parking levels considered generally acceptable for various types of development but which may be exceeded or reduced dependant on: the degree of communal facilities, the location; the availability of public car parking in the vicinity and physical constraints.”

Heriotfield benefits from two areas of on street parking. It is understood that these areas were provided to serve the greenspace and existing housing on Heriotfield. Despite the availability of on street parking, several dwellings in Heriotfield have developed in curtilage parking spaces which has reduced the demand for on street parking.

In response to the original application the Roads Planning Service advise that the existing on-street parking has the capacity to serve parking demands of the residential development. It was only parking to serve the new community hub and compensate for existing on street spaces which were being removed to form the access to the community hub facility which were required. Following the removal of the community hub proposals, the need for any new parking associated with this development as a whole were removed. The revised proposals have now removed off-street parking spaces for the proposed dwellings. The surrounding public parking areas which are available immediately next to the development site are judged to have the capacity to serve this development while still catering for existing users as well as any possible increase in demand following demolition of the garages. An updated consultation response from the Roads Planning Service has been provided which confirms that the revised proposals are acceptable and reaffirms that the development does not trigger the need for further off-street parking.

Ecology

The application site is not located within or adjacent to any international or nationally protected ecological sites. The development involves the demolition of buildings and it is located within an area where there is some woodland cover and open grass land. These are environments which can support bats. Bats are European Protected Species (EPS) and Policy EP1 seeks to protect EPS from adverse impacts from developments. Having further considered the context of the site, the buildings which are being removed are simple timber and felt constructions. Generally speaking traditional stone built buildings under a slate roof are more likely to support bats. The beech hedge along the rear is proposed for retention (covered by condition) and the development does not impact on any mature trees which are scattered within the surrounding area. It is considered therefore that there is limited potential for the local habitat to support bats.

Members should note that the buildings which are to be removed could be demolished under permitted development rights. An Ecological survey has however been undertaken which did not identify habitats within the site or the area immediately surrounding this site that would be suitable for protected species. For the purpose of determining this application the development is unlikely to have a significant effect on bats and no further mitigation is required. When the buildings are being removed the developers should be satisfied that they have met EPS legislation and all necessary permissions and/or licences are in place should bats be encountered.

The submitted survey did identify there was breeding birds within the hedging around the site. Part of this hedging has already been removed when the playpark was upgraded. Policy EP3 seeks to ensure that the development would not have an adverse impact on local biodiversity. The hedge to the rear of the site is being retained and the prospect of this development impacting on breeding birds can be mitigated by a planning condition which would not permit development works to be carried out during the bird breeding season unless a species protection plan is agreed.

Site Services

Policy IS9 of the LDP covers waste water treatment standards and sustainable urban drainage. The application form proposes that foul water will be disposed of via the public sewer, surface water is to be treated in accordance with SUDS principles and connection to the mains water supply is proposed.

The Oxton Settlement profile in the LDP advises that the Waste Water Treatment Works which serves Oxton has sufficient capacity, however developers may be required to assist with the upgrade of the local water network to enable their development to be serviced by the mains supply. The precise treatment of surface water has not been shown on the proposed plans. Ultimately, this is a small scale development and it would appear that there are no insurmountable water supply or drainage issues locally that would prevent development of this site. The precise details of surface water treatment methods and confirmation that adequate water supply and foul drainage connections can be made to the public network can be addressed by appropriately worded conditions.

Waste

Policy PMD2 requires that developments provide space for waste storage and that waste collection vehicles can adequately access the site. It is not clear from the amended site plan where the proposed bin stances will be located but there is sufficient space within the rear curtilage space for each plot and there is access from these spaces to Heriotfield for kerbside collection.

Developer Contributions

A residential development in this location would normally trigger financial developer contributions towards Earlston High School and the reinstatement of the Waverley railway line. However, as the proposed dwellings represent an affordable housing scheme and it is the intention to control this occupation via a suitably worded planning condition, under the terms of Policy IS2 and the associated SPG, this development is exempt from developer contributions.

Other Matters

It has been suggested in objection comments that there is a culvert under the site and that the site is at risk of subsidence. If a culvert does exist, it would be a matter for the developer and the construction process to ensure that the development does not harm its functionality. There is no apparent reason to believe that the ground conditions are unstable. It would be the responsibility of the applicant/contractor to ensure ground conditions are suitable for the proposed development. Structural implications are matters that would be addressed by Building Standards as part of the Building Warrant application process.

Concerns about the removal of the garages from this site which are to make way for this development is not a material planning issue and is a matter for SBHA to regulate with the tenants of these buildings.

CONCLUSION

The proposed development occupies a location within the Oxton settlement boundary, where national and local planning policies are generally supportive towards infill development. The revised siting and design of the proposed development is considered to respect the character of the surrounding area and the amenity of neighbouring residential properties. Subject to the compliance with the schedule of conditions, 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 AND HOUSING OFFICER:

I recommend the application is approved subject to the following conditions:

1. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Consolidated Local Plan 2016 and accompanying supplementary planning guidance 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.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would attract contributions to infrastructure and services, including local schools.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority as specified in the drawing list on this consent notice.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. Notwithstanding the description of the materials in the application, no development shall commence until precise details of the materials, including colour finish, to be used in the construction of the external walls of the buildings have first been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

4. No development shall commence until protective fencing in accordance with BS5837:2012 has been placed at a minimum distance of 2 metres from the edge of the hedge which encloses the rear of the site and separates it from Justice Park. Once erected all development works shall comply with BS5837:2012. The protective barrier shall only be removed when the development has been completed and thereafter the hedge shall be retained unless otherwise agreed in writing with the Planning Authority.
Reason: In the interests of preserving the hedging which contributes to the visual amenity of the area.
5. Notwithstanding the means of enclosure specified on approved Drawing No AG0067-720 rev J, no development shall commence until precise details of the means of enclosure which include the material finish of all walls and a revised means of enclosure along the eastern boundary of the site (if required) have first been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
6. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage connections shall be made available to serve the development, and until a surface water drainage scheme has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details. Mains services and approved surface water drainage measures shall be operational prior to occupancy of the first dwellinghouse hereby approved.
Reason: To ensure the development can be adequately serviced
7. No development shall be carried out during the breeding bird season (March-August) unless a Species Protection Plan for breeding birds has first been submitted to and approved in writing by the Planning Authority and thereafter the development shall only be carried out in strict accordance with the agreed details.
Reason: To protect the biodiversity interests of the site.

Informatives

1. In the event that bats are discovered during development works the applicant is advised that works should stop and a European Species Protected licence will be required to be obtained from Scottish Natural Heritage before development works lawfully can re-commence.
2. The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. To limit the impact of the development upon the amenity of neighbouring residential properties it is recommended that any works which generate above average noise are carried out during the following hours;

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council).

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

DRAWING NUMBERS

Location Plan	AG0067-710	14 Feb 2019
Site Plan	AG0067-720 Rev J	14 Feb 2019
Floor Plans	AG0067-101 Rev A	30 Jan 2019
Elevations	AG0067-210	14 Feb 2019
Long Elevations	AG0067-200 Rev A	19 Feb 2019

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

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

Author(s)

Name	Designation
Scott Shearer	Peripatetic Planning Officer



18/00910/FUL

Land East And South Of 3 Heriotfield
Oxton

