



Scottish Borders Council
Environment &
Infrastructure
30 NOV 2018
Town & Country Planning (Scotland) Act
REFUSED

PLANNING REF
20105374-001

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/00728/PPP

APPLICANT : Mr Raymond Keddle

AGENT :

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land East Of Rose Cottage
Maxwell Street
Innerleithen
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 8
SUMMARY OF REPRESENTATIONS:

Roads Planning: No objection. Whilst I have no objections to this proposal in principle, the means of access should be determined at the detailed planning stage should this application be supported. A minimum of 2 parking spaces to be provided within the curtilage of the site.

Education: The proposed development lies within the catchment area for St Ronan's Primary School, Halcynde Primary School and Peebles High School. A contribution of £2,533 is sought for the Primary School and £1,092 is sought for the High School, making a total contribution of £3,625.

Environmental Health: No objections subject to conditions in respect of connection of services water/foul drainage (public mains).

Access officer: No objection but advises that rights of ways should be protected and kept open and free from obstruction and encroachment.

According to the comments from persons in the local community there is one right of way adjacent to this area of land, as shown on the attached plan. The path starts at Damside and goes through to Wells Brae. A site visit on 19 July 2018 confirmed that the route still exists on the ground but suffers from and overgrown shrub at the Damside end and confusing infrastructure at the Wells Brae end making it look like a private drive to a house. (These notes are being forwarded to The Scottish Rights of Way Society for their records.)

Flood Officer: The officer has confirmed the site lies outwith the flood zone area. The officer has no objections to the development.

Community Council: Response awaited.

Heritage Officer: Response awaited.

Scottish Water: Response awaited.

Six objections have been received on the application, the main points raised include:

- Principle of no development on this site clearly established
- Loss of historic green space amongst some of the oldest buildings in Innerleithen
- Building on the land would detract from the Conservation Area
- Overdevelopment of the area
- Right of way diverted from open space
- Maintenance of right of way not clear
- Contamination
- Impact on neighbouring amenity (light and privacy)
- The presence and views of Rose Cottage across the open area contributes to the character of the area
- Lack of space for SUDs on site
- Drainage issues
- Previous application for development of the site refused and dismissed at appeal
- Land ownership
- Increase in traffic/road safety
- Lack of detail of design of new dwelling
- Lack of amenity space for new dwelling

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

- PMD1 Sustainability
- PMD2 Quality Standards
- PMD5 Infill Development
- EP9 Conservation Areas
- EP111 Protection of Greenspace
- HD3 Protection of Residential Amenity
- IS2 Developer Contributions
- IS7 Parking Provision and Standards
- IS9 Waste Water Treatment and Sustainable Urban Drainage
- IS13 Contaminated Land

SPG

Placemaking and Design (2010)

Development Contributions (Revised 2018)

Householder Development (incorporating Privacy and Sunlight Guide) (2006)

Recommendation by - Lucy Hoad (Planning Officer) on 23rd November 2018

Site

The application site comprises a triangular area of land which is level, grassed over and surrounded by a low picket fence. The site is located at the junction between Maxwell Street and Damside, within the Conservation Area of Innerleithen.

Background History

98/00374/FUL An application for 2 dwellings to include a house adjacent to Rose Cottage (Plot 1) and a house on this current site (Plot 2) was refused in July 1998. The reason for refusal being that the house on

Plot 2 did not meet the criteria under Tweeddale Local Plan 1996 Policy 2, in that it would have a significant adverse impact on the amenities of the adjoining property and the community generally.

PPA/140/74 An appeal against the decision 98/00374/FUL was lodged with the Inquiry Reporters unit but this was later dismissed in February 1999.

98/00875/FUL A subsequent application for a dwelling on the site adjacent to Rose Cottage (excluding the current site Plot 2) was approved subject to conditions in September 1998. The house has since been erected and occupied.

01/00838/FUL An application for the erection of a dwellinghouse (with integral garage) on the current site was refused in September 2001 (01/00838/FUL). The reason for refusal being:

The proposal will be contrary to policy 43 of the Local Plan in that development of this area of open space will have a detrimental impact on the special character and appearance of the Conservation Area.

02/02049/FUL An application for a fence to be erected around the site was approved in February 2003.

Proposal

The application seeks planning permission in principle for the erection of a dwellinghouse. As this is an outline proposal no details of house design or plot layout have been provided at this stage.

The local community has raised concerns over the development of the site, regarding it to be an important historic open space contributing to the character and appearance of the Conservation Area. The residents advised that a path used by the public ran diagonally through the site but has since been re-routed around the perimeter. Further concerns raised by residents relate to the impact on services and residential amenity.

The key issues for consideration are the appropriateness of the site as an infill plot for housing taking into account the impact of the development on visual and residential amenities.

Principal of the development

Policy PMD5 advises that development on infill sites will be approved if it does not detract from the character and amenity of the surrounding area, and must respect the scale, form, design, materials and density of its surrounding. Proposals should not result in overdevelopment or a town cramming effect.

It was accepted under the previous application 01/00838/FUL that development of this site would be consistent with policy requirements in terms with its fit within a well-established residential area. Thus the proposed development of the site for housing would be considered to be compatible with the surrounding uses provided that it does not lead to a town cramming effect, and that there is no significant adverse impact in terms of visual or residential amenities.

Consideration has thus been given to the relationship of the site to the wider streetscape. In terms of the residential character of the area, it is noted that there are a variety of plot sizes, and a mixture of house styles (to include materials) to be found within the streetscape and wider locality. However, in the immediate vicinity of the site there are a number of attractive buildings, traditional in style and construction (stone/slate) that make a positive contribution to the character and appearance of the Conservation Area to include the dwelling Rose Cottage and the properties along Damside.

The applicant has submitted additional information to contend that outbuildings occupied the application site at some point in the past. However more recent records indicate that the application site is regarded as being a long established open area that makes a positive contribution to the established character of the Conservation Area. The Reporter, in his decision under consideration of appeal PPA/140/74, makes particular reference to the attractive range of traditional buildings along Damside facing onto Mill Lade, and the fact that the application site forms a gap in this sequence thus allowing a vista to Rose Cottage. The Reporter considered that development of the application site would conceal Rose Cottage from this viewpoint concluding that the loss of the open area would detract from the character of the area, contrary to planning policy.

Whilst an element of time has elapsed since the previous refusals for development of the site, it is clear that there has been no material change in the aims of planning policy which seeks to preserve and enhance the

Conservation Areas which make a unique and irreplaceable contribution towards the character and quality of the Scottish Borders.

The current Local Plan Policy EP9 seeks to support development that is located or designed to preserve or enhance the historic character and appearance of the Conservation Area. Having reviewed the proposal, taking into account the context of the site, and wider area, and the continued contribution this established open area makes to the street scene, I would maintain the opinion that development of the site would detract from the character of the Conservation Area, rather than improve or enhance it, contrary to policy. Policy EP11 also seeks to protect areas of greenspace, where that space, amongst other matters, contributes to the townscape structure and identity of a settlement. Though this area is private and fenced, it still functions as a visual green break in the townscape onto which other houses front, and development of it would run contrary to Policy EP11

Other matters

Neighbouring Amenity

There are no details of house design or layout at this stage, however an appropriately designed house of a modest scale (taking into account positioning of fenestration in relation to neighbouring properties) should ensure that there would be no adverse impact on residential amenity to neighbouring properties in terms of access to light and privacy.

Land contamination

Concerns were raised by residents as to potential contamination of the site through storage of building materials. In discussions with the Enforcement section it was confirmed that the site was cleared up with removal of weeds and bags of builder's rubble following an enforcement order in the past. These materials being stored atop the land rather than within the land.

Access and Parking

The applicant has not provided details of the layout of the site at this outline stage. The Roads Officer has advised that he has no objections to the proposal in principle; however the means of access would require to be agreed at the detailed planning stage. In addition, a minimum of 2 parking spaces would need to be provided within the curtilage of the site. These matters could be dealt with by condition.

Bin storage

The applicant would require to account for the need to provide space for waste bins within the site. The exact arrangements could be regulated under condition to ensure that bin storage would be accommodated discreetly,

Flood risk

The proposals raise no concerns in respect of flood matters. The Flood Officer has confirmed that the application site is located outwith the flood risk zone. The officer does not object to the proposals.

Services

Concerns over potential impact on existing services and run off have been raised by local residents. Under Policy IS9 of the Local Development Plan (Waste Water Treatment Standards and Sustainable Urban Drainage) development proposals should include satisfactory arrangements for dealing with foul and surface water drainage. SUDS (Sustainable Urban Drainage Systems) principles should be incorporated in the development.

In respect of water supply and drainage provision, it is proposed to connect to the existing public services. The Local Plan settlement profile indicates that Innerleithen has sufficient capacity in terms of waste water treatment works and water treatment works. The applicant would be required to demonstrate that there was capacity for the proposed development to connect to these services were the development to be supported. The Environmental Health Officer has recommended conditions to this regard. Provided the details were secured prior to development there would be no reason to object to the development in terms of service provision.

Legal Agreement

The proposal attracts developer contributions in respect of Education and Lifelong Learning, and Affordable Housing. The applicant is aware of these requirements and would require to enter a legal agreement to secure the monies.

REASON FOR DECISION :

The proposed development at this site would be contrary to policies PMD5, EP9 and EP11 of the Scottish Borders Local Development Plan (2016) in that development of this area of green space will have a detrimental impact on the townscape structure of the settlement and the special character and appearance of the Conservation Area.

Recommendation: Refused

- 1 The proposed development at this site would be contrary to policies PMD5, EP9 and EP11 of the Scottish Borders Local Development Plan (2016) in that development of this area of green space will have a detrimental impact on the townscape structure of the settlement and the special character and appearance of the Conservation Area.

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