

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

3 AUGUST 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 15/00531/FUL
OFFICER:	Dorothy Amyes
WARD:	Tweeddale West
PROPOSAL:	Erection of three dwellinghouses (change of house type to previously approved 11/00983/AMC)
SITE:	Land South West Of Carnethy, Medwyn Road, West Linton
APPLICANT:	Mr Jamie O'Rourke
AGENT:	Gray Macpherson Architects LLP

SITE DESCRIPTION

The site comprises a woodland complex lying South West of the detached property named Carnethy on Medwyn Road, West Linton. Carnethy lies about 250m from the junction with the A701 trunk road. The site lies outwith the Conservation Area of the village. The woodland is bordered by agricultural land to the north, south and west and residential gardens of Medwyn Road to the east. The woodland comprises mixed broadleaves to include mature birch along the eastern edge.

PROPOSED DEVELOPMENT

As noted below there is an extant planning consent for this site for three residential units.

This application proposes a change of house type to the approved design of the three houses. The main changes are the addition of detached double garages.

Most of the other changes to the design of the houses were approved as non-material variations to the original scheme. These changes include the removal of the integral garages to provide additional accommodation, changes to the windows and the window pattern, dormer windows in the roof space and the addition of small sunrooms on the rear elevations of plots 1 and 2. There have been no changes to the ridge heights of the dwellings or to the footprints with the exception of the small sunrooms.

The proposed garage/studios which will be adjacent to each of the properties will be approximately 7m by 5.5m, they will have a pitched roof with a ridge height of just under 6m. An external staircase will lead to the studio area which will have velux windows and a small window on the end gable. The proposed materials are white, wet dash render on the walls, dark grey corrugated tin on the roofs, doors and windows will be timber and the steps will be buff coloured precast concrete with black painted steel handrail.

The addition of the detached garages has required some minor adjustments to the site layout.

PLANNING HISTORY

Planning consent was granted on appeal on 23 February 2011 for the erection of 3 dwellinghouses on this site (09/01098/PPP) and a subsequent AMC application (11/00983/AMC) was approved in October 2011.

Under 09/01098/PPP, a section 75 Legal Agreement was entered into in respect of the payment of contributions towards education provision for West Linton Primary and Peebles High School, monies due prior to commencement of works. In his notice of intention to allow the appeal the Reporter determined that there was no justification for an affordable housing contribution.

This planning obligation was modified in late 2013 (13/01139/MOD75) in order that the required contributions towards Education and Lifelong Learning could be paid in equal instalments on the completion of each house.

There is a current Enforcement case for the non-compliance of conditions 5 and 6 of the planning permission in principle consent. Further reference will be made to this in the assessment of the application. For information the conditions state;

Condition 5

The existing trees on the site as depicted on Drawing No 1146/1 shall be retained and protected to BS 5837:2005 during the construction period and thereafter in perpetuity to the satisfaction of the Planning Authority. Details on the timing of the initial tree works, phased works for new/replanting on site as per the approved Woodland Management Plan, type of weed control to be used (hand weeding, chemical or mechanical), and a programme for completion and long term management shall be submitted to the Planning Authority prior to development.

Condition 6

The proposed post and wire fence to delineate the housing plots and woodland shall be erected prior to any development works commencing and retained thereafter. Once the protective fence is in place the belt shall become an exclusion zone free from any work or storage of material or plant on the site.

REPRESENTATION SUMMARY

Nine letters of representation have been received from 7 different households. The objections to the proposal can be summarised as follows:

- Plans significantly different to previously approved and is over development of site
- Breaches of conditions on previous consents particularly in relation to fencing and planting
- Houses will have a major negative impact on area
- Additional traffic due to studio flats
- Garages will be in areas proposed to be occupied by trees/shrubs
- Will distort the spatial character of Medwyn Road and harm the living conditions of neighbouring properties, in particular, the dormer windows
- Impact on residential and amenity of nearby properties due to overlooking/loss of privacy
- Lack of outdoor garden space which could result in road safety issues with children playing in the road
- Use of corrugated tin on garage roof is visually unacceptable at this location

APPLICANTS' SUPPORTING INFORMATION

No supporting Information has been submitted.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Officer: The principle of housing has already been established on this site and, as the current application is purely for a change of house type, I have no objections to the proposal. Parking for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of each property and retained in perpetuity.

Environmental Health Officer: No comments

Statutory Consultees

West Linton Community Council: The Community Council does not support the application.

The Community Council notes the developer has commenced building the properties to the design submitted in this application. This council is of the opinion any further works should cease until a decision has been made by Scottish Borders Council.

West Linton Community Council would like to see Scottish Borders Council take a firm stance with applicant's who either apply for retrospective planning permission or, as in this case, commence building before planning permission has been granted.

The developer has also paid scant attention to the conditions laid down in the Reporters decision and this is resulting in the detrimental development of the site, for example the delineation of each property boundary and tree and shrub planting.

It is the opinion of the community council that this is a cynical use of the planning system and punitive measures should be taken to stamp out this attempted manipulation of the system.

Although the footprint of the proposed properties is approximately that of the plans previously approved, when the garages are included, the assumed extension of the properties into the roof space: there are dormer windows shown in the new elevations and although the developer has stated these are 'dummy dormers' and there is no intention to extend the living accommodation into these spaces it is not a huge leap to infer that provision of these windows will make this more likely in the future; the use of the integral garages for additional dwelling rooms increases the residential size of the properties dramatically.

The addition of new, detached double garages increases the development of the site, the impact of which the Reporter attempted to guard against by reducing the number of properties in the application; particularly given that they appear to have provision for residential use in the upper floor.

As stated at the beginning, West Linton Community Council does **Not Support** this application and asks that SBC ceases all development on the site until a decision has been taken and all conditions previously agreed by the developer, implicit by his commencement to build on receipt of permission to build on appeal, are complied with.

Other Consultees

None

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 7 Maintaining a Five Year Housing Land Supply

Consolidated Scottish Borders Local Plan 2011

Policy G1	Quality Standards for New Development
Policy G5	Developer Contributions
Policy G7	Infill Development
Policy H2	Protection of Residential Amenity
Policy NE4	Trees Woodlands & Hedgerows
Policy Inf4	Parking Standards
Policy Inf5	Wastewater Treatment Standards
Policy Inf6	Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance on Developer Contributions
Supplementary Planning Guidance on Trees and Development
Supplementary Planning Guidance on Landscape and Development
Supplementary Planning Guidance on Placemaking & Design
Supplementary Planning Guidance on Householder Development
Scottish Borders Woodland Strategy

KEY PLANNING ISSUES:

Under Planning Appeal PPA-140-2016, consent was granted in principle for a residential development on this site on. Condition 2 stipulated that the development should comprise no more than three units. Details of the proposed 3 housing units were approved under the subsequent application for the approval of matters specified in conditions. The current owner/developer wishes to change the design of the houses, some of the changes have already been approved as non-material variations.

The key planning issues are whether the changes to the house plots to include detached double garages with studios above are acceptable or whether they raise issues in relation to residential amenity or the retained woodland and required additional landscape planting.

ASSESSMENT OF APPLICATION:

There are two issues which require clarification before assessing the current proposals.

Firstly, most of the representations refer to the fact that the development has commenced in breach of planning conditions. This is correct and there is a current enforcement case relating to conditions 5 and 6 on the original consent. The applicant has been made aware of the requirements of these conditions and has agreed to comply. The required fencing will be put in place as soon as possible but the required planting will not take place until the next planting season. Although the condition states that planting should be carried out prior to development taking place, in the approved woodland management plan it states that the

planting will take place in the planting season following the commencement of the first dwellinghouse. This course of action would appear to have been accepted.

As the current application is for a change of house type the conditions on the previous consents remain valid and there was no requirement to submit plans showing the tree protection areas and areas of proposed planting with this application as there are approved plans. However, as this is a full planning application, the relevant conditions from the previous consents should be placed on any new consent.

The applicant has not been requested by the Enforcement Officer to cease work on site until the planning application has been approved. However, the applicant has commenced the development without the necessary building warrants being in place and Building Standards Officers have requested that the work stops until the warrants have been issued. The current situation will be reported at the committee meeting.

Secondly, the applicant sought to make changes to the approved plans through a non-material variation. The changes are noted above and the current house plans almost reflect what has been approved as non-material with the exception of one or two changes to windows.

The non-material variations were agreed in May 2014 but unfortunately, due to an oversight, the information was not placed on the public file until recently. It was considered that the addition of the detached garages could not be treated as non-material and a new application would be required. In planning terms, this means that the applicant is currently building houses as per approved plans.

However, given the level of objection to the changes to the house type it is considered appropriate to expand on the reasons for approving the non-material variations, specifically the dormer windows, the removal of the integral garages to provide additional accommodation and the addition of small sun rooms.

The three dwellinghouses are large and appear to sit within large plots, although the garden ground may be limited by the retained woodland which is to be fenced off. The dormer windows add features to the roof and are of a traditional design. They do not result in any increase to the height of the buildings, do not result in any loss of residential amenity to existing properties and there is no stair access from first floor (and hence no requirement for floor plans). The dormer windows break up the large roof areas and they do not detract from the overall appearance of the houses.

The change of the garages to accommodation would be permitted development once the houses have been completed and there is no condition or valid planning reason to resist this amendment.

The addition of the small single storey extensions was also considered to be acceptable as the design is in keeping with the original house design, is small scale in relation to the overall size of the building and can adequately be accommodated within the garden ground and would not result in any loss of residential amenity.

The proposed detached garages/studios must now be assessed.

In terms of scale, design and materials the proposals are considered to be acceptable. The use of an alternative material on the roofing is appropriate in this semi-rural location and it will not detract from the character of the area. The site is set back from the main frontage on Medwyn Road and the development is unlikely to have any impact on the existing character of the area. The site plan submitted with the application demonstrates the spatial character

of the area. Many of the houses along Medwyn Road have similar footprints and plot sizes and many have detached garages of a similar size.

The small windows in the studio areas are an acceptable distance from any existing properties and will not result in any unacceptable loss of privacy.

The proposal is for detached garages with studios above to be used as ancillary accommodation to the main houses. It is not proposed that these should be used as separate dwelling units or studio flats. They will not result in additional traffic in the area. However, to reinforce this, should members be minded to approve the application, it is recommended that there should be a condition on the consent stating that they should only be used as ancillary to the main house and not separate housing units.

Reference has been made to the location of the garages. It would appear that none of them are located within the tree belt area which is to be retained although the garage on plot 3 is very close to the 10m restricted area. It is suggested that it would be appropriate to measure the distances on plot 3 accurately and, if required, the garage can be moved forward away from the planting area. This can be covered by a condition. The garage on plot 1 is located where landscape planting is proposed. However, appropriate planting will still be possible along the northern boundary of the plot and the proposals will not have a significant impact on the delivery of this requirement.

As the applicant has still to submit a planting scheme for the site, a condition can be placed on the consent to ensure that the proposed planting is satisfactory and that it is carried out at the appropriate time.

CONCLUSION

It is considered that the proposed amendments to the original scheme including the detached garage/studios, are acceptable in that they are appropriate to the development, they can be adequately accommodated on the site and they will not affect the spatial character of the area or have any significant impact on the residential amenity of existing properties.

There are current issues with this site in relation to non-compliance with planning conditions and these should be pursued with the applicant to ensure a satisfactory outcome particularly in terms of landscape and trees.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

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

1. Two parking spaces shall be provided within the curtilage of each dwellinghouse and retained in perpetuity.
Reason: to ensure that there is adequate off road parking in the interests of road safety.
2. The garage/studios hereby approved shall only be used as ancillary accommodation in connection with the use of the main properties as single private dwelling houses and shall at no time be converted to self-contained units.
Reason: A separate dwelling would conflict with established planning policy for this area.

3. Before construction commences on the garage on Plot 3, the exact location shall be pegged out on the ground for approval by the planning authority. If it is found that any part of the garage is located within the area allocated for planting/trees on the approved site layout plan for 11/00983/AMC, an alternative site will be agreed with the planning authority.
Reason: to ensure that the development does not have an adverse impact on the existing trees and the proposed landscape planting.
4. The existing trees on the site as depicted on Drawing No 1146/1 shall be retained and protected to BS 5837:2005 during the construction period and thereafter in perpetuity to the satisfaction of the Planning Authority. Details of the phased works for new/replanting on site as per the approved Woodland Management Plan, type of weed control to be used (hand weeding, chemical or mechanical), and a programme for completion and long term management shall be submitted to the Planning Authority prior to development within one month of the date on this consent. The approved planting scheme shall be implemented in the next planting season (Autumn 2015-Spring 2016).
Reason: To ensure the satisfactory form, layout and assimilation of the development, and to protect existing trees that represent an important visual feature that the Planning Authority considers should be substantially maintained.
5. The proposed post and wire fence to delineate the housing plots and woodland shall be erected within one month of the date on this consent and retained thereafter. Once the protective fence is in place the belt shall become an exclusion zone free from any work or storage of material or plant on the site.
Reason: To protect the existing woodland strip which acts as a screening buffer to ensure the development integrates well into the surrounding landscape.
6. The vehicular access to the site, the visitor parking areas and the vehicular turning area must be completed before the first dwellinghouse is occupied.
Reason: In the interests of road safety.
7. The proposed soakaways shall be located in the positions as previously agree under planning consent 11/00983/AMC unless alternative locations are agreed in writing with the planning authority prior to the soakaways being installed.
Reason: To protect the existing trees on site and safeguard the visual amenity of the area.
8. A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority within one month of the date on this consent.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
9. The roofing material on the main dwellinghouses to be natural slate.
Reason: To safeguard the visual amenity of the area.

DRAWING NUMBERS

PG01 – Site/Location Plan
W01 – Block Plan
PL01/01 REVISED - Plot 1
PL02/01 – Plot 2
PL03/01 – Plot 3
PG02 – Garages with studios over

Approved by

Name	Designation	Signature
Ian L Aikman	Chief Planning Officer	

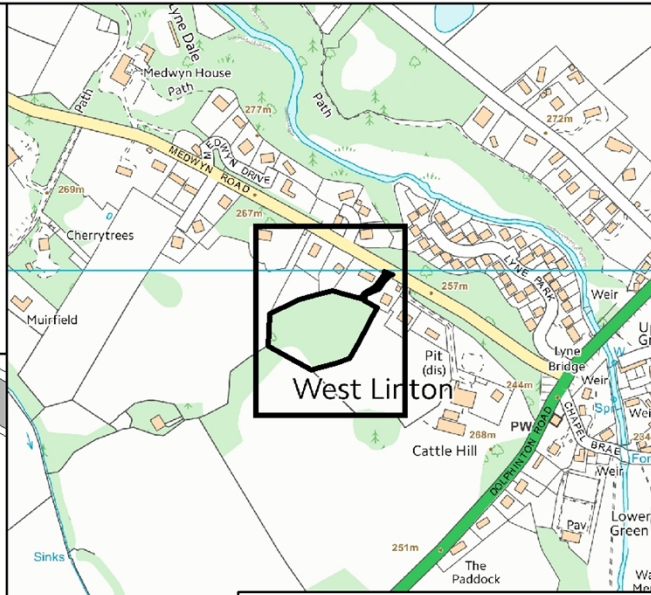
The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

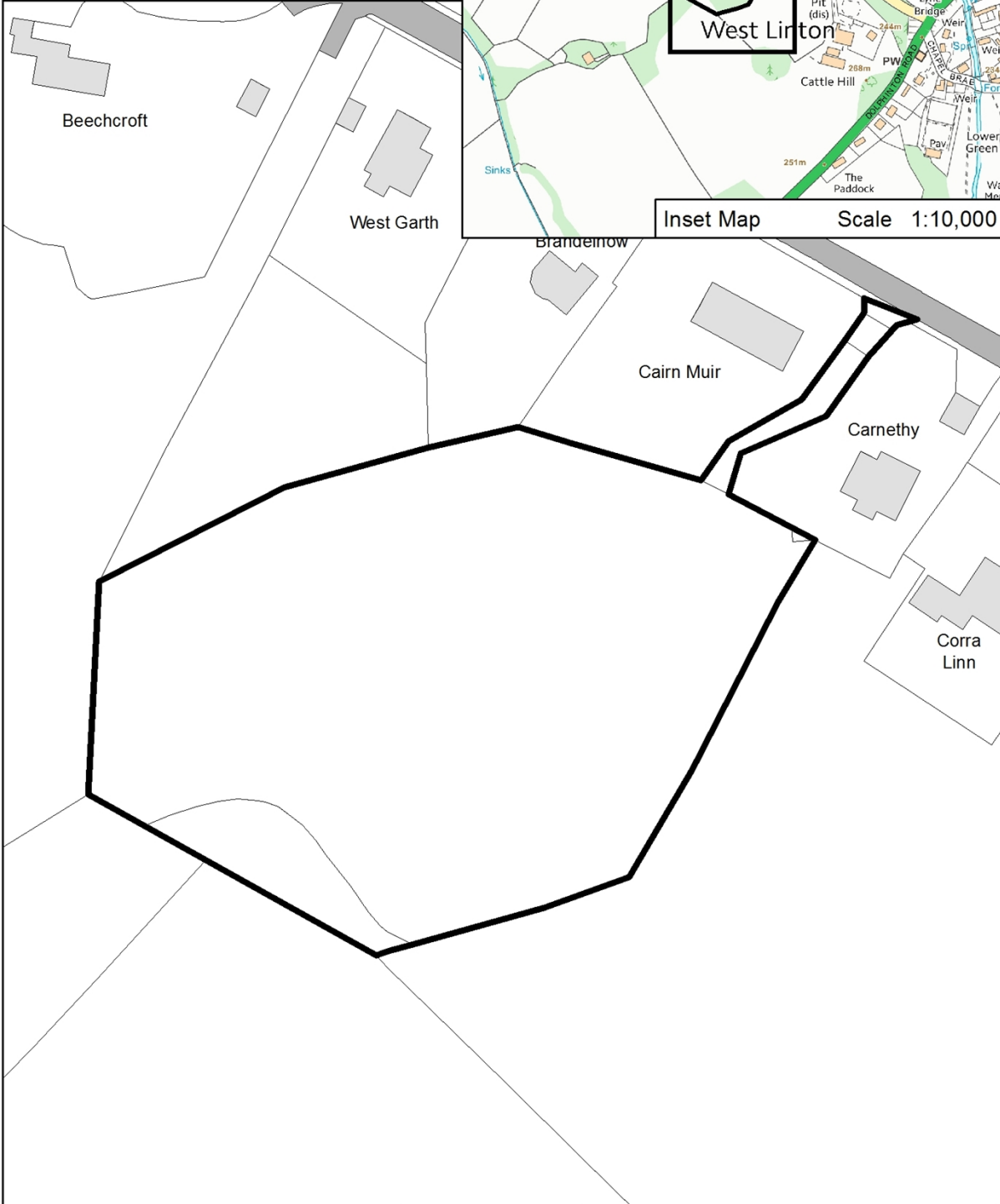
Name	Designation
Dorothy Amyes	Planning Officer



15/00531/FUL
Land South West Of Carnethy
Medwyn Road
West Linton
Scottish Borders



Inset Map Scale 1:10,000



Scale 1:1,250