

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/00358/PPP

APPLICANT : Mr R Martin

AGENT : MKT Design

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Garden Ground Of
Beechwood Pyatshaw
Lauder
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
MKT/RM/002	Proposed Site Plan	Refused
	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

There are no representations.

CONSULTATIONS:

Community Council: No response.

Roads Planning Service: The site has previously had approval for the erection of a dwellinghouse at this location most recently under 07/00649/FUL. The site is accessed off an unclassified public road which is well served by passing places between the site and the A697.

The site access is proposed to utilise the existing service layby which has been constructed to the Council's specification. The site has an existing stone wall which forms the boundary and this may be required to be relocated slightly to allow for visibility splays of 2.4 x 43 metres.

Director of Education and Lifelong Learning: No response.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP7: Listed Buildings
EP10: Gardens and Designed Landscapes
EP13: Trees, Woodland and Hedgerows
IS2: Developer Contributions
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development 2008
Landscape and Development 2008
Development Contributions updated January 2018
New Housing in the Borders Countryside 2008

Recommendation by - Julie Hayward (Lead Planning Officer) on 16th May 2019

Site and Proposal

The site is part of the garden ground of Beechwood (07/00649/FUL), a modern, detached, one-and-a-half storey dwelling, situated at Pyatshaw, a building group situated to the east of Lauder. There is a detached garage on the site and a number of mature trees. The road runs along the northern boundary beyond a stone wall and ground slopes up to the south. The site is within the Spottiswood SBC Designed Landscape.

As this is a Planning Permission in Principle application and so no details of the siting and design of the dwellinghouse have been submitted.

Planning History

None

Planning Policy

The site is outwith the Development Boundary for Lauder and so the proposal has to be assessed against the Council's housing in the countryside policies.

Policy HD2 (A) allows new housing in the countryside provided that the site is well related to an existing building group of at least three houses or buildings capable of conversion to residential use. Any consents for new build granted under the building group part of the policy should not exceed two houses or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted. Calculations on building group size are based on the existing number of housing units within the group at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point. The cumulative impact of the new development on the character of the building group, landscape and amenity of the surrounding area will be taken into account in determining applications.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group. Sites close to rural industries will be given careful consideration to ensure no conflict occurs. Existing groups may be complete and may not be suitable for further additions.

It is accepted that there is a building group at Pyatshaw as there are more than three existing dwellinghouses contained within a sense of place. The site is well related to other houses within the group.

At the start of the Local Development Plan period on 12 May 2016, the building group at Pyatshaw consisted of ten existing houses (Pyatfield, Whittleknowe, Thimbleha, The Schoolhouse, Applecross, Beechwood, Brigadoon, Greenwood House, Cambridge and Cambridge Cottage). Under the threshold within policy HD2, three new dwellinghouses could be approved within the current Local Development Plan period.

Pyatshaw has a complex planning history, but most relevant are the following:

15/00403/FUL: Land South West Pyatshaw Schoolhouse Lauder approved on appeal by the Local Review Body on 27th October 2016, within the current Local Development Plan period. This is nearing completion.

15/01284/FUL: Plots 1 and 2 Land North West of Whittlesknowe Pyatshaw - erection of two dwellinghouses approved 23th December 2015. At the start of the current Local Development Plan period this Planning Permission was live but work had not commenced on the houses. The Completion Certificate was issued for the house on Plot 1 in July 2017 and for the house on Plot 2 in January 2019, within the current Local Development Plan period.

16/01180/FUL: Plot 3 Land North West of Whittlesknowe - erection of one dwellinghouse approved 7th November 2018. Approving this application meant that the total number of new dwellings added to the building group at Pyatshaw during the current Local Development Plan period was 4 and therefore in excess of the three permitted under policy HD2 (the application 15/01284/FUL was approved in the previous Local Plan period but work on the houses had not commenced at the time of adoption of the current Local Development Plan in May 2016).

Several material considerations were taken into account in arriving at the view, that on balance, there were sufficient grounds to support the 2016 application as the subject of an exceptional approval:

- o The application was registered on 21 September 2016, ahead of the Local Review Body's final approval and release of Planning Consent 15/00403/FUL on 27 October 2016. As such, there was an overlap during the current Local Development Plan period, when the application was made, and the Local Review Body decision had yet to be issued. Within this period, there was, theoretically at least, an opportunity for the planning application to have been determined ahead of the conclusion of the appeal. Further, this overlap was itself largely a consequence of the appellant's delay in concluding a legal agreement to allow for the release of consent, further to the Local Review Body's decision on 04 October 2015.

- o The site was at the start of the current Local Development Plan Period, within a larger site which was itself the subject of extant planning consents for housing development (2005). While it was acknowledged that this was for two, rather than three houses, and the extant consents have since been superseded by the implementation of Planning Consent 15/01284/FUL, it was material that there was a longer, long-standing history of approvals for housing development on this particular site, including two extant consents at the start of the Local Development Plan period for this site. In short, the application has not proposed any new site(s) for housing development.

- o The proposal would also complete a group of houses, without reasonably promoting any further development within or in relation to the wider building group at Pyatshaw. It would complete the development of the original site between Pyatfield and Thimble Ha which in its extent, was originally defined at the time of the original 2005 outline approvals.

- o The design and layout of the development are generally satisfactory, and complement surrounding development, chiefly the builds on Plot 1 and Plot 2. This would allow for the completion of what has been something of an on-going development of the wider 'Pyatfield' site.

Therefore, based on this planning history the current Local Development Plan threshold has already been exceeded and this current application seeks a fifth house, contrary to policy HD2 and the Supplementary Planning Guidance.

As with the 2016 application, consideration is required as to whether this could be an exceptional approval and whether or not the proposal could be accommodated in design terms, without this having any unacceptable impacts upon the character of the building group and surrounding area.

Siting and Design

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the scale and siting of new development should reflect and respect the character and amenity of the existing building group.

Beechwood is a modern dwellinghouse approved in 2007. The current site is within the garden ground on which the garage is located. This would result in two plots that are significantly smaller than any of the recent developments within the building group and out of keeping with the character of the building group. The spacing of the existing and proposed houses would not respect the spacing of others within the building group.

Trees

Policy EP13 seeks to protect trees from development. There are mature trees within and overhanging the site that are not accurately shown on the site plan but that are worthy of protection and retention. Once accurately plotted with their root protection areas, the amount of developable space would be considerably reduced, further reducing the size of the plot, resulting in a potential over-development of the site.

Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new household developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

Any development on this site would have to be sited and designed to ensure that no direct overlooking or loss of light occurs to the existing house.

Access, Parking and Road Safety

Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The indicative site plan shows that the site would be served from the existing access from the public road and two parking spaces are proposed.

The Roads Planning Service requires the existing stone wall, which defines the boundary, to be relocated slightly to allow for visibility splays of 2.4 x 43 metres, which would be covered by a planning condition.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The proposed dwellinghouse would connect to the public water supply and the foul and surface water drainage would be to a septic tank and soakaway. The exact details of this would be controlled by a condition, though would have to be sited as to protect tree roots within the site.

Development Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out in policies IS2 and IS3.

Developer contributions are required in respect of Lauder Primary School and Earlston High School and would be secured by way of a Section 75 Agreement.

REASON FOR DECISION :

The proposed development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would exceed the threshold of 2 additional dwelling units or a 30% increase in the building group permitted within the current Local Development Plan 2016 period and there are no exceptional circumstances that would justify a departure from this Policy. In addition, the proposal does not respect the character of the building group, in terms of plot size and spacing, and would constitute an over development of the site, potentially impacting on trees within the site, which would be detrimental to the visual amenities of the area.

Recommendation: Refused

- 1 The proposed development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would exceed the threshold of 2 additional dwelling units or a 30% increase in the building group permitted within the current Local Development Plan 2016 period and there are no exceptional circumstances that would justify a departure from this Policy. In addition, the proposal does not respect the character of the building group, in terms of plot size and spacing, and would constitute an over development of the site, potentially impacting on trees within the site, which would be detrimental to the visual amenities of the area.

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

