

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/01777/FUL
APPLICANT : Mr Craig Dougall
AGENT : Suzanne McIntosh Planning Limited
DEVELOPMENT : Erection of two dwellinghouses
LOCATION: Garden Ground Of 7 Heriot House
Heriot
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
17-40-001 E	Proposed Site Plan	Refused
17-40-050	Landscaping Plan	Refused
17-40-002 C	Proposed Plans	Refused
17-40-003 E	Proposed Elevations	Refused
17-40-005 D	Proposed Elevations	Refused

NUMBER OF REPRESENTATIONS: 3

SUMMARY OF REPRESENTATIONS:

Three representations have been submitted (one applicable to the Community Council whose comments are summarised in the consultation section further below), the main points being:

- o Narrow road access, gradient of driveway and resulting parked cars on road during snow and ice
- o No provision for septic tank and soakaway, there being no mains drainage in Heriot
- o Levelling of land will destroy the trees, and increase the land height next to the drain outlet, and the slope could be dangerous, though the plans don't show the new gradient. The drain outlet needs protected.
- o Insufficient parking arrangements
- o Poor design, overlooking and privacy impacts, including carport design (appearing odd from the A7) and outlook from large window in House 1 poor, with little solar gain, with shading and overlooking of outdoor space
- o Sandyknowe not notified

Consultations

Community Council: In summary, the appearance of the houses do not conform with a typical 3 or 4 bedroom property in the Heriot area. Primarily the double height feature windows which will be highly visible from the A7 and the start of the B709. Repeating the feature of 7 Heriot House is not supported. These windows would allow visibility into the properties from the A7 and the B709.

The large window at 7 Heriot House will face onto and overlook the entrance and parking area. When outside the properties, people will also be able to see into 7 Heriot House. It would also permit light pollution.

Winter parking will mean that cars park on the road and experience of parking at Heriot House is that two-wheel drive cars are always parked on the road when snow is forecast. Parking on the road, near to the junction turning, could deny access for large vehicles. This road is too narrow. The parking layout does not allocate outside parking for each property. Cars parking outside House 1 may block access to the covered parking for House 2. The CC is also generally concerned about the proliferation of residential access onto the road in this area.

There is a large water drain and the plans show that the grounds will be built up for House 1, increasing the height above the outlet and creating what looks like a vertical wall around the outlet. This might be a solid structure several metres tall inside the garden area of House 1 and could have a very large visual impact. The vertical wall is guaranteed to attract local children to climb it, thus creating a serious hazard. The application plan also appears to show that raising the ground level for House 1 will cover part of the landscaped slope up to the B709.

There are no septic tanks.

Roads Planning Service: Objected to the original submission, requiring details of impact on the adjacent public road and verge and details of construction and levels. Following submission of revised proposals, remains unable to make a recommendation, due to discrepancies between drawings. Until these are rectified, the application cannot be supported. Fencing and planting appear to close off the adjacent stable block access, and confirmation on how this is accessed is required. Objects to the application due to insufficient details to confirm impact on the adjacent road and insufficient details to confirm the development shall be served by a satisfactory access.

Education and Lifelong Learning: Contributions (at time of consultation response) due for Galashiels Academy of £3720 per house. No contributions sought for primary schools

Scottish Water: No reply

Access Officer: No reply

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2, HD1, HD2, HD3, EP3, EP7, EP13, EP16, IS2, IS3, IS7, IS9

SPGs New Housing in the Borders Countryside 2008; Affordable Housing 2015; Development Contributions 2011 (updated 2019); Landscape and Development 2008; Placemaking and Design 2010; Guidance on Householder Development 2006; Trees and Development 2008; Waste Management 2015

Recommendation by - Carlos Clarke (Lead Planning Officer) on 6th August 2019

This application seeks consent for two houses within a field approximately 370m south of Heriot. It flanks, and would be accessed from, the B709 to its west, and sits alongside it to its south side. The A7 is located to the east. The site comprises an undeveloped field south of three blocks of houses, two furthest north forming part of the Category B Listed Heriot House and, between these and the site, a block of three houses built under consent reference 07/01330/FUL.

The application was subject to some modifications during its processing (explained further in this report) in response to design concerns raised by this service, albeit the changes are not significant and thus did not warrant renotification of neighbours. I would note that, in response to one representation, the property referred to as Sandyknowe is outwith the neighbour notification distance, thus why it was not notified.

Principle

Policy HD2 of the Council's Local Development Plan 2016, supported by our New Housing in the Borders Countryside Guidance 2008, requires that new housing developments relate appropriately to the sense of

place of an existing group and do not expand it by more than 2 houses or 30% whichever is the greater. In this case, two houses would not exceed the limitations of the group in simple numerical terms. This proposal also incorporates an L-plan that follows the building line of the existing buildings and that type of approach has the potential to complete the group. Though into an open field, the new road to the south (formed as part of the railway works) and its landscaping provide an edge to the group within which the new development would sit. This now prevents the potential for ribbon development. However, the current proposal would be significantly distant from the existing houses, with approximately twice the gap between them and the existing and that between the two existing terraces. The site itself also does not physically link with the boundaries of the group to which it is attempting to form an addition to. There is a significant gap, and the fact this is designed to safeguard a paddock area (for a stable block, recently granted retrospective consent) is not a notable mitigating factor. These two houses would not relate sympathetically to the setting of the group as result of the large gap between them and existing properties, a gap clearly evident in views from the A7.

Furthermore, the proposals raise concerns regarding design, landscape changes, impacts on trees and boundary features, as noted further in this report, which have not been satisfactorily addressed during the processing of the application, and which suggest the development will not sufficiently sympathetically relate to the sense of place and character of the existing group.

As a result, the proposals will not comply with Policies PMD2 and HD2, nor with our New Housing in the Borders Countryside or Placemaking and Design SPGs.

Services

Mains water and foul drainage is specified in the application, though private measures are agreeable if satisfactory information is provided demonstrating suitable services, including provision of a septic tank and soakaway that complies with Building Standards and SEPA requirements. A condition can cover these details. In addition, a surface water drainage scheme should be sought by condition.

Neighbouring amenity

The proposals should not harm the amenity of neighbouring properties by reason of daylight, outlook, sunlight or privacy loss. I do not consider that the relationship with the adjacent property, in terms of overlooking the proposals, would be inappropriate in this setting.

Access and parking

The proposals incorporate a new access and parking area. A carport originally proposed has now been replaced with garages. Parking requirements required by the LDP are two spaces per house. Garages are not included in this calculation. The RPS have not raised concerns that the proposal is unacceptable in terms of the amount or layout of parking, nor do they share concerns regarding potential overspill parking on the public road during bad weather. However, they asked for further information to inform their view of the proposals (as noted above). Amended plans were submitted, but these do not respond sufficiently to the RPS's issues. It is also noted that the approved stable block would have no access to it since this proposal would prevent it. Having discussed these matters with the RPS, it would appear they would not appropriately be addressed by planning condition since, albeit they may be capable of being resolved, they may materially affect the site layout. Consistent drawings and levels should be provided which demonstrate that this site layout will achieve satisfactory, safe means of access in a manner that does not affect the public road verge. As it currently stands, the proposal is not acceptable in these regards, and so conflicts with Policy PMD2 and our NHIBC guidance.

Siting and layout

The site is framed to the south by newly planted trees associated with the road link. The original application appeared to ignore these trees. A revised proposal identifies the area of the trees, but the information is lacking in clarity as regards the detailed proximity of the trees, the protection areas that should be applied, and the potential impact of level changes (which are considerable, but are not noted on the plan). The site plan also implies that trees will be removed and replaced elsewhere. These trees will assist with the case for two houses here since they will emphasise the robustness of this boundary. They will also assist in providing privacy to the development, however, placing the nearest house in such close proximity to them leaves them

liable to pressure for future removal given the size of remaining garden is seriously compromised, and the potential for shading from the trees when mature. This application does not adequately account for impacts on these trees, as required by Policy EP13; their potential scope to provide screening to the rear garden of the proposed nearest house; and also their potential to seriously undermine its amenity in the long term.

The proposals also appear to incorporate substantial level changes that appear to be beyond the application site boundary; are not shown on the site plans; are not supported by spot levels of existing or proposed; are not shown as tying in sympathetically with the existing levels; including cuts to the rear supported by gabions which would be out of character with the existing group. The resulting landscape change would likely be adverse and the application drawings do not demonstrate otherwise. Negotiation of an existing drain outlet may have added visual implications, particularly if retaining walls or safety measures are required to satisfy Building Standards. The applicant was asked to respond to this issue but has not addressed these concerns. Matters regarding subsidence are for the Building Standards.

As noted above, the gap between these proposals and existing houses will not relate sympathetically to the existing spacing of the blocks of buildings within the existing group. An intervening paddock and recently constructed stable block will be leapfrogged and, visually, this is a weak link between the proposals and existing group. The L-shape and building lines roughly reflect the existing buildings and could potentially complement them, however, the siting itself will appear detached.

The layout comprises a single access and parking area which is relatively large. It has been reduced during the application's processing, though scope to reduce it further (in a manner that does not undermine parking and turning requirements) should be considered by way of planning condition.

Scale, design and materials

The general scale of the proposals may complement existing houses in the group. As regards design, a carport was originally proposed that would comprise a weak link between the two buildings. In response, this has been changed to a solid link, thus the two houses are attached, and this provides the potential for a development complementary to the existing buildings within the group. I note the Community Council's concerns regarding the large feature gable, but I consider this provides for a visual link with the existing buildings that would be welcome, notwithstanding the potential for some visual impacts from internal lighting. I also note concerns regarding the outlook from this window, though that is ultimately for the applicant to consider. The principal outlook from both properties, and access to sunlight, is acceptable, when accounting for all other relevant planning matters (excepting concerns noted above regarding proximity to trees).

I did, however, raise concerns regarding the top-heavy design and detailing of the dormers; their siting on the rear elevation to the east (which does not occur on existing houses in the group); and the limited flow of the roofs, contrasting somewhat with existing buildings, with an absence of skews and chimneys and use of steel flues and fascia boarding exacerbating the evident departure from existing houses. The applicants have responded with some adjustments (including slimmer fascias to dormers, though the dormers are still top-heavy, and still on the rear elevation); replacing flues with chimneys (though including an external chimney that is not complementary to the design); gutters to fascia boards (though the fascia boards still appear to have been retained). As regards the roof, the flow has not been improved, and the houses will still appear as a weak addition to the more robust roofscape of existing houses. These shortcomings may appear minor in themselves, but if this development is to complement the setting of existing houses, including the Category B Listed Heriot House, a more focussed attention to the design of the development is required, including roof scape and details. These matters cannot reasonably be addressed by a condition of consent. The proposals do not comply with Policies PMD2 and HD2 nor our related SPGs.

Regarding materials, slate roofs and timber windows and doors are proposed, as well as timber features. Render finishes were originally incorporated, though the applicants have responded positively to a request for stone. Provided the stone is complementary to the existing buildings this will greatly assist with the visual link between the proposals and existing buildings. Conditions should seek a detailed schedule of materials, including ground works, to ensure all colours and finishes are sympathetic, and also ensure glazing patterns and roof light specifications are implemented as proposed.

Boundary features

In terms of boundary features, these comprise post and wire fencing, gabion baskets and beech hedging, as well as an unspecified entrance feature. It is recommended that boundary treatments reflect the existing houses, which comprise post and rail fencing and stone and rendered walls. This proposal lacks clarity regarding the extent of fencing and links of boundary treatments to existing, and does not adequately reflect the treatments around the existing group. A response from the applicant to these concerns has not addressed them. The fact the site is not physically attached to the nearest house curtilage will not be overcome by careful selection of boundary treatments, but ensuring their specifications are complementary would be recommended if this development were to be approved. This matter could be addressed by a condition of consent.

Ecology

There are no designations on or nearby that would be affected, and no building or mature tree removals.

Air quality

Stoves are incorporated, though if the appliances are less than 45kw, emissions should not be a concern. A standard informative note can apply

Waste storage

No bin storage is shown, though there is ample room. A condition should secure a scheme that demonstrates discrete storage that does not affect parking or access

Contributions

Contributions are required towards the Waverley railway, Galashiels Academy and affordable housing (from one of the units), in order to comply with Policies IS2, IS3 and HD1. A legal agreement would be necessary, in the event that consent were granted

REASON FOR DECISION :

The proposed development does not comply with Policies PMD2, HD2 and EP13 of the Local Development Plan 2016, or Supplementary Planning Guidance on New Housing in the Borders Countryside 2008, Trees and Development 2008 or Placemaking and Design 2010 in that the siting and design of the proposed development would have an adverse and unsympathetic impact on the landscape character of the site; sense of place of the existing group and its built form; and existing tree planting. Other material considerations do not outweigh these policy conflicts

The proposed development does not comply with Policy PMD2 of the Local Development Plan 2016 or New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it has not been demonstrated that the development can be provided with a safe means of vehicular access and would not adversely impact on the integrity of the public road and verge, therefore potentially leading to an adverse impact on road safety. Other material considerations do not outweigh these policy conflicts

Recommendation: Refused

- 1 The proposed development does not comply with Policies PMD2, HD2 and EP13 of the Local Development Plan 2016, or Supplementary Planning Guidance on New Housing in the Borders Countryside 2008, Trees and Development 2008 or Placemaking and Design 2010 in that the siting and design of the proposed development would have an adverse and unsympathetic impact on the landscape character of the site; sense of place of the existing group and its built form; and existing tree planting. Other material considerations do not outweigh these policy conflicts
- 2 The proposed development does not comply with Policy PMD2 of the Local Development Plan 2016 or New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it has not been demonstrated that the development can be provided with a safe means of vehicular

access and would not adversely impact on the integrity of the public road and verge, therefore potentially leading to an adverse impact on road safety. Other material considerations do not outweigh these policy conflicts

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