

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/00193/FUL

APPLICANT : Mr Robert Harrison

AGENT : D & H Farmer

DEVELOPMENT : Demolition of dwellinghouse and erection of two dwellinghouses

LOCATION: Benrig
1 Cuddyside
Peebles
Scottish Borders
EH45 8EN

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
5 of 5	Photos	Refused
1 of 5	Location Plan	Refused
D009 a	Site Plan	Refused
D006 a	Floor Plans	Refused
D008 a	Elevations	Refused

NUMBER OF REPRESENTATIONS: 2
SUMMARY OF REPRESENTATIONS:

Two objections were received. The material grounds contained within those representations can be summarised as follows:

loss of existing boundary treatment; height of development; privacy; impact on conservation area; insufficient parking provision.

Consultation responses were received from: Roads, objection. The access serving the site is single track with limited passing opportunities due to the Eddleston Water which runs adjacent to the road. Due to the nature of the road, the on-street parking is very limited and I would not be in favour of supporting any development which would place a further burden on this road. The demolition of the existing dwelling and replacing it with two units would increase the number of units served by this sub-standard road. In addition the provision of two parking spaces to serve both dwellings does not meet current parking standards as I would require two spaces per dwelling. The submitted revised design does not address the concerns raised by Roads. The proposal does not comply with policies: PMD2 of the LDP in that it would be result in extra vehicular traffic on a sub-standard access to the detriment of road safety and; policy IS7 of the LDP in that the appropriate parking provision has not been provided to the detriment of road safety.

Education and Lifelong Learning - no objection. Contributions required;

Flood Risk Officer - the revised drawings have been assessed. The FRO is content that the FFL of the property will be 126.7mAOD, the 1 in 200 year flood level + freeboard. This is a demolition and re-build meaning the functional flood plain storage is unaffected and there would be no compensatory storage requirements. The existing house is at significant risk at present and these plans would lift it out of the flood plain and create a property which is not at risk during a 1 in 200 year flood. In principle, the FRO does not object but requires more information on aspects such as the understory, its design and size and whether the applicant expects this understory to flood. The FRO notes that there is an outstanding objection from SEPA;

Archaeology Officer - no objection, subject to conditions. 1 Cuddyside is a former smithy, the loss of which will be an impact of local historic significance. Elements of the building's formal use as a smithy may remain in situ. The loss of the building and associated smithy features will be of local historic significance. To mitigate this loss, a historic building survey condition is recommended if permission is granted;

Contaminated Land Officer - no objection, subject to conditions. The above application appears to be proposing the redevelopment of land which was previously operated as a blacksmiths. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. It is recommended that should planning permission be granted on condition is imposed requiring that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the planning authority. Any requirement arising from this assessment for a remediation strategy and verification plan would be required by condition.

SEPA - objection in principle on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. Given the proposed development will result in a material increase in the number of properties within the functional floodplain SEPA does not consider that it meets with the requirements of Scottish Planning Policy and their position is unlikely to change. SEPA has a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. In the event that Members are minded to planning permission contrary to SEPA's advice on flood risk, the application would have to be referred to Scottish Ministers for determination.

Historic Environment Scotland - no comments;

Civic society - no objection.

PLANNING CONSIDERATIONS AND POLICIES:

PMD1 - Sustainability
PMD2 - Quality standards
PMD5 - Infill developments
HD3 - Protection of residential amenity
EP8 - Archaeology
EP9 - Conservation areas
EP15 - Development affecting the water environment
IS2 - Developer contributions
IS7 - Parking provision and standards
IS8 - Flooding
IS9 - Waste water treatment standards and sustainable urban drainage
IS13 - Contaminated land

The site is not strategic, therefore the policies contained within SESplan are not considered.

The following council guidance is material:

Contaminated land inspection strategy;
Development contributions;
Placemaking and design;
Privacy and sunlight guide;
Trees and development;

Waste management.

Recommendation by - Randal Dods (Planning Officer) on 6th December 2019

This report considers the applications for conservation area consent and the planning permission.

Site and proposal

The site is located on Cuddyside, on the eastern side of Eddleston Water, Peebles. The property which is currently on the site is a traditionally proportioned and detailed single storey house, set back from the street edge by about 3.5m and a stone wall defines the boundary. The house it is not listed but is within the conservation area.

A small garden lies to the rear (east) of the house and a small driveway is found to the south. The ground slopes upwards to the east with the rear garden of 87 Northgate being immediately to the east. To the south is the garden of 85 Northgate and a stone wall substantially defines that boundary with Cuddyside. To the south of that, number 2 Cuddyside, a stone built single storey house. To the north of the application site is a terrace of three modern houses, the closest two of which are single storey.

The proposal is to demolish the house and erect two, two storey houses in a semi-detached block. Two parking bays would be located in front of the houses with a single bay indicated to the south. A small communal garden would be located to the rear with steps up to the entrance, there being no entrance proposed to the west. The houses would be elevated by underbuild in order to take account of flooding. The floor level at the entrance would be approximately 1.3m above ground level and at Cuddyside, the floor level would be approximately 1.8m above ground level. The ridge would be 8.75m above ground level on Cuddyside.

Site history

Other than an application for the installation of solar panels (13/00974/FUL), there is no planning history associated with this site. A pre-application enquiry was made in 2018. In response, it was stated that the principle of replacing the existing house may be acceptable, although in assessing an application within a conservation area, the planning authority has to have special regard to the desirability of preserving or enhancing the conservation area. It was further stated that the design provided at pre-application stage was unremarkable and would not enhance the conservation area. The layout looked cramped and it appeared as if the proposal was to cram the site with the maximum possible number of houses, rather than enhance the area and bring about good design.

Policy principle

The key policies against which this application is assessed are PMD2, quality standards; PMD5, infill development; EP9, conservation areas and; IS8, flooding. An assessment of each is set out below.

PMD2 states that all new development will be expected to be, amongst other things, of high quality and designed to fit with Scottish Borders townscapes. In terms of placemaking and design, the policy sets out that developments should, amongst other things:

- 1) Create a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles. This need not exclude appropriate contemporary and/or innovative design;
- 2) be of a scale, massing, height and density appropriate to its surroundings;
- 3) is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
- 4) is compatible with and respects the character of the surrounding area, neighbouring uses and neighbouring built form;
- 5) can be satisfactorily accommodated within the site;
- 6) provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings.

It is clear that many of the properties in the area date from the latter half of the 20th century and those are not of great architectural quality although Benrig and the property to the south (2 Cuddyside) are the only properties on Cuddyside which predate the modern housing development.

Both those properties are traditionally designed and proportioned. Although the proposed houses may follow the design cues of the modern housing, that design is not of the highest quality. The proposed design could not be described as innovative.

The proposed house may propose a density which is appropriate to the surroundings but its massing and height and therefore its scale tend to dominate the immediately surrounding area. The height is roughly 2m higher than the existing property, is almost 1.7m higher than the house to the north and is approximately 2.5m higher than the house to the south. This height is as a result of the floor levels within the houses and the associated underbuild which is apparent on the west elevation. In terms of materials, the proposed materials will complement the existing modern houses. The proposals respect the surrounding uses and general character of the area but the built form is significantly higher than the adjoining properties which is detrimental to the appearance of the area and the amenity of adjoining residents.

What is at issue here is the site is not capable of accommodating the two houses as proposed and the proposal represents overdevelopment of the site.

With regard to boundary treatments, which also relates to the built form of the area, the existing property has a stone boundary dyke with the house set back. This is an anomaly on Cuddyside but that follows the clearly defined building line of the street. The proposed houses would be set back from the defined building line, roughly where the existing building is. There would be no boundary treatment, instead the area in front would be utilised for car parking and that would not help integrate the houses in to the surroundings.

PMD5

This policy supports development on non-allocated, infill or windfall, sites within development boundaries where the following criteria are satisfied:

- a) it does not conflict with the established land use of the area and;
- b) it does not detract from the character and amenity of the surrounding area and;
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming' and;
- d) it respects the scale, form, design, materials and density in context of its surroundings and;
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity and;
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

As noted above, the established land use of the area is for housing but the proposed development raises questions about the impact on amenity locally due to its potentially overbearing appearance. The development of two houses on a site which currently has one is overdevelopment. The applicant was advised of this at pre-application stage. No issues of servicing have been raised. Whilst there may be some overshadowing to the adjoining property to the north, that is unlikely to be sufficiently detrimental to neighbouring amenity to recommend refusal in that regard.

EP9

Policy EP9 sets out the council's approach to developments which affect conservation areas. Support is given to development proposals within or adjacent to a conservation area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the conservation area. Such developments should accord with the scale, proportions, alignment, density, materials and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.

It has already been set out above that whilst the proposal for a house on the site may be appropriate, the scale, proportions (specifically the height), lack of boundary treatments and, therefore, the alignment of the proposed houses does not make a positive contribution to the area.

As the existing unlisted property is to be demolished, conservation area consent is required. The policy sets out that conservation area consent will be considered only in the context of appropriate proposals for redevelopment and will be permitted only where:

- a) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair and;
- b) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character and;

c) the proposal will preserve or enhance the conservation area, either individually or as part of the townscape.

In cases of these criteria, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed. No evidence, in the form of a structural report, was provided as to the structural condition of the building to prove that it could not reasonably be altered or extended. In addition, since the proposed design is not acceptable as set out above, it follows that the application for conservation area consent is not acceptable.

IS8

The council's policy on flooding sets out that at all times, avoidance will be the first principle of managing flood risk. In general terms, new development should therefore be located in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. In this instance, Cuddyside is well known to be subject to flooding. Although there is an existing house there, the proposal would increase the number of houses on the street. SEPA has objected in principle to the application as this would see an increase in the number of properties at risk from flooding and, even had the proposals been acceptable in all other regards, the application would have to be referred to Scottish Ministers for their consideration.

Principle

The principle of demolition of the existing house and the erection of two houses on this site is not accepted. The applicant was advised that the proposals were unacceptable and invited to withdraw the applications but declined to do so.

Design and layout

The existing house which is located on the site is a traditionally proportioned, single storey house. The proposed replacement is a semi-detached block, located more or less on same footprint as the existing house. The fact that two houses are proposed for a site which currently has a single small house indicates that this is overdevelopment of the site which raises associated issues. The applicant submitted a design statement for the proposal.

Two parallel parking bays and an end on bay to the south of the site are shown on the plan. The latter bay was introduced in response to a consultation from Roads. The entrances to the houses would be to the rear, with ground levels being raised to meet the proposed finished floor levels and a set of external stairs provided to each house. A single ramp would give wheelchair access to both properties. That ramp would start on the southern boundary of the site - to the east of a proposed parking bay - and wrap around the boundaries. In practical terms, the ramp would not be usable if a car was parked in that bay. Parking issues will be given further consideration below.

The northern house is a one and a half storey and the southern one is a two storey house. Having said that, the appearance on Cuddyside is vastly different. In order to take account of flooding, the design includes a significant element of concrete block underbuild. Measured from a point relative to the front of the adjacent northern property, the underbuild is approximately 1.8m. The originally submitted drawings also included an area of underbuild although the redesign has increased the height by some 500mm as a result of the proposed floor level being raised in an attempt to address flooding concerns. That also results in the window cill level being raised to 2.3m. The overall height of the properties would be in the order of 8.7m and some 1.5m higher than the property to the north and 1.7m higher than that to the south. The visual impact of this on the streetscape would be considerable and the houses would have an overbearing appearance.

The proposed design appears differs from the design of the houses on Cuddyside dating from the latter part of the 20th century. Those properties are relatively simply detailed, with no banding around the windows, no dormers and no barge boards at the eaves. All of these are proposed in the new houses and are common features found on houses within new housing developments on the edges of towns and this would look rather out of place in this setting. Although the neighbouring properties are also at risk from flooding, the harling is extended almost to ground level, thereby reducing the apparent height of the ground floor.

The scale and massing of the proposed houses are not appropriate to either the surroundings or the immediately adjoining properties. The proposed houses would be more appropriate in a sub-urban setting rather than in this setting. It is accepted that the modern housing nearby is not of the highest quality design but that does not mean that inappropriate design should be acceptable.

Policies PMD2 and PMD5 both aim to ensure that developments are of a suitably high quality and make a positive contribution to the sense of place. They emphasise the Scottish Government's clear intention to raise the quality of new development. The proposed design does not meet those objectives.

Services

The proposed house would be connected to the public water and sewerage system.

Bin storage

Policy PMD2 requires that all developments provide appropriate provision for the storage and presentation of waste, including recycling. Four wheeled bins will be required for the proposed houses. A storage area was initially shown on the southern boundary of the site but, in response to a consultation from Roads, a revised plan was submitted showing that area as a parking bay. The bin storage location was relocated to the south east corner of the houses, near the start of the access ramp. The indicated size of the storage area is 1.4m wide. With a standard waste bin being approximately 600mm wide, there would be insufficient space to site 4 bins. Since there is no space available to the rear of the northern house, it is inevitable that two bins would be either stored in such a way that they would impede the access ramp or would be outwith the site. Neither of those options is acceptable.

Parking and access

Roads objected to the initial site layout. They stated that the access serving the site is single track with limited passing opportunities. Due to the nature of the road, the on-street parking is very limited and support could not be given to any development which would place a further burden on this road. The demolition of the existing dwelling and replacing it with two units would increase the number of units served by this sub-standard road. In addition there is a requirement for four parking spaces, two per house as the site is outwith the town centre as defined in the LDP.

The applicant revised the proposal slightly in response to that consultation although the revision was not sufficient to allow Roads to withdraw the objection. The two parallel bays at the front of the houses were supplemented by a single bay to the south of the site. That poses a number of difficulties. The bay is smaller than required both in length and width. If a car was parked in the southern parallel bay to the front, access or egress from the single bay would not be possible. There is no turning space within the site meaning that it is highly likely that cars would have to reverse out of the single parking bay which would represent a road safety concern. If the single bay was occupied, the ramp which is required for those with mobility issues would be blocked from use, as would the presentation of waste and recycling containers from the proposed bin storage area. The proposal therefore fails to comply with policies PMD2 and IS7

Flooding

The revised drawings have been assessed by the council's flood risk officer (FRO). He is content that the finished floor level of the houses will be sufficient to raise them above anticipated flood levels. This raising of the floor levels has, however, led to design and amenity issues as noted elsewhere in this report. In principle, the FRO does not object but requires more information on aspects such as the understorey, its design and size and whether the applicant expects this understorey to flood.

Notwithstanding the views of the council's FRO, the proposal has attracted an objection from SEPA to the principle of the development. Given the proposed development will result in a material increase in the number of properties within the functional floodplain SEPA does not consider that it meets with the requirements of Scottish Planning Policy and their position is unlikely to change. SEPA has a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. In the event that a decision is taken to grant planning permission contrary to SEPA's advice on flood risk, the application would have to be referred to Scottish Ministers for determination.

Neighbouring amenity

Policy HD3 aims to protect residential amenity. The details of the development are important to the assessment of the proposal. Factors which are considered include: whether or not the scale, form and type of development fits within a residential area; the impact of the proposal on the surrounding properties and; the level of visual impact.

The height and massing of the property would have an overbearing effect on the adjoining properties. The proposed development does not fit well into the area and the visual impact on the streetscape would be

unacceptable. Notwithstanding the fact that most of the buildings in the area are modern, the proposal would have a significantly detrimental impact on the visual amenity of the area due to its scale and form and suburban appearance.

There is sufficient window to window distance between the site and the properties to the east for privacy not to be affected. The rear gardens of those properties would be overlooked from the first floor windows of the proposed houses. However this is an urban site and those gardens are already overlooked by other properties and as a result, the loss of privacy within the gardens will not be significant.

Developer contributions

If granted, developer contributions would be required for this development. Those would be for education provision, the Peebles bridge study and traffic management and for affordable housing. Developer contributions would need to be secured by means of a legal agreement.

Archaeology

The Archaeology Officer has noted that the existing house was once used as a smithy. In order to record any features associated with that former use which may be present, he has recommended a recording condition in the event that permission is granted.

Contaminated land.

Being a former smithy, there is the possibility that there are contaminants present on site. The Contaminated Land Officer has recommended conditions relating to site investigation in the event that planning permission is granted.

Conclusion

The two proposed houses are not an appropriate replacement for the existing house in that they would not make a positive contribution to the townscape. No evidence has been advanced by the applicant to justify the demolition of the building due to its state of disrepair or structural condition. The size, massing and height of the proposed development are not appropriate to the surroundings. The design is not of the highest quality and is more appropriate to a suburban setting. The site is sufficiently constrained that two houses cannot be satisfactorily accommodated within the site boundary. The lack of appropriate boundary treatments leads to the development not integrating well with the surroundings. The proposed access ramp would, due to the location of proposed parking and bin storage, not be easily and freely accessed. The proposed parking bays are insufficient for the proposed development and there is no turning space available within the site. The scale, massing and height of the development would result in it being a dominant feature in the streetscape which would detract from the character and amenity of the area. The proposal for two houses on this site is over development of the site. The proposed houses are located within an area known to be subject to flooding and the proposal increases the number of properties which will be at risk from flooding.

REASON FOR DECISION :

The size, massing and height of the proposed development are not appropriate to the surroundings. The design is not of the highest quality and is more appropriate to a suburban setting. The site is sufficiently constrained that two houses cannot be satisfactorily accommodated within the site boundary. The lack of appropriate boundary treatments leads to the development not integrating well with the surroundings. The proposed access ramp would, due to the location of proposed parking and bin storage, not be easily and freely accessed. The proposed parking bays are insufficient for the proposed development and there is no turning space available within the site. Those factors would give rise to road safety concerns. The development is, therefore, be contrary to policy PMD2 of the Local Development Plan 2016 in that the design would be detrimental to the amenity of the surrounding area and would have a negative impact on accessibility and road safety. This conflict with the development plan is not overridden by other material considerations.

The scale, massing and height of the development would result in it being a dominant feature in the streetscape which would detract from the character and amenity of the area. The proposal for two houses on this site is tantamount to over development of the site. The development is contrary to policy PMD5 of the Local Development Plan 2016 in that it would lead to over-development of the site, would not be visually

appropriate or sympathetic to and would have an adverse visual impact on the character of the surrounding area. This conflict with the Development Plan is not overridden by other material considerations.

The two proposed houses are not an appropriate replacement for the existing house in that they would not make a positive contribution to the townscape. No evidence has been advanced by the applicant to justify the demolition of the building due to its state of disrepair or structural condition. The development is contrary to policy EP9 of the Local Development Plan 2016 in that and the proposed replacement houses would not enhance the character or appearance of the conservation area. This conflict with the Development Plan is not overridden by other material considerations.

The parking provision for the proposed houses is below the required standard for sites outwith town centres as defined in the Local Development Plan. There is insufficient space within the site to provide the required number of parking spaces which are of sufficient size and there is no provision within the site of a turning area. The development is contrary to policy IS7 of the Local Development Plan 2016 in that the substandard parking provision would raise road safety concerns. This conflict with the Development Plan is not overridden by other material considerations.

The proposed houses are located within an area known to be subject to flooding and the number of houses on the site has increased from one to two. The development is contrary to policy IS8 of the Local Development Plan 2016 in that and the proposed development will result in a material increase in the number of properties within the functional floodplain. This conflict with the Development Plan is not overridden by other material considerations.

Recommendation: Refused

- 1 The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the design would not be appropriate to the setting and would not be compatible with the neighbouring built form. It would also be detrimental to the amenity of the surrounding area in that it would result in extra vehicular traffic on a sub-standard access to the detriment of road safety. Other material considerations do not outweigh this conflict with policy.
- 2 The development is contrary to policy PMD5 of the Local Development Plan 2016 in that it would lead to over-development of the site, would not be visually appropriate or sympathetic to and would have an adverse visual impact on the character of the surrounding area. Other material considerations do not outweigh this conflict with policy.
- 3 The development is contrary to policy IS7 of the Local Development Plan 2016 in that the appropriate parking provision has not been provided which would be to the detriment of road safety. Other material considerations do not outweigh this conflict with policy.
- 4 The development is contrary to policy IS8 of the Local Development Plan 2016 in that the proposed development will result in a material increase in the number of properties within the functional floodplain and may likely be at significant risk of flooding. Other material considerations do not outweigh this conflict with policy.

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