

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/01228/PPP

APPLICANT : Mr Simon Bennett

AGENT : Ferguson Planning

DEVELOPMENT : Erection of dwellinghouse (renewal of planning permission 15/00774/PPP)

LOCATION: Land East Of Castle Heights
Hume
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1	Location Plan	Approved

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

One representation has been received from the owner of Castle Heights, raising the following planning issues:

- o Loss of residential amenity and privacy due to the siting and design of the house.

CONSULTATIONS:

Roads Planning Service: I shall have no objections to this consent being extended provided the roads related conditions and informatives contained within the original consent and copied below are included in this fresh consent.

Community Council: No response.

Access Officer: According to our records there are no known Core Paths / Promoted Paths / Rights of Way that are directly affected by this proposal. Right of Way BB 137 utilises the pavement/road to the south of the application site. The Access Team have no objections to make regarding this proposal.

Director of Education and Lifelong Learning: No response.

APPLICANT'S SUPPORTING INFORMATION:

- Planning Statement

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP7: Listed Buildings

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 7th November 2018

Site and Proposal

The site is currently agricultural land situated on the eastern edge of Hume. To the west is a large, detached dwellinghouse (Castle Heights) and to the east is the war memorial. There is agricultural land to the north and south, on the opposite side of the public road that serves Hume.

Planning History

15/00774/PPP: Erection of dwellinghouse. Approved 1st December 2015.

Planning Policy

Hume has no Development Boundary, as allocated in the Local Development Plan 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 Hume as there are a number of houses along the northern side of the public road. The site benefits from Planning Permission in Principle (due to expire 1 December 2018) so the principle of residential development on this site has been accepted by the Council. The site is well related to the existing houses in Hume and represents a logical infill site between the existing houses and war memorial, continuing the linear form of Hume. The war memorial and trees on the eastern boundary would prevent any further expansion of the building group to the east. There is a post and wire fence on the boundary with Castle Heights so this is not a well-defined natural boundary. In addition, the two properties to the east have been built within this agricultural field.

There has only been one Planning Permission within this building group for a new dwellinghouse (within the current LDP period) but this was for a change in house type of an earlier consent. Therefore, the renewal of this Planning Permission does not breach the threshold within policy HD2.

In terms of the loss of Prime Quality Agricultural land, this is a small site, the loss of which would have no discernible impact upon the operation or viability of the farm and its loss has been accepted in the past.

Design and Impact on Visual Amenities

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.

The development of this site would reflect linear form of Hume. The plot size reflects that of the two adjacent properties to the west. The site is large enough to accommodate a dwellinghouse, access, car parking and garden ground.

As this is Planning Permission in Principle application the purpose of the application is to establish the principle of a house on the site. Approving this application would not permit the design and layout of residential property as shown on the indicative drawing to be implemented. There is therefore no direct requirement to consider this specific design and layout in any detail. This would be assessed as part of the Approval of Matters Specified in Conditions of full application.

It would be appropriate however, to provide guidance over a suitable form of development by means of informative.

The site is prominent on the skyline when viewed from the south. Land immediately adjacent to the war memorial has been included in the site for the purpose of accommodating an appropriate landscaped boundary treatment. This additional area of land is shown shaded in green on the Location Plan. The detail of the landscaping at the site would be appropriately required and reviewed at the detailed stage. A tree survey would helpfully advise with respect to the state of the existing tree-planting within the memorial garden at the War Memorial. This would allow for an informed assessment to be made of how new tree planting to the east might most effectively be configured to achieve a robust, sustainable and continuous area of tree planting between the areas of existing and new planting. Some consideration also needs to be given to the treatment of the northern and eastern boundaries, particularly the management of the transition from formal garden ground to the area of new tree planting. The matter is reasonably deferred until the detailed stage, but a hedge of mixed species would be an ideal treatment in this context.

With respect to the southern (roadside) boundary, the existing stone wall and hedge would be retained. This raises no concerns, and would be the preferred resolution of this boundary treatment.

Appropriate siting, design, materials and landscaping would ensure that the development would not harm the visual amenities of the area or the setting of Hume Castle, a category A Listed Building.

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.

Concern has been expressed by the owners of the adjacent property, Castle Heights, that the siting and design of the proposed dwellinghouse would affect their privacy.

The plot is large enough to accommodate a dwellinghouse without impacting on the light or privacy of the neighbouring dwelling.

It would however be reasonable to impose a condition to ensure that full details of the finished floor and ground levels are to be supplied in support of the AMC application. An assessment on the impact on residential amenity would be carried out at that stage.

Access and Parking

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

The site would be accessed from the public road to the south. The site is large enough to accommodate parking and servicing.

The Roads Planning Service has no objections subject to conditions on access, parking and the relocation of the bus shelter.

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 house would be served by a septic tank discharging to a burn via a field drainage system. Water would be from the mains supply. The exact details would be secured by a condition.

Developer Contributions

Financial contributions, in compliance with policy IS2, were secured via a Section 69 Agreement as part of the previous Planning Permission in Principle consent (£4,512 towards Berwickshire High School). No further contribution is required.

REASON FOR DECISION :

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

Recommendation: Approved - conditions & informatives

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto, and the landscaping of the site, have all first been submitted to, and approved in writing by, the Planning Authority. These details shall include provision for new tree planting within the area shaded green on the Approved Location Plan and shall also take full account of the requirements and considerations of Informative Note 2. Additionally, a written statement shall also be submitted in association with the first application for Approval of Matters specified in Conditions (AMC), which shall explain how the proposal has been informed by the requirements and considerations of Informative Note 1.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 The finished floor level(s) of the dwellinghouse hereby approved and any associated outbuilding(s), and the finished ground level(s) within the curtilage of the residential property hereby consented, shall all be consistent with levels indicated on a scheme of details that shall first have been approved by the Planning Authority which describe the proposed siting, layout and appearance of the dwellinghouse and landscaping of the site. These details shall include:
(i) the proposed finished floor level(s) of the consented dwellinghouse and any associated outbuilding(s);
(ii) the existing and proposed ground levels within the curtilage of the consented residential property; and
(iii) a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights of the existing and proposed levels detailed in (i) and (ii) above, relative to the level(s) of the existing road surface.
Reason: To ensure that the consented development does not have any detrimental impact upon the appearance, environment and amenity of the site and surrounding area, or upon the amenity of neighbouring properties, as a consequence of the levels within the site being raised to an inappropriate height.
- 4 Notwithstanding the detail submitted in support of the planning application, the site shall only be accessible to vehicles in accordance with arrangements that meet in full the requirements of Planning Condition No 1 with respect to the design of the site access. The dwellinghouse hereby consented, shall not be occupied until:
(a) the site access from the public road, and
(b) on-site parking and turning provision suitable for at least two vehicles,
have all first been completed in accordance with details that shall have been approved at the time of the determination of the first application for Approval of Matters specified in Conditions submitted to address the relevant information requirements of Planning Condition No 1 attached to this planning permission.
Reason: In the interests of road safety to ensure that safe vehicular access to, and parking at, the site is available for use prior to the occupation of the development.
- 5 Unless otherwise agreed in writing and in advance by the Planning Authority, no development shall be commenced until the existing bus shelter (or a suitable replacement for this same structure), has first been relocated in accordance with a scheme of details that has first been agreed by the Planning Authority and made available for use by members of the public (see Informative Note 3 with respect to what specifically is required and expected of the developer for the purposes of ensuring that the above noted requirements are met).

Reason: To ensure that appropriate provision is made within the timetable of the development, to allow for the appropriate safeguarding, re-accommodation and maintenance by the Local Authority of essential public facilities.

- 6 Unless otherwise agreed in writing and in advance by the Planning Authority, all planting, seeding and turfing comprised in the approved details of landscaping shall be completed in the first planting and seeding seasons following either the occupation of the dwellinghouse or the completion of the development, whichever occurs soonest, and the tree belt required by Planning Condition No 1, shall thereafter be maintained in perpetuity, and in accordance with the approved details. Any tree within the approved landscaping scheme that fails shall be replaced by one new tree of the same species as the failure, so that the tree belt is fully established and fully maintained in accordance with the approved details.

Reason: To ensure that the landscaping is carried out as approved, and to ensure that the tree belt becomes established, and is thereafter maintained in perpetuity, as a boundary feature appropriate to the definition of the edge of the building group.

- 7 Notwithstanding the details submitted in support of the planning application, the development shall not be commenced until precise details of:

- (i) the arrangements for surface water drainage treatment;
- (ii) the arrangements for foul drainage treatment; and
- (iii) the arrangements for water supply

have all first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the surface water drainage treatment, foul drainage treatment, and water supply shall all be implemented in accordance with the approved details and shall all be functional prior to the occupation of the dwellinghouse hereby approved.

Reason: To ensure that the site is adequately serviced and fit for habitation prior to its occupation.

- 8 Unless otherwise approved by the Planning Authority at the time of its determination of the details required by condition 1 of this permission, and notwithstanding either (i) the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any subsequent provisions amending or re-enacting that Order), or (ii) the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no development shall thereafter take place within the area of the site that is described by the area shaded in green on the Approved Location Plan, unless an application for planning permission in that behalf, has first been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the tree belt required by Planning Condition No 1 both becomes established and is thereafter maintained in perpetuity as a boundary feature appropriate to the definition of the edge of the building group.

Informatives

It should be noted that:

1 Siting and Design

With respect to the design of the dwellinghouse, and subject to an appropriate landscaping treatment, it is anticipated that the scale and traditional design approach described by the indicative drawings would raise no concerns in principle were these to be maintained at the detailed (AMC) application stage. However, it is considered that there would be a need to reduce the horizontal emphasis of the principal elevation, and to establish a clearer sense of a front entrance to the same. It is considered that the former point would be appropriately addressed, by lowering the roof height of one section, to introduce some notable differentiation between the height of the main dwellinghouse and that of a subordinate section. A front door should be included in a central position to ensure the inclusion of a clearly legible entrance to the property.

With respect to the siting of the dwellinghouse, this should occupy a building line equivalent to the adjacent property at 'Castle Heights'.

With respect to the design of the site access, the Roads Planning Service requires that this be reduced to a simple footway crossing, in accordance with its DC-10 specification n(attached). The site access arrangements should also be configured around the retention of the majority of the existing stone boundary wall along the southern boundary of the site. Where the vehicular access is inserted, the aforementioned wall would be appropriately returned into the site in alignment with the radii of the new site access, allowing that appropriate visibility splays are created and are thereafter capable of being maintained.

2 Landscaping

With respect to the required tree belt to be established within the area shaded green on the Approved Location Plan, this should:

- (i) Be composed of a mix of native tree species;
- (ii) Be the full width and full length of the area shaded green on the Approved Location Plan, in order to constitute a sufficiently dense and robust area of planting. (This is particularly important if the density is equivalent to that of the existing planting around the war memorial);
- (iii) Not feature any buildings or other structures.

With respect to this and all other landscaping details at the site, full details of the proposed landscaping treatment for the site, including species, planting requirements (including density, minimum height of new trees and site appropriate protective measures) and maintenance requirements, require to be provided in support of the AMC application which describes the landscaping proposals for the site.

There is no formal requirement for a professionally prepared tree survey to be presented in support of landscape proposals at the AMC stage. However, in the event of the required tree belt proposal being met in a proposal to extend the existing area of planting around the war memorial further west onto the applicant's land (as is the Planning Authority's preferred approach), it would be helpful to all parties if the condition of the existing planting at the war memorial could be established. This would then allow for full consideration to be given to what would be required in order to establish effectively, an appropriately robust and sustainable area of tree planting.

Consideration needs to be given within the landscaping proposals to the management of the transition along the northern (field) boundary, from the area of formal garden ground to the area of new tree planting. It is considered that a hedge of native species would appropriately achieve this, and unite the residential property to its agricultural setting.

With respect to the southern (roadside) boundary, the indicated retention of the existing stone wall is supported.

3 Bus Stop

With respect to Planning Condition No 5, and in the interests of road and public safety, appropriate arrangements for the relocation of the bus stop and bus shelter, require to have been implemented prior to the commencement of development on site.

Planning Condition No 5 has been imposed to ensure that the developer works within a programme and timetable that reasonably allows for the Council to complete the works needed to maintain appropriate public facilities within the vicinity of the site, ahead of the commencement of a development that would otherwise be liable to impact the structures and/or operation of the public facilities concerned.

It is the developer's responsibility to liaise with the Council within a reasonable period of time in advance of the intended start-date for the development, so that there is sufficient time to make all the necessary arrangements for the bus stop and shelter to be repositioned ahead of that start date, as required.

It is anticipated that a month's notice (4 weeks) would be required for this.

4 Right of Way

Right of Way BB 137 utilises the pavement/road to the south of the site. It is a legal requirement that this Right of Way is maintained open and free from obstruction during and after development. This is to protect general rights of responsible access.

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