

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 20/00714/PPP
APPLICANT : Mr Stuart Corrigan
AGENT : Andrew Bennie Planning Limited
DEVELOPMENT : Erection of two dwellinghouses

LOCATION:	Paddock North Of Station House Cowdenburn Scottish Borders
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TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1 of 2	Location Plan	Refused
2 of 2	Proposed Site Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations were received,

Consultation responses were received from:

Roads - no objection, subject to conditions. As with the previous application, the proposed development is accessed via an existing access from the A701. The access benefits from good visibility in both directions. This access will require modification to accommodate the extra traffic movements, should it be approved. The access upgrades would be required for either or both plots, depending on how the site is developed. The previous application was refused due to lack of building group and this is likely to be a planning issue again. Conditions suggested;

Environmental Health - no objection, subject to conditions. To support any full application Environmental Health will require complete details of the proposed waste water treatment system. Conditions a conditions and informatives suggested;

Education and Lifelong Learning - no objection. Contributions required.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016
PMD2 - Quality standards
HD2 - Housing in the countryside

HD3 - Protection of residential amenity
IS2 - Developer contributions
IS7 - Parking provision and standards
IS9 - Waste water treatment and sustainable urban drainage

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

The following council guidance is material:

Development contributions;
New housing in the Borders countryside;
Placemaking and design;
Waste management.

Recommendation by - Ranald Dods (Planning Officer) on 14th August 2020

Site and proposal

The greenfield site, which is approximately oblong and roughly 1700m², lies immediately to the north west of the A701, some 5.75km north east of Romanno Bridge. To the east north east of the site, separated by some 76m and the A701 lies a terrace of 4 single storey houses. Those are traditionally proportioned and detailed. To the north east of those is a single storey modern bungalow which was constructed at the turn of the century. To the east of the site, roughly 35m distant and again separated by the A701, is the site which was the subject of 18/01469/PPP for two houses. That was granted permission by LRB on 17 Jun 2019.

The application is made for planning permission in principle for two house plots. No details are provided of the houses or the site layout. It is likely that the plots would be accessed from the existing access from the A701 to the property known as The Old Station.

Site history

Applications for housing within the vicinity of The Old Station have been submitted previously. All proposals utilised the existing access. A summary of the relevant applications is set out below.

98/01469/COU, part change of use to livery stables, erection of stables, creation of floodlit ménage and upgrading of access, granted, 3 Mar 99

08/00781/FUL, change of use and alterations to form a dwellinghouse, refused, 24 Nov 08

13/00776/PPP, erection of dwellinghouse, refused, 23 Aug 13

The refusal of 13/00776/PPP was the subject of a review by the Local Review Body (LRB), reference 13/00035/RREF. The LRB determined that as there was no building group of three or more houses present, the proposal did not comply with the housing in the countryside policy or the SPG on the subject and the review was dismissed on 24 Oct 13.

Principle

The applicant has submitted a supporting statement and I have had account of that in my consideration of the application.

The proposal would not comply with policy HD2 and the council's guidance on New Housing in the Borders Countryside as it does not relate well to an existing building group of at least three dwellinghouses. It is adjacent to two existing houses (The Old Station and Station House) on this side of the road, the presence of which in the determination of the review of 18/01469/PPP, LRB members noted.

Whilst those properties were noted, it is clear from the earlier LRB decision that Members did not consider them to form part of a building group. Even if they were, this development would be in a linear form into an undeveloped, much larger field and consent for two houses would constitute ribbon development that would likely lead to pressure for further such development along this side of the road. Due to the physical distance and the intervening A701,

which is a significant physical barrier, the plots would not be well related to the building group formed by the houses on the opposite side of the A701.

Further, policy HD2 is explicit in relation to the permissible increase in a building group. It states "any consents for new build granted under this part of this policy [building groups] should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted". If The Old Station and Station House were included in the group opposite (which as noted above it is not accepted) the maximum increase allowable would be 2. The group has already been expanded to the maximum allowable in terms of policy HD2 with the grant of two houses in 18/01469/PPP. Where a permission for additional houses exists, those must be taken away from the permissible increase, even if the permissions have not been implemented and even if the permission comes from an earlier plan period. So, even if this site were considered appropriately related to that group, the threshold set by Policy HD2 would currently be exceeded.

The applicant, referencing the 2008 SPG, suggests that a 100% increase in the building group should be applied. Although the SPG is a material consideration, the degree of weight which must be attached to it in respect of this proposal is far less than the applicant asserts. The 100% increase factor was not carried forward into policy HD2 of the 2016 LDP. Instead, the policy permits an increase in the existing building group of only two additional dwellings or 30%, whichever is the greater. The permitted increase in the current plan period has been applied with the decision to grant application 18/01469/PPP. Accordingly, there is no capacity for any additional housing in this building group within the current plan period.

The proposed development would not be well related to the existing building group nor has the applicant advanced a case setting out why there is an overwhelming need for the development of the site to necessitate a departure from the LDP. This proposal remains wholly inconsistent with planning policy and guidance. There are no material considerations of which I am aware that would suggest that policy provisions should be set aside in favour of the development and granting permission in principle would set an undesirable precedent. The principle of the development is therefore not accepted.

Amenity and privacy

Since the application is for planning permission in principle, no details have been given of the house design or layout. It is not possible to assess the potential impact of the proposed houses on amenity and privacy. An assessment of those aspects could be undertaken fully only with the submission of detailed plans. That having been said, it would be possible to introduce mitigation measures or have design revisions made if any privacy issues were to arise.

Developer contributions

Contributions would be required for education and affordable housing provision, were the application to be granted. Those would be secured by means of either a section 69 or section 75 agreement.

Access and parking

The existing access to The Old Station would be utilised to provide access to the plots. Roads commented that the access benefits from good visibility in both directions but that if permission were granted, it would require modification to accommodate the extra traffic movements. Conditions are recommended by Roads in the event that permission is granted. There is likely to be sufficient space within the plots for parking and turning space.

Services

The applicant states that the site will be connected to the public water supply. Foul drainage would be by means of a private system. In order to comply with policy IS9, a future application would have to demonstrate that the site can be serviced adequately in terms of water and drainage. There is likely to be sufficient space within the plots to site waste and recycling containers away from the front elevations of the houses.

Conclusion

The proposed development is located on an undeveloped greenfield site within the countryside. The proposal is contrary to policy PMD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location and no overriding case for dwellinghouses has been substantiated.

REASON FOR DECISION :

The development would be contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would not relate sympathetically to an existing building group and would comprise sporadic development in a linear manner alongside the public road. No economic or other overriding case would override this conflict. Furthermore, the nearest building group has been increased by the maximum permissible in terms of policy HD2 within the current Local Development Plan period and no overriding case has been substantiated for allowing additional dwellinghouses.

Recommendation: Refused

- 1 The development would be contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would not relate sympathetically to an existing building group and would comprise sporadic development in a linear manner alongside the public road. No economic or other overriding case would override this conflict. Furthermore, the nearest building group has been increased by the maximum permissible in terms of policy HD2 within the current Local Development Plan period and no overriding case has been substantiated for allowing additional dwellinghouses.

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