

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING  
AND REGULATORY SERVICES**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 08/00553/FUL  
**APPLICANT :** J S Crawford Partnership  
**AGENT :** Jones Lang Lassalle  
**DEVELOPMENT :** Erection of six dwellinghouses  
**LOCATION:** Land North East Of Forley's Park  
Goslawdales  
Selkirk  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Location Plan	Approved
001C	Site Plan	Approved
P054/1/201A	Floor Plans	Approved
P054/1/201B	Floor Plans	Approved
P054/3/201B	Elevations	Approved
P054/4/201B	Elevations	Approved
P054/05/201	Floor Plans	Approved
P054/06/201	Floor Plans	Approved

**NUMBER OF REPRESENTATIONS: 11**

**SUMMARY OF REPRESENTATIONS:**

**PLANNING CONSIDERATIONS AND POLICIES:**

**Recommendation by** - Scott Shearer (Planning Officer) on 21st July 2008

SCOTTISH BORDERS COUNCIL

EILDON AREA COMMITTEE

July 2007

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 08/00553/FUL

OFFICER: Mr M F Taylor  
WARD: Selkirkshire  
PROPOSAL: Erection of 6 dwellinghouses  
SITE: Land North East of Forleys Park, Goslawdales, Selkirk  
APPLICANT: J S Crawford Partnership  
AGENT: J S Crawford 3rd Generation

## SITE DESCRIPTION

The 0.6 Ha site is allocated for housing in the Scottish Borders Finalised Local Plan with an indicative figure of 5 houses. The site is located on the south eastern edge of Selkirk and forms part of a wider Area of Great Landscape Value. The site is currently used as rough grazing.

The elongated site slopes uphill from the South East to North West with a difference in height of approximately 11m. The site is part of a larger field to the west and accordingly has no clearly defined boundary. The site is bounded to the east by an access road serving an existing residential cul-de-sac, to the North by an existing dwelling known as Forley's Park and to the South by the public road.

The site runs parallel to the adjoining residential cul-de-sac and is accessed from the public road to the south east. The site lies approximately 0.5 km from the town centre and close to local amenities including the high school.

## PROPOSED DEVELOPMENT

This is a detailed application for six detached houses to be served by a single access from the public road to the south east.

Three house types are proposed for the site. Plots 1 and 2 would be located either side of the site entrance to frame the entry to the site and would feature facing gables and eaves, modest wallhead dormer windows and appear as a pair of large 1.5 storey dwellings. Single storey garage blocks attached dwellings on Plots 1 and 2 are also proposed.

Plots 3 and 4 are split level designs with a stepped profile and underbuild utilising the level difference within the plot to provide garaging below. The plots would also provide two levels of accommodation with the upper floor completely contained within the attic roof space and lit by pitched dormers above eaves level on the South Eastern side of the property.

Plots 5 and 6 would be bungalow type properties with garaging provided below the dwelling, again by cutting into the slope and using underbuild.

## PLANNING HISTORY

The majority of the site has been allocated in successive local plans for housing since 1983. The Ettrick and Lauderdale Local Plan 1995, and Finalised Local Plan 2005, allocate the application site for approximately 5 houses.

An earlier planning application under reference 07/01834/FUL was submitted in September 2007, the proposal being for 6 dwellinghouses with the same layout, overall scale and location, albeit of slightly different design detail to the current scheme. The Head of Planning and Building Standards recommendation was one of approval, this was overturned at committee and the application was refused on the 28th January 2008.

The reason for refusal is as follows:

"The development would be contrary to Policy 63 of the Ettrick and Lauderdale Local Plan 1995 and Policy G1 of the Finalised Local Plan 2005 in that the design, scale and details of the proposed dwellinghouses would be unsympathetic to the character of the surrounding area."

## REPRESENTATION SUMMARY

Letters of representation put forward during the assessment of the earlier application are available to view via Public Access under planning reference 07/01834/FUL.

In connection with the current proposal 6 Letters of objection have been received, these are available to view in full via Public Access, a summary of the pertinent issues are as follows:

- It would appear that little has changed since the previous application which was refused.
- All the concerns from the previous application remain the same, including the condition of the road. The road should be upgraded and maintained.
- Concerns over road safety due to the number of children from the nearby school and increased traffic movements.
- The Local Plan reporter described the site as “undesirable, due to inadequate access roadway”.
- The number of houses should be kept to a minimum, the site was initially allocated for 4, the Local Plan reporter stated 5 and the proposal is for 6.
- The new plans are almost identical to the rejected plans, neighbouring properties will be overlooked and their light affected. The houses are out of keeping with the rest of the area.
- If houses are to be built they should be affordable.
- Concern over the planning process which has ignored the Reporters (Local Plan) comments and extended the site.
- The proposal will spoil the overall outlook (of neighbours)
- The scale of the proposals, particularly plots 1 & 2 will dwarf adjacent properties.

#### APPLICANTS’ SUPPORTING INFORMATION

Jones Lang LaSalle, the agent acting for the applicant submitted a letter in response to the earlier refusal and noting the minor alterations to the proposed designs.

The letter makes reference to negotiations with the previous case officer and the Councils Heritage and Design Officer and describes the alterations made to plots 1, 2, 3 & 4, and whilst assuming in the absence of specific comments from the council these are indicated as acceptable, noting no change to plot 5 & 6.

The applicant and agent consider the proposal has been appropriately amended and is more sympathetic to the character of the surrounding area.

The full content of the letter is available to view via Public Access.

#### CONSULTATION RESPONSES:

##### Scottish Borders Council Consultees

Outdoor Access Officer – There is a claimed right of way adjacent to the development (informative attached)

Technical Services Roads – No objections (NB there is no change to access and number of dwellings therefore the Technical Services response is taken from 07/01834/FUL,). Comments from Technical Services indicate that upgrading works to the public road such as the introduction of speed bumps and or a 20 mph zone are “unnecessary”, “due to its very low flows, self speed reducing/ enforcing topography and the fact it is a cul-de-sac with no through traffic”. Regarding the existing pedestrian footway immediately adjacent to the School this “was seen to be an improvement to pedestrian safety, and far outweighed any other vehicular constraint with regards to narrowing the road”.

Education and Lifelong Learning – No objections.

##### Statutory Consultees

Community Council – Selkirk Community Council at its meeting of 11 April 2008, after careful consideration, unanimously agreed to refuse this application.

The Council expressed great concern that this application did not offer sufficient change (to earlier proposals by the applicant for this site) to overcome the stated reasons for refusal. The Council considers that

- The design, scale and details of the proposed dwelling houses would be unsympathetic to the character of surrounding area and the layout represents over intensive use of the site.
- This development of family houses will place further pressure on the local road/access infrastructure of the residential area. There are virtually no public footpaths and the existing roads are narrow with poor sight lines. The provision of large family houses will increase the need for safe school access in an area used as a 'rat run' where it has already been found necessary to insert traffic calming measures.
- The application does not address how the proposals will make efficient use of energy and resources or minimise waste or incorporate sustainable construction techniques.

Overall, this development proposal does not meet the criteria set out in Scottish Borders Council's Finalised Local Plan (especially ref. Principle 1: Sustainability and Policy G1: Quality Standards for New Development)

Scottish Water – No objections. A separate application should be made for connection after full planning has been granted.

Health and Safety Executive – No Objections (taken from 07/01834/FUL)

Other Consultees

Scottish Gas Networks – Standard response identifying gas mains in the area and requiring precautions during construction.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2011

Policies N11, N20, H7, H8, I1, I11, I14, and I21 apply.

Ettrick and Lauderdale Local Plan (1995)

Policies 1, 11, 13, 14, 15, 18, 63, 67, 70, 82, 94 apply.

Scottish Borders Local Plan: Finalised December 2005

Policies G1, G5, G6, EP2, H1, H2, H3, Inf3, Inf4, and Inf6 apply.

OTHER PLANNING CONSIDERATIONS:

Scottish Executive:

SPP 17 Planning for Transport, August 2005.

SPP 6 Renewable Energy, March 2007.

PAN 74 Affordable Housing, March 2005.

Scottish Borders Council:

Guidance Note, Privacy and Overlooking, Scottish Borders Council 2006 (Approved July 2006)

Supplementary Planning Guidance Note 10: Affordable Housing, March 2007.

Supplementary Planning Guidance Note 18: Renewable Energy, June 2007.

Executive Committee Report on 5 October 2004 entitled Waverley Railway Project Developer Contributions

KEY PLANNING ISSUES:

The site is allocated for housing development in the Local Plan; therefore the principle of development is accepted. The primary considerations relate to the design and appearance of the proposal and whether it is in keeping with the surrounding area, and whether the proposal would unacceptably impact upon the amenity of neighbouring residents.

ASSESSMENT OF APPLICATION:

Given that the current submission, by virtue of numbers and location of housing proposed, access and roads layout etc, replicates the earlier planning application (ref 07/01834/FUL) sections of the main body of the report mirror those from the previous officer assessment and recommendation.

In addition, further consideration of design and detailing is offered together with an assessment of the proposed modifications and the extent to which they are considered to respond to the earlier reason for refusal.

#### Principle of development

Policy H3 in the Finalised Local Plan and Policy 1 in the Ettrick and Lauderdale Local Plan 1995 indicate that due to the sites allocated status, housing is acceptable in principle at the site subject to a range of detailed planning policy considerations being met. Policy G1 in the Finalised Local Plan seeks to ensure that new developments meet a series of quality standards including design and layout criteria, energy efficiency and sustainable transport, and requirements that the proposals can be satisfactorily accommodated within the site without adversely impacting on established amenity. This policy also relates to various supporting policies and Supplementary Planning Guidance relating to more specific access, amenity and design related issues.

The number of dwellings proposed as part of this application differs from the indicative allocation in the Finalised Local Plan by 1 unit. This has been raised as an issue by local objectors with concerns raised regarding the capacity of the access road to serve the development and the potential for the site to be overdeveloped to be detriment of wider visual amenity. Both these issues are considered in more detail below. However, it is generally considered that there is a degree of flexibility in the indicative allocation figures which allows encouragement to schemes which demonstrate that a more efficient use of land can be achieved whilst retaining existing amenity.

#### Roads and access

Various issues regarding the substandard nature of the access road leading to the site have been identified both during this application and previously during the recent Public Local Inquiry. Despite the Inquiry Reporter highlighting various concerns with the access road his final summary recommends acceptance of the site for housing primarily due to the small amounts of additional traffic which would be generated from the development and the need for the site to meet wider housing needs. This advice has been accepted by the Council at a Full Council meeting in October 2007. No further upgrading works are considered by Director of Technical Services Roads to be necessary in order to serve this development beyond those shown on the submitted site plan which is seen to be acceptable as proposed.

It is noted that a strong majority of the respondents would disagree with this position and have previously recommended either de-allocating the site for housing or serving the site from a separate allocated housing site known as Kerr's Land to the south west. However, the site has been allocated in successive local plans and the intention has always been to serve the site from this existing access road. A requirement to serve the site from the applicants land at Kerr's Land may mean that the site becomes undeliverable for development within the local plan period and it is also considered that this is unlikely to prove to be a practical option in terms of suitable access. Overall, it is felt that the issues raised have been thoroughly considered and the Department would agree with the recommendation of the Director of Technical Services to accept the access as currently proposed.

#### Residential amenity

Objectors consider overlooking and overshadowing to adjoining properties an issue, however, the proposal is considered acceptable as the site would appear to meet relevant standards set by Council Policy and Adopted Supplementary Guidance.

In relation to site landscaping and boundary treatments it is considered that appropriate conditions can control this aspect to ensure satisfactory integration to the wider landscape and to soften the new edge to this part of Selkirk, this would also serve to protect the residential amenity of neighbours.

#### Sustainability

In relation to sustainability the site is above the floor area threshold that carries a requirement to achieve a minimum of 15% above the 2007 Building Standards regulations for Carbon Dioxide emissions. It is felt that this issue can be satisfied by attaching a standard condition requiring further information to be submitted and agreed with the Planning Authority.

#### Developer contributions

The site carries a requirement for 25% of the developable area to be developed as affordable housing with a commuted payment also being an acceptable option. During the course of the previous application the various options have been discussed between the Council's Development Negotiator and the applicant with advice also being sought from the Housing Strategy team. Whilst there perhaps remains some merit in considering an onsite provision perhaps secured via a discounted sale, the preferred option at this time appears to be a commuted payment to be secured via legal agreement.

A developer contribution towards the Waverley Railway Project is also sought.

#### Design and Landscape Impact

Taking due account of the committee determination of application 07/01834/FUL, close consideration should be given to the developers attempt to respond to the design deficiencies asserted by the planning committees earlier reason for refusal.

In relation to design, the current application initially offered revisions to plot 1, 2, 3 & 4, this was in response to negotiations with the previous case officer and Heritage and Design Officer. Whilst these revisions are viewed as a positive step and in accordance with the advice offered, it is considered that the extent of the revisions fail to adequately address and respond to the committees earlier reason for refusal.

The initial modifications to Plot 1 & 2 include: formation of a traditional gable end to the North elevation, two dormer windows (on the North East elevation of plot 1, and West elevation of plot 2) have been removed and replaced with rooflights, also alterations to the design of the chimney. The initial modifications to plots 3 & 4 include moving the chimney to the ridge line, removal of the solar panels and replacement with two small dormers, with minor alterations to the soffits and bay windows.

Following further discussions with the agent and applicant, additional revisions are offered in an attempt to address the concerns over design and the need for the housing to be in sympathy with its surroundings. These additional revisions include the removal of the saddleback link from the main body of the house to the accommodation above the garage on plots 3 & 4, this is considered to reduce the appearance of bulk on these 1.5 storey dwellings (particularly given the garaging underbuild element) whilst allowing some visually linkage with the wider landscape for the established dwellings to the rear. Revisions to the house designs on plots 5 & 6 include modified fenestration, by introducing a greater vertical emphasis, use of artificial stone to the projecting gable, and vertical board appearance to the garage door.

When taken in isolation these modifications may appear relatively minor, however taken together there is a notable improvement to the design and appearance of the scheme. In relation to the character and amenity of the area and wider landscape amenity, the site context is characterised by a number of relatively contemporary buildings of a generic appearance. Surrounding properties are bungalows and 1.5 storey dwellings of modern materials and construction, these dominate the presence of a small number of traditional dwellings nearby. Whilst the existing neighbouring dwellings are not strictly reflective of traditional Borders vernacular, or in keeping with a Borders sense of place, they are well established with a pleasant suburban character with a neutral impact upon the wider rural landscape character to the South.

Conditions to ensure the submission of landscaping and boundary treatment details are considered appropriate; these would ensure the overall development is softened by planting and landscape treatments, making the proposal more acceptable in terms of residential and wider landscape amenity. Over time, as with the existing residential developments to the rear, landscaping would mature and soften the site to create a suitable edge to this part of Selkirk.

Overall, the application is considered acceptable subject to various conditions ensuring a suitable choice of materials and landscaping development of the site, and to a section 75 or equivalent legal agreement relating to affordable housing and Waverley line contributions.

## CONCLUSION

It is considered the proposals incorporate some elements of traditional design whilst following the pattern and scale of development as presented in the site context. It is considered the earlier acceptance of the proposed housing on plots 1 & 2 as gateways to the site is appropriate and that sufficient measures have been offered to improve the scheme to a level which accords with Adopted Planning Policies and Guidance. Accordingly the application is recommended for approval subject to conditions, informative, and legal agreements ensuring developer contributions to the Waverley Railway project and Affordable Housing.

## RECOMMENDATION BY HEAD OF PLANNING AND BUILDING STANDARDS:

I recommend the application is approved subject to a legal agreement addressing contribution towards Waverley and Affordable Housing and the following conditions:

1. The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with the scheme of details that shall first have been submitted to and approved in writing by the planning authority.

Reason: To ensure the development minimises any environmental impact

2. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

- i. location of new trees, shrubs, hedges and grassed areas
- ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iii. programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

3. Details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before work on the site is commenced.

Reason: To enable the proper effective assimilation of the development into its wider surroundings.

4. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.

Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

5. Prior to the occupation of the first dwelling unit on the site the section of dry stone boundary wall at the entrance to the site affected by the development to be carefully taken down and re-built to a position and height that is accordance with the approved site plan drawings.

Reason: In the interests of road safety and the visual amenity of the area.

6. Prior to the commencement of the development exact construction details of the parking areas, roads and footways shown on the plan to be first submitted and agreed in writing with the Planning Department. Thereafter completed the parking areas shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: The surface materials and method of construction require further consideration to ensure a satisfactory form of development. It must also be ensured that there is adequate space within the site for the parking and turning of vehicles clear of the public highway.

7. Prior to the commencement of development, details of the means of surface water drainage to be submitted and agreed in writing by the Planning Authority.

Reason: To ensure the site is adequately serviced.

#### Informatives

The developer should familiarise themselves with the location of the Right of Way adjacent to the site (as shown on the information submitted by the Council's Access officer) and ensure that the right of way is kept open and free from obstruction during the course of the development in accordance with the Countryside (Scotland) Act 1967.

The developer should familiarise themselves with the content of the correspondence submitted by Scottish Gas Networks to ensure that suitable precautions are taken during construction.

Approved by  
Name Designation  
Brian Frater

Head of Planning and Building Standards

"The original version of this report has been signed by the Head of Planning and Building Standards and the signed copy has been retained by the Council."

#### Author(s)

Name Designation  
Matthew Taylor Planning Officer

#### **REASON FOR DECISION :**

It is considered the proposals incorporate some elements of traditional design whilst following the pattern and scale of development as presented in the site context. It is considered the earlier acceptance of the proposed housing on plots 1 & 2 as gateways to the site is appropriate and that sufficient measures have been offered to improve the scheme to a level which accords with determining development plan policies, principally Policies N11, N20, H7, H8, I1, I11, I14, and I21 of the Consolidated Structure Plan 2009 and Policies G1, G5, G6, EP2, H1, H2, H3, Inf3, Inf4, and Inf6 of the Consolidated Local Plan 2011. Accordingly the application is recommended for approval subject to conditions, informative, and legal agreements ensuring developer contributions to the Waverley Railway project and Affordable Housing.

#### **Recommendation:** Approved - conditions & informatives

- 1 The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with the scheme of details that shall first have been submitted to and approved in writing by the planning authority.

Reason: To ensure the development minimises any environmental impact

- 2 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
  - i. location of new trees, shrubs, hedges and grassed areas
  - ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iii. programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

- 3 Details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before work on the site is commenced.

Reason: To enable the proper effective assimilation of the development into its wider surroundings.

- 4 Prior to the commencement of development, details of the means of surface water drainage to be submitted and agreed in writing by the Planning Authority.

Reason: To ensure the site is adequately serviced.

- 5 Prior to the occupation of the first dwelling unit on the site the section of dry stone boundary wall at the entrance to the site affected by the development to be carefully taken down and re-built to a position and height that is in accordance with the approved site plan drawings and in the same materials and coursing as the existing wall

Reason: In the interests of road safety and the visual amenity of the area.

- 6 Prior to the commencement of the development exact construction details of the parking areas, roads and footways shown on the plan to be first submitted and agreed in writing with the Planning Department. Thereafter completed the parking areas shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: The surface materials and method of construction require further consideration to ensure a satisfactory form of development. It must also be ensured that there is adequate space within the site for the parking and turning of vehicles clear of the public highway.

- 7 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.

Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

- 8 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

### Informatives

It should be noted that:

- 1 The developer should familiarise themselves with the content of the correspondence submitted by Scottish Gas Networks to ensure that suitable precautions are taken during construction.
- 2 The developer should familiarise themselves with the location of the Right of Way adjacent to the site (as shown on the information submitted by the Councils Access officer) and ensure that the right of way is kept open and free from obstruction during the course of the development in accordance with the Countryside (Scotland) Act 1967.

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