

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 DECEMBER 2020

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 20/00893/FUL
OFFICER:	Brett Taylor
WARD:	Hawick & Denholm
PROPOSAL:	Erection of two dwellinghouses (change of house type previously approved under planning consent 19/00947/FUL)
SITE:	Land South West of West Lodge, Minto, Scottish Borders
APPLICANT:	Professor Sally Haw
AGENT:	Camerons Ltd

SITE DESCRIPTION

The proposed site is located on land south west of West Lodge within the village of Minto. The site is a dormant building plot which extends to 0.31 hectares. It lies within the settlement boundary for the village. The site slopes around 4.5m down from the northwest to the southeast and the predominant ground cover is scrub and small self-seeded trees. A line of mature trees is situated to the northeast alongside the public road that goes through the village.

The nearest properties are Fiaray and West Lodge, a distance of 36m and 55m respectively. Minto village is situated to the northwest, with Minto Golf Club located to the northeast. Open fields are to the south.

The site lies adjacent to the Minto Conservation Area.

PROPOSED DEVELOPMENT

The application seeks full planning permission amend the design of the two houses granted planning permission under planning reference 19/00947/FUL. The specific changes include the installation of an integrated garage onto the front (north east) elevation of each previously consented house. The new garages would follow the same design as the original house, in that they would have a pitched roof, overhanging eaves and projecting verges with timber purlins, fascia and soffit boards. The additional footprint would comprise of 35m² and with the overall height being 5.1m (2.3m to the eaves). The materials would match the house and would incorporate a set of garage doors on the south east elevation.

Other minor changes to the houses include the removal of a chimney and a first level window from the side (south east) elevation and the installation of two rooflights onto the front (north east) elevation.

Slight changes are also proposed for the permeable paving around both houses.

All other aspects of the proposals are the same as the approved application 19/00947/FUL.

PLANNING HISTORY

R188/92 – Outline planning consent for the erection of a house. Approved 27 April 1993.

R045/95 – Approval of reserved matters granted for a two-storey house. Approved 12 June 1995.

19/00588/FUL - Planning application for the erection of three dwellinghouses. Application withdrawn.

19/00947/FUL – Planning application for the erection of two dwellinghouses. Approved 04 November 2019.

20/00015/MOD75 – Planning application to discharge of planning obligation pursuant to planning permission R188/92. Approved 28 February 2020.

REPRESENTATION SUMMARY

Members are reminded that all comments are available for Members to view in full on the Public Access website.

11 letters of objection were received from 10 separate households.

The issues raised by the objecting households and by Minto Hills Conservation Group who provided general comments are listed below:

- Density, siting and overdevelopment of the site
- Design not in keeping with the traditional design of existing buildings
- Privacy of neighbouring properties
- Road safety
- Impact on trees, landscape and environment
- Legal issues
- Work starting on the garages without permission
- Impact on conservation area
- Inadequate screening
- Residential amenity
- Trees/landscape
- Loss of view
- Contrary to Local Plan

The application was advertised in the Southern Reporter.

Scottish Borders Council Local Development Plan 2016

PMD1 – Sustainability

PMD2 – Quality Standards

PMD5 – Infill Development

HD3 – Protection of Residential Amenity

EP1 – International Nature Conservation Sites and Protected Species

EP2 – National Nature Conservation Sites and Protected Species

EP3 – Local Biodiversity

EP9 – Conservation Areas

EP10 – Gardens and Designed Landscapes
EP13 – Trees, Woodlands and Hedgerows
EP16 – Air Quality
IS5 – Protection of Access Routes
IS7 – Parking Provision and Standards
IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage

Scottish Planning Policy (SPP)

OTHER PLANNING CONSIDERATIONS:

Supplementary Guidance

Biodiversity (2005)
Landscape and Development (2008)
Trees and Development (2008)
Placemaking and Design (2010)
Privacy and Sunlight Guide (2006)

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Access Officer: No response. The Access Officer did not object to the previous application.

Environmental Health: No objection, subject to a condition and informative relating to drainage arrangements and the use of woodburning stoves, and conditions relating to mains water supply.

Landscape Architect: No objection, given the addition of a garage does not impact on the retained trees and the proposed planting as covered by application 19/00947/FUL will compensate for the trees to be removed/relocated.

Roads Planning: Following the submission of an amended site plan showing the dimensions of the parking bays and a 6 metre clear space for access/egress the Roads Planning Service has no objections to the application.

Statutory Consultees

Denholm & District Community Council: The Community Council listed the following concerns:

- The density of the site
- Detrimental to environment
- Inadequate access
- Loss of view
- Poor design
- Privacy of neighbouring properties affected
- Road safety
- Disregard for the planning system

Scottish Water: No response.

KEY PLANNING ISSUES:

The principal planning issues with this application can be summarised as follows:

- Whether the design changes would represent a suitable development within the Minto settlement boundary.
- Whether the proposal would have an adverse impact on the landscape or visual amenities of the area.
- Whether the proposal would harm the residential amenity of neighbouring dwellings or conflict with the established land use of the area.
- Whether the proposals are acceptable in terms of parking, access and impacts on road safety.

ASSESSMENT OF APPLICATION:

Policy Principle

Under planning permission 19/00947/FUL, consent was granted for two houses on this site. The principle of development on this site has already been established.

The application site is located within the settlement boundary of Minto. It is not allocated within the plan for any particular use. As such, the principle of development must be assessed primarily against Policy PMD5 - Infill Development of the Local Development Plan 2016 (LDP). The purpose of PMD5 is to support development on non-allocated, infill or windfall sites including the re-use of buildings within development boundaries, provided it meets certain criteria.

The policy complies with Scottish Government Scottish Planning Policy (SPP) which acknowledges the contribution of infill development to the housing land supply. The SPP also supports the principle that settlements must be able to absorb and sustain the individual and cumulative effects of infill development and care must be taken to ensure that no over development takes places.

The remaining tests of Policy PMD5 seek to ensure that the development does not conflict with the established land use of the area, does not detract from the character and amenity of the surrounding area, and does not lead to over-development or 'town and village cramming'. Furthermore, PMD5 seeks to ensure that the development respects the scale, form, design materials and density of its surroundings, that adequate access and servicing can be achieved, and does not result in any significant loss of daylight, sunlight or privacy of adjoining properties as a result of over-looking or over shadowing. These matters will be discussed in more detail later in the report.

The residential development reflects the established land use of the surrounding area and poses no conflict with that established use. The proposal reflects the existing scale and pattern of development locally and would not lead to over-development of the site or the village.

Access and Parking

Members will note that objectors have raised concerns about the proposal from a road safety perspective. These matters were addressed during the determination of the original application, nevertheless, the Council's Roads Planning Service was consulted during the assessment of the application and has no objections to the application. Subject to the

requirements of the original application being met and for the parking and turning for two vehicles per dwelling.

The proposal is considered to comply with policies PMD2 – Quality Standards and PMD5.

Placemaking & Design

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 policy contains a number of standards that would apply to all development. Policy PMD5 requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming; the proposal should not detract from the character and amenity of the surrounding area.

A number of the representations refer to the fact that the foundations for the garages had commenced and as such represented a breach of planning control. The applicant incorrectly thought this change to the design would be covered by permitted development legislation. This application therefore seeks to correct this matter and to regularise the development.

The site is large enough to accommodate the addition of two integrated garages and would still have adequate garden ground and parking and as such it is contended that the proposed development would not constitute an overdevelopment of the site. The surrounding area is characterised by a mix of house types with detached/integrated garages and a mixture of outbuildings and materials.

The resulting footprint of the houses including the integrated garages would be set back from the public road and the development is unlikely to have any impact on the existing character of the area. Looking again at the site plan, it is considered that there is sufficient distance between the development and the property at 'Fiaray' given the separating paddock to determine there is no clear defined building line. The spatial pattern of the village is also irregular therefore the proposal would still allow for a logical development of the village in this location.

Turning to the specific design detail, the garages would follow the same design as the previously consented houses, in terms of the pitched roofs, overhanging eaves and projecting verges with timber purlins, fascia and soffit boards. The materials would match the house and would incorporate a set of garage doors on the south east elevation. These are considered acceptable and the proposals are considered to be suitable in terms of their scale, massing, height and density in line with Policy PMD2 and Placemaking and Design SPG.

The revised house types also propose a number of modest changes to the original house design, including the removal of the chimney and a first level window from the side (south east) elevation as well as the installation of two rooflights onto the front (north east) elevation. These are considered minor changes that would normally be considered permitted development once the houses were completed. There is no condition attached to the earlier consent or any valid planning reason to resist these small amendments to the original design.

The landscape proposals would remain the same as the previous consented scheme. The proposal accords with the aims of Placemaking and Design standards sought by the SPG, in that this development will assimilate well with the surrounding built and natural environment.

Residential Amenity

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. Part (f) of PMD5 is also relevant.

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. Whilst this guidance relates to householder developments, the same principles can be applied to non-householder developments such as this. The SPG states that as a rule, there should be a minimum 18m privacy zone between windows of principal rooms when directly opposite.

The property at 'Fiaray' is approximately 31m from the north-west site boundary and is screened by mature planting. The proposed dwellinghouse on plot 1 would be approximately 36m from Fiaray itself and no overlooking or loss of light to the detriment of residential amenity would occur to this property as a result of the development. The distances between plots 1 and 2 is over 8m would remain the same as the previous application which is still below the requirement stipulated within our supplementary planning guidance. However, no direct window-to-window overlooking from principal rooms would occur and together with the removal of an upper window on the side (south east) elevation would safeguard residential amenity. The proposal is therefore considered to comply with policy HD3 and PMD5 as well as supplementary planning guidance.

Landscape and Visual Impacts

Policy EP13 states that the Council will refuse applications that would cause the loss of or serious damage to the woodland resource unless the benefits of the development clearly outweigh the loss of landscape, ecological, recreational, and historical or shelter value.

The proposals subject to this application would result in no further removal of trees. The Council's Landscape Officer was consulted as part of the application process and has no objections. Conditions relating to landscaping and tree protection for the previous application have been agreed and discharged.

Overall, it is still considered that the proposed houses will fit comfortably within the immediate landscape setting without significant adverse impacts on the surrounding area.

Cultural heritage and archaeology

There are no known archaeology implications for this proposal and the application site is located outwith the Minto Conservation Area. However, given the proximity of the application site to the Conservation Area the proposals must still be assessed for any potential adverse impacts thereto. The amended proposals would still be designed in such a way that is sensitive to the character of the adjoining conservation area, particularly in the choice of materials. Materials such as render and slate will ensure the proposed development sits comfortably adjacent to the conservation area without resulting in an unacceptable adverse impact on the character or appearance of this designated area. This design approach adopted is welcomed and the proposals are considered compliant with policy EP9 – Conservation Areas.

No listed buildings feature within the immediate vicinity and although the site is visible from Minto Designed Landscape no adverse impacts are anticipated from this proposal.

Natural heritage

With respect to ecology, these matters were addressed during the original application and the preliminary ecological appraisal which was undertaken during the main breeding seasons for bats and birds would remain valid. The proposed amended house designs is unlikely to result in significant adverse effects on local ecology or biodiversity.

Services

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. SUDS is required for surface water drainage.

The conditions attached to the original application would remain valid and as such the application would still comply with policy IS9.

Waste Management

The amended application drawings do not show the provision of bin stances within each plot however there is sufficient land within each plot to provide areas to store household waste and recycling bins. The condition attached to the original application, which would be replicated in this case should members agree the recommendation, can secure implementation and details to be provided.

Development Contributions

Under normal circumstances development contributions would be required by this development to ensure compliance with Policy IS2 of the LDP. However, contributions towards Education and Affordable Housing were secured under the original application. No further contributions are required by this development.

Other matters

Members will note that objectors have referred to the fact that the development had commenced in breach of planning conditions relating to the original application and the issue of the works starting on the integrated garages. Whilst this is regrettable, this application aims to resolve this breach of planning control and to regularise the development. All substantive conditions attached to the earlier consent have now been discharged.

Objector comments regarding the legal issues were addressed by the granting of application 20/00015/MOD75 to discharge of planning obligation pursuant to planning permission R188/92.

CONCLUSION

It is considered that the proposed amendments to the original scheme including the erection of integrated garages to both houses, are acceptable in that they are appropriate to the development, they can be adequately accommodated on the site and they will not affect the spatial character of the area or have any significant impact on the residential amenity of existing properties.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to the following conditions and informatives:

Conditions

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority, unless otherwise agreed by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. All previous conditions attached to planning consent reference 19/00947/FUL remain valid and shall be duplicated in this permission unless otherwise agreed in writing by the planning authority. Any submissions already made to and approved in writing by the planning authority in response to conditions of that consent shall remain the council's approved position and no further information will be required unless requested by the planning authority. The development hereby approved shall proceed in full accordance with the conditions and approved response of that permission unless otherwise agreed in writing by the planning authority.
Reason: To ensure a satisfactory form of development appropriate to its setting and to ensure the requirements of all previous conditions are met in full.

Informatives

- 1 Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. The applicant should satisfy themselves that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.
- 2 The access to the site from the public road to be constructed as a service layby to my standard specification DC3. The initial 5 metres of the shared driveway beyond the rear of the service lay-by to be a minimum of 5.5 metres wide to allow two vehicles to pass and surfaced to the same specification.
- 3 Only contractors first approved by the Council may work within the public road boundary.
- 4 The promoted Minto Hills path in the Paths around Hawick booklet is described from Denholm and the route shown is the route on the maps below. The full booklet may be accessed from the council website www.scotborders.gov.uk/walking
- 5 The applicant is reminded that, under the Conservation Regulations (Natural Habitats & c.) 1994 (as amended) it is an offence to deliberately or recklessly damage or destroy a breeding site or resting place of bats (whether or not deliberately or recklessly), capture, injure or kill a bat, harass a bat or group of bats, disturb a bat in a roost (any structure or place it uses for shelter or protection), disturb a bat while it is rearing or otherwise caring for its young, obstruct access to a bat roost or otherwise deny an animal use of a roost, disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species, disturb a bat in a manner or in circumstances

likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652 or 01463 725 364) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at:

http://www.bats.org.uk/pages/bats_and_buildings.html

http://www.bats.org.uk/pages/existing_buildings.html <https://cdn.bats.org.uk/pdf/Bats-Trees.pdf?mtime=20181101151317>

DRAWING NUMBERS

Plan Type	Reference	Date on plan
Location Plan	9383-3.13	13/08/20
Site Plan	9383-3.14	13/08/20
Floor Plan & Elevations	9383-3.15 REV A	21/10/20

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning & Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Brett Taylor	Planning Officer



20/00893/FUL

Land South West Of West Lodge
Minto

