

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**7 MARCH 2022**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 21/01925/FUL
<b>OFFICER:</b>	Ranald Dods
<b>WARD:</b>	Tweeddale West
<b>PROPOSAL:</b>	Erection of Dwellinghouse
<b>SITE:</b>	Garden Ground of 11 Fergusson View, West Linton
<b>APPLICANT:</b>	Mr Murray Cornish
<b>AGENT:</b>	Jefcoate Anderson Architects

**PLANNING PROCESSING AGREEMENT**

A planning processing agreement is in place until 14 March 2022

**SITE DESCRIPTION**

11 Fergusson View is a modern bungalow, dating from the 1970s. There is a detached garage to the west and a large garden to the south. The property sits within a development of 20 houses, all of a similar age and of no architectural merit. The majority of those properties being bungalows, with six two storey houses on the western side of the development. Number 10 was formerly a single storey property but permission was granted in 2012 (reference 12/00456/FUL) to increase the ridge height in order to provide an additional floor level within the roof space, making it higher than those which surround it. To the rear of the application site is the garden ground of 5 Tarfhaugh Brae and to the west is the garden ground of 12 Fergusson View.

**PROPOSED DEVELOPMENT**

The application seeks full planning consent for the erection of a single bungalow, similar in character and appearance to the existing property. The detached garage would be removed in order to facilitate the development.

**PLANNING HISTORY**

An application for planning permission in principle (reference 21/00373/PPP) was submitted in March 21 but was withdrawn before determination. That application was also made for a single dwellinghouse.

The applicant revised the current proposal and affected neighbours were re-notified of the revision. When viewed from the public realm, the house was moved further back into the site, the width of the front elevation was reduced and a gabled feature introduced, the ridge height was reduced and the parking layout was revised. To the rear of the property, which would not be visible from the public realm, the rear projection was increased in size and the form of the roof altered. It is that revised design which must be considered and not any previous proposal for the site.

## **REPRESENTATION SUMMARY**

Letters from thirteen individual addresses were received objecting to the original proposals and two letters of support were received. In respect of the revised design, representations from eighteen individual addresses were submitted, seven from addresses which had not made previous representations. One letter of support was submitted. The material grounds raised relating to the revised design can be summarised as follows:

- development not in keeping
- density / cramming
- drainage and flooding issues
- road safety
- increased parking
- decreased parking provision
- loss of privacy
- loss of light
- impact on amenity
- impact on biodiversity
- impact on trees
- loss of open space.

The majority of those issues were raised in the representations to the original submission. Representations made on matters such as loss of view, fire risk, devaluation of property and the like are not material and must not be given any consideration.

## **APPLICANTS' SUPPORTING INFORMATION**

- location plan
- proposed site plan
- elevations
- design statement
- letter from ecologist David Dodds Associates Ltd.

## **DEVELOPMENT PLAN POLICIES:**

### **Scottish Borders Council Local Development Plan 2016**

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

EP8 – Archaeology

EP13 – Trees, woodlands and hedgerows

IS2 – Developer contributions

IS7 – Parking provision and standards

IS8 – Flooding

IS9 – Waste water treatment standards and sustainable urban drainage

## **OTHER PLANNING CONSIDERATIONS:**

The following supplementary planning guidance notes are material considerations:

SPG – Biodiversity 2005;  
SPG – Development contributions 2015 (updated April 2021);  
SPG – Placemaking and design 2010;  
SPG – Privacy and sunlight guide 2006;  
SPG – Sustainable urban drainage systems 2020;  
SPG – Trees and development 2008  
SPG – Waste management 2015.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Roads Planning Service:** No objection in principle to the proposed development subject to conditions. The proposed plans show two parking spaces for the new dwelling and also two parking spaces for the existing dwelling. The existing footway crossing would need to be altered to allow appropriate access to the new dwelling. There is sufficient space shown to allow two cars to be parked within the site. It should be noted that it would be perfectly possible to construct garages for the existing and proposed houses and undertake any changes to the driveway / parking layout shown on the drawings using current permitted development rights.

**Flood Prevention Officer:** The applicant submitted a drainage strategy and that proposes a 300mm French drain on the southern and western boundaries, a soakaway in the middle of the garden and permeable paving at the front of the property. The FRO assessed the revised design and commented that the revisions did not alter his stance taken on the original submission and no objection is made to the proposal. The FRO is content with the plans to provide drainage around the southern and western boundaries, as requested and for a soakaway tank within the garden. It will be a matter for Building Standards to assess the appropriate size and location of soakaways and drainage during the building warrant process.

**Archaeology Officer:** In line with the original submission, no objection is made.

### **Statutory Consultees**

**Scottish Water:** No objection. There is currently capacity at the Roseberry Water Treatment Works. Scottish Water is unable to confirm the present capacity of the West Linton Waste Water Treatment Works. That would be established by means of a pre-development enquiry.

## **KEY PLANNING ISSUES:**

- Whether the proposals comply with the Local Development Plan policies for infill development within a settlement boundary;
- whether the development would result in any significant loss of residential amenity for existing residents;
- whether there are material considerations that would justify a departure from the provisions of the development plan and material considerations.

## **ASSESSMENT OF APPLICATION:**

### **Policy**

As noted above, the key policies against which this proposal is assessed are PMD2 – Quality Standards and PMD5 – Infill Development.

In terms of placemaking and design, PMD2 sets out 7 criteria. The criteria relevant to this application are that the proposal:

- h) creates developments with a sense of place, based on a clear understanding of the context;
- i) is of a scale, massing, height and density appropriate to its surroundings;
- j) is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
- k) is compatible with and respects the character of the surrounding area, neighbouring uses and neighbouring built form and;
- l) can be satisfactorily accommodated within the site.

Policy PMD5 states that approval will be given to developments within settlements, so long as the following criteria are satisfied:

- a) it does not conflict with the established land use of the area;
- b) it does not detract from the character and amenity of the surrounding area;
- 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;
- d) it respects the scale, form, design, materials and density in context of its surroundings;
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity;
- 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 set out below, it is contended that the principle of the development complies with the above key policies.

### **Access and parking**

The site can be accessed from the existing public road. The RPS did not object to the proposal on grounds of road safety or parking standards but conditions covering the specification for the parking areas, alternative parking arrangements for No 11 Fergusson View and the existing footway crossing being formed to SBC standards are recommended.

### **Design**

The application is made for a single dwellinghouse and that would not conflict with the established land use of the area and would not place an undue burden on the current infrastructure provision. The design has been revised to present a street frontage which reflects the prevailing architectural style of the surrounding scheme and, as a result, there is no conflict in terms of aesthetic. The height of the house was also revised to match the ridge height of number 11 and the house was drawn back into the site so that in plan view, there is a logical progression of building frontages and gives more space to the front of the house. It is acknowledged that the

development would be appear constrained when viewed from the north and when compared to the frontages of some of the other properties within the scheme but it would not be by any means the narrowest street frontage within the wider scheme. The supporting analysis provided by the agent demonstrates that Ferguson View is characterised by single storey and two storey dwellings set within generous plots benefiting from relatively wide street frontages. However, it is clear that there are also a number of properties with much narrower street frontages, particularly towards the end of both cul-de-sacs, and the proposed development would not be at odds with this pattern of development.

Third party representations covering design and appearance are acknowledged but it is considered the revised proposals will not detract from the character or amenity of the surrounding area and would, on balance, better integrate the house into the surroundings compared to the originally submitted design. The proposed house would, arguably, give a better and more logical visual ending to the street than the current flat roofed garage. The revised design would respect the scale, massing, form, design and materials in the context of its surroundings and would have positive contribution to the wider street scene.

In terms of site proportions, it measures approximately 653m<sup>2</sup> and the house would be 127m<sup>2</sup> which means that the house would be roughly 19% of the plot and can be satisfactorily accommodated within the site. The area of private garden available (roughly 375m<sup>2</sup>) would also be on par with or in excess of other properties in the immediate area. As such, the proposal could not be described reasonably as being overly dense, resulting in town cramming or over development.

The submitted drawings and design statement suggest external materials to complement existing properties but precise details can be covered by suitably worded planning condition.

The proposals are considered a suitable infill development opportunity and would comply with Policy PMD5 and PMD2 of the LDP.

### **Residential amenity**

It is considered that the house would not have an unacceptable adverse impact on the residential amenity of neighbouring properties. The proposed development would not have openings to habitable rooms facing the properties to the east or west and the distance to the properties in Tarfhaugh Brae is in excess of the minimum required to ensure privacy as set out in our Privacy and Sunlight guide. Nonetheless, a condition removing permitted development rights for the eastern and western elevations is recommended. This would avoid potential loss of amenity to neighbouring properties in the future. The applicant was asked to provide a shadow analysis of the proposed dwelling, and this demonstrates that overshadowing, to the detriment of residential amenity, would not result from this proposal. The proposals would therefore comply with Policy HD3 of the LDP.

### **Flooding**

Several representations noted flooding as a ground of objection. That relates to surface water flooding. The FRO has assessed the proposals and did not raise an objection on grounds of flooding.

The applicant submitted additional plans and proposed drainage scheme but this has not altered the FPO's stance. Plans to provide drainage around the southern and

western boundaries (as requested in earlier consultations) and for a soakaway tank within the garden have been incorporated into the design. The precise details of the drainage arrangements will be covered by Building Standards through the warrant process.

### **Cultural heritage and archaeology**

No archaeological conditions are recommended and no archaeological informative thought necessary given the extensive ground disturbance of the Fergusson View estate as a whole. The Council's Archaeology Officer confirms there are Historic Environment Records in the surrounding area but significance of these sites is thought to be low. No archaeological features or finds have been reported in the immediate area. The proposals would comply with Policy EP8 of the LDP.

### **Natural heritage**

There are silver birch trees to the front of number 12 Fergusson View, adjacent to its driveway and there are also trees within the rear garden of that property. Those are not covered by a tree preservation order nor within a conservation area. Although they add principally to the private amenity of the residents of number 12, the trees to the front do make a small contribution to the general amenity of the area. The proposed house would be set back from those trees and the proposals show that parking would be located adjacent to those trees, similar to the arrangement that exists with number 12 and it is entirely possible to form driveways within the root protection areas of trees. The applicant has indicated that the driveway area would be formed using a no-dig method and would be formed from a porous surface. However, a condition is recommended to ensure the existing trees in the neighbouring garden are protected.

Any trees and hedging to the rear of the site add to the private enjoyment of the site rather than the wider area however, it would also be important to ensure that these trees, where proposed for retention, are also protected.

The applicant has provided a statement from an ecologist which makes clear that in his opinion the garage is not a building which would provide a suitable habitat for bats. The development of an additional house within the existing scheme is unlikely to have a negative impact on the biodiversity of the wider area. The proposals would comply with Policy EP3 – Biodiversity and JEP13 – Trees, Woodlands and Hedgerows of the LDP

### **Infrastructure**

The applicant states that the house would be connected to the public water supply and foul drainage network. Scottish Water has offered no objections to the proposed development and confirmed that there is sufficient capacity within the existing water treatment works to accommodate this development but cannot confirm capacity within the waste water treatment works. Surface water drainage should be managed by way of SUDS techniques. Matters of site drainage and servicing will be considered in applications for building warrant but further details of surface water drainage and written confirmation of connection to the public water supply and drainage networks can be covered by condition.

There appears to be sufficient space within the site to enable storage of refuse and recycling containers away from the principal elevation of the house.

## **Developer contributions**

The proposed development attracts developer contributions towards education provision. The contributions would be secured by means of a section 69 or section 75 legal agreement should consent be granted.

## **CONCLUSION**

Subject to a legal agreement and compliance with the schedule of conditions, the development will represent a suitable infill development opportunity consistent with the established land use of the area. The proposed dwelling would not detract from the character or amenity of the surrounding area and would contribute positively to the established street scene. The proposals 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 BY CHIEF PLANNING AND HOUSING OFFICER:**

I recommend the application is approved subject to a legal agreement addressing contribution towards education provisions and the following conditions:

1. Details of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the planning authority before development commences. Once approved, the development shall be carried out only in accordance with the approved details.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. No development shall be commenced until the precise specification for the parking areas has first been submitted to and approved in writing by the planning authority. Thereafter the approved plans shall be implemented fully prior to occupation of the new dwelling.  
Reason: To ensure appropriate parking provision is provided for both dwellings.
3. No development shall commence until the alternative parking arrangement for No. 11 Fergusson View has been provided and is available for use.  
Reason: To ensure there is no displacement of parking onto the public road during the construction period.
4. No development is to commence until written confirmation has been provided to (and approved by the planning authority) that the development will be connected to the public mains water supply. Thereafter, the dwellinghouse shall not be occupied until the connection to the public water mains is made.  
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water.
5. The development hereby approved shall not be occupied until the drainage system has been fully implemented and written confirmation has been provided to (and approved by the planning authority) that the development has been connected to the public foul drainage system. All surface water drainage shall comply with the SUDS manual and maintain existing pre-development run off levels.

Reason: To ensure that the development does not have a detrimental effect on amenity and public health and manages surface water in a sustainable manner that does not increase off-site run-off.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, as amended and notwithstanding changes in circumstances which may affect permitted development rights, no additional window or other opening shall be made on the eastern or western elevations unless an application for planning permission in that regard is first submitted to and approved by the planning authority.

Reason: The planning authority considers that the development hereby permitted is the maximum that can be reasonably allowed without causing detriment to the amenities of adjoining properties and for this reason wishes to control any future proposals for alterations.

7. No development shall commence until a detailed 'method statement' in relation to all works within the root protection area (RPA) of trees and hedging within and adjacent to the site has first been submitted to and approved in writing by the planning authority. Specific issues to be dealt with in the method statement:

- a) A scaled plan showing the position, size, RPA, species and unique identification reference of each retained tree and hedge affected by the works and including details of the extent and nature of all works within the RPA of retained trees/hedges;

- b) a written statement detailing the proposed works including hand digging, use of filter cloth, timber edging, cellular ground reinforcement, porous surfaces etc. as relevant;

- c) a specification for protective fencing to safeguard trees and hedges during construction phases and a plan indicating the alignment of the protective fencing;

- d) a specification for ground protection within tree and hedge protection zones.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during construction operations.

### Informatives

1. The existing footway crossing should be lowered between the accesses to No.11 & No.12 Fergusson View. That should follow construction specification standard detail DC-10, available from the council's Roads Planning Service.
2. All work within the public road boundary must be undertaken by a contractor first approved by the council.

### DRAWING NUMBERS

1. 1 of 4 Location Plan
2. 0611PL002 Existing plans sections and elevations
3. 0611PL003 rev A Proposed plans sections and elevations
4. 14374-BKP-V1-XX-DR-S-0500\_P1 Other



**Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and 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
Ranald Dods	Planning Officer



21/01925/FUL

Garden Ground Of  
11 Fergusson View  
West Linton

