

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 14/00996/PPP

APPLICANT : G Drummond

AGENT :

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Plot A Chirnside Station
Chirnside
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY: Negotiation

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Local Plans: The Officer has reviewed applications 14/00995/PPP, 14/00996/PPP and 14/00997/PPP and concluded that application 14/00995/PPP is more within the core of the building group and consequently relates better to it. The Officer notes that in keeping with the requirements of policy D2 in the consolidated Plan 2011 there is potential for an extension to the group of a maximum 8 no new houses. He notes that significantly, there is an issue with applications 14/00996/PPP and 14/00997/PPP in that they are on the route of the former railway line. Policy EP12 seeks to protect these routes for potential future walking, cycling or recreational purposes (or future potential rail). The Officer advice is that 8no units are approved within application ref 14/00995/PPP and that applications 14/00996PPP and 14/00996/PP are refused.

Housing Section: No comments

Roads: No objection to this application in principle, I would request that the detailed design of the site includes parking and turning for a minimum of two vehicles, not including any garage. This must be provided and retained in perpetuity within the curtilage of the property. In addition, the means of accessed to be agreed at detailed design stage.

Environmental Health Officer: No objections subject to conditions and informative in respect of water supply and land contamination. A site investigation and risk assessment is required with a remediation strategy and verification plan if required by the site assessment.

Outdoor Access: No objection but condition sought in respect of core paths. Forward Planning to be consulted in respect of Local Plan Policies: Safeguarding Former Railway Routes, and Green Networks. According to our records, as outlined on the enclosed plan, there are no known Core Paths / Promoted Paths / Rights of Way that are directly affected by this proposal. Core Path 88

(CHIR/88/12) utilises the public roadway that passes to the east and route DUNS/asp/3 to the south. It should be noted that both these routes form part of the promoted route known as the David Hume Walk. Both pathways, as indicated above must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the property (as outlined in this application). Reason: To protect general rights of responsible access.

Education: A contribution of £2990 is sought for the Primary school and £4205 is sought for the High School, making a total contribution of £7195.

Community Council: No objection

Development Negotiator: A S75 already exists for 07/00577/OUT. However, as an additional contribution is now sought for Chirnside, a fresh S75 is required rather than a renewal, the applicant having been advised that the original can be applied for discharge upon registration of the new.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan Adopted 2011

D2: Housing the Countryside

G1: Quality Standards for New Development

G5: Developer Contributions

H2: Protection of Residential Amenity

Inf2: Protection of Access routes

Inf3: Road Adoption Standards

Inf4: Parking Provisions and Standards

Inf5: Waste Water Treatment Standards

Inf6: Sustainable Urban Drainage

Supplementary Planning Guidance: New Housing in the Borders Countryside

Recommendation by - Lucy Hoad (Planning Officer) on 16th April 2015

This application is for planning permission in principle for the erection of 1 No dwellinghouses on Plot A Chirnside Station Chirnside. This is a renewal application with a single dwelling having been consented on the site in Oct 2011(07/00577/OUT). It is noted that 2 further applications for extending the existing building group at Chirnside Station are under consideration, 14/00997/FUL for a single dwelling at Plot D and 14/00995/PPP for a residential development comprising up to 10 units in number.

Consent for Plot C, (05/01042/REM) a separate dwelling plot, situated to the north of Plot A, has been implemented but no construction works had commenced at the time of the site visit.

The principle of residential housing on the site has already been established through the earlier outline planning permission. In assessing this proposal for renewal of permission, it is necessary to determine whether there are any material factors or changes in circumstances/policy since the original determination that would warrant a change of view.

The land forms part of a former railway line now disused and overgrown with vegetation. Forward Planning have advised that route is identified for protection for future walking, cycling and recreation purposes under forthcoming planning policy (EP13 Green Networks).

At the time of the previous consent it was accepted that a building group existed at this location. The applications were assessed under Policy D2 (Housing in the Countryside) of Local Plan 2008, which stated that any consents for new building should not exceed 100% of the existing number of housing units in the group. The plot applied for at that time was accepted on this basis, and the fact that there been no other

over-riding environmental circumstances in respect of material planning concerns. A S75 legal agreement was concluded in respect of developer contributions to be paid to the council prior to commencement of works on site provided an approval of a reserved matters application had been granted.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside 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.

Indicative site plans have been submitted which show where the plot lies and the relationship to existing housing in the group. However, no details of layout, house design, or access are supplied at this time. Whilst details of design and materials are not provided for at this outline stage, it is noted that there is a mixture of traditional and modern housing within the group, displaying a variety of house styles and building materials. The Roads Officer has not objected to the proposals subject to condition regarding access, parking and turning details are applied

The Environmental Health Officer seeks a site investigation and risk assessment with any requirement arising from this assessment for a remediation strategy and verification plan to be submitted and agreed upon.

The means of water supply and of both surface water and foul drainage will need to be submitted for prior approval in order to ensure that the site is adequately serviced.

From the site visit it was evident that the building group number in this location is static at 28 units and the proposed site remains vacant. In the intervening time period from grant of consent in 2011 until the submission of the current application there has been a significant change in planning policy. Planning Policy D2 under the Consolidated Local Plan 2011 has been amended to state that any consents for new build should not exceed two dwellings, or a 30% increase in addition to the group within the current Local Plan period. No further development above this threshold will be permitted.

The amendment in policy D2 came into effect in February 2011 and the application must therefore be assessed against the current policy.

Given that the number of houses within the group as at the start of the current Local Plan period totals 28 it is considered that the number of newbuild sought under all three applications would result in the capacity of the original building group being exceeded by more than 30%,

Pre-application discussions took place with the applicant prior to the application being submitted and the applicant was advised at the time, of the change in policy in 2011 in respect of additions to building groups and of the number of dwellings that could be considered during the current local plan period, taking into account the number of dwellings in this group.

It is accepted that the proposed Plots A and D are well related to the wider area contained by the sense of place at Chirnside Station. However, this is not sufficient to justify the approval of all of the applications before the authority, which would be contrary to the threshold contained within policy D2 (A). Consideration has been given to each application on its own merit and the logical evolution of the building group as it expands.

Plot A sits on the fringe of the group, as does Plot D. Taken into account the pattern of development up to this point in time these two plots have a weak relationship to the core of the group. The larger housing site (14/00995/PPP) is considered to have a strong and close relationship to the core of the group, and if approved would lead to a cohesive expansion of the group. Forward Planning has advised that application 14/00995/PPP relates better to the core of the existing building group with the two single plots located on a route defined within the Green Networks, with potential for future pathways. These have a weaker relationship with the core of the group.

Given the restriction in expansion under current policy the application for Plot A is considered to be contrary to policy D2 (A). Thus the application as submitted cannot be supported as this would exceed the stated threshold of all 3 applications currently under consideration. The policy allows no further dwellinghouses above 30%.

No economic or agricultural justification has been submitted for a house in these locations above the threshold of two or 30% permitted under policy D2 (A).

The site is recognised as a Green Network under Policy EP12 of the Proposed Local Development Plan 2013. Given the requirement to ensure that path networks are protected, the siting of the dwelling on this former railway route is considered to be contrary to policy INF2. The proposal cannot be supported as the dwelling would impinge on the access route.

No third party representations have been received on the proposals.

REASON FOR DECISION :

The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00997/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside.

Recommendation: Refused

- 1 The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00997/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside.
- 2 The proposal would be contrary to policy INF2 of the Scottish Borders Council Consolidated Local Plan 2011 in that the dwelling would have an adverse effect on the continued use of the access route/railway, which is promoted under Policy EP12 of the Proposed Local Development Plan 2013. Reason: 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”.