

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through
this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site Inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to Appeal Statement and associated documentation

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Refer to Appendix 1 of Appeal Statement

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

19/10/15

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

FERGUSON
PLANNING



LOCAL REVIEW BODY

STATEMENT OF APPEAL

PLANNING REF: 15/00745/PPP

**ERECTION OF RESIDENTIAL DWELLING, DEMOLITION OF
STABLES, ACCESS AND ASSOCIATED WORKS**

**LAND ADJACENT TO PARK LANE, CROFT PARK, KELSO,
TD5 7ET**

CLIENT: JAMES HEWIT

OCTOBER 2015

Miss Office:
Sheaf House
54 Island Street
Gateshead
TD1 1RZ

NI Office:
61 Moyle Road
Ballycastle
Co. Antrim
NI Island BT54 5UG

T 01896 050 744
M 07080 003 958
E sm@fergusonplanning.co.uk
W www.fergusonplanning.co.uk



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Appendix 1: Appeal Documents List

Ref: HEW1
LPA Ref: SBC
Author: TF
Telephone: 01896 668 744
Date of Issue: October 2015

1. Introduction

1.1 This statement of appeal has been prepared by Ferguson Planning on behalf of the applicant and owner of the site Mr James Hewit, who wishes to reside in the proposed house with his wife as they head toward retirement with the current property then being sold to his daughter.

1.2 The applicant did not want to highlight at the time of submission but now feels compelled to, is that the current dwelling is unsuitable for his wife who is disabled, and as such, the new dwelling was to be designed and constructed in such a way in order to allow her to move around the house more freely. It will also mean having family close at hand with the daughter then living at 'Croft Park'.

1.3 The proposal (15/00745/PPP) for the new dwelling was lodged on 27th June 2015 with a decision, via delegated powers to refuse the application received on 1st October 2015. As such, we now seek to appeal the decision via the Council's Local Review Body. We would recommend that a site inspection be undertaken to get a full appreciation of where the dwelling would be located and how it would sit within its surrounds.

1.4 This statement now responds to the reason of refusal and, where appropriate, cross referring to the delegated officers report, Development Plan and material considerations. The supporting documentation to this appeal are listed within the appeal form and Appendix 1.

2. Reason for Refusal

2.1 Within the 'Decision Notice' the main reason for refusal was that:

“the proposal is contrary to Policies G1 and G7 of the Consolidated Scottish Borders Local Plan 2011 in that the proposed dwellinghouse would result in an inappropriate form of infill development that is out of keeping with the character and amenity of the surrounding area to the detriment of the established residential character of the area. In addition it has not been adequately demonstrated that a dwellinghouse can be accommodated on site without resulting in overdevelopment. The erection of a dwelling on this site would set an undesirable precedent which would not be compatible with, or respect, the neighbouring built form”.

2.2 It is considered important to highlight at this stage key points or observations on the Planning Officer's report which informed the decision. These being that:

Representations

2.3 The officers' report mentions that Roads Planning had no response. However, they did respond on 30th September. The roads planning department had concerns on previous applications for this site due to the policy on the number of dwellings served by a private road. This policy has now changed from 2 new dwellings to 4 new dwellings which has removed the concerns of the roads planning service. They support the proposal subject to the following conditions:

- Two parking spaces and turning to be provided within the curtilage of the plot and retained in perpetuity.
- The hedge that separates the private access from the public footway to be reduced in height to no greater than 1000mm over the first 2000m.

Pre-application advice also took place with Roads Planning and this is highlighted in our grounds of appeal (GOA3).

2.4 The Kelso Community Council has **no objections** to this proposal.

2.5 There was one objection received which stated they believed it was contrary to the local plan, detrimental to the environment, residential amenity, has inadequate access, road safety, subsidence and landscape being affected.

Planning Considerations and Policies

2.6 SESplan Strategic Development Plan (2013), Scottish Borders Consolidated Local Plan (2011) and Scottish Planning Policy (2014) provide the key planning policies and which are then supported by the denoted Supplementary Planning Guidance (SPG) and Planning Advice Notes (PAN).

2.7 The local plan should be the primary consideration in the determination of this application.

2.8 It is noted that there is a need for the council to facilitate the delivery of sufficient new housing to meet local needs. Scottish Planning Policy supports the principle that settlements be the sequentially preferable location for this to take place.

2.9 The proposal represents a natural infill development in that it falls within the settlement of Kelso, is brownfield in nature and which will align itself with neighbouring dwellings to the west which are located at the same level of the subject site.

2.10 The distance between the proposed dwelling and neighbouring dwellings is significant and ensures that there are no negative residential amenity impacts of note. The site, while elevated, will relate to the properties at a similar level and which sit lower than the built form at High Croft.

2.11 The plot will be located in such a way that it will be less visible than the properties that neighbour it and which will be well screened by existing built form and high hedge row that runs along the southern boundary thus minimising any visual impact from the key visual receptor of Edinburgh Road.

2.12 The development will not conflict with the established land use of the area as it is surrounded by residential dwellings and can easily form part of the overall character of the area.

2.13 The development will not lead to cramming or overdevelopment in the area. There is sufficient space for the dwelling and much of the site area will be untouched by the development with no significant transport impacts.

2.14 The dwelling will not result in any significant loss of daylight, sunlight or privacy to adjoining properties such as overshadowing or overlooking. It will primarily replace the existing stable block and thus it is concluded as being a sustainable and appropriate form of development.

Other considerations

2.15 As this is planning permission in principle, much of the detailed design is reserved for a later stage in the planning process. However we believe that the proposal meets Policy G7, G1 and the forthcoming Policy PMD2 for reasons that will be outlined in our 'Grounds of Appeal' (GOA).

2.16 The development will maximise the efficient use of energy resources such as the use of Solar PV, will avail of current infrastructure and use sustainable construction techniques.

2.17 The rear wall of the house will sit as the retaining wall as shown by the drawings and technical documentation lodged within the application and this will not require significant engineering/embankment works contrary to comments made by the case officer.

2.18 Following consultation with the Roads Department it is agreed that an area to accommodate two cars would be provided together with internal turning area and that the existing hedgerow along the access road would be significantly reduced.

2.19 The dwelling will be a unique design and finished externally in materials, colours and textures of the highest architectural quality.

3. Planning Context

Scottish Borders Consolidated Local Plan (Adopted) 2011

3.1 Within the report of handling the Planning Officer has focussed the determination of the application on a single policy contained within the above local plan. That being 'Policy G7 – Infill Development'. The policy contains six criteria with criterion ii and iii the focus for the recommendation to refuse. The officer's report also notes that policies G1 and H2 are relevant to refuse the application based on the quality of new residential developments on how they respect the environment and safeguard the amenity of residential areas.

3.2 The officer's report notes that the proposal is compliant with all other parts of the local plan. Policy G7 is quoted in full.

The Council wishes to support suitable infill development provided it meets certain criteria. These criteria are:

- i) Where relevant, it does not conflict with the established land use of the area; and***
- ii) It does not detract from the character and amenity of the surrounding area; and***
- iii) 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'; and***
- iv) It respects the scale, form, design and materials and density of its surroundings; and***
- v) Adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and***
- vi) It does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.***

3.3 Taking on board the reason for refusal together with the wider context within the Planning Officer's Report and the applicant's Planning Statement we will now outline our clear grounds of appeal and to why the application merits approval.

4. Grounds of Appeal

Reason for Refusal

4.1 The reason for refusing the application is outlined in chapter 2. It centres on the belief that the proposal is an inappropriate form of infill development that is out of keeping with the character and amenity of the surrounding area. It also states that it has not been adequately demonstrated that a dwellinghouse can be accommodated on site without resulting in overdevelopment.

4.2 Our response to the reason for refusal together with the informative leading to the decision forms the 'Grounds of Appeal' and which are now listed below.

Grounds of Appeal (GOA)

GOA1

4.3 It is refuted that this proposal is not consistent with the character and amenity of the surrounding area (criterion ii). The council's landscape architect has been consulted upon and notes that some of the issues regarding the slope and retaining wall can be alleviated. He mentions that the house could be moved to the west so it stands in the footprint of the existing stable block. As this is an outline application and not a detailed design, there would be a willingness to look at this further.

4.4 The indicative position was to allow for an element of space from the existing property and for the parking/turning area. However, we could pull the house further to the west and move the car parking/turning to the east of the dwelling to alleviate some of the issues the Landscape Architect raised.

4.5 In response to issues regarding the retaining wall and the "significant engineering works" we attached details lodged within the application on how the rear lower half of the house would act as a retaining wall and therefore there would be no retaining wall running up the embankment and no visual impact. In addition to this, there would not be any greater amount of excavation beyond any normal house development.

4.6 Also, the applicant respects the Landscape Architect's comments regarding the rest of the ground that has recently been cleared and in response it will be revegetated with grass, trees and shrubs. Drainage will also be easily diverted using existing infrastructure at Croft Park.

4.7 To be clear this site has no green space protection related to it.

GOA 2

4.8 Regarding criterion (iii) of Policy G7, we consider the proposal a suitable infill development and does not represent overdevelopment of the site. The dwelling will only represent 10% of the site area. The Officer's Report mentions that this does not recognise the steepness of the slope and limited availability of development land. We are unsure that this point is wholly relevant. It will still function as a garden to the house in question with the building built on the brownfield part of the site. Moreover, it provides more than adequate space between it and neighbouring houses.

4.9 The limited development area for the dwelling within the wider plot is largely irrelevant if where it is planned to be developed is the most logical position within the plot.

4.10 The area is surrounded by residential dwellings so the development will not conflict with the established land use of the area and can easily form part of the overall character of the area. Furthermore, the development will not lead to over development or cramming in the area as there is sufficient space for the dwelling and the majority of the site will be untouched by development.

4.11 The dwelling will not result in any significant loss of daylight, sunlight or privacy to neighbouring properties such as overshadowing or overlooking. It will primarily replace the existing stable block and therefore is considered sustainable and an appropriate form of development for the area which is consistent with criterion (vi) of Policy G7 and the terms of Policy H2.

4.12 Also worth noting is that in the Case Officer's Report, he mentions that the proposed dwelling would be located **"a considerable distance from neighbouring dwellings and would not result in an unacceptable adverse impact on the residential amenity of nearby properties"**. This seems to be contradicting the reason for refusal in that the proposal represents over development or cramming of the site.

4.13 He also notes that **"it is accepted that the proposed erection of a dwellinghouse on this site would be consistent with the established residential land use of the surrounding area"**.

GOA 3

4.14 The first page of the Officers Report denotes that there was no response from Roads Planning. We want to make clear that there was a response from the Roads Department as well as feedback before the application was submitted.

"I can confirm that in principle I would have no objections to a new property being served by the existing access. I will require any formal application to show that remains at least two parking spaces for the existing property and two spaces for the proposed unit and turning facilities and turning facilities. I will also require the existing hedge which separates the access and footway to be removed or significantly lowered over its initial length." (Keith Patterson, Roads Officer email 11th June 2015)

4.15 The report also raises the point that parking and turning would be shoehorned into the south west corner of the site. We totally disagree with the sentiment being made.

4.16 The Roads Planning response offered no objections provided 2 parking spaces and turning was made available within the site and the existing hedge between the drive and the footpath is removed or significantly lowered.

4.17 The associated site plan that was submitted with the planning statement showed details of two parking spaces and sufficient turning space and this meets the Roads Department requirement. As noted, if there was a preference to move the house closer to Park Lane and move the car parking/turning area to the east of the dwelling, that would be acceptable.

GOA 4

4.18 It is worth noting that Kelso Community Council have **no objections** to the proposed dwelling.

4.19 This house is for a genuine reason and so that the applicant and his wife can move into a property that meets the needs of a disabled person. It will also enable immediate family to then reside at Park Lane and be close by as part of Mrs Hewit's overall care.

GOA 5

4.20 We strongly challenge the assertion that the proposal is not reflective of established built form and building lines. It quite clearly forms the middle tier and rounds off the dwellings that sit at that level. It then has further row of existing dwellings which sit above it at High Croft and thus this proposal will not break any natural skyline.

GOA 6

4.21 The officer's report mentions that a reason for refusal is due to refusals in the past, the most recent in 2006 and that "circumstances have not changed significantly to warrant a different recommendation".

4.22 However, in 2006 (06/02303/FUL) reasons for refusal were that the Director of Technical Services advised that the access had to be upgraded to an adoptable standard which would include the widening of the road and the removal of the mature hedge. Therefore the application could not be supported for this reason.

4.23 The other reason was because of the height of the dwellinghouse and it was believed to be out of scale, design and appearance to surrounding properties.

4.24 Detailed design does not form part of this application given the application is for Planning Permission in Principle. That said the applicant would be willing to be conditioned and to comply with acceptable design standards regarding the building design, scale and height.

4.25 The Council's Roads Department no longer have an objection to a dwelling on this plot and, as noted previously, we believe a dwelling can sit well within its surrounds and be conditioned so that it is of a design and scale that meets any requirements thought necessary by the Council.

4.26 This application relates to whether the principle of a dwelling in this location is acceptable or not. We have outlined our clear reasoning within this appeal statement and supporting planning statement as to why a dwelling in this location should be supported.

5. Conclusion

5.1 We believe that the subject site represents a sound location for a new dwelling. It relates and falls well within the confines of the existing building group.

5.2 Kelso Community Council offer no objections to the proposal and we believe that the proposal, for reasons outlined in the 'Grounds of Appeal' and Planning Supporting Statement provide more than sufficient evidence to show how we meet the key tests outlined within 'Policy G7 Infill Development' and 'Policy G1 Quality Standards' and why previous reasons for refusals no longer remain valid.

5.3 Taking the 'Grounds of Appeal' noted within Chapter 4 we therefore respectfully request that this appeal be allowed.

Appendix 1: Appeal Document List

1. Appeal Form & Statement
2. Planning Supporting Statement
3. Agent Correspondence, Site Section & Site Plan
4. Site Plan
5. Location Plan
6. SBC Roads Representation
7. SBC Landscape Architect Representation
8. Officer Report
9. Decision Notice

FERGUSON
PLANNING



PLANNING STATEMENT

ERECTION OF RESIDENTIAL DWELLING, DEMOLITION OF STABLES, ACCESS AND ASSOCIATED WORKS

LAND ADJACENT TO PARK LANE, CROFT PARK,
KELSO, TD5 7ET

CLIENT: JAMES HEWIT

JUNE 2015

Main Office:

Sheil House
54 Strand Street
Galleshill
TD1 1HL

NI Office:

111 Moyla Road
Ballycastle
Co. Antrim
Ballycastle BT54 6LG

T: 01896 668 744
M: 07790 000 338
E: info@fergusonplanning.co.uk
W: www.fergusonplanning.co.uk



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Ref: HEW1
LPA Ref: SBC
Author: TF
Telephone: 01896 668 744
Date of Issue: 26.06.15

1. Introduction

- 1.1 This statement has been prepared by Ferguson Planning on behalf of the applicant and owner of the site Mr James Hewit (the client). Our client would intend residing in the proposed house with his wife as they head toward retirement with the current property then being sold to his daughter.
- 1.2 Planning Permission in Principle (PPP) is being sought for the erection of a single dwelling house associated access and infrastructure works. All detailed design matters would come forward by way of discharging any associated planning conditions. The focus of this application is therefore on the principle of a residential dwelling being acceptable in this location.
- 1.3 The remainder of this statement is structured as follows:
- Chapter 2: The Site
 - Chapter 3: The Proposal
 - Chapter 4: Planning Policy
 - Chapter 5: Proposal Compliance
 - Chapter 6: Conclusion

2. The Site

- 2.1** The site extends to c. 1,725 sq.m (0.4 acres) and is situated in the north west of Kelso. The site itself is accessible directly from Croft Road and beyond this via Edinburgh Road which is one of the main roads into the town centre and where the applicant can avail of the local public services. The site is relatively central with local parks, bus stop, schools and other public services all within close proximity.
- 2.2** The land in question is underutilised garden area which currently accommodates a stable block and some waste land to the east of the Park Lane dwelling. The Park Lane dwelling faces onto a substantial garden area to the south and which would be retained for the purposes of that property.
- 2.3** The site sits in a somewhat elevated position but largely screened by existing landscaping and built form when viewing it from key receptors (eg. Edinburgh Road). The plot represents the end of a row of dwellings all located at this higher gradient. Vehicular access would be taken from Croft Road via an existing internal road which currently serves the Park Lane dwelling.

3. The Proposal

Site History

- 3.1 We are fully aware that there have been previous refusals on the subject site. They all pre-date the current Scottish Borders Local Plan, SPP and related Supplementary Planning Guidance. While we will acknowledge and address the reasons given at that time the planning system must determine each application on its individual merits and on the evidence presented at the current time.
- 3.2 The last refusal on the site was back in 2007 where the Council believed that the scale, siting and design of the development would make it an inappropriate infill development and that it was out of character with the area. However, when one delves a little deeper into the reasoning much of it related to transport matters and which was upheld primarily due to information sought at the time not being forthcoming by the applicant.
- 3.3 The determination of the application we believe fell well short in giving due acknowledgement to other strong material factors including that the footprint sat well within the confines of the plot, the other dwellings to the west located at a similar level with further dwellings again higher than this to the north. Contrary to comments made the site is well screened by current landscape/hedgerow and built form from the key receptor of Edinburgh Road.
- 3.4 The reason for refusal, as outlined within the Decision Notice, was as follows:
- The proposal is contrary to Policy N20 of the Scottish Borders Structure Plan 2001-2011, Policies 2, 18 and 62 of the Roxburgh Local Plan 1995 and Policies G1 and G7 of the Scottish Borders Local Plan: Finalised December 2005 in that due to the scale, siting and design of the proposal, the development would be an inappropriate form of infill development that is out of keeping with the character of the area, highly prominent and visually intrusive to the detriment of the established residential character of the area.**
- 3.5 It is considered necessary to again delve a little deeper into what sat behind the reason for refusal. Upon reading the related officer report the following key observations can be made:
- The Roads Department in their initial consultation outlined that the proposal could not be supported due to concerns that the access road would not be to adoptable standards and taking regard of local geometry. However, on reconsultation they then stated that they require further documentation/drawings before they can support the application. In other words, if the requested documentation can be provided the previous objection would have been waived.
 - The documentation requested by the roads department related to technical roads drawings and that the existing hedge should be removed for visibility reasons.

- Kelso Community Council did not object nor did any other other statutory consultee. One public objection was received and related to the opinion that the development would require significant excavation and the house would be visually intrusive.
- In the assessment of the application the case officer notes that the proposal does not reflect building lines established in Croft Road and as a result would be visually intrusive and furthered by the steepness of the slope. It was thought therefore not to be a natural infill site and out of keeping with the character of the area. The commentary made here, which was a key focus in the determination, makes no reference to the existing row of properties to the west which are at the same level and more prominent than the subject site. Nor to matters such as the existing hedgerow that screens it from properties on Croft Road or again that further dwellings to the north which sit higher again and which provides a stepped formation into the hill side.
- It is noted that the proposal would not result in a loss of privacy or light to occupiers to neighbouring properties due to the significant distance between them and the proposed dwelling.

Current Proposal

- 3.6 The application is for Planning Permission in Principle (PPP) and, as such, the detailed design and final position of the dwelling is to be reserved by way of planning condition.
- 3.7 There is an existing stable block on the sites western boundary which extends to approximately 70 sq.m. and, given it is now largely redundant, seen as the most logical location for the proposed dwelling. Establishing the dwelling in this location also means that it will be largely aligned with the row of dwellings to the west and provide a form of uniformity.
- 3.8 The local built form is made up of residential dwellings at three levels which step into the hill side. There are longstanding dwellings along Croft Road at ground level which then leads up to a row of properties including 'Park Lane', 'Parkdale' with the subject site rounding this row off and then up to properties that form part of 'High Croft'.
- 3.9 The site sits well with the context of this built form and in terms of the middle tier of dwellings is screened from the main road. The footprint of the dwelling is expected to extend to c. 120 sq.m. and be a storey and a half in height. The dwelling footprint represents only 10% of the plot and when one accounts for the considerable garden grounds which means neighbouring properties are some distance away then makes it a logical and appropriate form of infill development.
- 3.10 The building will not breach any nearby ridge heights and likely include three bedrooms, livingroom, bathroom, kitchen and utility room. Two car parking spaces would be provided

to the west of the dwelling together with appropriate internal turning area. These were key aspects of feedback provided by the roads department which is highlighted below.

I can confirm that in principle I would have no objections to a new property being served by the existing access. I will require any formal application to show that remains at least two parking spaces for the existing property and two spaces for the proposed unit and turning facilities. I will also require the existing hedge which separates the access and footway to be removed or significantly lowered over its initial length.

Keith Patterson, Roads Officer Email (11th June 2015)

- 3.11 The applicant again will be willing to significantly lower the current hedgerow which runs along the access road. An indicative layout plan has been lodged with the application to provide greater context. It would be intended that detailed design matters would be concluded following consultation with the relevant departments within the Council and as part of discharging any related planning conditions that maybe appended to a Decision Notice.
- 3.12 While the detailed design matters would follow on it is again worth highlighting at this stage that the applicant intends availing of the current access road, all public infrastructure connections and using renewable energy sources (eg. Solar PV) at every opportunity. When coupled with the fact that it is a brownfield site within the settlement boundary of Kelso then makes it a highly sustainable development.

4. Planning Policy

- 4.1 The Development Plan is made up of the SESPlan Strategic Development Plan (Approved) 2013 and the Scottish Borders Local Plan (Consolidated) 2011. Also relevant is the Proposed Scottish Borders Local Development Plan (2013).
- 4.2 The Scottish Borders Consolidated Local Plan and Proposed Local Development Plan provides greater detail on the overall acceptability of individual developments and the focus for this type of development.

Scottish Borders Consolidated Local Plan (2011)

Scottish Borders Proposed Local Development Plan (2013)

- 4.3 It is clear, following consultation with the planning department, that Policies G7 Infill Development and G1 Quality Standards for New Development will be the core focus in the determination of this application.
- 4.4 **Policy G7 Infill Development** states that development on infill sites will be supported if the following criteria can be satisfied.
- It does not conflict with the established land use of the area
 - It does not detract from the character and amenity of the surrounding area
 - 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'
 - it respects the scale, form, design, materials and density in context of its surroundings
 - adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity
 - it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.
- 4.5 The policy complies with the Scottish Planning Policy (SPP) which acknowledges the contribution of infill development to the housing land supply. This policy is **Policy PMD5** in the proposed LDP (2013).
- 4.6 Policy **G1 Quality Standards for New Development** seeks to ensure that all new development will be of high quality and in accordance with sustainability principles. The policy aims to ensure that development does not impact negatively on the surrounding landscape and existing buildings. This policy is **Policy PMD2** in the Proposed LDP (2013).
- 4.7 Policy PMD2 seeks to ensure that:
- The developer has demonstrated that the appropriate measures have been taken (in terms of layout, orientation, construction and energy supply) to maximise the

efficient use of energy resources such as renewable energy use and in cooperating sustainable construction techniques.

- It provides digital connectivity and associated infrastructure
- It provides for sustainable urban drainage systems in the context of overall provision of Green Infrastructure where appropriate and their after care and maintenance.
- It encourages minimal water usage
- It provides appropriate provision for waste storage (internally and externally) and separate provision for waste and recycling
- It incorporates appropriate hard and soft landscape works including structural/screen planting where necessary to help it integrate with its surroundings and wider environment.
- It considers, where appropriate, the long term adaptability of building and spaces

4.8 Regarding place making and design **Policy PMD2** states that housing developments should:

- Create a sense of place, based on clear understanding of the context
- Have appropriate scale, massing, height and density to its surroundings
- Be finished externally in materials, colours and textures which complement the highest quality of architecture in the area
- Respect and be compatible of the surrounding area, neighbouring uses and neighbouring built form
- Be satisfactorily be accommodated within the site
- Have appropriate boundaries to ensure attractive edges to the development to help integrate it with its surroundings
- And incorporate, where necessary, adequate safety and security measures.

4.9 Finally accessibility in **Policy PMD2** is appropriate regarding housing developments. All developments should:

- Have street layouts designed to connect and integrate with existing street patterns
- Incorporate, where required, access for those with mobility difficulties
- Ensure that there is no adverse impact on road safety, including the site access

- Incorporate adequate access and turning space for vehicles.

4.10 There are numerous material considerations in determining an application of this nature including SPP and Supplementary Planning Guidance. The principle of these documents have been adhered to when making this application and will be referenced in more detail when it comes to detailed design matters via any future planning application.

5. Proposal Compliance

5.1 The purpose of this section is to focus on how the proposal meets the relevant local plan policies using the following two headings:

- Infill Development
- Quality Standards

Infill Development

5.2 **Policy G7** is a key policy in the overall determination of this application. We feel that the proposal represents a natural infill development in that it falls within the settlement of Kelso, is brownfield in nature and which will align itself with neighbouring dwellings to the west which are located at the same level of the subject site.

5.3 Beyond this the floorplate of the dwelling only represents some 10% of the plot area and which will avail of all local infrastructure. It is centrally located within the town with many services within walking distance and would ultimately form part of an existing and substantial residential neighbourhood.

5.4 The distance between the proposed dwelling and neighbouring dwellings is significant and ensures that there are no negative residential amenity impacts of note. The site while elevated will relate to the properties at a similar level and which sit lower than the built form at High Croft. In addition to this the plot is located in such a way that it will be less visible than the properties that neighbour it and which will be well screened by existing built form and high hedge row that runs along the southern boundary thus minimising any visual impact from the key visual receptor of Edinburgh Road. It is considered part of the existing building groups sense of place.

5.5 The area is surrounded by residential dwellings so the development will not conflict with the established land use of the area and can easily form part of the overall character of the area.

5.6 Also worth noting is that this development will not lead to over development or cramming in the area. There is sufficient space for the dwelling and much of the site area will be untouched by the development. The existing footpath and access road will remain largely as is and there are no significant transport impacts.

5.7 The dwelling will not result in any significant loss of daylight, sunlight or privacy to adjoining properties such as overshadowing or overlooking. It will primarily replace the existing stable block and thus it is concluded as being a sustainable and appropriate form of development.

Quality Standards

5.8 While much of the detailed design is reserved for a later stage in the planning process we believe that this proposal meets policy G1 and the forthcoming Policy PMD 2 for the following reasons.

- The layout and orientation of the dwelling is such that it will align itself with the row of dwellings to the west to provide a form of uniformity.
- The development will maximise the efficient use of energy resources such as the use of Solar PV, will avail of current public infrastructure and use sustainable construction techniques.
- Consultation with the Roads Department has taken place and where accessibility can be taken without any significant impacts. It has been agreed that an area to accommodate two cars would be provided together with internal turning area and that the existing hedgerow along the access road would be significantly reduced.
- The proposal is already softened/screened by significant landscaping/hedgerow and should further boundary treatment be required the applicant is willing to agree an appropriate landscaping solution.
- The proposal has acknowledged the surrounding built form and will relate to the middle tier of houses within its hillside context
- The dwelling will be smaller in terms of scale, massing, height and density to its surroundings
- The dwelling will be a unique design and finished externally in materials, colours and textures which complement the highest quality of architecture in the area
- The dwelling can easily be absorbed by the overall plot given it only represents 10% of the site area

6. Summary and Conclusions

6.1 We believe that the subject site represents a sound location for the proposed residential dwelling and for the following reasons.

- The site falls within the settlement boundary of Kelso and represents a brownfield development opportunity.
- Falls within a compatible residential area and which will align itself with the row of dwellings that sit at the same level/gradient. It therefore respects the residential character of the area in which it is set.
- The dwelling represents only 10% of the site area and therefore cannot be considered over development. Beyond this there is significant separating distance between it and neighbouring dwellings thus ensuring no negative impact on local residential amenity.
- The proposal is in line with the Roads Planning Officers pre-application comments. Two parking spaces will be created as will sufficient internal turning area. Beyond this it is agreed that the hedgerow along the access would be significantly reduced to aid visibility.
- The proposal is well screened by existing built form and landscaping and will be unobtrusive within the surrounding urban context
- The development will provide a building that is unique and of a high architectural merit and that respects and takes influence from those buildings around it
- The proposal will promote sustainable building and renewable energy principles at every opportunity
- The residents have the opportunity to avail of public transport and services all within close proximity of the site
- Taking the above and points raised within this statement we strongly consider that this site is an appropriate infill development.

6.2 It is therefore kindly requested that this PPP application be approved.

Agent Correspondance regarding Retaining Wall 4th Sep 2015
From: Tim Ferguson <tim@fergusonplanning.co.uk>
Sent: 04 September 2015 13:59
To: Fotheringham, Barry
Subject: FW: 15/00745/PPP, Park Lane, Kelso
Attachments: Basement Classification.pdf; Wall Types.pdf; Basement
Section.pdf; Site
Plan.pdf; Site Sections.pdf

Got hit by size limit so 1 of 2 emails

See below/attached

Thanks
Tim

Tim Ferguson
Director

T. 01896 668 744
M. 07960003358
E. tim@fergusonplanning.co.uk
W. www.fergusonplanning.co.uk
t. @fergplan

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From: Tim Ferguson
Sent: 04 September 2015 13:46
To: 'Fotheringham, Barry' <bfotheringham@scotborders.gov.uk>
Cc: 'David Burgher' <dburgher@aitken-turnbull.co.uk>; 'James Hewit' <[REDACTED]>; 'Bill Bannister' <[REDACTED]>; Gary Farrelly <gary@fergusonplanning.co.uk>
Subject: 15/00745/PPP, Park Lane, Kelso

Barry

Following on from our recent discussions I now attach detail on how the house could sit and how the rear lower half of the house would act as the retaining wall and thus there would be no retaining wall running up the embankment and no visual impact. It would also not require a great deal of excavation beyond any normal house development.

Our engineer has also provided further technical documentation which explains the construction process which we hope you find useful. The Basement retaining wall shall be designed and constructed in accordance with Grade 3 to BS8102 and Type B to BS8007 to achieve a dry environment. Perimeter drainage, with suitable rodding facility, to be provided to the rear of the retaining wall.

We believe the house will sit well within the middle row of houses and further screened by the existing hedgerow. It fits well within the local built form and the plot is ample to

Agent Correspondance regarding Retaining wall 4th Sep 2015
accommodate it. It therefore, in
our opinion, meets the policy requirements asked of it. The retaining wall
information is generally
something that would have been conditioned on a PPP but we were keen to get you
the information to
explain that there is no major embankment works necessary.

I trust this addresses the remaining issue raised but more than happy to discuss
in greater detail.

If you could provide an update once had time to consider and any future
determination date.

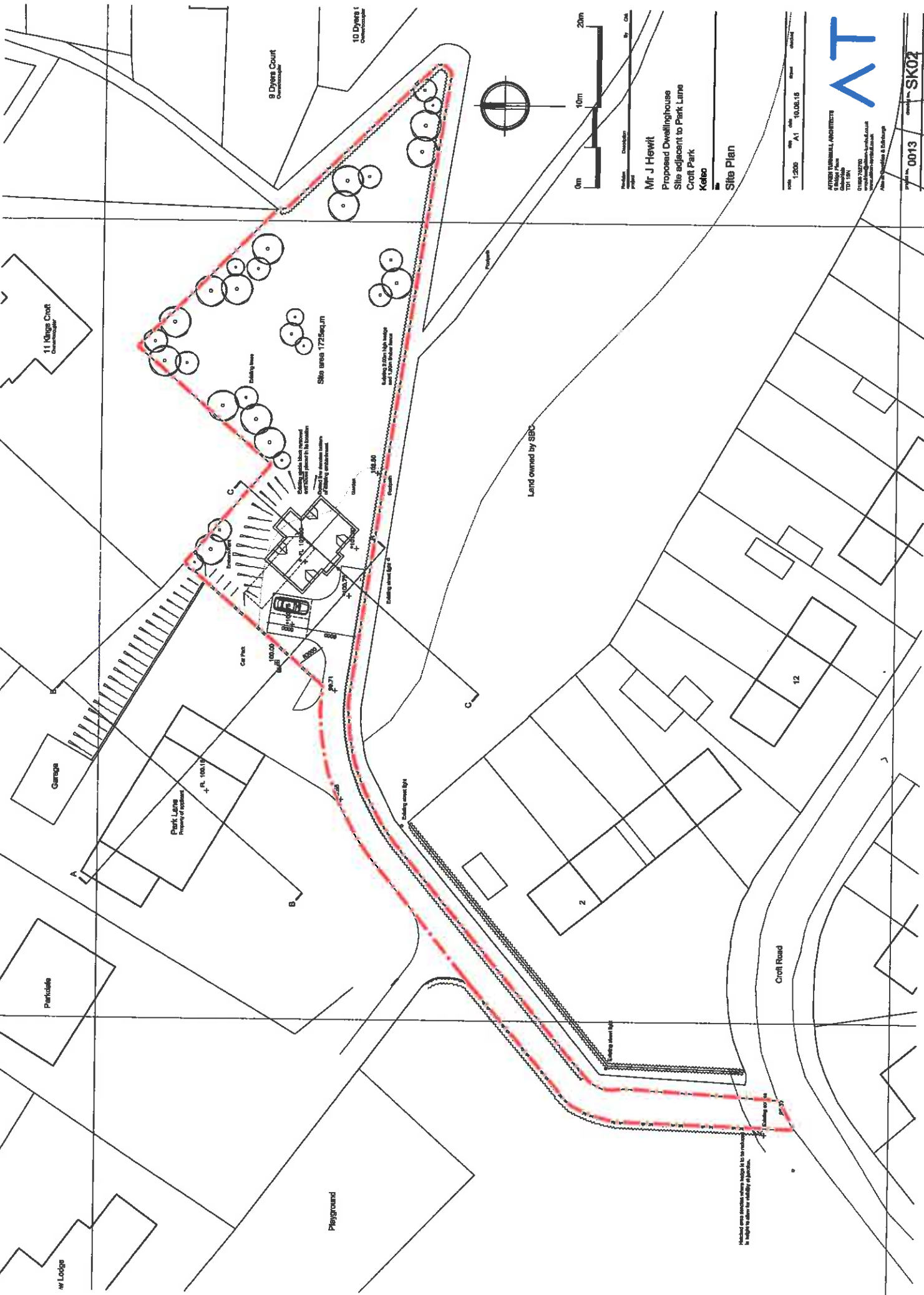
Kind regards

Tim

Tim Ferguson
Director

T. 01896 668 744
M. 07960003358
E. tim@fergusonplanning.co.uk
W. www.fergusonplanning.co.uk
t. @fergplan

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Project: Mr. J Hewitt
 Proposed Dwellinghouse
 Site adjacent to Park Lane
 Croft Park
 Refno:

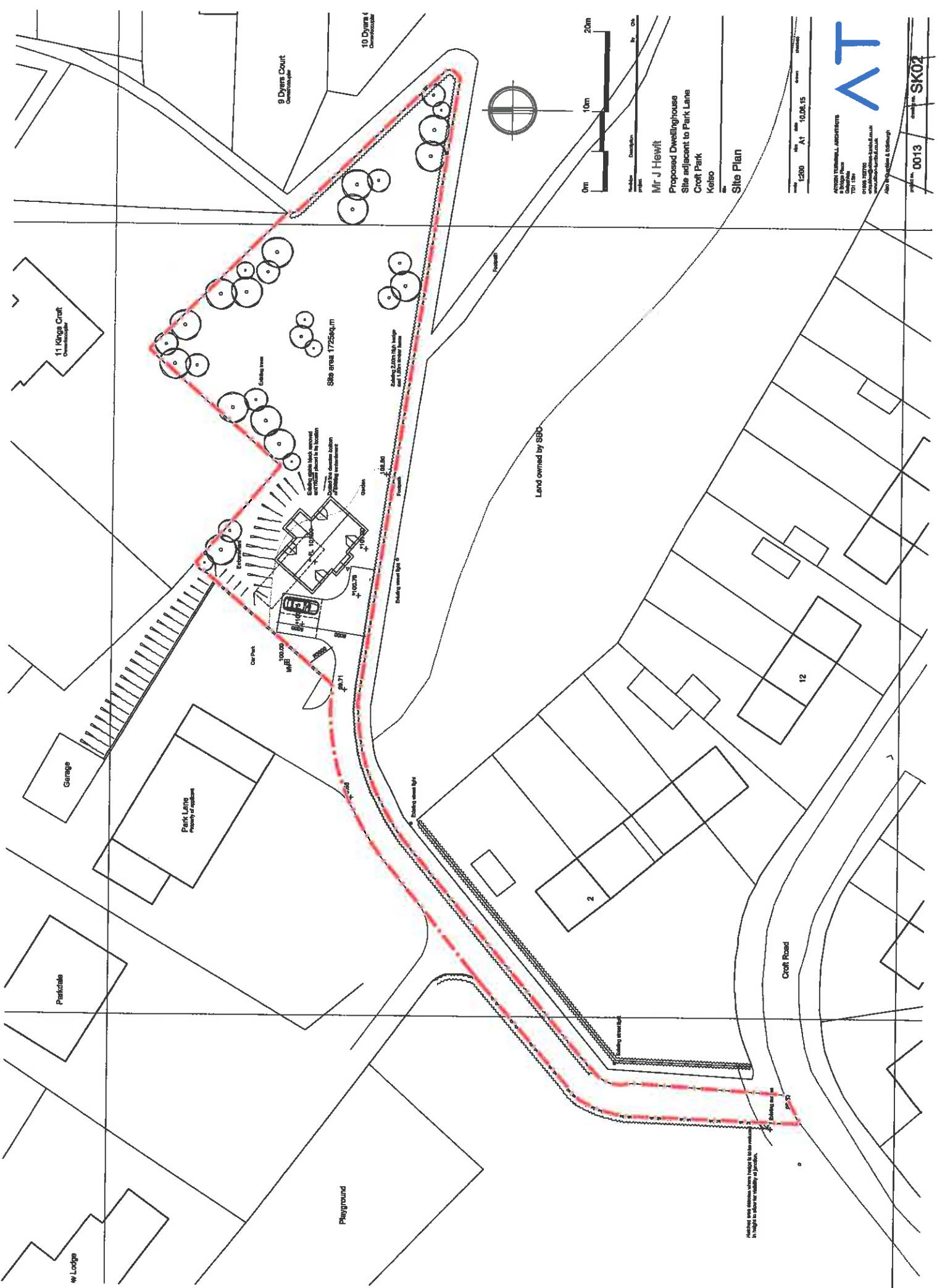
Site Plan

Date: 10.08.15
 Scale: 1:200

AT
 ARCHITECTURAL ARCHITECTS
 11 Kings Court
 11 Kings Court
 11 Kings Court

Ref: SK02
 0013

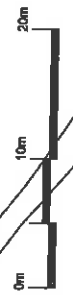
Hatched area indicates footings to be removed
 in light of new stability of ground.



11 Kings Craft
Commercial

8 Dyers Court
Commercial

10 Dyers Court
Commercial



Number Description Plot Size
 Mr J Hewitt
 Proposed Dwellinghouse
 Site adjacent to Park Lane
 Croft Park
 Kelso
 Site Plan

Scale	1:200	Date	AT	10.06.15
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AT
 ARCHITECTURAL ARCHITECTS
 8 Kings Place
 York YO1 1BB
 01904 337770
 www.architecturalarchitects.co.uk
 info@architecturalarchitects.co.uk

Project No: 0013
 Drawing No: SK02

Land owned by SBC

12

2

Croft Road

Playground

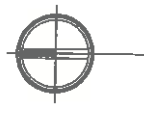
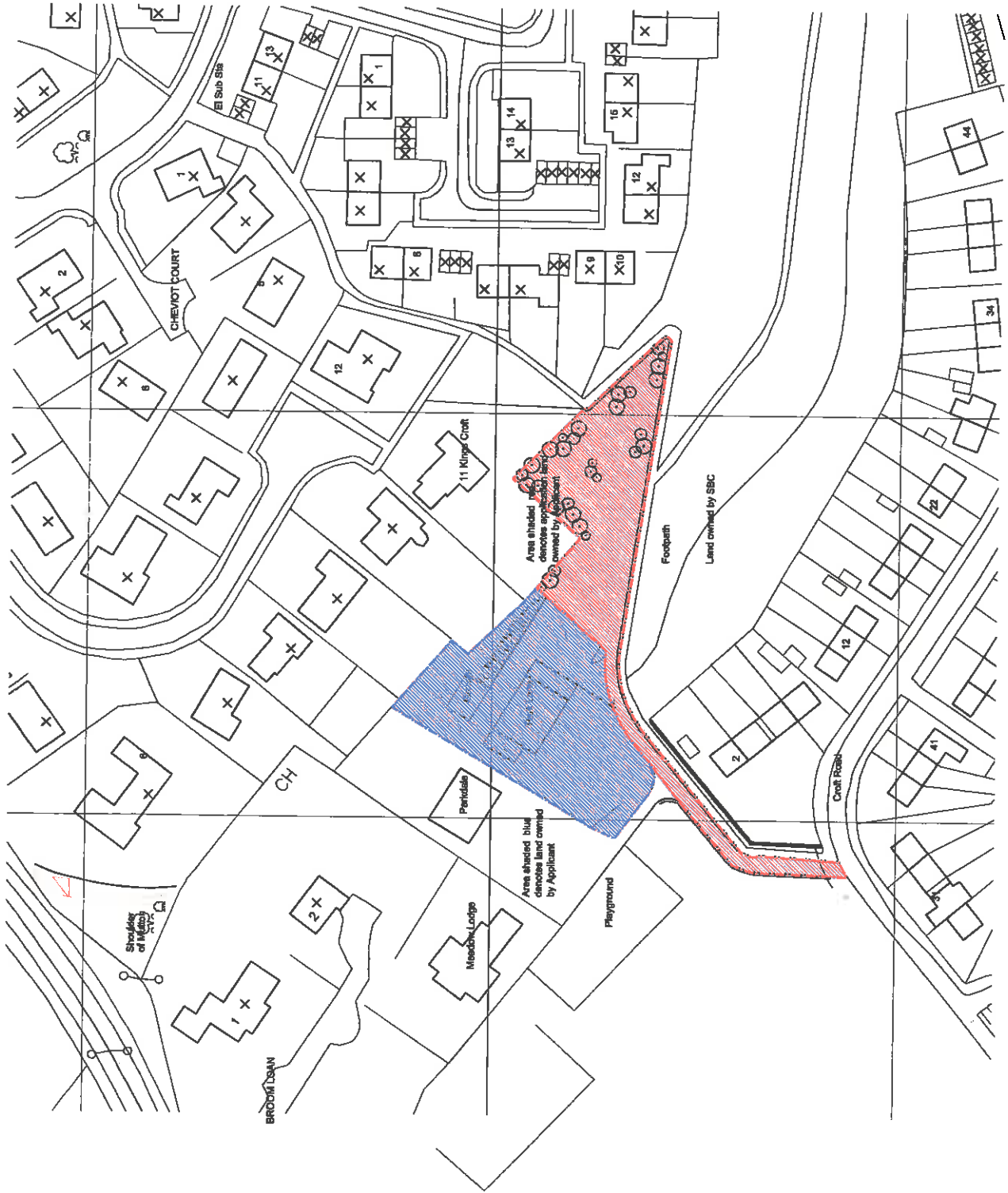
Garage

Park Lifting
Property of adjacent

Parkfield

w Lodge

As shown, some adjacent owners refuse to be named
 in order to allow the stability of the plan.



Revision: _____ Date: _____ By: CA

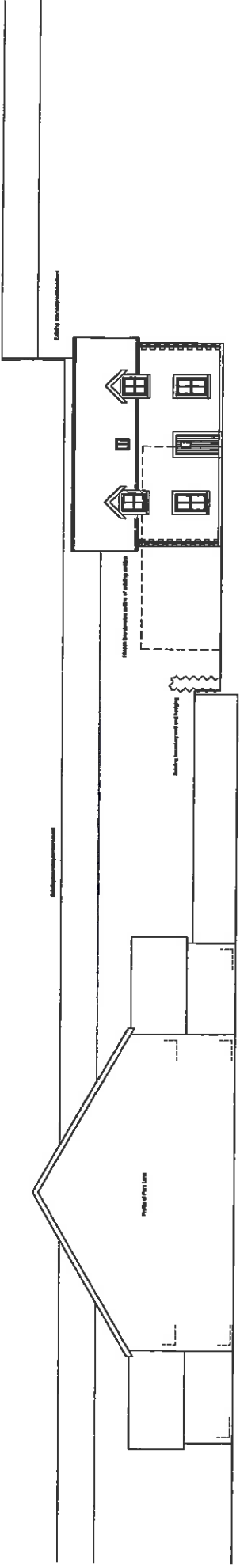
Mr. J Hewitt
 Proposed Dwellinghouse
 Site adjacent to Park Lane
 Croft Park
 Kelso

Block Plan

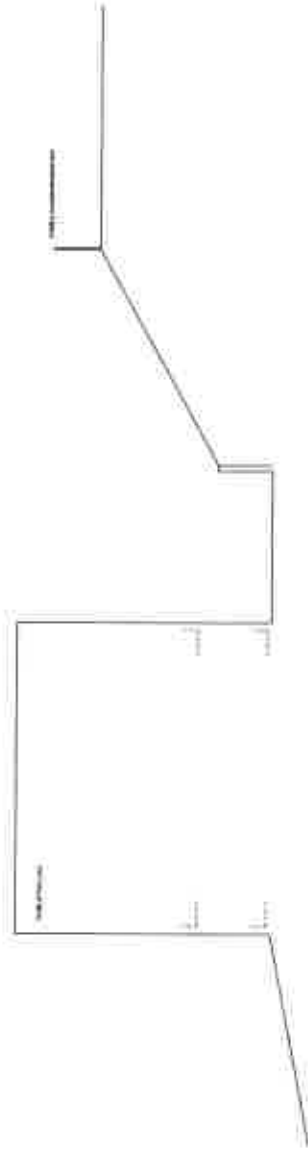
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 Drawn: A1
 Checked: _____



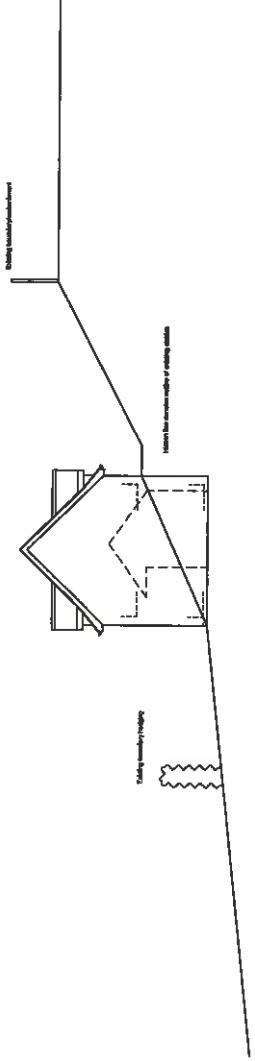
Project No: 0013
 Drawing No: SK01



Section A-A



Section B-B



Section C-C



Revision Description Date

Mr J Hewitt

Proposed Dwellinghouse

Site adjacent to Park Lane

Croft Park

Kelso

Site Sections

Scale 1:100 A1 10.08.15



Project No. 0013 Drawing No. SK03

REGULATORY SERVICES



To: **Development Management Service
FAO Barry Fotheringham**

Date: **30 Sept 2015**

From: **Roads Planning Service**
Contact: **Keith Patterson**

Ext: **6637**

Ref: **15/00745/PPP**

**Subject: Erection of Dwellinghouse, Land East of Park Lane, Croft
Park, Kelso.**

I had concerns about development on this site at the time of previous submissions, mainly due to the Council's policy on the number of dwellings served by a private road. This policy has now changed increasing from 2 new dwellings to 4 new dwellings. This policy change has removed the concerns I had with this site previously and I am now able to support the proposal subject to the following conditions:

- Two parking spaces and turning to be provided within the curtilage of the plot and retained in perpetuity.
- The hedge that separates the private access from the public footway to be reduced in height to no greater than 1000mm over the first 2000mm.

JAF

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 2nd July 2015

Contact: Barry Fotheringham ☎ 01835 826745

Ref: 15/00745/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 23rd July 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 23rd July 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Mr James Hewit

Agent: Ferguson Planning

Nature of Proposal: Erection of dwellinghouse

Site: Land East Of Park Lane Croft Park Croft Road Kelso Scottish Borders

OBSERVATIONS OF: Landscape Architect, J. Knight following site visit on 24.07.15

CONSULTATION REPLY dated 27 July 2015

It is recognised that a formal recommendation can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Control service in respect of landscape related issues.

Description of the Site

The site is a roughly triangular shaped area of sloping, south west facing ground to the east of Park Lane and directly south of the house at 11 Kingscroft. The 1st edition OS map indicates that the whole of the sloping bank of which this site is a part was once part of the 'West Broomlands Plantation' which ran along the slopes that separate 'The Croft' area from the 'High Croft' area south of Angraflat Road. Effectively it is part of a river terrace. To the east, most of this sloping ground area is covered by policy GSKELSO007 and GSKELSO008 in the 2013 Development Plan which defines them as key greenspaces. The site itself however, is not included.

A public footpath rises up the slope just outside the southern and eastern boundaries behind a screen hedge of cypress around 2m high which appears to be maintained by the applicant. The whole site and adjoining sloping ground above Park Lane has recently been cleared of all woody vegetation and there are numerous tree and shrub stumps and wood chippings visible on site. There is also evidence of soil movement on some of the steeper areas e.g. behind the existing stable building. There is a manhole on the slope which the owner says relates to a surface water drain running underneath.

Nature of the Proposal

The applicant's site plan (0013 SK02 dated 10.06.15) indicates, in outline, a single house partly on the site of the existing stable building but also extending to the east into what is currently steeply sloping ground which is also close to the manhole mentioned above. (The plan also shows existing trees which have been removed.) A floor level of 101.4 is indicated but levels for the adjoining ground to the east are not provided.

Implications of the Proposal for the Landscape including any mitigation

This is quite a difficult assessment. The site is visible over the wider area but the proposed development is on the lowest and least visible part which also benefits from screening by trees on the Council owned land to the south. As explained in the description, it appears to be part of a wider slope which, elsewhere, is protected green space. In addition, I am rather concerned by the recent vegetation removal both for the loss of vegetation structure and because de-vegetated slopes are more vulnerable to erosion which is already apparent.

In addition, the applicant has only provided basic detail necessary for an outline application but this does not show how a difficult sloping site can be practically developed. A house built exactly as shown would probably require construction of expensive retaining structures and may even affect the drain mentioned above which the owner states is SBC responsibility and is in need of maintenance. Some of these issues could probably be alleviated by moving the house to the west so that it effectively stands in the footprint of the existing stable building with the parking / tuning head relocated accordingly.

A further issue is what is to happen to the rest of the ground which has recently been cleared? It would be re-assuring to know that this was going to be re-vegetated and that some trees and shrubs would be included.

In order to achieve an acceptable application, the applicant should provide more fully worked layout plan with existing ground levels to how the site can be developed and what size of retaining structures would be required and to confirm if any existing services may be affected. An acceptable application should also include a landscape planting plan that addresses slope stability and amenity issues.

Recommendation

The applicant should provide further information, as outlined above, to demonstrate that this site can be acceptably developed.

Consultation Summary

This is a difficult site and further information is required to demonstrate the practicality of an new development.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00745/PPP
APPLICANT : Mr James Hewit
AGENT : Ferguson Planning
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land East Of Park Lane
Croft Park
Croft Road
Kelso
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
SK02	Site Plan	Refused
SK01	Block Plans	Refused
PLANNING STATEMENT		Report Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

Roads Planning: No response

CC: No objections

E_LL: No response

Landscape: This is quite a difficult assessment. The site is visible over the wider area but the proposed development is on the lowest and least visible part which also benefits from screening by trees on the Council owned land to the south. As explained in the description, it appears to be part of a wider slope which, elsewhere, is protected green space. In addition, I am rather concerned by the recent vegetation removal both for the loss of vegetation structure and because de-vegetated slopes are more vulnerable to erosion which is already apparent.

In addition, the applicant has only provided basic detail necessary for an outline application but this does not show how a difficult sloping site can be practically developed. A house built exactly as shown would probably require construction of expensive retaining structures and may even affect the drain mentioned above which the owner states is SBC responsibility and is in need of maintenance. Some of these issues could probably be alleviated by moving the house to the west so that it effectively stands in the footprint of the existing stable building with the parking / tuning head relocated accordingly.

A further issue is what is to happen to the rest of the ground which has recently been cleared? It would be re-assuring to know that this was going to be re-vegetated and that some trees and shrubs would be included.

In order to achieve an acceptable application, the applicant should provide more fully worked layout plan with existing ground levels to how the site can be developed and what size of retaining structures would be required and to confirm if any existing services may be affected. An acceptable application should also include a landscape planting plan that addresses slope stability and amenity issues.

Recommendation

The applicant should provide further information, as outlined above, to demonstrate that this site can be acceptably developed.

REPRESENTATIONS

One letter of objection has been received and the principle planning issues raised are:

- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Road safety
- Subsidence
- Trees/landscape affected

1.The design and siting of any proposed dwelling house on this site would be detrimental to the visual amenity of this part of Kelso contrary to the local plan and any excavation required would/could endanger the stability of the site and adjoining property.

2.The concerns of the reporter in appeal P/PPA/B359 for the upper level over croft park have not been addressed the proposal would adversely affect visual amenity.

3.Reasons as outlined in The Scottish Office,Inquiry reporters report ref.P/PPA/B/418 author David.R. Penman.

4. Added risk to footpath/play area users from vehicular traffic

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Local Plan 2011

Policy G1
Policy G5
Policy G7
Policy H2

Other Considerations

Proposed Local Development Plan 2013

Policy PMD2
Policy PMD5
Policy HD3
Policy IS2

SBC SPG - Placemaking and Design
SBC SPG - Landscape and Development

Recommendation by - Barry Fotheringham (Lead Planning Officer) on 28th September 2015

APPLICATION AND SITE DESCRIPTION:

This application seeks planning permission in principle for the erection of a dwellinghouse on land to the east of the property known as Park Lane, Croft Park, Kelso. The site is situated to the east of Croft Park in Kelso. Park Lane, a large two storey dwellinghouse with later additions is located to the west of the site and the residential development known as Kings Croft is to the north. There is a mature hedge between the site and the public footpath that runs along the southern and part of the eastern boundary of the site. The ground slopes up steeply to the north from Croft Road. Timber stables are located in the south west corner of the site and are separated from Park Lane by a wall and hedge. The site is accessed via the existing private (shared) drive from Croft Road which serves Park Lane and Parkdale. The site has been recently cleared of vegetation.

As the application has been submitted for planning permission in principle, no details of the proposed dwelling have been submitted. The site plan and supporting sectional drawings indicate a modest 1.5 storey dwelling located on the site of the existing (redundant) timber stables.

PLANNING HISTORY:

R309/94:

Erection of dwellinghouse. Land Adjacent To Park Lane Croft Park Kelso. Refused 11th April 1995.

97/0167/C:

Erection of dwellinghouse. Land Adjacent to Park Lane Croft Park Kelso. Refused 7th July 1997 as the proposal would be contrary to Policies 2, 18 and 62 of the Roxburgh Local Plan in that the siting pays no heed to the building lines established by existing properties and the incongruity of the site relative to those lines would be greatly emphasised by the prominence of the location and by the steepness of the slope. The proposal would thus disrupt the harmony of the area and would be detrimental to its established character. A subsequent appeal was dismissed.

06/02303/FUL:

Erection of Dwellinghouse - Land East of Park Lane Croft Park Kelso. Refused 19 September 2007 on the grounds that The proposal is contrary to Policy N20 of the Scottish Borders Structure Plan 2001-2011, Policies 2, 18 and 62 of the Roxburgh Local Plan 1995 and Policies G1 and G7 of the Scottish Borders Local Plan: Finalised December 2005 in that due to the scale, siting and design of the proposal, the development would be an inappropriate form of infill development that is out of keeping with the character of the area, highly prominent and visually intrusive to the detriment of the established residential character of the area.

ASSESSMENT:

As the application seeks planning permission in principle for the erection of a dwelling on garden ground associated with a dwelling within the settlement boundary, Policy G7 is the principal policy constraint by which the application must be assessed. Policy G7 is generally supportive to suitable infill development provided it meets certain criteria. The proposals should not conflict with the established land use of the area and should not detract from the character and amenity of the surrounding area. They should not lead to over development and must respect the scale, form, design, materials and density of the surrounding area. In the case of garden ground or back land developments - as is the case with this application - the proposals must also be justified under Policy H2 to safeguard the amenity of residential areas. In addition, Policy G1 is also relevant as this is aimed at ensuring all new developments, not just residential, is of a high quality and respects the environment in which it is contained.

The application site is located within a residential area characterised by various house types and styles. There are semi-detached and terraced properties in Croft Road and the ground slopes slightly up to a number of modern, large detached properties, including Park Lane, to the west of the application site. The land then rises up steeply to the north and to the housing estates of Kings Croft and Dyers Court beyond the ridge at the top of the bank.

It is accepted that the proposed erection of a dwellinghouse on this site would be consistent with the established residential land use of the surrounding area. With the exception of the public park and open space to the south west of the application site, the surrounding area is characterised exclusively by dwellinghouses. In this case criterion (i) of Policy G7 can be met. It is important to note that the acceptability, or otherwise, of proposals for infill development must meet ALL relevant criteria contained

within this policy. The use of the word 'AND' following each criterion is critical in the assessment of such proposals.

Criterion (ii) requires proposals to be consistent with the character and amenity of the surrounding area. Whilst no detailed proposals have been submitted in support of this application, the indicative drawings indicate a modest 1.5 storey detached dwelling located on the site of the redundant stable block. It is contended that the proposals would not reflect the established building lines created by the properties in Croft Road and Kings Croft and would result in an intrusive form of development that would be exacerbated by the steepness of the slope. This would be out of keeping with the character and form of development in this part of Kelso to the detriment of the established residential area. This is consistent with the planning authority's view of the earlier proposals which were refused and subsequently dismissed at appeal.

Criterion (iii) deals with over development of sites leading to town or village cramming. In this case, the application site slopes steeply from Kings Croft in the north east to Croft Park in south west restricting the amount of developable land to a small area of land on the site of the redundant stable block. The application site extends to some 1700sq.m and whilst it would appear from the site plan that the plot is comparable in size to the neighbouring plots, it does in fact have limited opportunities for development. The information provided does not show how the difficult sloping site can be practically developed. This is evident by the fact that a modestly sized dwelling, parking and turning are shoehorned into the south west corner of the site, with the remainder of the steeply sloping site left over for garden ground. This would suggest that the site is not a suitable infill development opportunity and the resultant dwelling would therefore constitute over development of the site, contrary to criterion (iii). It should be noted that the site plan is misleading in that it indicates a number of existing trees on site. These trees have been removed and the slope is now more visible in the wider area and vulnerable to erosion.

It is worth noting that the conclusions within the applicant's supporting statement suggest that the site will not be over developed as the dwelling would only represent 10% of the site area. It does not however, recognise the difficulties involved in developing the site due to the steep slopes and limited availability of developable land. As explained above, the site is not suitable for development and the proposed dwelling would therefore constitute over development of the site.

As the application seeks PPP criterion (iv) cannot be assessed as this deals specifically with the scale, form, design and materials of the proposed dwelling.

Criterion (v) requires adequate access and servicing to be provided, particularly taking account of water and drainage and schools capacity. The RPS has confirmed no objections provided 2 parking spaces and turning is made available within the site and the existing hedge between the drive and the footpath is removed or significantly lowered over its initial length. These matters can be covered by condition. Water will be taken from the existing public supply and drainage will be dealt with by public sewer for foul drainage and soakaway for surface drainage. Development contributions can be secured through legal agreement to deal with school capacity issues in line with Policy G5. In this case, it would appear that criterion (v) can be met.

Based on the information provided, it would appear that the proposed dwelling would be located a considerable distance from neighbouring dwellings and would not result in an unacceptable adverse impact on the residential amenity of nearby properties. It would not result in any significant loss of daylight, sunlight or privacy as a result of overshadowing or overlooking. This would be consistent with criterion (vi) of Policy G7 and the terms of Policy H2.

Additional supporting information was submitted by the agent following discussions with the case officer. This included cross sections of the site and details of proposed retaining walls. Whilst this was helpful, it reinforces the fact that the site has limited availability for residential development consistent with the established pattern of development in the area and that the proposals will require significant engineering works to allow a dwelling to be accommodated on this site. As discussed above, it is contended that this development would result in over development of the site.

Whilst the proposals may meet some of the criteria contained with Policy G7 of the Local Plan, the fundamental issues in respect of the established character and amenity of the surrounding area as well as the ability to develop the site without resulting in over development remain consistent with earlier decisions. Given the planning history associated with the site and the fact that infill development policy has not

changed significantly in the intervening period, it is considered that the information provided in support of the current application is not sufficient enough to warrant a different recommendation in this case.

REASON FOR DECISION :

Planning applications have been refused for the erection of a dwellinghouse on this site in 1994, 1997 and 2006 and these decisions have been upheld at appeal. It is considered that the circumstances have not changed significantly to warrant a different recommendation in this case and the proposed development would be contrary to Policy G7 of the local plan in that it would not be consistent with the character and amenity of the surrounding area and would constitute over development of the site.

Recommendation: Refused

- 1 The proposal is contrary to Policies G1 and G7 of the Consolidated Scottish Borders Local Plan 2011 in that the proposed dwellinghouse would result in an inappropriate form of infill development that is out of keeping with the character and amenity of the surrounding area to the detriment of the established residential character of the area. In addition, it has not been adequately demonstrated that a dwellinghouse can be accommodated on site without resulting in over development. The erection of a dwelling on this site would set an undesirable precedent which would not be compatible with, or respect, the neighbouring built form

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 15/00745/PPP

To : Mr James Hewlt per Ferguson Planning Shiel House 54 Island Street Galashiels TD1 1NU

With reference to your application validated on **1st July 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

at : Land East Of Park Lane Croft Park Croft Road Kelso Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s)** stated on the attached schedule.

**Dated 1st October 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**



Signed

.....
Chief Planning Officer

APPLICATION REFERENCE : 15/00745/PPP**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
SK02	Site Plan	Refused
SK01	Block Plans	Refused
Planning Statement	Report	Refused

REASON FOR REFUSAL

- 1 The proposal is contrary to Policies G1 and G7 of the Consolidated Scottish Borders Local Plan 2011 in that the proposed dwellinghouse would result in an inappropriate form of infill development that is out of keeping with the character and amenity of the surrounding area to the detriment of the established residential character of the area. In addition, it has not been adequately demonstrated that a dwellinghouse can be accommodated on site without resulting in over development. The erection of a dwelling on this site would set an undesirable precedent which would not be compatible with, or respect, the neighbouring built form.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

Wall construction types - BS8102

Total reliance
on
waterproofing



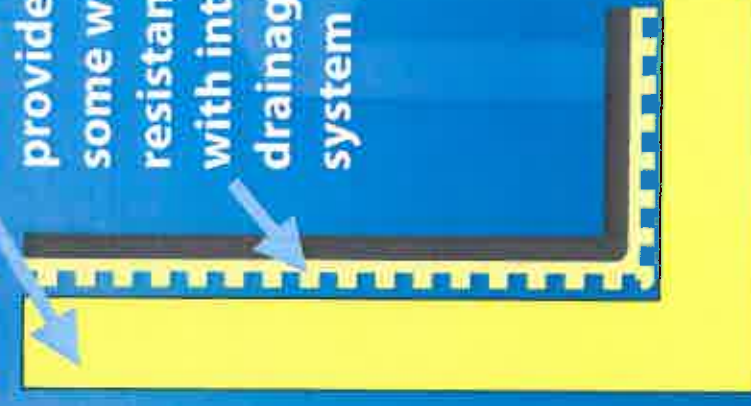
WALL TYPE A
(Masonry)

Structure
provides
main water
resistance



WALL TYPE B
(In situ concrete)

Structure
provides
some water
resistance
with internal
drainage
system



WALL TYPE C
(concrete – new build)
(masonry – existing)

External drainage

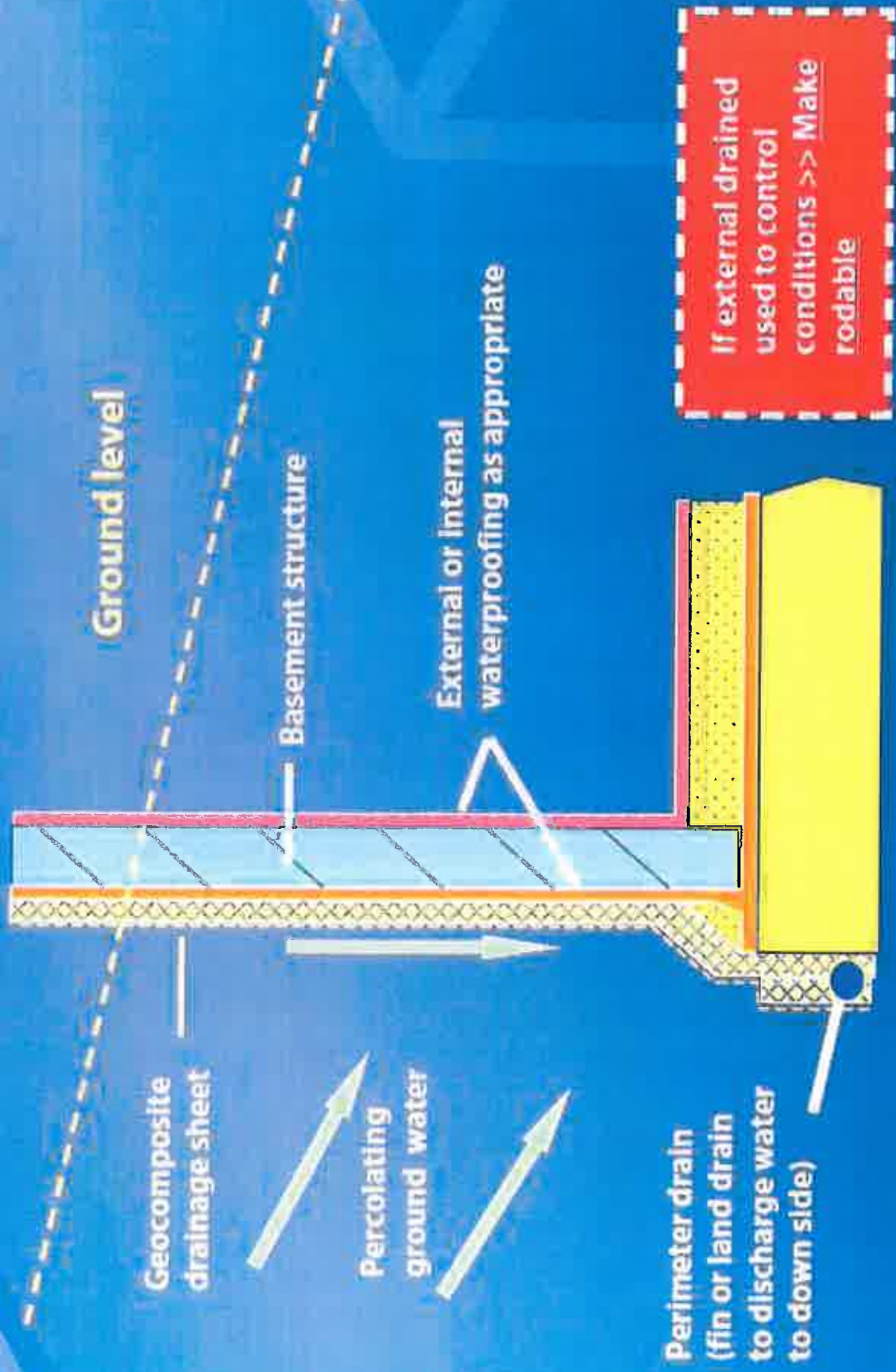


Table 1 (BS 8102) Guide to level of protection to suit basement use

Grade	Basement usage	Performance level	Form of construction
1	Car parking; plant rooms (excluding electrical equipment); workshops	Some seepage and damp patches tolerable	Type B - BS 8110
2	Workshops and plant rooms requiring drier environment; retail storage areas	No water penetration but moisture vapour tolerable	Type A Type B - BS 8007
3	Ventilated residential and working areas including offices, restaurants etc., leisure centres	Dry environment	Type A Type B - BS 8007 Type C
4	Archives and stores requiring controlled environment	Totally dry environment	Type A Type B - BS 800 Type C ventilated (+ vapour control)

