

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/00056/PPP
APPLICANT : Mr Darren Silcock
AGENT : E Dalton Design
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Plot 2
Hardens Road
Duns
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1718.D.01	Location Plan	Approved
1718.D.02	Site Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

CONSULTATIONS:

ROADS PLANNING SERVICE: I have previously expressed concern about the increasing number of units at this location. In particular, I have concerns over the sustainability of housing in this location which is out on a limb from the rest of the town and residents will rely heavily on the use of a car for services in Duns. At the same time there will be occasional pedestrian movement between the group and the town, but with no provision at present to support this.

A footway between the site and the existing footway at Wellrig Park has previously been suggested, however it is considered that the cost of this would be unreasonable to place on a single dwelling. I therefore have no option but to recommend this application be refused in the interests of sustainable transport.

COMMUNITY COUNCIL: No comments to make.

EDUCATION & LIFELONG LEARNING (ESTATES): Confirm the site is within the catchment area for Duns Primary School and Berwickshire High School. A contribution of £4,820 is sought for the Primary School and £3,562 is sought for the High School, making a total contribution of £8,382.

LANDSCAPE ARCHITECT: The site is the south eastern section of a paddock of open grass land on the south side of the Hardens Road. There are a number of mature roadside trees, mostly ash and sycamore with some smaller hawthorns, along the road embankment and these provide some backdrop and setting for the site. The site can accommodate the proposed development and no objections to the application.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of the direct postal notification of the one neighbouring dwelling to the south. Further publicity was undertaken in the form of the placing of an advert in the Berwickshire News, and a notice on the National public notices website "Tell Me Scotland".

No representations have been received.

PLANNING CONSIDERATIONS AND POLICIES:

LOCAL DEVELOPMENT PLAN - Adopted Scottish Borders Local Development Plan (2016)

PMD1: Sustainability

PMD2: Quality Standards

ED10: Protection of Prime Agricultural Land and Carbon Rich Soils

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP3: Local Biodiversity

EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and Sustainable Urban Drainage

SUPPLEMENTARY PLANNING GUIDANCE

- Placemaking and Design (2010)
- Development Contributions (2018)
- New Housing in the Borders Countryside (2008)
- Trees and Development (2008)
- Householder Development (incorporating Privacy and Sunlight Guide) (2006)

Recommendation by - Andrew Evans (Planning Officer) on 8th June 2018

Site and Proposal

The application relates to a site at Hardens Road, to the west of Duns. The site is the south eastern section of a paddock of open grassland on the south side of the Hardens Road. There are two dwellinghouses, Langton Field and Hardens Hall, to the south east, there are fields to the north and west and the golf course is to the south. There is also a dwellinghouse to the north west, North Byres Park.

Planning Permission in Principle is sought for the erection of a single detached dwellinghouse. No details of the siting or design of the house have been submitted. A vehicular access would be formed onto the public road to the north. One tree would be removed on the boundary to provide this and the existing trees would be retained.

Planning History

99/01113/OUT: Erection of dwellinghouse. Approved 21st October 1999.

07/00033/OUT: Erection of dwellinghouse. Approved 7th December 2009.

10/00407/PPP: Erection of two dwellinghouses. Withdrawn 4th October 2010.

11/01259/FUL: Erection of wind turbine 24.8m high to tip. Approved 1st December 2011.

13/00491/PPP: Erection of dwellinghouse. Approved 16th April 2014.

15/00592/AMC: Erection of dwellinghouse (approval of matters for all conditions pursuant to planning permission 13/00491/PPP). Withdrawn 17th August 2015.

17/00379/PPP: Erection of dwellinghouse (renewal of previous application 13/00491/PPP). Approved 4th May 2017.

17/01266/FUL: Erection of dwellinghouse with integral garage. Approved 14th November 2017.

Planning Policy

The site is outwith the Development Boundary for Duns.

Policy HD2 (A) allows new housing in the countryside provided that the site is well related to an existing building group of at least three houses or buildings capable of conversion to residential use. Any consents for new build granted under the building group part of the policy should not exceed two houses or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted. Calculations on building group size are based on the existing number of housing units within the group at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point. The cumulative impact of the new development on the character of the building group, landscape and amenity of the surrounding area will be taken into account in determining applications.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 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. Sites close to rural industries will be given careful consideration to ensure no conflict occurs. Existing groups may be complete and may not be suitable for further additions.

It is noted that there is no building group in this location as there are only two houses, Langton Field and Hardens Hall, to the south east.

The site has a long history, dating back to outline planning permission for a dwellinghouse granted in 1999. Planning permission was again approved for a house in 2014, which was renewed in May 2017 (17/00379/PPP). A full application for a dwellinghouse on the site (17/01266/FUL) was approved in November 2017.

This current application seeks a second dwellinghouse on the south eastern portion of the larger plot.

The planning history of this area is significant to the current application. The original 1999 approval dates back to a time when housing associated with golf courses was provided for in a previous local plan. No such provision exists in the current LDP. The development of the site was considered in 2013 by the Planning Authority to be acceptable and in line with Reporters' decisions along Hardens Road. When considered against the Housing in the Countryside Policy, as only two houses presently exist, there would be no building group at this location meaning that this situation would normally result in a refusal. However, the planning history stemming from the Reporters' interpretation of this being an acceptable location for development is compelling. While subsequent decisions related to 'infill' plots, part of the ability to support these developments arises from the enclosure provided from surrounding development which this site directly contributed to.

This site has consistently been considered by the Planning Authority to play a role in terminating the extent of development at Hardens Road, and repeatedly has been approved on the basis of the site's positive

contribution to the built context at this rural location as viewed by the Reporter, a previous decision to extend permission at this site and the development of a small wind turbine at its top corner.

Application 10/00407/PPP sought permission for two houses on this site but was withdrawn as an opinion had been reached that the proposal would not comply with the Council's policies for new housing in the countryside. It was considered that "the subdivision of plot 1 to create 2 plots and an additional dwellinghouse over and above the dwelling already approved would not sit comfortably with the policies for Housing in the Countryside, there are only 2 units currently at this location and therefore no building group to which additional dwellings can be added, the two 'infill' approvals being exceptions to that rule and these have been justified by the Reporters earlier decision and the Planning Authority's more recent Report of Handling".

The site, however, does represent an infill plot in what could be argued to be a dispersed building group as there are two houses to the south east and one to the north west. There is a distinct line of houses on the southern side of Hardens Road. In addition, full planning permission exists for a house on the adjacent plot, which could be commenced once the pre-commencement conditions have been complied with. The area is already characterised by large houses within large plots and collectively there would be no overall harm. On balance, this proposal can be supported as an infill plot but would not set a precedent for further houses along this stretch of road.

Siting, Design and Impact on Visual Amenities

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the scale and siting of new development should reflect and respect the character and amenity of the existing building group.

The existing houses are modern, two storey detached properties set within large plots.

It is considered that the site is large enough to accommodate a second dwellinghouse. With an appropriate design and materials it is considered that the proposal would not harm the visual amenities of the area.

Access, Parking and Road Safety

A new access would be formed onto the public road and there is sufficient space within the site for on-site parking and turning. The proposals can be considered to comply with policy IS7: Parking Provision and Standards of the Scottish Borders Local Development Plan (2016).

The Roads Planning Service has expressed concern about the increasing number of units at this location. In particular, they have concerns over the sustainability of housing in this location, which is out on a limb from the rest of the town and residents will rely heavily on the use of a car for services in Duns. At the same time there will be occasional pedestrian movement between the group and the town, but with no provision at present to support this.

A footway between the site and the existing footway at Wellrig Park has previously been suggested, however it is considered that the cost of this would be unreasonable to place on a single dwelling. The Roads Planning Service therefore recommend refusal of the application in the interests of sustainable transport.

Whilst desirable, it would seem unreasonable to attach a condition to this planning permission requiring the provision of a footpath from this site along the public road to Wellrig Park. This is some distance and none of the other houses were required to provide this. It was never a requirement on the Planning Permission in Principle or full permission of this larger plot. It is therefore recommended that the application be approved without such a condition.

Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new household developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The site is separated from Langton Field by a paddock. With adequate siting and design the proposal would not result in overlooking or a loss of light to the existing dwellinghouse or that proposed on the adjacent plot.

Trees

Policy EP13 seeks to protect trees and hedges from development. There are a number of mature roadside trees, mostly ash and sycamore with some smaller hawthorns, along the road embankment and these provide some backdrop and setting for the site. The indicative site plan shows that one tree would be felled to provide the access.

It would be desirable to see the trees retained and protected from development due to its biodiversity value and contribution to the visual amenities of the area and this could be secured via conditions.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The application form states that there would be a septic tank and soakaway for foul water drainage and a soakaway for surface water drainage. The dwellinghouse would connect to the mains water supply.

A condition would require the exact details of the water and drainage to be submitted and agreed.

Development Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out in Policy IS2 (Development Contributions) of the LDP.

A development contribution was identified in terms of education provision in the school catchments serving the site. The agent has confirmed his clients' agreement to entering into the required planning agreement.

REASON FOR DECISION :

Subject to a legal agreement and compliance with the schedule of conditions, the development will 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: Approved - conditions & Legal Agreement

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

 - i. Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. Location of new trees, shrubs, hedges and grassed areas, including replacement of any trees removed
 - iii. Schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. Programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 4 No trees or hedges within the application site or on the site boundary shall be felled, removed, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.
- 5 A detailed drawing to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site showing the position, species and root protection area of the trees and hedges within the site and overhanging the site, those to be retained, those to be felled and replanting proposals. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.
Reason: As the trees and hedges are worthy of retention and contribute to the visual amenities of the area.
- 6 Full details of the means of water supply and of foul and surface water drainage are to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority the development is to be completed in accordance with the approved details.
Reason: To ensure that the development is adequately serviced with water and drainage provided with a sufficient supply of wholesome water, and that there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 7 A drawing showing the proposed access, visibility splay, parking and turning for two vehicles and a service layby to be submitted with the first detailed or Approval of Matters Specified in Conditions application. Once approved, the access, visibility splays, parking, turning and service lay-by to be completed in accordance with the approved drawing before the dwellinghouse is occupied and retained in perpetuity.
Reason: To ensure the site is safely accessed from the public road and sufficient on-site parking is provided in the interests of road safety.

- 8 Details of all proposed means of enclosure around the site to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.

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