

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01191/PPP

APPLICANT : Buccleuch Estates Ltd

AGENT : Ericht Planning & Property Consultants

DEVELOPMENT : Erection of two dwellinghouses

LOCATION: Land East Of East Boonraw Cottage
Hawick
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY: Legal Agreement

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|-----------------|------------------|--------------------|
| 1 | Location Plan | Approved |

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

- The site is not well related to a building group and is a separate development.
- Two new houses would be unsuitable for the site and would change the balance of new builds and traditionally built dwellings within the building group.
- The proposal would not be in keeping with the adjacent traditional cottage and there is no natural screening.
- The road is a single track road with no passing places. The proposal would generate additional traffic on the inadequate road.
- Negative impact on the water supply and waste water drainage and existing maintenance arrangements.

CONSULTATIONS:

Roads Planning Service: Whilst I have no objections in principle to this proposal, the following matters must be addressed to the Council's satisfaction via the planning process:

1. Parking and turning, excluding any garages, must be provided within the curtilage of each property prior to the property being occupied and thereafter retained in perpetuity.
2. The gradient of the access must be not steeper than 1 in 15 for the initial 6m and the parking and turning area. Any intervening access must have a gradient not steeper than 1 in 8.

3. The existing roadside ditch must be dealt with appropriately. Details of how this will be achieved must be submitted to, and approved in writing by, the Council prior to works commencing on the site. Thereafter the works must be completed prior to works commencing on the first dwelling.
4. Any gates erected must be hung so as to open into the site and not out over the adjacent public road. Any gates must be set-back sufficiently to allow a vehicles to enter the site and be clear of the road should the gates be closed.
5. In an effort to maximise visibility, the access to the plots should be via a single central access serving both plots. The layby length may be reduced to a minimum of 9m from the 12m indicated.
6. All works within the public road and verge must be carried out by a contractor first approved by the Council.

Hawick Community Council: No response.

Director of Education and Lifelong Learning: No response.

Environmental Health: It is proposed that private water supply and drainage arrangements will be made. These can impact on public health if not properly managed and maintained. A condition requiring details of the water supply is required. Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. A condition is required.

To discharge the condition relating to the private drainage arrangements, the applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

Development Negotiator: The following Development Contributions are required in respect of the planning application: Affordable Housing Commuted Sum totalling £1,500.

APPLICANT'S SUPPORTING INFORMATION:

Planning Statement and Agent's Letter of Support:

- The site is located in a corner of an agricultural field with frontage to the Whitehaugh to Boonraw public road adjacent to an existing dwellinghouse, East Boonraw Cottage, which is located to the west. There is a clear grouping of at least 5 dwellinghouses at East Boonraw. The subjects are situated on the western side of this grouping. There is a field access track which passes down the western edge of the site. It is this location at which the single access will be taken onto the public road.
- In terms of policy D2 of the Local Plan a building group comprises at least 3 dwellings which share a 'sense of place'. The ability to expand a building group within a Local Plan/LDP period is limited to an increase of 2 additional units or 30% of the size of the existing group. There are at least 5 existing dwellings in the building group at East Boonraw.
- The natural boundary of the burn has already been crossed by the erection of the dwellinghouse adjacent to the site and the site has no boundary separating it from the existing building group.
- The current application seeks 'in principle' consent for two dwellings and this number lies within the permissible thresholds set out in the Local Plan. Having conducted a search it appears that there have been no applications at East Boonraw within the past 5 years and thus no implemented consents within the current Local Plan period from 2011.
- Pre-application advice in 2012 was supportive of the proposal. There is scope for the addition of two dwellings to this building group in terms of the policy thresholds and the proposed site has a firm relationship with the existing building group, as acknowledged in 2012 by the Planning Authority.

- The new houses would be served by new and separate private water supply and drainage arrangements, which will require to be detailed to the satisfaction of the Planning Authority within forthcoming applications for Matters Specified in Conditions (AMC applications).
- At the AMC stage the applicant(s) will be required to propose a design, form and scale of house, together with detailed landscaping proposals, which respect the local setting and which meets with the satisfaction of the Planning Authority and its adopted Guidance.
- The final layout of the junction arrangements and any localised widening required would be addressed by the developer(s) at the next stage of the planning process.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan Adopted 2011

G1: Quality Standards for New Development
 G5: Developer Contributions
 H2: Protection of Residential Amenity
 Inf4: Parking Provision and Standards
 Inf5: Waste Water Treatment Standards
 Inf6: Sustainable Urban Drainage
 D2: Housing in the Countryside

Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008

Recommendation by - Julie Hayward (Lead Planning Officer) on 4th December 2015

Site and Proposal

East Boonraw is situated to the north of Hawick and is accessed by a minor public road from the A7 to the east.

The site is within a field grazed by sheep. It has a field access onto the public road and a post and wire fence and hedge on the road boundary. A track runs along the south western boundary of the site. The field slopes down to the south east.

There is a one-and-a-half storey stone and slate cottage, East Boonraw Cottage, to the south west with a large detached garage adjacent to the boundary with the site. Further to the south west are four dwellinghouses served by one access from the public road. There are two modern dwellings, the farmhouse and a steading conversion.

The proposal is to erect two dwellinghouses on the site. As this is an application for Planning Permission in Principle, no details of the siting or design have been submitted. A vehicular access to serve the two dwellinghouses would be formed from the existing field access. Drainage would be to a septic tank discharging to a watercourse and water would be from a private supply.

Planning History

There is no planning history for this site.

Planning Policy

Policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 requires 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 Local 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 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.

It is accepted that there is a building group at East Boonraw comprising of five existing houses on the southern side of the public road and new residential development has been approved within the group in the past. There are four houses grouped around the access road to the south west of the site. Field House and Woodside are modern dwellinghouses, there is the original farmhouse and the steading buildings have been converted into a dwellinghouse. East Boonraw Cottage is separated from these houses by the burn but forms part of this building group, being the original farm cottage, contained within the sense of place.

The site is situated adjacent to East Boonraw Cottage separated by a simple post and rail fence and is considered to be well related to the existing cottage within the building group. The site is within a previously undeveloped field but there is no significant natural or man-made boundary separating the site from the building group. It is however, considered that any future development along this public road would form an inappropriate linear development that would not be in keeping with the existing building group and so significant planting would be required along the north east boundary of the site to form the boundary of the building group beyond which further residential development would be inappropriate. This will be controlled by a planning condition.

There are five existing properties within the building group and so it would be possible to erect two new dwellinghouses within the building group under the 30% rule contained within policy D2 of the Local Plan. There have been no other planning permissions for residential development within the building group within this current Local Plan period and so the proposal complies with the thresholds contained within policy D2.

Design and Impact on Visual Amenities

Policy G1 of the Scottish Borders Consolidated Local Plan Adopted 2011 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.

This is an application for Planning Permission in Principle and so no details of the design of the dwellinghouses have been submitted. The building group is characterised by modern and traditional dwellinghouses with a variety of designs and materials comprising of stone, slate and render and single and one-and-a-half storey properties.

The existing houses are no more than one-and-a-half storey in height and have slate roofs. It is important that the proposed dwellinghouses reflect the scale and materials of the existing houses and this will form a condition of the planning permission.

The site is within a previously undeveloped field that slopes down to the south. The proposed dwellinghouses would appear exposed and prominent in the landscape. Appropriate planting, especially on the plot boundaries, is vital to ensure that the development is integrated into the landscape. A condition would require the submission of a detailed planting scheme.

It is considered that with appropriate design, materials, boundary treatment and landscaping the proposal would not harm the visual amenities of the area.

Residential Amenities

Policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

East Boonraw Cottage is 18m from the site boundary and the side elevation is approximately 50m from the site boundary; it has a large detached garage on the boundary with the site with no windows in the side elevation. Appropriate siting and design would ensure that no overlooking or loss of light occurs to occupants of the existing property.

Access and Parking

Policy Inf4 requires that car parking should be provided in accordance with the Council's adopted standards.

The Roads Planning Service has no objections in principle to this proposal subject to their requirements regarding parking and turning, visibility, the provision of a shared access with a layby and the erection of gates are met. These can be controlled by planning conditions.

Water and Drainage

Policy Inf5 requires the use of private sewerage in the countryside provided that it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater. Policy Inf6 requires a SUD system for surface water drainage.

Concern has been expressed by the owner of the neighbouring property regarding the impact of the proposal on the existing foul water drainage and private water supply. The agent has advised that drainage would be to a new private system (septic tank discharging to a watercourse) and water would be from a new private supply, though no details have been provided.

Environmental Health advises that private water supplies can impact on public health if not properly managed and maintained and private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

Conditions will require details of the drainage and water supply to be submitted at the Approval of Matters Specified in Conditions stage and the advice from Environmental Health will form an informative.

Developer Contributions

Development contributions towards affordable housing of £1,500 are required in respect of this planning application. This would be secured by a Section 69 Legal Agreement.

REASON FOR DECISION :

It is considered that the proposal complies with policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 as the site is well related to an existing building group. Appropriate siting and design would ensure that the proposal would not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the area.

Recommendation: Approved - conditions, inform & LA

- 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 commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the dwellinghouses hereby approved.

Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties or on public health..

- 4 Details of the surface and foul water drainage for the site to be submitted to and approved in writing by the Planning Authority before the development commences. This to include evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition. The approved scheme then to be completed as part of the development.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

- 5 Details of all proposed means of enclosure around the site and between the plots shall be submitted to and approved in writing by the Planning Authority before work on the site is commenced. The development then to be completed in accordance with the approved scheme.

Reason: To enable the proper effective assimilation of the development into its wider surroundings.

- 6 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

iii. schedule of plants to comprise species, plant sizes and proposed numbers/density

iv. programme for completion and subsequent maintenance of all existing and proposed planting.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

- 7 The development hereby approved shall be constructed of natural slate on the roofs and be restricted to single or one-and-a-half storey.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

- 8 Parking for a minimum of two vehicles, excluding any garages, must be provided and retained in perpetuity within the curtilage of each property. These spaces must be provided prior to the respective dwellinghouse being occupied.

Reason: To ensure adequate on-site parking is provided within each plot.

- 9 The access to the plots should be via a single central access serving both plots with a layby, to the Council's specification (attached). The gradient of the access must be not steeper than 1 in 15 for the initial 6m and the parking and turning area. Any intervening access must have a gradient not steeper than 1 in 8. The access to be completed in accordance with the approved specification before the dwellinghouses are occupied.

Reason: To maximise visibility at the junction with the public road and to ensure that the plots can be accessed safely.

- 10 Details of how the existing roadside ditch will be dealt with to be submitted to and approved in writing by the Planning Authority before the development commences. Thereafter the works must be completed in accordance with the approved details prior to works commencing on the first dwellinghouse.
Reason: To ensure that the site can be accessed safely.
- 11 Any gates erected must be hung so as to open into the site and not out over the adjacent public road. Any gates must be set-back sufficiently to allow vehicles to enter the site and be clear of the road should the gates be closed.
Reason: To avoid obstruction of the public road by gates or cars waiting to enter the site.

Informatives

It should be noted that:

- 1 In respect of condition 3, any house that does not have an adequate piped supply of wholesome water within the property will fail the tolerable standard as defined by Section 86 of the Housing (Scotland) Act 1987.

As the dwelling is to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity. This will involve the provision of the following information:

1. The type of supply i.e. borehole, spring, well etc.
2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one).
4. Estimated volume of water that the supply will provide (details of flow test).
5. Evidence that this supply will not have a detrimental effect on supplies in the area.
6. Details of any emergency tanks.
7. Details of treatment to be installed on the system.
8. Details of any laboratory tests carried out to ensure the water is wholesome (has the supply been tested did it pass).

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three days' worth of supply, in order to allow for supply interruption/failure.

To discharge condition 4 relating to the private drainage arrangements, the applicant/developer should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

- 2 In respect of condition 6, a substantial area of planting is required along the north east boundary of the site to provide a significant boundary to the building group beyond which no further residential development would be permitted.

The planting scheme should include significant boundary planting on the south east boundary to integrate this open and exposed site into the landscape.

The roadside hedge should be retained and enhanced, or replanted outwith the visibility splays if necessary.

3 The consultation response of the Roads Planning Service is attached for the information of the applicant.

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