

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01491/FUL

APPLICANT : Sheena Inwood

AGENT : Hunter Architecture

DEVELOPMENT : Demolition of derelict cottage and erection of dwellinghouse

LOCATION: Garden Ground Of Cheviot View
Eden Road
Gordon
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY: Legal Agreement

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1305.PL.1	Location Plan	Approved
1305.PL.3	Block Plans	Approved
1305.PL.2	Elevations	Approved

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

ESTATES SERVICE: Confirms the site is located within the catchment area for Gordon Primary School and Earlston High School. Initially commented that there were no contributions sought for this application, however it was subsequently confirmed between the Estates Service and the Planning Officer that a contribution of £3,428 applies to this application for Earlston High School.

COMMUNITY COUNCIL: Consultation expired 12.12.2017. No response received.

ROADS PLANNING SERVICE: Shall have no objections to this application provided turning and parking for a minimum of two vehicles, excluding garages, is provided before the dwelling is occupied and retained thereafter in perpetuity.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of the direct postal notification of 8 neighbouring dwellings. No objections or representations were received.

PLANNING CONSIDERATIONS AND POLICIES:

LOCAL DEVELOPMENT PLAN - Adopted Scottish Borders Local Development Plan (2016)
PMD1: Sustainability
PMD2: Quality Standards
PMD5: Infill Development

HD3: Protection of Residential Amenity
IS2: Development Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and Sustainable Urban Drainage

SUPPLEMENTARY PLANNING GUIDANCE

- Placemaking and Design (2010)
- Development Contributions (2016)
- Trees and Development (2008)
- Householder Development (incorporating Privacy and Sunlight Guide) (2006)

Recommendation by - Andrew Evans (Planning Officer) on 4th January 2018

SITE

The site relates to an existing dilapidated cottage in the garden ground of the existing house Cheviot View on Eden Road in Gordon. On the site at present is an existing dilapidated dwelling behind Eden Road in Gordon. There are the remains - to wall head height - of a former dwelling on the site.

PROPOSED DEVELOPMENT

Full planning permission is sought for the demolition of the existing building. A new dwelling would be erected on the site. The proposed dwelling would be a modest bungalow. The house would be positioned to reflect the layout of the current building on the site, albeit pulled from the boundary.

POLICY PRINCIPLE

The principle of development is acceptable. The application requires to be assessed principally in terms of policy PMD5 of the LDP on infill development. This sets out that for sites within the Development Boundary, where relevant criteria are met, housing can be accepted. The Council has adopted Supplementary Planning Guidance on Placemaking and Design and on Householder Development, which are relevant to this application.

Policy PMD5 of the LDP on Infill Development is generally supportive to suitable infill development provided it meets certain criteria. Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on proposal maps will be approved where the noted criteria are satisfied:

These require that development does not conflict with the established land use of the area; does not detract from the character and amenity of the surrounding area; and that 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'.

The policy also requires that development respects the scale, form, design, materials and density in context of its surroundings; and that adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity. Finally, the policy requires that proposals do not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

The site is located within the Gordon Development Boundary set out in the Scottish Borders Local Development Plan 2016. The site is suitable for infill development of the scale proposed in this application. The presence of the current building on the site is noted, however it is not critical in policy terms to this application being supported, given the location is within the development boundary. The current building does though represent a material consideration of considerable weight.

In the case of this application, these proposals are considered compatible with the surrounding land use which is residential in this part of Gordon.

PLACEMAKING AND DESIGN

The proposals require to be assessed in terms of the adopted Supplementary Planning Guidance and the adopted planning policies relating to Placemaking and Design.

The Local Development Plan contains a group of policies on Placemaking and Design. Policy PMD1 of the Local Development Plan sets out relevant sustainability criteria applicable to all development proposals. All of the policies contained within the Plan should be read against Policy PMD1. In determining planning applications and preparing development briefs, the Council will have regard to the sustainability principles in policy PMD1 which underpin all the Plan's policies

In the case of the current proposals, the proposed development is modest, reflecting the scale of the dilapidated dwelling on the site. The proposals would not result in any significant conflict with the requirements of policy PMD2 on Quality Standards of the Local Development Plan 2016. In terms of criteria j) on materials, it would be appropriate for a condition to be imposed on any forthcoming consent. This will require submission and agreement of the proposed external materials and surfaces.

The proposed dwelling is of modest scale, reflecting the limited dimensions and footprint of the existing dwelling on the site. I note the relationship of the site with surrounding dwellings and buildings. I am satisfied that subject to the undernoted planning conditions, the proposed development would not result in any significant conflict with the requirements of policy PMD2 Quality Standards of the Local Development Plan. Furthermore, the proposed development is considered to represent an acceptable form and scale of development, in keeping with adopted policy and guidance in relation to placemaking and design.

AMENITY

Policy HD3 of the Scottish Borders Local Development Plan sets out that residential amenity will be afforded protection. The Council has adopted Supplementary Planning Guidance on Householder Development, which sets out standards for privacy and amenity. The impact of development on neighbouring amenity is a material planning consideration. The Scottish Government's Scottish Planning Policy (SPP) states the need for high quality layout in housing developments in order to protect residential amenity.

I note the position of the proposed house relative to existing surrounding housing. Policy HD3 sets out that development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. In the case of this application, a suitable relationship with adjoining buildings will be achieved. I am satisfied the development complies with the requirements of LDP policy HD3, and meets the SPG standards on privacy and amenity.

I am satisfied that a modest degree of amenity space to serve the proposed development would be achieved. With regards the boundary with adjoining neighbours, I am content that relationships will be agreeable. It would be appropriate to include in the landscaping requirements for the site, a need to ensure suitable boundary treatments.

PERMITTED DEVELOPMENT RIGHTS

Given the compact nature of the site, consideration was given as to whether it would be prudent to remove Permitted Development rights for extension of the dwelling. Gordon has no Conservation Area, and as such it is considered appropriate to removed Permitted Development rights.

ROAD SAFETY

Road safety, access, parking and accessibility are material planning considerations. Policy IS7 on Parking Provision and Standards sets out that development proposals should provide for car and cycle parking in accordance with approved standards. Policy PMD2 (Quality Standards) of the LDP sets out (amongst other matters) criteria on accessibility.

In the case of these proposals, the development would be served from the existing access leading back to Eden Road.

The Roads Planning Service was consulted on the application and advises the application is acceptable in road safety terms, subject to the imposition of planning conditions relating to the provision of parking and turning space to serve the development.

Whilst no dedicated or nominated parking for visitors etc. is provided, the layout is such that there would be sufficient space within the informal courtyard for a limited degree of undefined visitor parking to take place. I am satisfied that the proposed access and parking arrangements are generally acceptable. Subject to conditions relating to the fine detail of the arrangements, the application is considered to comply with the requirements of policies IS7 (Parking Provision and Standards) and PMD2 (Quality Standards) of the Local Development Plan.

SERVICES

- Water Supply and Drainage

Policy IS9 of the LDP covers waste water treatment standards and sustainable urban drainage. Water and drainage services would require confirmation in due course, and this could be ensured via standard planning condition. The application form specifies that the house would be served by the public water supply to the village. The proposed means of drainage is not stated, though the form sets out proposals to incorporate SUDS. A planning condition will ensure suitable drainage arrangements. It is likely this would be via connection to the existing public sewer. Subject to the noted conditions I am content suitable servicing will be achieved and the development will comply with policy IS9, and the services requirements of policy PMD5.

- Recycling

Further details on arrangements for waste and recycling will be required via planning condition. This will ensure compliance with the requirements of the adopted SPG on waste and services.

DEVELOPMENT CONTRIBUTIONS

Policy IS2 of the LDP is relevant and is supported by our approved SPG on 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. The LDP policy sets out how Development Contributions are collected and sought, in line with the provisions of Circular 3/2012 on the use of Section 75 Planning Agreements. The policy also provides for the use of Section 69 or where appropriate, other legal agreements.

In the case of this application, contributions were initially identified in terms of Education and Lifelong Learning. This requirement would have totalled £3,428, though the amount to be settled may change over time as some contributions are indexed annually with effect from 1 April. However the proposed accommodation would be only one bedroom. As such a financial contribution is not sought; however the proposed one bedroom dwelling will require to be limited by a section 75 agreement. The agent has been asked to confirm his client will enter into an agreement. Consent will be forthcoming once an agreement is concluded.

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 Prior to commencement of development, full details of all external materials for the approved dwellinghouse and full details of the surfacing of all shared surfaces are to be submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the approved details unless otherwise agreed in writing by the Planning Authority.
Reason: To maintain effective control over the development.
- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or amendments or re-enactment or re-enactment thereof) no extension, enlargement; or other alteration of the dwelling shall be carried out without the prior written consent of the Council, to whom a planning application must be made.
Reason: The Planning Authority considers that the development hereby permitted is the maximum that can be reasonably allowed without causing detriment to the amenities of adjoining properties, and for this reason would wish to control any future proposals or alterations or extensions.
- 3 Prior to the commencement of development, a scheme of details setting out arrangements and locations for domestic waste and recycling storage and collection are to be submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.
Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.
- 4 Turning and parking for a minimum of two vehicles, excluding garages, to be provided within the site before the dwellinghouse is occupied and retained thereafter in perpetuity.
Reason: To ensure on-site car parking is provided, in the interests of road safety on the public road.
- 5 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines
 - vi. A programme for completion and subsequent maintenance.
Reason: To ensure the satisfactory form, layout and assimilation of the development.

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