

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF: 22/00968/FUL

APPLICANT: Mr Nigel Carey

AGENT:

DEVELOPMENT: Erection of a dwellinghouse (change of house type previously approved under permission 21/00913/FUL)

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

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
C671-PP-001	Location Plan	Approved
C671-PP-003	Proposed Plans & Elevations	Approved

NUMBER OF REPRESENTATIONS: 2
SUMMARY OF REPRESENTATIONS:

2 letters of representation, 2 general comments, have been received by the Planning Authority. All issues raised have been considered. The letters raise the following material planning considerations:

- o Scale, design and levels of the proposed dwellinghouse;
- o Impact on amenity and privacy;
- o Parking and turning.

Consultations

Community Council: No response received at the time of writing this report.

Roads Planning Service: They are unable to comment on the application until such time as a site layout plan has been submitted. Any plan should show how parking is to be provided for both the proposed and the existing dwelling.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
PMD5: Infill Development

ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils
HD3: Protection of Residential Amenity
IS2: Development Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and Sustainable Urban Drainage

Supplementary Planning Guidance

Developer Contributions 2022
Householder Development (Privacy and Sunlight) 2006
Placemaking and Design 2010
Waste Management 2015

Recommendation by - Cameron Kirk (Assistant Planning Officer) on 1st September 2022

Site description

The application site relates to an area of ground that was associated with the former dwellinghouse, Cheviot View, which has since been demolished. The application site is located within the development boundary for the settlement of Gordon. Vehicle access to the site is made via an existing access from Eden Road to the north. There are neighbouring residential properties to the north, while the tennis court and bowling green lie to the south. The application site is identified as being an area of prime quality agricultural land.

Proposed development

Permission was granted under planning application 17/01491/FUL for the erection of a single storey, one bedroom cottage. A further planning application 21/00913/FUL was submitted to vary the design of the dwellinghouse granted under planning application 17/01491/FUL, which was granted in 2021.

This application seeks to amend the fenestration for the proposed dwellinghouse granted under planning application 21/00913/FUL.

The proposed access would not be altered under this application and parking for two vehicles would be provided within the curtilage of the proposed dwellinghouse. The proposed dwellinghouse would be served by the public water supply network and public drainage network.

Relevant planning history

17/01491/FUL Demolition of derelict cottage and erection of dwellinghouse. Granted 23 October 2018.

21/00056/FUL Erection of dwellinghouse (change of house type previously approved under permission 17/01491/FUL). Withdrawn 08 April 2021.

21/00913/FUL Erection of a dwellinghouse (change of house type previously approved under permission 17/01491/FUL). Granted 29 July 2021.

Assessment

Principle of development

The principle of development is considered to be acceptable by virtue of the consent granted under application 17/01491/FUL and 21/00913/FUL. This application merely seeks to change the design for the proposed dwellinghouse. The principle of development is considered to be acceptable.

Layout, design and materials

Policy PMD2 aims to ensure that any development is of the highest quality and it respects the environment in which it is contained. The proposed dwelling would be built in the same position as to the dwellinghouse granted under the previous application 21/00913/FUL. The scale of the dwellinghouse would not change and the changes to the external appearance of the proposed dwellinghouse would not drastically alter its visual

appearance. The materials to be used for the external finish for the proposed development would be acceptable in principle. The precise details will be sought by way of condition. Overall, the proposed dwellinghouse would be of an appropriate scale, character and appearance.

In line with the original planning application 17/01491/FUL, permitted development rights will be removed which precludes the proposed dwellinghouse from being extended, enlarged or altered without the express grant of planning permission from the Planning Authority.

Concerns have been raised in a letter of representation regarding ground levels. The landscaping condition, to be attached to any consent granted, will require existing and proposed ground levels to be provided prior to any works commencing. This will allow the Planning Authority to consider existing and proposed ground levels fully.

Residential amenity

Policy HD3 aims to protect neighbouring residential properties against inappropriate development that would result in the loss of amenity or privacy. The proposed dwellinghouse would not result in an unacceptable loss of daylight, sunlight or increased overshadowing to neighbouring properties once the development is completed.

The changes to the fenestration of the proposed dwellinghouse would result in some additional windows and amendments to their position on the elevations. The additional windows would be to elevations that were to have windows. The proposed amendments to the fenestration would not have a significant adverse impact to neighbouring properties in terms of overlooking or loss of privacy. Overall, the proposed development would not have a significant adverse impact to neighbouring properties.

Access and parking

Roads Planning Service was consulted as part of the application process. They advise that they are unable to comment on the application until such time as a site layout plan has been submitted. Any plan should show how parking is to be provided for both the proposed and the existing dwelling.

This application would not result in any changes to the access or parking. In light of this, Roads Planning Service do not have any objections to the application. A condition will be attached to ensure that sufficient parking is provided for the dwellinghouse.

Services

The proposed dwellinghouse would be connected to the public water supply network and public drainage network. This would be acceptable to the Planning Authority.

Waste

Details for waste bin storage have not be provided at this stage. It is anticipated that there is sufficient room within the curtilage of the proposed dwellinghouse for waste bin storage. This information will be sought by way of condition.

Developer contributions

Policy IS2 aims to ensure that the cost of new or additional infrastructure required for new development is met by the developer. Under application 17/01491/FUL developer contributions were secured through a Section 75 Legal Agreement should the proposed dwellinghouse have two or more bedrooms. The proposed dwellinghouse would have two bedrooms and it will engage developer contributions for Education and Lifelong Learning, specifically Earlston High School.

An informative note will be added to inform the applicant/developer that the developer contributions sought pursuant to the Section 75 Legal Agreement under planning application 17/01491/FUL would continue to be applicable for the current planning application.

Prime quality agricultural land

The application site is identified as being an area of prime quality agricultural land. The proposed development would result in the replacement of an existing derelict cottage that can be found on the application site. Therefore, the proposal would not result in the loss of prime quality agricultural land.

Conclusion

In consideration of the above, the proposed development is considered to comply with the relevant policies contained within the Scottish Borders Local Development Plan 2016. It is recommended that the application be granted.

REASON FOR DECISION:

Subject to 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 & informatives

- 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 Planning Authority, 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 of planting.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

Informatives

It should be noted that:

- 1 The applicant/developer is reminded that the developer contributions sought pursuant to the Section 75 Legal Agreement under planning application 17/01491/FUL would continue to be applicable and payable for the current planning application.

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