

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

1 FEBRUARY 2016

APPLICATION FOR PLANNING PERMISSION

| | |
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| ITEM: | REFERENCE NUMBER: 15/01395/FUL |
| OFFICER: | Andrew Evans |
| WARD: | Selkirkshire |
| PROPOSAL: | Erection of Dwellinghouse |
| SITE: | Land West of 123 Forest Road, Selkirk |
| APPLICANT: | Mr David Beatson |
| AGENT: | Stuart Davidson Architecture |

SITE DESCRIPTION

The application site is an area of garden ground adjoining existing dwellings at Forest Road in Selkirk. The site is sloping. The site fronts on to and is elevated relative to the roadside of Forest Road. Forest Road itself zig zags up the slope of the hillside, with the dwellings on the elevated land behind the application site also having addresses on Forest Road.

To the south of the site is located a footpath shortcut, known as the '100 steps', which runs up Forest Road, and emerging between the flatted blocks at the higher level on Forest Road (The flats at nos. 113 and 117).

PROPOSED DEVELOPMENT

The application seeks full planning permission for the erection of a single detached dwelling on the site. The proposed dwelling would front on to Forest Road, and follow the same building line the rest of the buildings on the street. The proposed dwelling would feature a slated roof. Whilst the immediate dwellings are at single storey, with roofs dormers, there are examples of higher eaves lines found in the immediate area.

PLANNING HISTORY

None.

REPRESENTATION SUMMARY

Following the neighbour notification and advertisement period for representations, a total number of 7 objections, from 6 separate households, were received in connection with this application. The principal grounds of objection can be summarised in follows:

- Density of site
- Height of the proposed dwelling
- Detrimental to residential amenity

- Loss of light
- Loss of view
- Overlooking
- Privacy of neighbouring properties
- Construction disturbance
- Trees/landscape affected
- That it will not be possible to use the neighbouring drying green whilst the site is a building site.
- Inadequate access
- Inadequate Parking – Parking levels are much higher in the evening.
- Increased traffic
- Subsidence
- Concerns about road closures to accommodate services being connected, and that Forest road is not well suited to construction traffic.
- Road safety

Members will be able to view the representations in full on Public Access.

APPLICANTS' SUPPORTING INFORMATION

None.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy G1 – Quality Standards for New Development
 Policy G5 – Developer Contributions
 Policy G7 – Infill Development
 Policy BE2 – Archaeological Sites and Ancient Monuments
 Policy H2 – Protection of Residential Amenity
 Policy EP5 – Air Quality
 Policy Inf4 – Parking Provisions and Standards
 Policy Inf5 – Waste Water Treatment Standards
 Policy Inf6 – Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Proposed Local Development Plan 2013

Policy PMD2 – Quality Standards
 Policy PMD5 – Infill Development
 Policy HD3 – Protection of Residential Amenity
 Policy EP8 – Archaeology
 Policy EP16 – Air Quality
 Policy IS2 – Developer Contributions
 Policy IS7 – Parking Provision and Standards
 Policy IS8 – Flooding
 Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage

SBC Supplementary Planning Guidance

Placemaking and Design
 Development Contributions

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: Forest Road is a one-way street which winds its way down the hill. Very few properties along this section of road have the benefit of curtilage parking due to gradient issues and lack of available space. As a result, residents are reliant on the availability of on-street parking. However, due to the one way nature of the road, this allows on-street parking to be provided along the majority of Forest Road. The section of Forest Road which this proposal site fronts on to is slightly less congested due to the lower density of housing along this part. The proposal is for a single dwelling on a gap site without any curtilage parking. Given that this is an infill site, there is unlikely to be further development which would place a greater demand on the on-street parking available at present. With this in mind, I am prepared to accept a single dwelling at this location without any dedicated parking. As mentioned above, this section of road is less congested than other parts of Forest Road and it is likely to be able to accommodate the vehicles associated with an additional dwelling. In summary, I have no objections to a single dwelling being constructed on this plot without any curtilage parking.

Access Officer: I have no issues with the above planning application. I see that it is adjacent to the '100 steps' but that the development will link on to the steps and not obstruct them in any way.

Education & Lifelong Learning: I refer to your request for Education's view on the impact of this proposed development, which is located within the catchment area for Philiphaugh Primary School and Selkirk Grammar School. A contribution of £3209 per unit will be sought for the Primary School.

Environmental Health: This is an Application to erect a dwellinghouse. The proposals include the installation of a wood burning stove. These have the potential to cause smoke and odour problems for persons living in the vicinity. Agree with application in principle, subject to informative.

Archaeology Officer: There are no known implications for this proposal.

Statutory Consultees

Selkirk and District Community Council: No response.

Historic Environment Scotland: Historic Environment Scotland does not object to this application and we do not have any comments to make on the proposals.

Other Consultees

None

KEY PLANNING ISSUES:

The principal planning issues with this application can be summarised as follows:

- Whether the demolition of the existing building have an adverse impact in terms of archaeology or heritage.
- Whether the proposed erection of a dwellinghouse will have an impact on the conservation area, the residential amenity of neighbouring dwellings or the established land use of the area.
- Whether the proposals are acceptable in terms of parking and access, and are acceptable in terms of impacts arising on road safety.

ASSESSMENT OF APPLICATION:

Policy Context

The application requires assessment principally against the adopted planning policy on infill development. Adopted policies covering residential amenity, placemaking, roads safety, development contributions, archaeology, and rights of way are all also relevant.

Infill Development

The site is located within the Selkirk development boundary. The application therefore requires to be tested against Policy Inf7 of the adopted local plan on infill development. The proposed development can be comfortably accommodated within the application site and the proposed development of a dwelling on this site is acceptable in principle.

Policy G7 of the Local Plan 2011 (LP) is generally supportive of suitable infill development provided it meets a number of criteria. Development on non-allocated land such as garden ground or backland sites will generally be approved provided they can be justified under Policy H2 to safeguard the amenity of residential areas.

The application site is located close to the town centre, in an area where the established land use is residential. The erection of a dwelling on this site would therefore not conflict with the established land use of the area. It is also considered that the proposed dwelling would not detract from the character and amenity of the surrounding area as it would effectively be a very similar style, scale and form of development relative to the surrounding dwellings. Criteria (iii) of Policy G7 seeks to protect the cumulative effects of development so that it does not lead to over-development or town and village cramming. It is acknowledged that over development of this site has been raised by objectors. It is however contended that when considered against the surrounding built forms and scale of development, the proposed dwelling would occupy a similar footprint and plot size to those of the existing surrounding buildings. It is further contended that the height of the proposed dwelling would be acceptable, given the surrounding built forms. It is considered therefore that the proposed dwelling would not result in over development of the site.

Criteria (iv) seeks to ensure that the proposed infill development would respect the scale, form, design, materials and density of its surroundings. The proposed dwelling would be consistent with the scale, form and design of the existing surrounding buildings.

Criteria (v) requires adequate access and servicing to be available particularly taking account of water and drainage and schools capacity. Pedestrian access is available and parking would be on street, in line with surrounding dwellings (this will be

discussed in more detail later in this report). Schools capacity is an issue but this will be secured through a development contribution and associated legal agreement (also discussed later in this report). The application indicates that water supply and drainage will be via the public mains and public sewer. No evidence has been provided to confirm that connections to both the public water supply and public drainage system are available to serve this site however this matter can be controlled by condition and through the building warrant process.

Criteria (vi) of Policy G7 relates to the protection of residential amenity of neighbouring and adjoining properties. In terms of loss of daylight or sunlight as a result of over shadowing it is contended that the proposed new dwelling will not give rise to any concerns over and above existing levels. Owing to the significant changes in level to the east, the houses to that side (whose more public road frontages face the site) would sit above the application site, while to the west, an area of green space separates the site from the properties lower down. The proposed house would sit on a comparable building line to those to the north and south, whose side elevations have no windows facing the site.

It is considered that the proposals will allow the successful development of the site, consistent with infill development policy G7.

The comparable policies in the Local Development Plan contain broadly the same requirements, and there are no inconsistencies arising from the emerging policy framework.

Heritage and Archaeological Issues

Policy BE2 of the LP, and policy EP8 of the LDP set out the Council position in terms of Archaeology. Consultation was carried out with the Council Archaeology Officer and with Historic Environment Scotland (HES). The Council's Archaeologist has confirmed that there are no concerns. No mitigation or further assessment is required.

HES was consulted due to the site being located within the formal consultation buffer for the Philiphaugh Battlefield. On considering the proposals, HES advises they have no concerns or objections to the proposals.

The proposals are considered not to conflict with Policy BE2 of the LP on Archaeology.

Design

The design of the new dwelling would reflect the architectural style of the traditionally built surrounding dwellings. It would be of a scale, mass and height appropriate to its surroundings and, subject to appropriately worded conditions, would be finished in materials of the highest quality. Natural stone is proposed for the front which is consistent with neighbouring properties, as is the natural slate proposed for the roof.

Residential Amenity

Policy H2 of the LP aims to protect the amenity of both existing established residential areas as well as proposed new residential developments. The policy applies to areas where the predominant use is residential and will be applicable, not just to large scale residential developments, but also to extensions, development on garden ground, backland development, redevelopment sites and brownfield sites.

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted under Policy H2. However, as discussed above, it is felt that the proposed dwelling would respect the scale, form and type of development in terms of its fit within a predominantly residential area.

It is acknowledged that a number of objections have raised concerns in relation to overlooking, loss of privacy and loss of light.

Policy H2 of the LP and policy HD3 of the LDP seek to ensure that development does not adversely affect neighbouring residential amenity. The Council has also adopted supplementary planning guidance on Householder Development, which sets out the Council policy position in terms of amenity and privacy. The nearest dwellings are sufficiently distant from the site that the proposal would not affect the residential amenities of occupants of these properties. There are no other properties in the surrounding area that would be affected by the proposal.

The agent has been requested to lodge a section, demonstrating compliance with the adopted SPG standards. This should be available in time for the consideration of the Planning and Building Standards Committee. A further elevation, showing the street scene elevation, to better show the fit of the development with the immediately surrounding dwellings has also been requested. Again, this should be available in time for members to consider at the meeting of the Planning and Building Standards Committee.

The adopted SPG on Householder Development also sets out minimum standards for garden space in planning applications for new housing. In the case of this application, the front garden space would be consistent with neighbouring dwellings. The proposed rear garden space would provide for an enclosed area of private space at the rear of the house, which would also provide drying space. Though the rear garden space would be very modest, it would be entirely consistent with the plot sizes found at the adjoining dwellings at 127, 129, 131 and 133 Forest Road.

It is considered that the development will not have an adverse impact on the amenity of existing dwellings as a result of overlooking, over shadowing or loss of privacy and would comply with the terms of Policy H2 of the LP.

Access, parking and road safety

Road safety is a material planning consideration. Policies inf4 of the LP and IS7 of the LDP set out the relevant infrastructure standards for parking to serve development.

Objection was received from neighbouring residents regarding the absence of parking provision within the proposed development. It is proposed that parking to serve the development take place on street, as is the dominant position with neighbouring dwellings.

The Roads Planning Service was consulted on the application. The Roads Planning officer confirms no road safety objection to the proposed dwelling on the basis that sufficient on-street parking exists and owing to the one-way system along Forest Road. The proposals are considered acceptable in road safety terms. The proposed development would comply with the relevant policies on road safety and parking.

The Rights of way officer was consulted on the application and advises, of no issues with the planning application, noting that it is adjacent to the '100 Steps' but that the development will link on to the steps and not obstruct them in any way.

Drainage and Water Supply Infrastructure

Policies G1 and Inf6 of the LP, and policies PMD2 and IS9 of the LDP seek to ensure that developments are adequately serviced. A standard planning condition requiring confirmation on water and drainage arrangements in due course would be appropriate. This will ensure compliance with the relevant requirements of policies G1, Inf5/6 of the LP in terms of services.

The submitted proposals indicate that the dwelling would be serviced by the existing public water supply and public sewage system. As the site is located within the settlement boundary and within an sewered catchment area, connection to the existing public systems is the preferred solution in this case. Surface water drainage should be separate from foul water and taken to an appropriate SUDS system within the site.

Whilst no details of connection are currently available, precise details can be controlled by condition and the subsequent Building Warrant process.

Wood Buring Stove

Policy EP5 of the LP, and policy EP16 of the LDP aim to ensure that air quality is not adversely impacted by new development.

The application proposes the installation of a wood burning stove, which would be served by a flue projecting through the ridge of the proposed extension. Policy EP5 of the LP and EP16 of the LDP both require consideration of the effects arising from the flue proposed. Therefore the Environmental Health Officer was consulted on the application, and advises that the application can be supported subject to an informative.

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. The proposal would not affect the daylight to neighbouring properties, and provided that the Environmental Health Officer's guidance is followed, the proposal would not affect the residential amenities of occupants of neighbouring properties. The Environmental Health service have commented on the potential for flues to cause significant amenity problems. This has been conveyed to the applicant in an informative. The standard planning informative for flues would also be appropriate.

It would also be appropriate to impose a condition also requiring that the flue be black in colour.

Developer Contributions

Policy G5 of the CSBLP and policy IS2 of the LDP seek to ensure that development contributions are identified and collected in line with prevailing policy. The SPG on Development contributions sets out the prevailing contribution levels. In terms of this application site, contributions have been identified in terms of Education and Lifelong Learning. A contribution is also required in terms of the reopening of the waverley rail route. As a single dwelling, no affordable housing contribution applies.

The Development Negotiator wrote to the agent outlining the contribution requirements applicable to this application. The identified contributions shall be secured via legal agreement, to be concluded prior to the issue of any planning consent.

The agent has since confirmed that his client would be prepared to enter into the necessary legal agreement.

A draft processing agreement has been sent to the agent for this application, which, in the event of members being minded to approve the application at committee, would cover the conclusion of the necessary legal agreement.

CONCLUSIONS

Subject to appropriately worded planning conditions and the conclusion of a legal agreement to secure development contributions, it is considered that the proposed development is acceptable and in accordance with development plan policies relating infill development, quality standards for new development, and impact on residential amenity. It is contended that the development will have a positive effect on the built environment and the character and appearance of the surrounding area.

RECOMMENDATIONS BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement addressing contributions (towards Education & Lifelong Learning and Waverley), and the following conditions and informatives:

Conditions

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To retain effective control over the development which is on a sloping site.
3. No development shall commence until precise details of water supply have been submitted to and approved in writing, in consultation with Scottish Water, by the Planning Authority. Thereafter no development shall take place except in strict accordance with those details.
Reason: To ensure an adequate supply of water is available to serve the site and to ensure that existing users are not compromised.
4. No development shall commence until a scheme for sustainable urban drainage (SUDS) for surface water treatment and foul water drainage has been submitted to and approved in writing by the planning authority, in consultation with SEPA.

Thereafter no development shall take place except in strict accordance with the approved scheme.

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

5. The external section of the flue above the roof slope to be painted a matt black colour before the flue is installed and thereafter so retained in perpetuity.

Reason: To safeguard the visual amenity of the surrounding area.

Informatives

1. The Environmental Health Service of the Council advises, with regards the proposed flue, as follows:

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission. Accordingly this advice can assist you to avoid future problems:

- The location of the flue should take into account other properties that may be downwind.
 - The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.
 - The flue should be terminated with a cap that encourages a high gas efflux velocity.
 - The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.
 - The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.
 - If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .
 - In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)
 - Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.
 - The use of waste wood requires and Exemption to be granted by the Scottish Environmental Pollution Agency.
 - Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.
2. As noted above, flues can give rise to smoke and odour complaints which may be actionable under Environmental Health legislation. Appropriate precautions should therefore be taken to avoid problems arising in this case. Any adjustments to the flue in terms of location, height or size (from that approved under this consent) that may be needed to address potential nuisance issues may require a fresh planning application. Prior to considering any changes, the applicant should consult the Planning Authority.

DRAWING NUMBERS

P402/001 - Floor Plans

P402/002 - Elevations

P402/003 - Site Plan

Approved by

| Name | Designation | Signature |
|------------|------------------------|-----------|
| Ian Aikman | Chief Planning Officer | |

The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

| Name | Designation |
|--------------|---|
| Andrew Evans | Planning Officer (Development Management) |

