

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/01065/FUL

APPLICANT : Mr Mark Graham

AGENT : Ferguson Planning

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land Adjacent Carnlea
Main Street
Heiton
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
Transport statement	Report	Refused
000	Location Plan	Refused
001	Proposed Plans & Elevations	Refused
002	Proposed Elevations	Refused
003	Proposed Site Plan	Refused
004	Proposed Block Plan	Refused
005	Proposed Site Plan	Refused
006	Proposed Plans	Refused

NUMBER OF REPRESENTATIONS: 5

SUMMARY OF REPRESENTATIONS:

Nine neighbours were notified. There were three objections and one comment of support received.

The objections cite concerns for:

- o Road safety due to the access, the applicant does not own land either side of the access onto Main Street (A698) and speed of traffic through the village;
- o How effective either painting the road or any form of 'build out' would be.
- o Parking on Main Street, as the build out would narrow the carriageway;
- o Proposed changes to the Local Development Plan (LDP) in relation to 'Private Accesses' would allow an increase in the number of dwellings access via a private access from four dwellings as per the current adopted plan, to five but this has not been adopted.
- o The site plan is inaccurate as it includes land in different ownership;

- o The proposed hedge will take a number of years to grow.

The support comment highlights that the site is an eyesore and neglected and the proposal would be better.

Consultations:

Community Council: This new application has taken on board design considerations that lead to the refusal - repositioning of windows to avoid overlooking, reduction in the height of the dwelling and the inclusion of a turning circle. The applicant appears to have taken all reasonable steps within their control to make changes to the plan. No objections.

Roads Planning: Two changes since the previous decision: LDP2 allows a maximum of 5 dwelling units to be served from a private access road and a build out is now proposed from the private access on to the A698 to create better visibility. Observation: the access from the private road is still unsuitable for this level of development. Do not support any scheme to narrow the carriageway along the A698 as this is incongruous with the road through Heiton and any scheme in isolation may have a detrimental effect on road safety. The proposals would result in extra vehicular traffic on a sub-standard access to the detriment of road safety.

Scottish Water: Water capacity is available. Unable to confirm waste water capacity.

Applicant's Supporting Information:

Design and Access Statement
Planning Statement
Transport Statement

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises
Policy 2: Climate Mitigation and Adaptation
Policy 14 Design Quality and Place
Policy 15 Quality Homes

SBC Local Development Plan 2016

PMD2 Quality Standards
PMD5 Infill Development
HD3: Protection of Residential Amenity
IS2: Developer Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Developer Contributions, April 2023
Guidance on Householder Developments, July 2006
Placemaking and Design, 2010
Landscape and Development, 2008

Recommendation by - Euan Calvert (Assistant Planning Officer) on 15th September 2023

This is a full planning application for the erection of a dwellinghouse on a vacant site in Heiton, Kelso.

Site and Proposal

This is a vacant area of ground with a brick-built garage located towards the back of the site (south). There are four neighbouring houses all served off the one access road from the A698. This site was once occupied by a chalet (Khansbur) however the site was cleared and has remained undeveloped since.

The proposal is to demolish the garage and to erect a detached, single storey dwellinghouse. This would have rendered walls and cement tiles for the roof. Two on-site parking spaces and a turning area would be provided within the site. The site would be enclosed on 3 sides by hedging.

Planning History

R127/94

In June 1994, full planning consent for a house on the site was granted and subsequently lapsed in 1999. The Planning Committee approved this application contrary to the advice of the Director of Roads and Transportation. The Committee stated "the bungalow is (would be) located on an in-fill site which has already demonstrated its ability to accommodate a house when used for the chalet."

04/01984/OUT and 05/00012/REM

These applications were also for the erection of one house on the site. The Director of Roads and Transportation maintained their objection. Access to the main street was deemed an unsuitable standard to accommodate a fifth house and visibility onto the main A class road was inadequate (the access entrance/exit was required to be widened to allow two cars to pass at the junction and the visibility splays of 2.5 x 100 metres were required in both directions).

The Planning Officer's report noted the site was of sufficient size to accommodate a house, having previously accommodated a dwellinghouse and that the land is within a residential area. The Officer recommended approval to the Cheviot Area Committee, overruling The Director of Roads and Transportation, noting that road widening and improved visibility were all dependent on third party land who would incur loss of garden area and the need to move a boundary retaining wall. The mitigating circumstances were stipulated as "traffic calming measures for the village are in prospect" and that there was "history of the site in residential use". The applications were approved.

20/01327/FUL: Application for full planning permission for the erection of a dwellinghouse. Refused 28th May 2021.

21/00019/RREF: Appeal dismissed. The Local Review Body agreed with the Roads Officer that the access road was narrow with very limited junction visibility, inadequate junction radii and poor surface condition. They noted that several properties already used the access road/junction and that the addition of a further property would result in the need for road improvements which could not be achieved within the applicant's ownership. Although Members did acknowledge the benefits of the creation of a turning head for the access road and the possibility that the current 20mph speed limit on the A698 may be made permanent, they did not consider these benefits outweighed the inadequacies of the current access and junction. For reasons of road safety, they agreed with the Roads Officer and concluded that the proposal was not in compliance with Local Development Plan Policies PMD2 and PMD5.

22/01105/FUL: Application for full planning permission for the erection of a dwellinghouse. The Planning Authority declined to determine as the application was identical to the previous the previous application.

Planning Policy

National Planning Framework 4 is now a material consideration. Policy 14 Design, Quality and Place states that development will be designed to improve the quality of an area. Six qualities are defined in Appendix D. Policy 16 identifies support for "Quality Homes". Criterion f) item iii identifies support for small scale opportunities within an existing settlement boundary.

Policy PMD2: Quality Standards

Requires all development to be of high quality and be compatible with the character and neighbouring built form. Boundary treatments are considered essential to ensure proper effective assimilation with the wider surroundings. Developments should ensure there is no adverse impact on road safety, including but not limited to the site access.

The Placemaking and Design 2010 SPG seeks for new development to contribute to the locally distinctive built character.

Policy PMD5: Infill Development

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 following criteria are satisfied:

- a) where relevant, it does not conflict with the established land use of the area; and
- b) it does not detract from the character and amenity of the surrounding area; and
- c) 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'; and
- d) it respects the scale, form, design, materials and density in context of its surroundings; and
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.

Policy IS7

Requires development proposals to provide for car and cycle parking in accordance with approved standards.

Policy HD3

Siting, scale and location of development is considered with regard to protecting neighbouring residential amenity.

ASSESSMENT

Road Safety

National Planning Framework 4 Policy 14 concerning Design, Quality and Place criterion c states development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. Policy PMD2 of the Local Development Plan 2016 requires that developments should ensure there is no adverse impact on road safety, including but not limited to the site access.

The Roads Planning Service advises that the access from the private road is still unsuitable for this level of development. Although the applicant has proposed a turning head to alleviate some problems at the site, there remains the issue of the junction with the public road. This is exceptionally constrained in terms of geometry and visibility and is only wide enough for one vehicle. Visibility in both directions is effectively zero, with a vehicle having to encroach significantly into the running carriageway before any visibility is afforded. Furthermore, since the land surrounding the access is outwith the applicant's control, there is no scope for suitable improvements. The Roads Planning Service objects to the proposal.

The Roads Planning Service objection remains the key consideration. There are safety concerns as the throat width of the private access road is not presently able to accommodate passing of two vehicles. The Roads Planning Service has considered the independent Transport Statement submitted with the application, which proposes a build out from the private access onto the A698. This scheme, to narrow the A698, is not supported as it will appear incongruous with the linear streetscape and any scheme in isolation may have a detrimental effect on road safety.

On this basis the proposals must be considered contrary to policy 14 of National Planning Framework 4 and policy PMD2 of the Local Development Plan 2016.

Infill Development

The site and layout of this dwellinghouse is similar to the most recent proposal, which was refused. The design is different, with a lower ridge height and significant changes to elevations, specifically introduction of a blank gable to the western elevation.

The Local Development Plan 2016 identifies this site falling within the Development Boundary, but not allocated and it is therefore appropriate to consider Policy PMD5: Infill Development.

These proposals satisfy four of the six criteria governing infill proposals:

- a) The proposal does not conflict with the established residential land use.
- b) This proposal remains acceptable in terms of being a suitable addition to the neighbouring built form, appearing contiguous in size and plot ratio as the neighbours.
- c) This development would contribute to sustaining the social and economic infrastructure of Heiton. Developer Contributions towards Kelso High School are a requirement of policy IS2.
- d) The scale, form, design, materials and density and remain acceptable.
- e) Adequate access is required. As discussed above, the means of access to the public road network is not adequate. The submitted Transport Statement is not supported by the Roads Planning Service therefore a fifth dwelling served off this private road is best termed over-development, which is not supported by criterion c) of PMD5. Connection to the public mains water is proposed and waste water to the mains sewer. Both would be acceptable in this village location
- f) No significant loss of daylight, sunlight or privacy to neighbouring properties (as a result of overshadowing or overlooking) is identified.

The proposed external finishes would be quite appropriate to the location within the estate and in accordance with Placemaking and Design Supplementary Planning Guidance 2010.

Landscaping

A condition would be required in the event of approval to ensure the boundary treatments (the proposed hedge) are implemented in accordance with a full specification.

Other Issues

Amended plans have been submitted in response to the ownership error highlighted by an objector.

Conclusion

Although the proposal, in principle, would constitute an appropriate form of infill development, the road safety issues have not been overcome, which dictates refusal in this instance.

REASON FOR DECISION :

The proposed development would not comply with National Planning Framework 4 Policy 14 in that vehicular access to the site is poorly designed, detrimental to the amenity of the surrounding area and inconsistent with the six qualities of successful places. In addition, the proposal is contrary to Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard private access to the detriment of road safety, both vehicular and pedestrian, and the proposed upgrade of the junction with the A698 is not supported as it would appear incongruous with the linear streetscape and any scheme in isolation may have a detrimental effect on road safety.

Recommendation: Refused

- 1 The proposed development would not comply with National Planning Framework 4 Policy 14 and Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 in that the development would result in additional vehicular traffic on a substandard access to the detriment of road safety, both vehicular and pedestrian, and the proposed upgrade of the junction with the A698 would appear incongruous with the linear streetscape and any scheme in isolation may have a detrimental effect on road safety.

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