

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

25 APRIL 2016

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE

ITEM:	REFERENCE NUMBER: 15/01270/PPP
OFFICER:	Julie Hayward
WARD:	Hawick and Hermitage
PROPOSAL:	Erection of dwellinghouse
SITE:	Land at Public Conveniences, Craik, Hawick
APPLICANT:	Mr Trevor Kelly
AGENT:	None

SITE DESCRIPTION

Craik is situated to the south west of Hawick and is accessed by a minor public road from the B711 Hawick to Robertson road. Craik comprises of a number of houses surrounded by commercial forestry plantations, which are now being felled.

The site is situated to the south west of the existing forestry cottages and was formerly owned by Forestry Commission Scotland. There are vacant buildings on the site of blockwork and timber used by the Forestry Commission Scotland as workshops, storage, a deer larder and public conveniences and a public car park. There is a burn with a pedestrian bridge and public road on the north east boundary and a right of way and fields to the north west. A vehicular access from the public road is on the south eastern boundary of the site at a lower ground level and this leads to the site and into the forest. There is a strip of woodland along the north east boundary, trees on the south east embankment and to the south west.

PROPOSED DEVELOPMENT

The proposal is to erect a dwellinghouse and garage on the site. No details of the design or materials have been submitted as this is a Planning Permission in Principle application. A site plan indicates that the dwellinghouse would be sited towards the south west boundary to take into account the risk of flooding to the north eastern part of the site.

Drainage would be via a septic tank and soakaway and a private water supply would be utilised. The proposed dwellinghouse would be accessed from the public road via the existing Forestry Commission access road.

PLANNING HISTORY

There is no planning history for this site.

REPRESENTATION SUMMARY

Six objections have been received and these can be viewed in full on the Public Access website. The main planning issues can be summarised as follows:

- Concern that the existing water supply does not have sufficient capacity to serve another house and the proposal would affect the existing houses. The water supply does not meet the required standards and there are shortages in the summer months. The water supply source spring is on Forestry Commission land, but was installed to the houses in 1998. There are eleven shares, 10 houses and the share owned by the Howpasley Estate serves a water trough in a field behind the houses in Craik; this cannot be turned off when there are sheep grazing.
- Flooding.
- Overlooking.
- Loss of trees.
- The proposed vehicular access would be opposite existing houses.
- Inadequate infrastructure in terms of drainage, roads, power supply and telephone lines.
- There is an existing right of way crossing the bridge onto the public road and this should be maintained.

APPLICANTS' SUPPORTING INFORMATION

- Topographical Survey
- Flood Risk and Water Supply Report
- Revised Information: Water Supply

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: Whilst I have no objections to the proposal in principle, there are several concerns regarding access to the site. Should access be along the route indicated blue on the plan 2014-034, then I would have no objections. Should access be via the small bridge off Forest Road, then confirmation must be provided that the bridge is suitable for the loadings associated with a dwelling. Furthermore, this bridge, and the plot itself, would appear to have a core path crossing over it. Access along this path must be retained at all times should approval be issued. Parking for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of the plot prior to occupation and be retained thereafter in perpetuity.

Director of Education and Lifelong Learning: No response.

Environmental Health: It is understood that private water supply and drainage arrangements may be made. If so, these can impact on public health if not properly installed and maintained. A condition and informative regarding the water supply are required.

Re-consultation: Scottish Government Guidance is that a private water supply must be able to supply one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. The minimum recommended capacity is three day's reserve to allow for supply interruption/failure. Based on the lower (for safety) tank estimate of 7000 litres, and allowing for three days reserve, this is sufficient for 11 – 12 people. This doesn't however include the additional draw-off for the sheep trough. Additional storage seems to be required, as is a more accurate assessment of the numbers of people using the water supply.

Re-consultation:

Water Quantity:

Based on the information in the Cademuir Designs Water Report and the occupancy levels provided currently 17 people plus 3 in the proposed house results in 20 persons. Scottish Government Guidance is to assume consumption of 200 litres/person/day and for this water supply this equates to 4,000 litres per day. The Guidance also requires a three days reserve, which requires a 12,000 litres tank capacity.

The Report states that the tank holds 10,000 gallons. This equates to approximately 11 day's reserve.

Having regard to the above, the supply meets the requirements of the Guidance. Any past shortfalls in the supply may therefore be attributable to excessive water consumption or leakage in the supply system.

Water Quality:

In terms of water quality, we would expect the point of use of the supply to be tested and if necessary fitted with the appropriate treatment equipment. This would be required to discharge the condition in our consultation response.

As regards the unsatisfactory test report, this related to a sample drawn from one specific property. We are required by the Private Water Supplies Regulator to bring such test failures to the attention of all known users of the supply, hence the letter to the neighbours. The property was fitted with treatment equipment and the subsequent re-test was found to pass the standard. This information is property specific and would not normally be reported to others.

Flood Protection Officer: I have marked in blue on the attached plan the area that is shown to be in the SEPA 1 in 200 year maps. This should be forwarded to the applicant to help their decision making on the positioning of the house.

Re-consultation: The site may be at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

Having inspected the Indicative Flood Mapping alongside the proposed location of the property, I would state that this property is not anticipated to be at risk of flooding and I would have no objections on the grounds of flood risk.

Statutory Consultees

SEPA: Object to this planning application on the grounds of lack of information in respect of flood risk and that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

Review of the SEPA Flood Map indicates that this site, or parts thereof, are within the 0.5% annual probability (or 1 in 200-year) flood extent and as such is potentially at medium to high risk of flooding. The flood risk is associated with the small watercourses running to the east and south of the site, which are upper tributaries of the Borthwick Water.

In order to remove the objection to this application we require further information to show the site to be free from flood risk. Information should also be provided to demonstrate that safe access can be achieved during a flood event.

Re-consultation: We remove our objection to the development on flood risk grounds. Topographic information has now been provided showing the site to be elevated in excess of 5m above the adjacent watercourses. We are satisfied that this is sufficient information to show the development site to be out with the functional floodplain.

Upper Teviotdale and Borthwick Water Community Council: Whilst we would normally support single house development in the countryside in this instance there are a number of problems which affect the existing community. Prior to 1985 the community had suffered from constant interruptions, shortages and contamination to its private water supply. In 1986 a new supply was obtained with the assistance of grant aid from the then Roxburgh District Council. A Deed of Renunciation and Servitude and Declaration of Conditions was drawn up between The Secretary of State for Scotland (Forestry Commission Scotland), 10 households and FCS, who were legally bound to this agreement which called on all parties to renounce all rights to the original supply and share equally the new supply. None of the 11 shareholders are allowed to create new shares without the agreement of all other parties. FCS has sold the plot to the applicant including the water whilst still retaining part of their original usage and has not consulted. After 1986 an application was made to accommodate a further property and this was rejected by the Forestry Commission on the grounds that there was not adequate reserves to accommodate a 12th share. The Community Council would have no objection to this house if a separate water supply was found.

The application also states that the development would not require trees to be felled. Prior to the application 3 large conifers over 90 years old were felled on the side of the site.

Other Consultees

None.

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 1B: The Spatial Strategy: Development Principles
Policy 15: Water and Flooding

Consolidated Scottish Borders Local Plan 2011

G1: Quality Standards for New Development
G4: Flooding
G5: Developer Contributions
NE3: Local Biodiversity
NE4: Trees, Woodlands and Hedgerows
H2: Protection of Residential Amenity
Inf4: Parking Provision and Standards
Inf5: Waste Water Treatment Standards
Inf6: Sustainable Urban Drainage
D2: Housing in the Countryside

Proposed Local Development Plan 2013

PMD2: Quality Standards
HD2: Housing in the Countryside
HD3 Protection of Residential Amenity
EP3: Local Biodiversity
EP13: Trees, Woodlands and Hedgerows
IS2 Developer Contributions
IS7 Parking Provision and Standards
IS8: Flooding
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

New Housing in the Borders Countryside December 2008

Trees and Development March 2008

Landscape and Development March 2008

Householder Developments (Privacy and Sunlight Guide) July 2006

KEY PLANNING ISSUES:

- Whether the proposal complies with the Council's policies on housing in the countryside;
- Whether adequate access, parking, drainage and water supply can be achieved;
- Whether the site is at risk of flooding.

ASSESSMENT OF APPLICATION:

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 Craik comprising of eleven existing houses. The majority are on the north east side of the public road, comprising of 6 two storey semi-detached forestry cottages and a modern detached bungalow. There are also a number of houses situated around Craik Farm steading to the north of the site.

The site is considered to be well related to the building group. Although the site is separated from the existing houses by the burn and tree belt, the site is within the sense of place as there is an inter-relationship between the cottages and the site; historically the cottages were built to house forestry workers and the depot on the site was used by the Forestry Commission. The site is also brownfield land as the buildings are vacant and have been partially demolished. That previously developed condition is significant as there remains an intervisible connection to the existing group.

There are eleven existing properties within the building group and so it would be possible to erect a new dwellinghouse 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.

Landscape and Visual Impacts

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 or materials of the dwellinghouse have been submitted. The building group is characterised by traditional two storey forestry workers houses, more modern bungalows and traditional farm cottages. The houses are built with stone and rendered walls and slate is the predominant roofing material. It is important that the proposed dwellinghouse reflects the scale and materials of the existing houses and this will be dealt with via the detailed planning application for the proposal.

Craik is an isolated building group situated at the end of the public road and surrounded by forestry plantations. The site is well screened by existing trees and woodland and is not prominent in the landscape. The existing buildings on the site are in a state of neglect, with some partially demolished. The removal of these buildings would improve the visual amenities of the area.

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

Impact on 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. The Council's Supplementary Planning Guidance: Householder Developments July 2006 contains advice on overshadowing/loss of light and overlooking/loss of privacy.

The site is well screened from the houses to the north east by the mature tree belt. The indicative site plan shows that the proposed dwellinghouses would be sited approximately 60m from these houses. It is considered that the proposal would not harm the light or privacy of the occupants of neighbouring properties.

Access and Parking

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

The vehicular access to the site is via the existing Forestry Commission road. There is sufficient space within the site for on-site parking and turning.

The Roads Planning Service has no objections to the proposal provided that their requirements regarding parking and access are met. These can be controlled by planning conditions.

The previous use of the site by the Forestry Commission as a workshop and for storage, together with the public toilets and car park would have generated a certain level of traffic. The proposed use as residential would result in less traffic using the existing public road and access.

The bridge over the burn and the plot are crossed by a core path. Access along this path must be retained at all times should the application be approved. This can be controlled by a condition.

Flooding

Policy G4 of the Local Plan refers to developments where there is an identified flood risk; developments will not be permitted if it would be at significant risk of flooding or would materially increase the risk of flooding elsewhere.

Policy IS8 of the Local Development Plan advises that as a general principle, new development should be located in areas free from significant flood risk and developments will not be permitted if it would be at significant risk of flooding or would materially increase the probability of flooding elsewhere. The ability of flood plains to convey and store flood water should be protected.

The SEPA Flood Map indicates that parts of the site are within the 0.5% annual probability (or 1 in 200-year) flood extent and as such is potentially at medium to high risk of flooding. The flood risk is associated with the small watercourses running to the east and south of the site. SEPA objected to this planning application on the grounds of lack of information in respect of flood risk and that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

Topographical information has been submitted and a site plan showing that the proposed dwellinghouse would be sited outwith the section of the site at risk of flooding. SEPA has now withdrawn their objection and the Council's Flood Protection Officer has no objections to the proposal.

Water Supply 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.

The application form states that foul water drainage would be to a septic tank and soakaway, though no details have been provided. No details have been provided of the surface water drainage. The water supply would be taken from a private supply.

The means of foul water and surface water drainage would be controlled by a condition.

A number of objections have been received from residents in Craik who are concerned about the impact of the proposal on their water supply. Residents are concerned that there is insufficient water to serve a new dwellinghouse, as the water supply has run dry in the summer months, and the quality of the water supply is also an issue.

Environmental Health has provided the applicant with the minimum standards for the quantity of water required for a dwellinghouse per day. A Water Report and additional information assessing the existing water supply has been submitted by the applicant. The water supply comes from two springs on Forestry Commission land that is piped into a 45,000 litre tank on the hillside above the properties. The supply serves 10 houses, the Forestry Commission depot and a field trough owned by the Howpasley Estate used by sheep. The applicant's information concludes that the water supply is adequate to serve the proposed dwellinghouse, though rainwater harvesting would be required to reduce the amount of water consumed.

Environmental Health has been re-consulted on the information submitted. Based on current occupancy levels (17 people) plus 3 people in the proposed dwellinghouse and Scottish Government Guidance that assumes consumption of 200 litres of water/person/day, the demand on this water supply would be 4,000 litres per day (20 people x 200 litres). The Guidance also requires a three days reserve, which requires an additional 12,000 litres. The Report states that the tank holds 45,000 litres, which equates to approximately 11 day's reserve.

Having regard to the above, Environmental Health advises that the supply meets the requirements of the Scottish Government Guidance.

In terms of water quality, Environmental Health would expect the point of use of the supply to be tested and if necessary fitted with the appropriate treatment equipment. This would be required to discharge their requested condition.

Developer Contributions

Policy G5 of Local Plan states that where a site is acceptable but cannot proceed due to deficiencies in infrastructure or due to environmental impacts the Council will require developers to make contributions towards the cost of addressing such deficiencies.

No developer contributions are required towards education facilities or affordable housing.

CONCLUSION

It is considered that the proposal complies with policies G4, Inf4 and D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 and Householder Developments (Privacy and Sunlight Guide) July 2006 as the previously developed 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. The flood risk has been addressed and adequate access and on-site parking can be achieved.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to the following conditions:

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. The dwellinghouse to be sited outwith the area outlined in blue on Drawing Number: 15/01270/PPP#2000.
Reason: To ensure that the dwellinghouse is sited outwith the area of the site that is at risk of flooding.
4. No development should commence until that the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.
Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.
5. The means of surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be implemented in accordance with the approved details.
Reason: To ensure that the site is adequately serviced.
6. No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition.
Reason: To ensure that the development does not have a detrimental effect on public health.
7. Parking and turning for a minimum of two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.
Reason: To ensure adequate off-street parking is provided, in the interests of road safety.
8. The existing access from the public road must be utilised to serve this dwellinghouse, as shown in blue on Drawing Number 2014-034. No direct vehicular access to be provided over the bridge to the north of the site from Forest Road.
Reason: It has not been demonstrated that the existing bridge is suitable for the loadings associated with a dwellinghouse.
9. 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.
10. Details of all proposed means of enclosure shall be submitted to and approved in writing by the Planning Authority before the development is

commenced. The development then to be completed in accordance with the approved details.

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

11. The right of way through the site to be kept open and free from obstruction or encroachment during the construction of the dwellinghouse and thereafter.

Reason: To ensure the right of way remains open and free from obstruction.

12. No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.

Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.

13. Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a heras or similar fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

(a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;

(b) No fires shall be lit within the spread of the branches of the trees;

(c) No materials or equipment shall be stored within the spread of the branches of the trees;

(d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;

(e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

Informatives

Water Supply

In respect of condition 4, as the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

Private Drainage

In respect of condition 6, 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.

To discharge condition 6 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.

DRAWING NUMBERS

2014-34	Location Plan
15/01270/PPP#2000	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
Julie Hayward	Lead Planning Officer



15/01270/PPP
Land At Public Conveniences
 Craik
 Hawick

