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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 9TH JANUARY, 2017

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS TD6 0SA on MONDAY, 9TH JANUARY, 2017 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

2 January 2017

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 1 - 16) Minute of Meeting of 5 December 2016 to be approved and signed by the Chairman. (Copy attached.)
5.	Applications. Consider the following application for planning permission:-
	(a) Land South and West of Wellnage House, Duns - 16/01061/FUL (Pages 17 - 32) Erection of four dwellinghouses, access, landscaping and associated infrastructure works. (Copy attached.)
	(b) Land East of Langbank Cottage, Swinton - 16/00243/PPP (Pages 33 - 48) Erection of Two Dwellinghouses. (Copy attached.)
	(c) Land North West of the Sidings, Lye Road, Darnick - 16/01223/FUL (Pages 49 - 60) Erection of dwellinghouse and detached double garage. (Copy attached.)
	(d) Hartree House, Scottish Borders - 16/00865/FUL (Pages 61 - 68) Part change of use of dwellinghouse and garden ground to Wedding venue and erection of marquees. (Copy attached.)
6.	Appeals and Reviews. (Pages 69 - 72) Consider report by Service Director Regulatory Services. (Copy attached.)
7.	Any Other Items Previously Circulated.

8.	Any Other Items which the Chairman Decides are Urgent.

NOTE

Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Members are reminded that any decisions taken by the Planning and Building Standards Committee are quasi judicial in nature. Legislation , case law and the Councillors Code of Conduct require that Members :

- Need to ensure a fair proper hearing
- Must avoid any impression of bias in relation to the statutory decision making process
- Must take no account of irrelevant matters
- Must not prejudge an application,
- Must not formulate a final view on an application until all available information is to hand and has been duly considered at the relevant meeting
- Must avoid any occasion for suspicion and any appearance of improper conduct
- Must not come with a pre prepared statement which already has a conclusion

Membership of Committee:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne, D. Moffat, I. Gillespie, J. Campbell, J. A. Fullarton, S. Mountford and B White

Please direct any enquiries to Fiona Henderson 01835 826502
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SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of MEETING of the PLANNING AND
BUILDING STANDARDS COMMITTEE held
in the Council Headquarters, Newtown St.
Boswells on 5 December 2016 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne (from application 16/00869/FUL),
J. Brown, J. Campbell, J. Fullarton, D. Moffat, S. Mountford, B. White.
Apology:- Councillor I. Gillespie.
In Attendance:- Chief Planning Officer, Principal Roads Planning Officer, Solicitor (Graham
Nelson), Democratic Services Team Leader, Democratic Services Officer (F
Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 7 November 2016.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION

DEALT with the application as detailed in the Appendix to this Minute.

3. **APPEALS AND REVIEWS**

There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED:-

(a) **the Appeal decisions in respect of:-**

(i) **Erection of windfarm comprising 7 No wind turbines up to 115m high to tip, access tracks, sub-station and ancillary works on Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles – 15/00818/FUL;**

(ii) **Replacement windows and door at 62 Castle Street, Duns – 16/00125/LBC; and**

(iii) **Provision of illuminated sign, at 22 Bridge Street, Kelso – 15/00141/ADVERT**

(b) **Appeal outstanding in respect of Land North West of Whitmuir Hall, Selkirk;**

(c) **Review requested in respect of the Erection of 2 No dwellings for holiday let, and associated infrastructure works on Land North West of 4 Rink Farm Cottages, Galashiels – 16/00844/FUL;**

- (d) that the Local Review Body had overturned the Appointed Officers decision to refuse the removal of existing summer house and erection of garden room at Beechwood, lawyer's Brae, Galashiels – 16/00953/FUL; and
- (e) that there remained one Section 36 appeal outstanding in respect of (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir.

4. **PLANNING PERFORMANCE FRAMEWORK 2015-16**

There had been circulated copies of a letter together with the Performance Marker Report 2015/16. The Chief Planner Officer advised that the report had scored Scottish Borders Council with mainly Green RAG ratings against the set performance Markers, with one Amber for processing agreements. It was highlighted that there had been 2 red ratings against Local Development Plan and the Development Plan Scheme. The Committee considered this unjust as the only reason the Council were late in adopting the LDP was because of the time taken for DPEA to report their findings. Members agreed that their views on this delay should be conveyed to the Minister for Local Government and Housing

DECISION

AGREED that the Chairman send a letter to the Minister requesting that the red RAG ratings be reviewed in light of the fact that the delays were forced upon the Council.

The meeting concluded at 12.45 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00744/FUL	Erection of 2 No distilleries with associated visitor centres, bottling hall, maturation warehousing, office, gatehouse with associated roads and infrastructure, and change of use of hotel to form office and staff accommodation	Land North of Former Jedforest Hotel and Jedforest Hotel (now known as Mossburn House)

Decision - Approved in principle by the Committee, subject to the approval of the Scottish Ministers on flooding matters, and to the following conditions.

Committee is requested to issue delegated authority to Officers, to allow the Agent time to resolve further Regulatory matters of detail with SEPA concerning Groundwater Dependent Terrestrial Ecology (GWDTE) issues and Pollution Prevention and Control measures.

Conditions

1. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority regarding the following:
 - a. A detailed construction programme and projected timetable for implementation of the development, to include proposals for the phasing of the development, including phasing of the landscaping plan, and provision of all building and associated infrastructure including access roads, parking and drainage;
 - b. the location, design and layout of any temporary construction compound(s), to include (but not limited to) areas for staff welfare accommodation and areas for storage of construction materials and plant and machinery, etc., the positioning of any static plant as far as practicable from site boundaries, the location orientation and size and height of all site compound buildings to be stationed on the site, (and positioned so as to act as a sound barrier) and the location and design including height of any barriers to be erected around the site to reduce the level of noise, etc.
 - c. notwithstanding the specification indicated on the submitted drawings, which are not hereby approved, detailed specifications and/ or samples of the external finishing materials for all buildings to be erected on the site, to include the use of dark coloured external materials for the warehouse buildings.

Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure an acceptable form of development and to mitigate the landscape and visual impact of the development (as recommended in the applicant's submitted ES) in the interests of the landscape and visual appearance and amenity of the development upon the surrounding Special Landscape Area.

2. All landscaping works including tree and shrub planting, hedgerows; grass and hard landscaping features to be undertaken in accordance with the drawings hereby approved. Notwithstanding changes;
 - a. Changing specification of River birch *Betula nigra* in 'Riverside Trees' since this is not native.
 - b. Using cell grown or pot grown stock as opposed to bare root stock.
 - c. Further details of hard landscaping features
 - d. Further details of Landscape Art Feature

and no part of the development shall commence until details have been submitted to and approved in writing by Council, as Planning Authority, regarding the timescale for undertaking all planting and seeding works which form part of the approved landscaping works together

with a programme for the long-term management and maintenance of all landscape areas within the site. This timetable shall be informed by the construction and phasing programme as required by condition 1 above and include provision for early establishment of all planting following earth works around the site boundary, including the vehicular access. Thereafter, all landscaping shall be provided and implemented in accordance with the approved details.

Reason: Details of the timetable for implementing the proposed/required landscaping arrangements are lacking from the submission and in order to ensure that the approved landscaping works are carried out timeously, including boundary treatments, to ensure the development is screened and absorbed into the landscape and to reduce the landscape and visual amenity impact of the development upon the Special Landscape Area.

3. Any trees, shrubs and seeding/ turfing which within a period of 5 years from planting, are removed or become damaged or diseased shall be replaced no later than by the end of the first planting season with others of similar size, number species and or seeding mix, unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure that all approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the character, appearance and amenity of the development and the surrounding areas.

4. Construction works associated with the development, audible at any point on the boundary of any noise sensitive dwelling, shall be permitted between 0700-1900 hours, Monday to Friday and 0700-1600 hours on Saturday only, and at no other times outwith these permitted hours shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken outwith the permitted/ stated hours of working.

Reason: To minimise the potential disturbance and impact from construction operations occurring within the site upon the amenity of the surrounding area including the nearest noise sensitive properties.

5. No development shall commence until a proposed lighting plan for limited unidirectional lighting to avoid large illumination in the rural site has been submitted to and approved in writing by the Planning Authority. This lighting plan should be designed by a qualified lighting designer in accordance with the Institution of Lighting Engineers; "Guidance Notes for the Reduction of Obtrusive Light". Thereafter development to only be undertaken and lit in accordance with this plan.

Reason: To protect neighbouring residential amenity and protect the rural character and appearance of the surrounding landscape.

6. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining an Archaeological Field Evaluation. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- a) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- b) If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.

- c) Limited intervention of features, or expansion of trenches will only take place if approved by the Council's Archaeology Officer
- d) Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion.
- e) Further development work shall not take place until the Planning Authority has determined the potential for further archaeological impacts and, if required, a further requirement for mitigation.
- f) Development should seek to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan.
- g) If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

The results of additional excavations and an appropriately resourced post-excavation research design shall be submitted to the Council for approval within 1 year of the final archaeological works, and published in an appropriate publication within 3 years.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

7. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- a) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- b) Historic Building Survey will be in accordance with the ALGAO:Scotland guidance as requested by the Planning Authority.
- c) In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- d) Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- e) Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- f) Results will be summarised in *Discovery and Excavation in Scotland* (DES) within one year of on-site completion.
- g) The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

8. Prior to the development commencing a new access to the site shall be constructed and the existing access closed off. The new access to the development shall substantially match the part of the new junction which accesses the site as detailed in the drawing (Drg No EC21062:95:001) submitted by Blyth + Blyth dated 9 May 2016, in support of the application, but excluding the right turn lane. The access shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with

Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced.

Reason: To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved. To maintain safety for both the trunk road traffic and the traffic moving to and from the development

To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.

9. Prior to the development commencing, a Traffic Management Plan for construction traffic shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland, as Trunk Road Authority.

Reason: To maintain safety for both the trunk road traffic and the traffic moving to and from the development

10. The full junction as detailed in the drawing dated 9 May 2016 (Drg No EC21062:95:001), submitted by Blyth + Blyth in support of the application, shall be constructed prior to the occupation of the development.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To maintain safety for both the trunk road traffic and the traffic moving to and from the development. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.

11. The gradient of the access road shall not exceed 1 in 40 for a distance of 15 metres from the nearside edge of the trunk road carriageway, and the first 15 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To maintain safety for both the trunk road traffic and the traffic moving to and from the development. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.

12. Wheel washing facilities shall be provided within the site.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety

13. Traffic bollards (Glasdon Admiral bollard or approved equivalent) to be erected within the trunk road verge on either side of the access at locations to be approved by the Planning Authority , after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason: To ensure that road safety is improved by highlighting the location of the access.

14. Prior to the development commencing a Parking Study shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland as Trunk Road Authority.

Reason: To ensure that sufficient parking spaces are provided within the development. (The Applicant should be advised that the Parking Study is required due to discrepancies within the Visitor Appraisal Study. Parking is based on visitor numbers and car occupancy which is

stated as being assumed to be 2.7 people per car but Paragraph 2.7 in the same report states that Department of Transport figures indicate 1.51 people per car. This discrepancy must be resolved and the Parking Study should also include figures from similar development types to validate the assumed figures in the Transport Statement, based on the Visitor Appraisal Study.)

15. Prior to the development commencing plans shall be submitted to show;
- a. Pedestrian connections to and from the nearest bus stop on the A68.
 - b. Plans to demonstrate replacement of the nearest bus stop on the A68
 - c. Plans to demonstrate how the existing access road will be physically stopped up.
- These shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland as Trunk Road Authority.
Thereafter development to be undertaken in accordance with these approved plans.

Reason: To ensure sufficient access to the development by sustainable transport methods and in the interests of road safety.

16. Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason: To protect the residential amenity of nearby properties.

17. All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.
Reason: To protect the residential amenity of nearby properties.

18. 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.

19. Waste arising from the development shall not be disposed of other than in accordance with Chapter 2 Section 5.5 of the Environmental Statement, without the written agreement of the Planning Authority.

Reason: To ensure that the development does not have a detrimental effect on public health.

20. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

- a) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- b) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- c) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- d) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

21. Prior to the commencement of works an Ecological Clerk of Works (ECoW) shall be appointed to carry out pre-construction ecological surveys, to inform a Construction Environmental Management Plan and to oversee compliance with the Construction Environment Management Plan (CEMP) and Species Protection Plan, ("the ECoW works"). The terms of the appointment shall be submitted for the approval in writing by the Council, as Planning Authority, in consultation with SEPA and SNH. The terms shall include the requirement to
- a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Environmental Statement and other information lodged in support of the application, the Construction Environmental Management Plan and other plans; and
 - b. Require the ECoW to report to the Company's nominated construction project manager, the Planning Authority, SNH and SEPA any incidences of non-compliance with the ECoW works.

Reason: To ensure the protection of the Tweed SAC and European protected species.

22. Prior to the commencement of works a Construction Environment Management Plan shall be submitted for the approval in writing by the Planning Authority. The CEMP shall include
- a) Risk assessment of potentially damaging construction activities,
 - b) Identification of "biodiversity protection zones".
 - c) Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, include the use of protective fences, exclusion barriers and warning signs.
 - d) A Drainage Management Plan
 - e) A Site Waste Management Plan
 - f) An Accident Management Plan
 - g) Responsible persons and lines of communication
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW)
 - i) Actual location of outfall and abstraction as identified in the CAR Licence.

The approved CEMP shall be implemented throughout the construction period and operational phase as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the protection of the River Tweed SAC and European protected species.

23. Prior to the commencement of development a Species and Habitat Protection Plan (including supplementary surveys and measures for; GWDTES, bats, otter, badger, breeding birds and

amphibia as appropriate) is to be submitted to for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme. Reason: To ensure the protection of the River Tweed SAC, European protected species and GWDTES.

24. Prior to the commencement of works, a Landscape and Habitat Management Plan, including measures to compensate for habitat loss and enhance existing habitats including through woodland creation and management, conservation management of grassland and wetlands, provision of a scheme of bat and bird boxes, an artificial otter holt and provision of appropriate access and interpretation, to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme. Reason: To ensure the protection of the River Tweed SAC, European Protected species and enhancement of the ecological interest.

ADVISORY NOTES

1. Transport Scotland:

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement

2. Environmental Health:

Private drainage systems often cause public health problems when no clear responsibility or access rights exists 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 the Condition 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.

The Applicants should liaise with the Councils Licensing Section to establish whether or not the proposed staff accommodation requires to be licenced as a House in Multiple Occupation. liquorandlicensing@scotborders.gcsx.gov.uk

NOTE

Mr G Fry, Jedvalley Community Council, although not as an objector, raised concerns and Mr H Wight, Jedburgh Community Council spoke in support of the application.

Reference

16/00869/FUL

Nature of Development

Erection of sixty dwellinghouses with associated Works.

Location

Cooperknowe Phase 4
And 5, Coopersknowe
Crescent, Galashiels

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

1. All approved residential units shall meet the definition of “affordable housing” as set out in the adopted Local Development Plan 2016 and Supplementary Planning Guidance “Affordable Housing” 2015 and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority prior to development commencing.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools and the reinstatement of the Waverley Railway.
2. The development shall be carried out in accordance with the plans and drawings approved under this consent, including floor plan layouts specified on the approved plans, unless otherwise agreed with the Planning Authority, or requiring to be amended by this or other conditions in this schedule. If floor plans are inconsistent with elevation drawings, a remedial scheme for the same shall be submitted to and approved by the Planning Authority and the development shall be completed in accordance with the approved scheme.
Reason: To ensure the development is carried out in accordance with the approved plans and drawings unless amendments are specified by or agreed by the Planning Authority
3. No development shall commence on flatted blocks on plots 17-22;26-31; and 32-39 or H5 house types, notwithstanding plans and drawings approved under this consent, until revised elevation drawings and supporting floor plans have been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the approved plans and drawings
Reason: To achieve design improvements to these aspects of the development
4. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme
Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved residential development
5. No development shall commence until a phasing programme for the development has been submitted to and approved by the Planning Authority. This shall include all buildings, roads, paths, parking areas, cycle storage, water, foul and surface water drainage services. Development shall only be carried out in accordance with the approved phasing programme. All flatted blocks shall be provided with cycle storage (one per unit) in the locations identified on the approved site plan (Plan PL(01) Revision T) and in accordance with details of the visual appearance of the cycle storage units which shall be submitted to and approved by the Planning Authority prior to their installation
Reason: To ensure the development is carried out in a manner which ensures that occupied residential units are provided with necessary infrastructure and services.
6. No development shall commence until a) written evidence on behalf of Scottish Water that the development will be serviced by mains foul drainage and water supply and b) until a final surface water drainage scheme, based on the approved site layout (Plan PL(01) Revision T) have been submitted to and approved by the Planning Authority. The surface water drainage scheme shall specify permeable paving/surfacing for all parking spaces, underground storage and swale; shall demonstrate that this shall maintain greenfield run-off levels; shall include full details of the swale (sufficient to establish its visual appearance);

and, shall specify future maintenance of the scheme. The approved services shall be installed in accordance with the approved phasing scheme (Condition 5)

Reason: To ensure the development can be adequately serviced and minimise risk of off-site surface water run-off

7. No development shall commence until a scheme of details for the children's play area has been submitted to and approved by the Planning Authority. Details shall include the layout, levels, specification, implementation date(s) and future maintenance of the play area. The play area shall be installed and maintained in accordance with the approved scheme of details.

Reason: To ensure the development is provided with adequate children's play space.

8. No development shall commence, (notwithstanding the details provided in the approved drawings), until a revised and augmented scheme of landscaping and boundary planting (incorporating layout, location, species, schedule, implementation date(s) and future maintenance of all new planting and communal open space within the site) has been submitted to and approved by the Planning Authority. The development shall only be carried out in accordance with implementation and maintenance of the approved scheme.

Reason: Further information is required to achieve an acceptable landscape scheme for the site.

9. No development shall commence, (notwithstanding the details provided in the approved drawings), until a revised and augmented scheme of boundary treatments (walls and fencing and bin store enclosures) has been submitted to and approved by the Planning Authority. The scheme shall include the layout/route of all existing and proposed walls and fencing, and their detailed design, height and materials. All boundary treatments within the application site shall accord with the approved scheme.

Reason: Further information is required to achieve an acceptable boundary treatment scheme for the site.

10. No development shall commence until a scheme of external materials (including specifications and samples of materials and colours) for all buildings within the development, and of all roads, paths and parking areas, has been submitted to and approved by the Planning Authority. The road surfacing layout shall accord with Plan PL(01) Revision T. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area, and that the road layout accords with the approved layout, in the interests of road and pedestrian safety

11. No development shall commence until further details of proposed levels within the site have been submitted to and approved by the Planning Authority. These details shall include existing and proposed ground, road and other hardstanding levels; proposed house and flat floor levels (incorporating a variation in level between plots 1 and 2); and retaining wall height and specifications. The levels shall relate to a fixed, off-site datum. The development shall be carried out in accordance with the approved details

Reason: To ensure levels and retaining walls within the site achieve a sympathetic visual appearance

12. No development shall commence on the roadway until a revised specification for the 'build-out' at Plot 5 has been submitted to and approved by the Planning Authority. The development shall be implemented in accordance with the approved specification

Reason: A minor adjustment is required to achieve a better visual interruption to the road at this point, in the interests of safeguarding road and pedestrian safety

13. The driver visibility splay for the proposed junction onto the C77 (illustrated by the perforated green line on the approved plan PL (01) Revision T) shall be provided free of

obstruction prior to occupancy of the first dwellinghouse/flatted dwelling within the development and maintained free from obstruction thereafter (with the exception of the tree to be retained).

Reason: In the interests of road and pedestrian safety.

14. The existing tree within the site adjacent the proposed C77 junction, and trees adjacent the boundary of the site with the industrial estate alongside plots 48-60 shall be safeguarded during the construction of the development in accordance with a Tree Protection Plan that shall be submitted to and approved by the Planning Authority prior to development commencing. The Tree Protection Plan shall apply BS5837:12. The development shall only be implemented in accordance with the approved plan. The existing tree adjacent the C77 shall be retained following completion of the development and shall not be lopped, felled or otherwise disturbed without the prior written approval of the Planning Authority

Reason: To safeguard a tree of value within the site and minimise risk to trees on land adjacent the site, in the interests of the visual amenity of the surrounding area and the amenity of future residents

15. A window shall be installed within the western gable of Plot 16 prior to occupancy of the dwellinghouse in accordance with a scheme of details submitted to and approved by the Planning Authority prior to works commencing on this plot

Reason: To provide overlooking of the adjacent lane in the interests of visual amenity

16. First floor window openings on the westerly facing elevation of Plot 15 and south-facing elevation of Plot 50 shall be fitted with obscure glazing prior to occupancy of the dwellinghouse in accordance with a specification agreed with the Planning Authority. The windows shall not be later altered or replaced with a different specification, notwithstanding the General Permitted Development (Scotland) Order 1992 as amended 2011 or any subsequent amendment or replacement Order

Reason: To maintain privacy between dwellings and gardens within the development.

17. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

i. Development at (Note 1)

ii. Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.

iii. The development comprises (Note 5)

iv. Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

18. No permission is granted for the proposed houses on plots 59 and 60 identified on the approved site layout plan. Details of the landscaping of this land (plots 59 & 60) shall be submitted to and approved by the Planning Authority prior to the commencement of the development. Thereafter, the approved scheme shall be carried out in accordance with the approved details and within an agreed timescale.

Reason: The Planning & Building Standards Committee considered that there needed to be visual break between the development at Coopersknowe Crescent and the proposed development and that the provision of a landscape area at this point would assist the transition between the two distinctly different phases of development.

Informatives

1. If future maintenance of the play area and communal open space planting/landscaping is to be adopted by the Council, this shall require a legal agreement to cover financial contributions for this arrangement.
2. Colours and finishes for external materials shall be expected to be sympathetic to the varied palette evident within adjacent and nearby housing areas, in particular Coopersknowe Crescent
3. Roads Construction Consent will be required. The applicant should discuss this separately with the Council's Roads Planning Service to establish the scope and requirements of Council adoption.
4. Field drains (understood to be potentially affected by Plot 59), pipelines and other infrastructure are matters the applicants must account directly for prior to commencing work on site. It is also understood from previous application correspondence for this site that that a tail drain for a septic tank (Rowallan) is believed to fall within the site. The applicants/developers should address these matters directly with the owners and utility companies
5. Where alterations to the buildings are required to incorporate zero/low carbon technologies, such works may require separate Planning Permission, unless these do not materially alter the approved development. Amenity implications for neighbouring properties and other residents within the development (in particular, air quality and noise) should, in any event, be accounted for when designing and locating such works.
6. Development should be carried out in a manner consistent with British Standard guidance on constriction works, to maintain neighbouring amenity, in particular BS5228.
7. Any unauthorised disturbance to protective species habitats is an offence under European and UK habitat legislation. The applicants/developers should ensure precautions are taken before commencing work on site (including vegetation clearance) and the advice of an ecologist is recommended.
8. The Notes required of Condition 17 should be completed as follows:
 - Note 1: Insert address or describe the location of the development
 - Note 2: Delete "subject to conditions" if the planning permission is not subject to any conditions
 - Note 3: Insert the name and address of the developer
 - Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)
 - Note 5: Insert the description of the development.
 - Note 6: Insert the application reference number.
9. The Planning & Building Standards Committee in considering the application highlighted that care should be taken to provide appropriate edging for the landscaped area in the centre of the square, to ensure that it is retained as a feature and not compromised by road users and pedestrians travelling over it.

VOTE

Councillor White, seconded by Councillor Ballantyne moved that a site visit be arranged prior to a decision being taken on the application.

On a show of hands Members voted as follows:-

For - 4 votes

Against - 4 votes

There being an equality of votes, the Chairman exercised his casting vote against the holding of a site visit. It was accordingly decided that no site visit be held.

VOTE

Councillor Fullarton, seconded by Councillor Ballantyne moved that the application be approved with the removal of plots 59 and 60.

Councillor Brown, seconded by Councillor Moffat, moved that the application be approved as per the officer's recommendations.

On a show of hands Members voted as follows:-

Motion - 5 votes

Amendment - 3 votes

The motion was accordingly carried.

NOTE

Mr Birnie, Coopersknowe Residents Association spoke against the application.

Reference

16/01090/FUL

Nature of Development

Erection of dwellinghouse

Location

Land East of Fordings,
Lower Green, West Linton

DECISION: approved subject to the completion of a Section 75 legal agreement in respect of Developer contributions and the following conditions:

1. The development hereby approved shall be carried out wholly in accordance with the amended site plan ref BROW01PL003 dated 24 October 2016.
Reason: To ensure that the development is carried out as approved by the Local Planning Authority.
2. 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.
3. Before any development commences on site details of the construction of the proposed parking and turning areas shall be submitted to and approved by the planning authority. The two parking spaces and turning areas shall to be retained in perpetuity.
Reason: To ensure that there is adequate off road parking and turning area within the site in the interests of road safety.
4. The minimum finished floor level of the ground floor of the dwellinghouse shall be 235.1mAOD.
Reason: To protect the property from any potential flooding
5. No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning

Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

6. Before any development commences on site details of height of proposed boundary fencing shall be agreed with the local planning authority and the fence shall be erected prior to any demolition or construction work taking place on the site.
Reason: to protect the residential amenity of nearby residents.
7. Before any development commences on site precise details of valley gutter shall be submitted to and approved by the local planning authority.
Reason: To ensure that the new dwellinghouse does not affect the fabric of existing adjacent properties.
8. Prior to the development commencing, a Traffic Management Plan for construction traffic shall be submitted and approved by the Planning Authority. The plan shall then be implemented in accordance with the approved details.
Reason: To maintain safety for residents living in proximity of the site and traffic moving to and from the development.

NOTE

Mr Roger Brown, Applicant spoke in support of the application.

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JANUARY 2017

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/01061/FUL
OFFICER:	Mr Scott Shearer
WARD:	Mid Berwickshire
PROPOSAL:	Erection of four dwellinghouses, access, landscaping and associated infrastructure works
SITE:	Land South And West Of Wellnage House Duns
APPLICANT:	C & V Developments
AGENT:	Ferguson Planning

SITE DESCRIPTION

The application site occupies curtilage ground to the west and south of The Wellnage which is a Category B listed two storey villa. The building dates from the early 19th century and is one of a series of villas built on Station Road in Duns within spacious grounds. The site generally slopes to the west/southwest with a steeper gradient running through its centre before flattening to occupy a bowl at its western side which sits below the road level. A walled garden is located within the eastern corner of the site. Several of the existing trees throughout the application site are covered by the Station Road Tree preservation Order (ref; BCC No 6). A whinstone wall separates the site from Station Road, this wall and the gatepiers immediately to the north of the application site are also listed.

The site is not located within the Conservation Area, however a number of the large villas to the north and south on Station Road are listed. Additionally, Wellnage Cottage and its former Stables directly to the north of The Wellnage is listed Category C. The Public Park is located on the opposite side of the road. A Scottish Water drain is understood to run through the site.

PROPOSED DEVELOPMENT

This application originally sought permission for the erection of six houses over a larger developable site, but has been revised to reduce the number to four, with the two northern plots having been removed from the proposal. A revised application which seeks permission for four detached dwellings, referred to as Plot 3, Plot 4, Plot 5 and Plot 6 along the southern section of the site is now under consideration.

A mixture of house types are proposed, ranging from a bungalow in Plot 5, one and a half storey dwellings in Plots 3 and 4 and a two storey building in Plot 6 which occupies the walled garden. Each building is to be set under a pitched slated roof with a mixture of stone, render and larch cladding used on the external surfaces of the walls. The dwellings are to be accessed via a new private access from Station Road. The opening for this access has already been formed. Three trees are

identified for removal and details of landscape works are included within an updated Landscape Schedule.

PLANNING HISTORY

A list of relevant planning histories are noted below.

- 92/00305/OUT & 93/00333/REM – Approved. Erection of dwellinghouse known as The Lhen
- 99/01544/FUL – Approved. Erection of a dwellinghouse known as The Dub.
- 15/00535/FUL - Approved. Subdivision of The Wellnage to form two dwellinghouses.
- 15/00537/LBCNN – Approved. Alterations to stables to form additional accommodation at The Wellnage Cottage.
- 15/00932/LBCNN – Approved. Alterations to gate pillars to accommodate junction improvement works related to consent 15/00535/FUL.

Although not a planning application it is relevant to note that approval, subject to conditions was granted for works to trees protected by Tree Preservation Order which covers The Wellnage, under application 16/00393/TPO.

REPRESENTATION SUMMARY

A re-neighbour notification and advertisement process was undertaken when revised proposals were received on the 2nd of November 2016. None of the original objection comments have been removed. Objection comments from 5 different residences (including one letter from signed by additional residents at Boston Court) remain attached to this application. Grounds for objection are summarised as follows;

- Detrimental to the setting of The Wellnage
- Inappropriate infill development
- Lack of demand and development should be directed to other sites allocated within the Local Plan
- Plot 5 and 6 will be visually prominent
- Plot 5 & 6 are should be bungalows
- Road Safety
- Inappropriate vehicle access
- Detrimental to residential amenity, in particular the development of Plot 6 would detract from the amenity of The Lhen by blocking access to light and causing visual intrusion
- If approved the house in Plot 6 should be re-sited towards the west
- Detrimental to the environment
- Development of lower lying ground will exacerbate drainage problems
- Land affected
- Poor design and inappropriate material finishes
- Trees/landscape affected
- Impinge on nature conservation
- Detract from views from Station Road and the park
- Proposals fail to comply with the Local Development Plan
- Impinge on foul drainage infrastructure of neighbouring properties

APPLICANTS' SUPPORTING INFORMATION

A Planning Statement and two additional written representations have been received from the agent along with a revised Landscape Schedule. Each of these are available on *Public Access*.

CONSULTATION RESPONSES:

Consultation responses were first received in response to the original proposals. A re-consultation exercise was carried out for the revised proposals. Comments pertinent to the revised proposals are summarised below with all responses available in full on *Public Access*.

Scottish Borders Council Consultees

Access Ranger: No objection. A Core Path utilises the pavement opposite the site on Station Road. The development does not affect this route or any other Core or Promoted Paths or Rights of Way.

Archaeology Officer: No archaeological implications.

Education and Lifelong Learning: The development is located within the catchment area for Duns Primary School and Berwickshire High School. Contributions are sought towards both schools at £4639 per unit for the Primary School and £3428 per unit for the High School.

Environmental Health Officer: The proposals have been assessed by both the Amenity and Pollution Officer and the Contaminated Land Officer. Planning conditions are recommended to agree details of water supply and confirm connection to the network prior to consumption. Informative Notes providing best practice guidance relating to Construction Noise and Wood Burning Stoves are recommended to mitigate potential nuisances arising from these practices for neighbouring properties.

Flood Protection Officer: Only a very small portion of the site lies within an area with a 0.5% annual risk of flooding. No objection on grounds of flood risk is raised but the design should incorporate measures to route surface water run off away from the dwellings.

Landscape Architect: The site is very visible from Station Road. Ground clearance works which have been carried out are not given support but equally the site is an urban location where infill development is widely accepted so in principle no objection is raised assuming the development is in keeping with the surrounding area and site drainage issues are overcome. The removal of Plot 1 and 2 is welcomed and the development does benefit from the retention of TPO trees which mitigates adverse effects and provides a setting for the new houses. No objection is raised to the findings of the tree survey. The first response recommended that;

1. The removal of two trees from Plot 4 enables the site layout to be adjusted so plot 4 moves toward the gap left by the removals and allows Plot 3 to move further from the Wellingtonia which is an important feature from the road.
2. Concerns are raised that the access to Plot 6 requires an access track to be created through root protection areas (RPA). Construction traffic may damage the trees and could be taken from the lane to the north. A method statement is required to confirm that the access can be built over the retained trees.

Following the revised proposals an updated response has been provided which confirm that Plot 3 is now located outside the TPO of the Wellingtonia. A method statement to agree mitigation measures of the development upon the TPO'd trees is required and should include details of protective fencing during construction as per BS5837:2012. Some limited access will be required within the root protection areas (RPA's) including to lay access to Plot 6. The applicant is aware of this and this must be controlled. These details can be agreed via condition.

Heritage and Design Officer (H&DO): In response to the original 6 house proposal, concerns were raised that the development would have an adverse impact on the setting of The Wellnage. Historic OS mapping shows the house was designed as the principal house within policy grounds and intended to sit facing an open vista to the west with an ancillary stable block and walled garden tucked behind the house. In recent years the policy grounds around the listed building have changed though the overgrowth of a conifer hedge which screens the house from Station Road. The original visual relationship between the house and the road are important. The development of Plots 1 and 2 with a separate new entrance was judged to have a significant enough adverse impact on the setting of the listed building to warrant objection. In principle there is scope for development on Plots 3 – 6, any proposals must retain The Wellnage as the principal house and Plot 5 needs to be subservient and further away from the listed building.

An updated response to a revised 4 house proposal advises that; the removal of houses to the west of The Wellnage addresses the principle concern and reduces the impact of the development on its setting. The layout of the remaining housing proposals have been altered and while there is an impact on the setting of The Wellnage from their development the proposals take account for site levels and proposed screen planting. Plot 5 is now subservient to The Wellnage and the height of Plot 6 has been reduced. The proposals will be visible from the road, especially Plots 5 & 6 owing to their siting on higher ground levels. The contemporary design approach is not opposed. No issue is raised with the general palate of materials however a key issue will be the colour / hue of these finishes to help the buildings recede. It is recommended that the render should be darker than off white and rather than leaving the timber to weather it should be stained a colour, possibly grey.

On balance, the revised proposals represent a significant improvement from the original 6 house scheme and no objected is raised provided that the colour of the external wall finishes are agreed via condition.

Roads Planning Officer (RPO): No objection provided the following points are included in any consent issued:

- Engineering drawings of the new footway between new junctions incorporating pedestrian crossing points to the footway opposite are required
- The first 6m of the new access is finished to the surface and gradient specification of the RPO.
- Visibility splays on the new junction shown on the submitted plan must be implemented prior to occupation of the first house and retained in perpetuity
- No part of the access road should have a gradient in excess of 1 in 8.
- All work within the public road boundary must be carried out by an approved contractor.

Statutory Consultees

Duns Community Council: Object, on the following grounds;

- Lack of demand
- Lower area of the site is a bog and unsuitable for development
- A large drain is located within the site and there is no information of the development avoid impacting on this infrastructure
- Insufficient information about treatment of surface water drainage
- The houses are not in keeping with surrounding development and are too tall for a sloping site
- Number of accesses on to Station Road
- The exact height of the development from the Station Road is unclear
- Pre-development works are concerning and during construction the development may be an eyesore

Scottish Environmental Protection Agency (SEPA): No objection. The following points are noted;

- Further investigation of surface water flooding is recommended to ensure surface water is handled appropriately and does not increase the risk of flooding at neighbouring properties or infrastructure.
- Scottish Water assets run through the site at Plot 3 and 4 and the development should avoid this infrastructure.
- Means of drainage via the public sewer is supported and should be compliant with SUDS in line with Scottish Planning Policy (SPP).

Other Consultees

Architectural Heritage Society of Scotland (AHSS): Object. The scale, use and materials of the proposals will have a detrimental impact on the setting of the Wellnage. Additionally Plot 6 is insensitive amid the designed landscape and is not appropriate for development.

Berwickshire Civic Society (BCS): Object. The proposal is detrimental to the setting of the listed building, views from Station Road and the Park, reducing the amenity of the settlement. The modernist design of the dwellings is out of keeping with the character of the surrounding area. Proposals should restore the landscape framework which has been removed from the site.

DEVELOPMENT PLAN POLICIES:

Scottish Planning Policy (SPP) 2014

SES Plan Strategic Development Plan 2013

Policy 5 Housing Land

Scottish Borders Council Local Development Plan 2016

PMD2 Quality Standards

PMD5 Infill Development

HD1 Affordable Housing

HD3 Protection of Residential Amenity

EP7 Listed Buildings

EP13 Trees, Woodlands and Hedgerows

IS1 Public Infrastructure and Local Service Provision

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 on;

Affordable Housing (2015)
Development Contributions (updated 2016)
Landscape and Development (2008)
Placemaking and Design (2010)
Privacy and Sunlight (2006)
Trees and Development (2008)

Managing Change in the Historic Environment on Setting (2010)

KEY PLANNING ISSUES:

The main determining issues with this application are whether the revised application complies with Development Plan Policies and Supplementary Planning Guidance on infill development within the residential area and within the setting of statutorily listed buildings.

ASSESSMENT OF APPLICATION:

Planning Policy

This proposed residential development is located within the settlement boundary for Duns. SPP which is the national planning policy set by the Scottish Government acknowledges that windfall or infill types of development within settlements can positively contribute to housing land supply. While SPP supports the principle that settlements should be able to absorb the effects of infill development it recommends that development must be carefully controlled, especially to ensure that no over development takes place.

Similar to SPP, the primary LDP policy consideration for this application which is Policy PMD5 is also generally supportive of the location of residential development within settlement boundaries. To establish if an infill development is supportable, the proposal must demonstrate that it complies with a range of land use planning criteria set by Policy PMD5. These criteria will be assessed within this report.

The proposed development of four residential properties within an existing settlement is viewed to comply with the broad national and local planning policy principles for infill development. However it is the specific consideration of the proposals against the criteria listed by Policy PMD5 which will determine if the development is supportable.

Land Use

Criterion a) of Policy PMD5 requires that the proposal does not conflict with the established land use of the area. In this case, the predominant land use of the surrounding area is residential and the area is also residential in character. The proposed development of the site for residential purposes would be in keeping with

this part of Duns. This proposal is judged to comply with the criteria a) of Policy PMD5.

Placemaking, Design and Impact on Setting of The Wellnage

In the case of this application the points raised by criteria b), c) and d) of Policy PMD5 are linked. These points require that the development does not detract from the character of the surrounding area; respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming. Directly related to the consideration of these three criteria is the assessment of whether the proposal respects the setting of the Category B listed building under the terms prescribed by Policy EP7. For the purpose of the determination of this application these considerations are interrelated and are discussed below.

Station Road has a mixed architectural context where its northern area is defined by the location of large villas set within spacious grounds before the density of development increases travelling south where modern residential development has taken place. The character of the site itself is heavily influenced by the presence of the listed Wellnage and its setting. Even though The Wellnage is now partly screened by a hedge, its positioning on a raised site within very spacious policy grounds means that it is prominent from Station Road. The H&DO has advised that historic maps reveal that The Wellnage was intended to sit with an open vista to the west.

Towards the south of the Wellnage the context of Station Road begins to change. Here, the density of development becomes higher. This built context is also influenced by the modern developments along Trinity Lane which include the development of The Dub and The Lhen within grounds which once formed part of The Wellnage. As a result of these two developments on Trinity Lane, it is important to note that these latest proposals will not be the first development of policy grounds associated with The Wellnage. The focus of the development along the southern boundary of the site helps the proposals to tie in with the transition of development along Station Road which occurs to the south and north east of the Wellnage. The removal of Plots 1 & 2 from the proposals avoids introducing buildings in front of The Wellnage so that the listed building can retain its uninterrupted westerly vista which was the principal heritage concern of the original proposals.

The reduced volume and the location of the revised development ties in more sensitively with the planned layout of the area. The plot ratios are reasonably spacious and are not inconsistent with the ratios of plots immediately to the north east and south. Aided by the removal of Plots 1 & 2 the revised development retains The Wellnage as the largest site within the immediate surroundings and the reduced number of houses is not considered to represent over development of the area.

The design of the proposed dwellings is unashamedly contemporary. Other modern developments have been previously been added around The Wellnage most notably along Trinity Lane. It is conceded that these existing contemporary buildings are not as publicly visible or directly related to The Wellnage as these proposals. A Landscape Schedule has been submitted which details planting which is primarily proposed around the new entrance and access. This planting will provide some screening in time, however there will be visibility of the development, especially Plots 5 and 6 which occupy higher ground. The contemporary designs include subservient flat roofed elements and areas of glazing are otherwise set within pitched roofed buildings of traditional proportions.

The development in Plot 5 has been reduced so that a bungalow is now proposed which achieves clear subordination to The Wellnage and its positioning to the east of the site means it does not encroach on its principal elevation. Plot 5 does include an odd canopy linking the garage and dwelling but because the building is set back from Station Road the public impact of this feature is low. The building proposed within Plot 6 will be visible above the walls which enclose the walled garden. The height of the building has been reduced and the house will be set lower in the site. While the design of Plot 6 is arguably the least successful, it does not result in the removal of the original features of the walled garden and the reduction of the scale of the building proposed in this site reduces the impact of the development on its setting.

The Section Drawing which has been submitted is helpful. This plan illustrates that when viewing from Station Road the revised proposal ties in more sensitively with the designed landscape at The Wellnage because the height of the buildings follow the landform by stepping down in height from The Lhen to the rear of The Wellnage. In particular the development of Plot 5 & 6 which occupy similar ground levels to The Wellnage will be subservient in height alongside the listed building when seen from Station Road. This plan also illustrates that Plot 3 & 4 sit below the road level.

The Community Council, AHSS, BCS and third parties have raised concerns about the design approach and visual impact of the development. However, the Heritage and Design Officer has considered the proposal and does not raise issue with the contemporary design. The design approach will add to the variety of architectural forms which are visible within this wider urban location which is outside of the Conservation Area. The scale and siting of the revised proposals are judged to remain subservient to The Wellnage and not compromise its setting as the dominant building within its grounds which enjoys views to the west. Owing to visibility of the development, the finished appearance of the development will be important to reduce the impact of the buildings. The proposed palette of materials which consists of slate roofs with render and larch walls is not opposed in principle. Nevertheless darker wall material colours than the proposed off-white render and untreated timber will be required to enable the new buildings to recede into their landscape setting and alongside the darker whinstone hues of The Wellnage and the roadside boundary wall. Agreement of darker wall material finishes can be agreed by condition.

Overall, the revised scheme represents an improvement from the original submission. Due to the visibility of the site and its relationship with the Category B Listed house known as The Wellnage, this is a sensitive location for development. Nevertheless, the reduction in the volume of houses, the removal of development in between The Wellnage and Station Road and the revisions to the siting, scale and design of the proposed development enables the proposals to not represent overdevelopment of the site. On balance, the proposals do not detract from the character and visual amenities of the surrounding area without adversely affecting the setting of The Wellnage. Concerns about the material finishes can be addressed by planning condition. The proposed development is not viewed to adversely affect the setting of any other neighbouring listed buildings.

In light of this assessment, it is judged that the proposals satisfy criteria b), c) and d) of Policy PMD5 and the requirements for developments which affected the setting of listed buildings within policy EP7.

Trees and Landscaping

Policy EP13 seeks to protect woodland resources from development especially where the development involves a site which is protected by a Tree Preservation Order. Additionally, the landscape proposals should respect the amenity of the area.

As noted previously, the site forms part of the Station Road Tree Preservation Order. Apart from the removal of the cherry tree which is located at the access to Plot 5, consent was obtained to remove the other trees and reduce the crown of the sycamore which is shown on the submitted plan under consent 16/00393/TPO. It is noted that other works to clear vegetation has been carried out which has exposed the site from Station Road.

The revised proposals have moved the dwelling in Plot 3 further away from the Wellingtonia which is a distinctive feature from Station Road. Following the removal of two trees from Plot 4, it would have been beneficial if Plot 3 could have moved further east but owing to the location of Scottish Water's drain this was not possible. For landscape purposes the location of the drain is unfortunate, nevertheless the revised position of Plot 3 is outwith the Root Protection Area (RPA) of the Wellingtonia and it is an improvement from the original submission.

No houses are positioned within locations which should have a harmful effect upon any of the TPO'd trees which are to be retained. The retention of the mature trees provided an established landscape setting for this development. The retained trees will require to be adequately protected during construction works and this can be achieved by planning condition. Some of the accesses, particularly the access to Plot 6 are located within RPAs. Despite this it is possible to mitigate impacts on roots through careful road construction measures. These measures can be agreed through a Construction Method Statement via a planning condition.

A Landscape Schedule has been submitted which details planting along the bottom of the site which in time will provide some screening and in places backdrops to Plots 3 and 4. The proposals will reinstate some of the road side planting which has been lost. The principles of these proposals appear acceptable in principle and the precise details can be agreed by condition.

It is considered that the development does not adversely affect the Station Road TPO and mitigation to protected existing trees can be achieved through planning conditions along with the agreement of the planting schedule.

Impact on Local Infrastructure

Criterion e) of Policy PMD5 requires adequate access and servicing to be achieved, particularly accounting for water supply, drainage and school capacity.

Access and parking

The development is to be served by a single access onto Station Road. Historically there has been an access onto Station Road at this location, albeit in the form of a smaller gated opening which has been recently enlarged. Since the submission of the original proposals, local concern has been expressed that the development will have an adverse effect on road safety. This concern was not shared by the Roads Planning Officer but despite this, the revised proposals which reduce the number of dwellinghouses and accesses on to Station Road result in reducing the impact of this development upon the local road network. Roads Planning have provided an updated

consultation response where further details regarding the precise design of the access and a pedestrian crossing point are required. These matters can however be handled via appropriately worded planning conditions.

Each house includes provision for parking and the updated plan has included provision for turning at Plot 5. The parking area at Plot 6 seems slightly tight and may require to be increased in size to aid vehicle movements. Consequently, the visual impact of this change would be of a minor nature therefore it does not raise concern. Ultimately, the delivery of the parking areas can be secured through a planning condition which ensures compliance with Policy IS7.

Water and Drainage

Objections have been raised that developing the site could cause disruption to properties water supply within this part of Duns which is served by Scottish Water assets which runs through the application site. During the case officer's site visit, this infrastructure did appear visible from the trenches which had been dug in areas between Plot 3 and 4, as SEPA have suggested. The presence of this pipework has had a bearing on the siting of the development. It is understood that part of the access road and driveway of Plot 3 are located over the pipe, however dwellings are not. Fundamentally, it is a matter for the developer to ensure that their development not adversely affect assets belonging to Scottish Water. Given that this infrastructure is believed to serve a significant part of the local population, it is recommended that the developer should provide confirmation from Scottish Water that the development will not adversely affect their infrastructure.

Water supply is to be provided by the mains. There are no known local deficiencies with water supply. Environmental Health Officer's recommend a condition can ensure that the supply can adequately serve four additional properties without impinging on the supply of other within the area.

The low lying western end of the site, adjacent to Station Road has been suggested within objection comments to become waterlogged and that the development of this ground will exacerbate drainage problems. Two houses have been removed from this part of the site, with the house located within Plot 4 revised so that it occupies higher ground. The Infrastructure Considerations listed within the LDP Duns Settlement Profile does not identify that there are any wider drainage infrastructure issues. The aforementioned revisions which have been made to the proposal should provide some mitigation to this localised drainage problem in comparison to the impact of the original scheme. Any outstanding drainage issues should be able to be addressed through appropriately worded planning conditions which can agree suitable surface water treatment methods including provisions to avoid water flowing onto the road. With these safeguards, it is possible that the situation will be improved rather than worsened.

Developer Contributions

In line with Policy IS2 and HD1, all development that is otherwise acceptable but cannot proceed due to deficiencies in infrastructure and services will be required to make contribution through a legal agreement towards such deficiencies. This application triggers a requirement to make financial contributions towards both the local Primary and High School and affordable housing through our established commuted sum model for a development of this scale. The developer has agreed to comply with these policy requirements and settle the contributions through a Section 75 Legal Agreement.

Following the above consideration, it is concluded that the development satisfies the requirements of criterion e) of Policy PMD5 and other related LDP policy provisions for these matters.

Residential Amenity

Criteria f) of Policy PMD5 states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The existing mature planting which runs along the southern boundary of the site means that neither of the dwellings will affect the amenity of neighbours to the south. There were concerns that the height of the original dwelling proposed at Plot 6 would have an undesirable impact on the outlook of The Lhen to its rear, whereby neighbours would be faced with a view of the whole of the roof which would have an overbearing impact, especially from upper floor rooms in their property. The design of Plot 6 has been amended so that its roof height has been reduced with the building positioned at a lower ground level.

The revisions to Plot 6 reduce the impact of this development for the neighbours within the Lhen. The amendments allow the tall hedge which presently separates the plots to act as a greater screen between the two houses, include from the upper rear windows of the development. The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light. Applying the principles of this guidance against the proposed development at Plot 6, this proposed dwelling does not contravene the recommended standards and therefore does not detract from the amenity of The Lhen. The proposals raise no adverse amenity issues between each other or detract from the residential amenity of The Wellnage.

The site is located within an established residential area. To limit the disruption caused by construction works, an informative recommended by Environmental Health provides the developer with advice of construction hours and noise standards which are set by Environmental Health legislation. This advice can be attached as an informative to any consent.

Other Matters

Flooding

There has been local concern that the site will exacerbate flood risk. During the case officer's site inspection, it was apparent that the grounds nearest Station Road did appear damp. SEPA have not objected and the Flood Risk Officer has advised that only a very small area of the site is at risk from flooding but no objection on flood grounds is raised. Two houses have been removed from the development so this should alleviate flood risk concerns and the recommendations to agree surface water run off measures, particularly to direct water away from dwellings can be agreed via an appropriately worded planning condition.

Ecology

Concerns have been raised the development will affect nature habitats. The site is not protected by any nature conservation planning policies. Protected species are

safeguarded by other legislation and it will be the responsibility of the developer to ensure that they do not harm any protected species or habitats when they are developing the site.

CONCLUSION

The proposed development occupies a location within the Duns settlement boundary, where national and local planning policies are generally supportive towards infill development. Due to the visibility of the site and its relationship to the category B Listed Wellnage this is a sensitive development site. The revised scheme which has reduced the volume and scale of the proposals represents an improvement against the original submission. It is considered that, on balance, the reduced scheme does not have an a harmful impact upon the character of the surrounding area, the setting of the Listed Building, the amenity of neighbouring residential properties or the Tree Preservation Order which covers the development site. Subject to the strict compliance with the schedule of conditions, the proposals are judged to compliments determining policies of the Local Development Plan, principally Policies PMD5, EP7, EP13, HD3 and IS9.

RECOMMENDATION BY THE CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement addressing contribution towards Education and Affordable Housing and the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority as specified in the drawing list on this consent notice.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials, including colour finish to be used in the construction of the external walls of the buildings have been submitted to and approved in writing by the 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.
3. No development shall commence until a Construction Method Statement (CMS) has been submitted to and agreed in writing with the Planning Authority to outline specific details of all on site tree protection measures. The CMS shall include but not be limited to the following points;
 - (a) The location of protective fencing which shall be erected around the Root Protection Areas (RPAs) of all trees which are identified for retention on Drawing No; P348-SR-001 in accordance with BS5837:2012 and remain erected for the duration of the development.
 - (b) Details to agree how access roads will be constructed which fall within RPAs.
 - (c) Details to minimise the impact of construction works and practices upon the RPAs of all retained trees.Reason: To ensure adequate precaution are taken to protect the retained trees during building operations as their loss would have an adverse effect on the visual amenity of the area.

4. 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.

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, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.
 Reason: To ensure the satisfactory form, layout and assimilation of the development.

6. No development shall commence until Engineering Drawings of the new road junction incorporating pedestrian crossing points on both the new footway and the existing footway opposite have been submitted to and agreed in writing with the Planning Authority and thereafter the completed before occupation of the first dwellinghouse. The submitted drawings shall comply with the access specifications required by the Roads Planning Officer within their consultation response of the 15th Dec 2016 and listed within Informative Note 2. All work carried out within the public road boundary must be completed by an approved Council Contractor.
Reason: To achieve safe vehicular and pedestrian access to the site.

7. A vehicle turning area and two parking spaces, not including any garage space shall be provided within the site prior to the occupation of each dwellinghouse hereby approved and shall be retained in perpetuity.
Reason: To provide and maintain adequate off road parking.

8. No development shall commence until the applicant has provided the Planning Authority with written confirmation from Scottish Water that Scottish Water do not have any objection to the location and siting of the development illustrated on Drawing No; P348-SR-001.
Reason: To avoid the development causing any adverse impacts upon local infrastructure.

9. No development shall commence until the means of surface water drainage which should make provision to route water away from dwellinghouses and avoid water flowing on to the public road has been submitted to and approved in writing by the Planning Authority and thereafter the development shall be completed in accordance with the approved details.
Reason: To ensure that the site is adequately serviced and avoid causing surface water problems at any neighbouring properties.

10. No development should commence until 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.

Informatives

1. With reference to Condition 2, the render colour should be darker than off white which is indicated on the drawings and staining the timber a colour possibly grey will assist with integrating the development into its surroundings.
2. With reference to Condition 6, the following requirements of the RPO should be incorporated within the detailed access design and illustrated on the submitted drawing;
 - The first 6m of the proposed access onto Station Road to be surfaced to my specification i.e. 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.
 - The first 6m of the proposed access onto Station Road to have a gradient no steeper than 1 in 15.
 - The visibility splays on the submitted plan to be provided prior to occupation of the first dwelling and retained thereafter in perpetuity.
 - No part of the proposed private access to exceed 1 in 8 in gradient (1 in 15 for parking and turning areas).
3. The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. To limit the impact of the development upon the amenity of neighbouring residential properties it is recommended that any works which generate above average noise are carried out during the following hours;

Monday – Friday 0700 – 1900
 Saturday 0700 – 1300
 Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council.

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

DRAWING NUMBERS

Plan Ref	Plan Type	Date Received
P345-SR-LOCB	Location Plan	26.08.2016
P348-SR-001	Site Plan	01.12.2016
003/16/SP01	Section	01.12.2016
P348-SR-007	Plot 3 Elevations	26.08.2016
P348-SR-006	Plot 3 Floor Plan	26.08.2016
P348-SR-009	Plot 4 Elevations	26.08.2016

P348-SR-008	Plot 4 Floor Plans	26.08.2016
005/16/SK01	Plot 5	02.11.2016
001/16/PA01	Plot 6	01.12.2016
001/16/PA02	Plot 6	01.12.2016

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

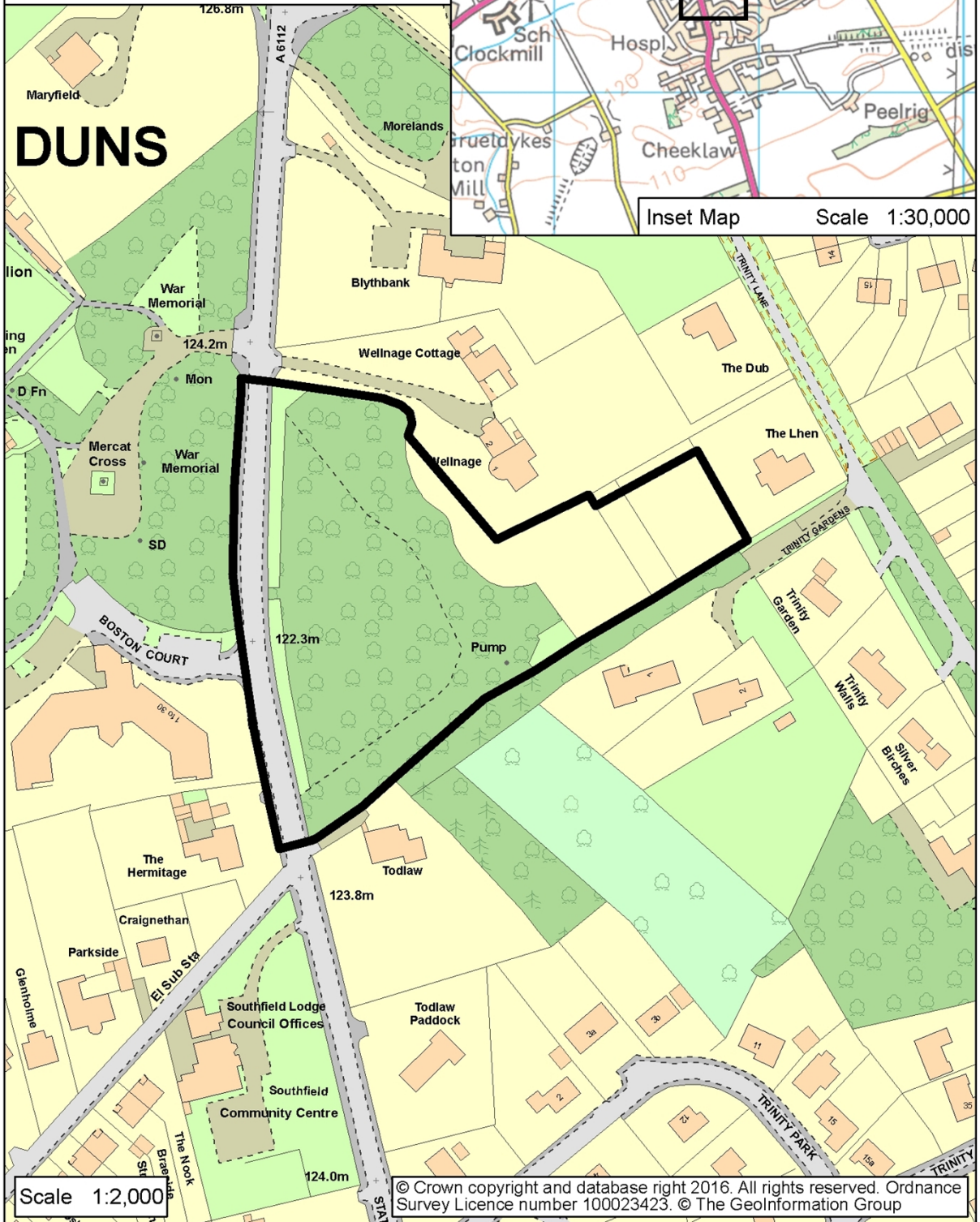
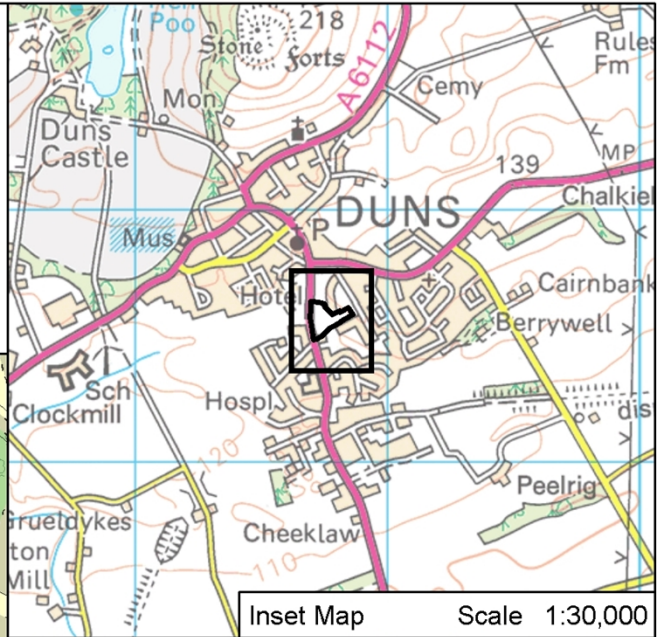
Author(s)

Name	Designation
Scott Shearer	Planning Officer



16/01061/FUL

Land South And West Of Wellnage House
Duns
Scottish Borders



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JANUARY 2017

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/00243/PPP
OFFICER:	Barry Fotheringham
WARD:	Mid Berwickshire
PROPOSAL:	Erection of Two Dwellinghouses
SITE:	Land East of Langbank Cottage, Swinton
APPLICANT:	Mr A H Garratt
AGENT:	Smith and Garratt Rural Asset Management

SITE DESCRIPTION

The application site is an area of land located to the north of Swinton House near the Berwickshire village of Swinton. The site is situated to the east of Langbank Cottage and to the west of Swinton House North Lodge. To the west of the application site, adjacent to Langbank Cottage, are Langbank Garden Cottage and Langbank Farmhouse.

The site is defined to the north by an existing minor public road and to the south by agricultural land. The east and west boundaries of the site are defined by timber post and rail fences.

The application site was previously wooded and forms part of the Swinton House Designed Landscape (SBC). The trees have been felled, the site is clear, and the land is currently being used as a timber yard for the purposes of logging and producing firewood. The application site sits above the level of the adjacent public road.

PROPOSED DEVELOPMENT

This application seeks planning permission in principle for the erection of two dwellings. As the proposals seek permission in principle only, no details have been submitted in support of the application. The site plan does however show two L-shaped dwellings located either side of a shared access point and the application has been supported by design and access statement.

PLANNING HISTORY

There is no planning history associated with this site. However the following applications are relevant:

98/00194/FUL – Alterations and extension to dwellinghouse – Langbank Farmhouse. Approved 13 March 2003

01/00821/COU – Change of Use to form 2 dwellings – Steading Building, Langbank Farm – Approved 21 August 2001

05/02246/FUL – Alterations and extension – Langbank Cottage – Approved 27 January 2006

07/00812/FUL – Change of use to dwellinghouse and annexe – Steading Building, Langbank Farm – Withdrawn 22 June 2007

07/01702/FUL – Change of use to dwellinghouse and annexe – Steading building, Langbank Farm – Approved 13 February 2008

REPRESENTATION SUMMARY

A total of 4 No objections from separate households were received in connection with this application. The principal grounds of objection can be summarised as follows:

- Contrary to Local Plan
- Inadequate access – the public road is in very poor condition with no passing places. There are several blind bends and it is used by considerable agricultural traffic.
- Inadequate drainage
- Increased traffic – will lead to an increase in the number of accidents
- Privacy of neighbouring properties affected
- Road safety – If planning consent is given, it is essential that the road be brought up to a proper standard before any site clearance and building commences as it is most definitely not fit for purpose. It should be noted that the road faults have been reported several times but no acceptable repair has been undertaken.
- Flood risk – There is a periodic problem with flooding in the area which would likely be increased as a result of the proposed development.
- Listed Building – The proposed development would be in close proximity to the listed entrance gates to Swinton House. Development would cause a permanent loss of amenity by altering the appearance and character of the immediate area, contrary to Policy BE2.
- Overlooking and loss of privacy
- Lack of information with regards to drainage
- The site will not be well related to an existing group of 3 dwellings. It would be on open ground (formerly woodland) and lead to ribbon development, inappropriate for this location.

Additional comments from two separate households (original objectors) were received following submission of the applicant's supporting statement. These comments can also be summarised as follows:

- "North Lodge is not susceptible to flooding." It is not clear what the applicant has relied on in making this statement, but North Lodge has in fact had a number of issues with flooding over the past 20 years. Although there has been no direct water ingress into the property, there has been flooding around three sides of the property on at least three occasions in the last ten years. The damage periodically caused by fast flowing flood water around the property can clearly be seen at the footings to the gates to Swinton House directly adjacent to North Lodge.
- "it has not been necessary for the owner of North Lodge to undertake works to divert flood water from the development site and no such works have been undertaken." – Because of the regular problem of flood water running from

the direction of the proposed development site around the north side of North Lodge, it was necessary to have a channel dug and pipework installed to divert the water away from the house and towards the land drain. The applicant and the Council are both more than welcome to inspect the drainage works, and the damage caused by past flooding.

- The applicant claims that an electricity company felled all of the mature trees on the site. No electricity cables cross over the site.
- Given the illegal nature of the "Brownfield" site and the questionable felling of the mature trees, perhaps the fairest solution would be to replant the area with trees.

The additional comments are also available for Members to view in full on Public Access.

APPLICANTS' SUPPORTING INFORMATION

The applicant has submitted a design and access statement in support of the application. The statement provides an introduction to the application, outlines the site history and provides initial ideas in terms of the design of the proposed dwellings. The statement goes on to cover the nearby listed gates, the design landscape and provide a response to the third party letter of objection. The design and access is available for Members to view in full on Public Access.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD1 – Sustainability
Policy PMD2 – Quality Standards
Policy HD1 – Affordable and Special Needs Housing
Policy HD2 – Housing in the Countryside
Policy HD3 – Protection of Residential Amenity
Policy EP10 – Gardens and Designed Landscapes
Policy EP13 – Trees, Woodlands and Hedgerows
Policy IS2 – Developer Contributions
Policy IS7 – Parking Provision and Standards
Policy IS8 – Flooding
Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage
Policy IS13 – Contaminated Land

OTHER PLANNING CONSIDERATIONS:

SBC SPG – Affordable Housing
SBC SPG – Contaminated Land Inspection Strategy
SBC SPG – Development Contributions
SBC SPG – Landscape and Development
SBC SPG – New Housing in the Borders Countryside
SBC SPG – Trees and Development

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: No objections in principle, however the following points must be included within any detailed application:

- The access to be formed to my specification DC-6 or alternatively DC-2. Both of which incorporate a service lay-by.
- 1 passing place per unit to my specification DC-1, to be provided at agreed locations on the public road leading to the site.
- Given the condition of the public road leading to the site I think it would be wise to attach a condition to any consent granted requiring pre and post condition surveys to be carried out. This would protect the Council against any unreasonable damage caused to the public road and also protect the applicant against any unwarranted claims.
- Two parking spaces to be provided within the boundary of each plot, and maintained in perpetuity thereafter.

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

Education & Lifelong Learning: A contribution of £4512 per unit is sought for the High School, making a total contribution of £9024. This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Flooding: The site is 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 year. A Flood Risk Assessment (FRA) should be undertaken to develop a 1 in 200 year plus climate change flood level and assess if the new development is at risk of flooding and if appropriate how much flood plain storage is lost.

Should the FRA show that compensatory storage is required the FRA should include measures to provide this. Ideally a Finished Floor Level (FFL) above the 1 in 200 year plus climate change level should be developed with an appropriate allowance for freeboard.

The FRA should provide details of the flood risk associated with a 1 in 200 year flood event plus climate change at this site and any level and survey information should be provided in metres Above Ordnance Datum.

Environmental Health: No comment in terms of air quality, noise, nuisance, private water supply or contaminated land.

Landscape Architect: The site is within landscape character area BRD 15: Tweed Lowlands in the Borders Landscape Assessment (1998). It is within an area of land to the west of North Lodge and is part of the Swinton House Designed Landscape (DL), site 86 in the McGowan (2008) survey of Borders Designed Landscapes.

Until recently, the area was woodland within the DL forming part of the policies of Swinton House but the trees have been felled within the last 9 years. (From our GIS aerial imagery, I can see that the site was wooded in 2007 but cleared by the time the most recent survey was flown on 19/04/2014. The Forestry Commission has no record of a felling licence for this area.)

McGowan describes Swinton as an “Isolated designed landscape within an agricultural landscape.” The surrounding area is predominantly arable farmland and the loss of mature woodland cover at this site is unfortunate and erodes the structure of the Designed Landscape and reduces a significant woodland feature in a

predominantly open landscape.

The transition from mature woodland to the current condition of timber yard represents a loss in landscape quality. A further transition to housing would not contribute to landscape quality and would entrench the previous change.

The application appears to be contrary to policy EP10: Gardens and Designed Landscapes. In terms of the previous woodland condition and the 'unauthorised' woodland removal, policy EP13 may also be relevant. I do not support the application.

Statutory Consultees

Swinton & Ladykirk Community Council: No response

SEPA: SEPA object to this planning application on the grounds of lack of information. The site is shown to be at flood risk on the SEPA Flood Map. SEPA request a Flood Risk Assessment, or other appropriate information including topographic information to Ordnance Datum is submitted for the small watercourse adjacent to the site. This should include consideration of a culvert blockage both upstream and downstream of the site on predicted flood levels. It should be noted that the provision of this information may highlight the site as unsuitable for development.

SEPA will review their objection on flood risk grounds if a Flood Risk Assessment (or other information) demonstrates that the development accords with the principles of Scottish Planning Policy. Other appropriate information might include proposed development site and finished floor levels (to Ordnance Datum) related to nearby watercourses, appropriate photographs and/or any nearby historical flood levels. Topographic level information could include cross sections across the river (including the channel bed levels and bank levels of the opposite bank), upstream, downstream and adjacent to the site. However if this information is insufficient to provide a robust assessment of the risk of flooding to the development then a detailed flood risk assessment may need to be carried out by a suitably qualified professional.

Other Consultees

None

KEY PLANNING ISSUES:

The key planning issues with this application are whether the proposed site is a suitable addition to a building group and whether the site is at risk from a 1 in 200 year flood event. Other key planning issues would include the impact of the loss of trees and proposed development on the Designed Landscape, vehicular access to the site from the minor public road and the potential impacts on the residential amenity of neighbouring dwellings.

ASSESSMENT OF APPLICATION:

Planning policy

Policy HD2 of the Local Development Plan 2016 (LDP) is the principal policy constraint by which this application must be assessed. This policy aims to encourage a sustainable pattern of development focusing on existing settlements. However, the policy also aims to encourage housing developments in appropriate

locations in the countryside, such as existing building groups. Where a building group exists, housing of up to a total of 2 additional dwellings or a 30% increase in the building group, whichever is the greater, may be approved provided a number of criteria can be met. The site must be well related to an existing group of at least 3 houses or buildings in residential use. The cumulative impact of any new development on the character of the group will be taken into account and any consents for new build should not exceed 2 dwelling units or a 30% increase during the current local plan period.

It is accepted that a building group of 3 dwellings does exist at this location. The core of the group consists of the dwellings known as Langbank Cottage, Langbank Farmhouse and Langbank Garden Cottage. These dwellings are well related to each other and form a clearly identifiable sense of place contributed to by the buildings and man-made boundaries. North lodge, located to the East of the application site was previously divorced from the original building group by mature structure planting forming part of the SBC Swinton House Designed Landscape. In his design and access statement, the applicant states that the trees covering the application site were felled in 2004/05 by Scottish Power in order to carry out work on power lines. However, this is disputed by a local objector. As a result of the tree felling North Lodge is now intervisible with the core of the group despite being approximately 95m from Langbank Farmhouse and Langbank Cottage.

Members should be aware that the removal of trees has had a bearing on the assessment of this application as it not only has an impact on the Designed Landscape, but it also alters the baseline in terms of the extent of the existing building group. This tends to be a judgement that can only be made on site, taking into site specific circumstances and will vary from application to application.

In this case, it was only evident from the Officer's initial site inspection that the site had been cleared of trees. First impressions indicated that the site would require the removal of existing mature trees in the Designed Landscape to facilitate the development, which is unlikely to have been acceptable; in fact the area had been clear felled and the use of the land changed, opening up views between Langbank and North Lodge. In most cases, the edge of the building group will be clear, particularly if there are significant landscape features such as the former woodland but in this case the edge of the group was somewhat blurred.

The edge of the building group was clear from earlier aerial images. The group was well contained by the public road to the north, field boundaries to the west and south and the woodland to the east. This formed a tight knit group of buildings which could be described as being complete. At that point in time, there was no clear inter visibility between the buildings at Langbank and North Lodge and it was considered that North Lodge did not form part of the Langbank building group as the trees physically separated them. However, now that the trees have been removed there is clear inter visibility between Langbank and North Lodge and it could now be argued that North Lodge forms part of the established building group. It is important to note that the removal of the trees would not, in itself, have required any form of planning permission or related consent, although the use as a commercial yard would.

Other factors which need to be taken into consideration in the assessment of the extent of an existing group would also include the distance between buildings, topographical relationship between buildings, the size of plots and their relationship with each other, the type of boundary features including the type of planting within and alongside the plots.

Designed Landscape

The Council's Landscape Architect has confirmed that the site lies within an area of land to the west of North Lodge which forms part of the Swinton House Designed Landscape (DL), (site 86 in the McGowan (2008) survey of Borders Designed Landscapes).

The McGowan survey describes Swinton as an "Isolated designed landscape within an agricultural landscape." The surrounding area is predominantly arable farmland and the loss of mature woodland cover at this site is unfortunate and erodes the structure of the Designed Landscape and reduces a significant woodland feature in a predominantly open landscape. The Council's Landscape Architect goes on to confirm that the transition from mature woodland to the current condition of timber yard represents a loss in landscape quality and a further transition to housing would not contribute to landscape quality of the area or the DL. It is argued that the development of this site would entrench the previous (unauthorised) change of use of land.

Until recently, the area was woodland within the DL forming part of the policies of Swinton House but as mentioned previously, the trees have been felled and the site is currently being used (without the benefit of planning permission) as timber yard. It is worth noting that whilst planning permission would not be required to fell the trees, the Forestry Commission has no record of a felling licence for this area despite the applicant's claims that they were "lawfully felled".

The Forestry Commission were consulted informally on this application and they have confirmed that while a licence for felling this area would have been granted, it would have been conditional on the area being restocked under felling licence legislation. The Forestry Commission has also advised that had the felling of trees been discovered they would have investigated the incident to make a case for prosecution. Unfortunately, because the felling was undertaken some time ago there is insufficient evidence to now make a case. It is the Commission's view that the land should still be considered woodland for the purposes of this application, and in relation to Scottish Government Policy on The Control of Woodland Removal, the appropriate management of the land would be to restock it with trees. However, it appears very unlikely that they would pursue a case, making an argument against the development on the grounds of tree loss – and, by extension, impact on the Designed Landscape – more difficult.

However, Policy EP10 – Gardens and Designed Landscapes aims to protect the character of gardens and designed landscapes from development that would adversely affect their special character, although it is worth noting that the policy also recognises that development can sometimes be accommodated within or adjacent to these areas provided it is carefully sited and sensitively designed. It is argued that the felling of trees to make way for development, whether this is achieved via licence or not, is not in the spirit of this policy and the removal of trees has had an adverse impact on the character of the designed landscape.

In terms of the previous woodland condition and the alleged 'unauthorised' woodland removal, Policy EP13 is also relevant as part of the woodland resource has been lost and the public benefits of the development have not been demonstrated to clearly outweigh the loss of landscape value.

Existing Use

Members will note from the papers the current use of the land as a timber yard is unauthorised as planning permission has not been sought or granted for a change of use of the land. Whilst this is a material consideration in the determination of this application, Members are advised that the unauthorised change of use of the land from woodland to timber yard should not be given significant weight in the assessment and determination of this application. Should this application be refused and any subsequent appeal be dismissed, the planning authority could still pursue this matter through the normal enforcement channels. Neither, therefore, should the current use of the land be considered justification for supporting redevelopment.

In the design and access statement the applicant advises that when the buildings at Langbank were sold in 2006 most of the felled timber from the woodland was left behind. One of the new property owners requested, and was given permission by the applicant, to cut the timber for firewood. The timber was processed on site and sold as firewood and additional timber was imported to process and sell as firewood. This process has continued and the unauthorised use of the land as a timber yard is still evident today. Members should focus their deliberations on the principle of residential development only and whether the site an appropriate addition to the existing building group, and whether the introduction of dwellings on this site will have a significant adverse effect on the character of the DL.

Flooding

Policy IS8 of the LDP is intended to discourage development from taking place in areas which are, or may at risk from flooding. Both SEPA and the Council's Flood Officer objected to the application and third party objectors also raised the issue of flood risk to the application site and neighbouring dwellings. As such a flood risk assessment to assess whether or not the development would be at risk of flooding from the nearby burn and if appropriate, how much flood plain storage would be lost, was requested from the applicant.

The applicant submitted additional supporting information but this was insufficient to allow SEPA to withdraw their objections. The analysis of flood risk consisted of photos and text indicating the position of the development relative to the nearby water course but was insufficient to determine that the site will not be at risk from flooding.

Topographic information was subsequently submitted and re-consultations carried out. SEPA have confirmed that they are satisfied that the topographic information provided by the applicant indicates that any overtopping of the watercourse to the west and north of the site will be directed down the road and not into the site which sits at a higher elevation. However, they have advised that there remains a residual flood risk from surface water and there are existing issues with neighbouring properties and as such a planning condition is required as part of any grant of consent. Mitigation measures, including SUDS, are required for the application site to prevent any increase in surface water flood risk to North Lodge. This will ensure compliance with policy IS8 of the LDP on flooding. SEPA also suggest that finished floor levels are raised above the existing ground levels and the gardens landscaped to avoid ponding. These matters can also be covered by condition should Members be minded to approve the application.

Access and parking

The Council's Roads Planning Service has no objections in principle to the proposed erection of two dwellings on this site provided a number of points are included in any detailed application that may be submitted. The site is accessed via a narrow minor public road and the provision of a passing place, at an agreed location, will be required. In addition, the entrance to the site must be formed to the Council's specification, incorporating a service lay-by. These matters can be covered by condition.

The public road is in need of repair in places as it is frequently used by large agricultural vehicles. Given the current condition of the road it is recommended that pre and post construction surveys are carried out to ensure that construction vehicles accessing the site have not damaged the road further. This will protect the council against any reasonable damage and will also protect the applicant or developer against any unwarranted claims.

Off street parking and turning will be required within the site in the normal manner and in accordance with technical standards contained within Appendix 3 of the LDP. This can also be controlled by condition to ensure compliance with Policy IS7 of the plan.

Developer Contributions

Policy IS2 of the LDP requires developers to make a full or partial contribution towards the cost of addressing deficiencies in infrastructure and services which will be created or exacerbated by the development. In this case, a development contribution towards Berwickshire High School will be required. Members will be aware that should this application be approved, it will be subject to a legal agreement to ensure the monies are paid and to ensure compliance with development contributions policy and supplementary planning guidance.

Affordable Housing

As with all housing developments of 2 or more dwelling units, there is a requirement for the provision of affordable housing. In this case, the provision of commuted payments in lieu of on-site provision would be required. Should Members be minded to approve this application, a development contribution would be secured through an appropriate legal agreement to ensure compliance with adopted LDP policy.

Listed Building

Policy EP7 of the LDP aims to protect Listed Buildings from works that would spoil their historic and architectural interest. Members should be aware that whilst Swinton House is a listed building, the associated North Lodge is not. However, the North Lodge gates and quadrant walls flanking the north entrance are Category B Listed. The entrance gates and walls form part of a larger B Group with Swinton House, the walled garden, East Lodge and various other buildings and structures within the curtilage of the house.

Notwithstanding the listed status of the gates and quadrant walls it is considered that the proposed development of 2 dwellings on the nearby application site will not have an unacceptable adverse impact on the character or setting of the listed structure or the wider listed group. Provided the proposed dwellings are suitably designed,

acknowledging the location and the listed structures significance, it is considered that this site could be developed with a neutral impact on the listed building.

Residential Amenity

Members will note from the third party letters that the grounds of objection cover the effects of residential amenity on neighbouring dwellings as result of overlooking and loss of privacy. As the application seeks planning permission in principle only and no detailed proposals have been submitted, it is difficult to gauge the impacts of development on neighbouring dwellings. However, the applicant's design and access statement identifies 2 modest, traditionally-designed dwellings not dis-similar to the neighbouring cottages at Langbank. It is envisaged that the proposed dwellings would have a similar architectural language and scale to the existing cottages allowing them to sit comfortably on the site, be well related to the group and have a consistency with the existing pattern of development. It is considered that suitably designed and orientated dwellings, taking advantage of the southerly aspect, could be developed on this site without unacceptable adverse impacts on the residential amenity of neighbouring dwellings.

Contaminated Land

The Council's Contaminated Land Officer requested additional information from the applicant and the operator of the timber yard and advises that there is no treatment of timber or bulk storage of fuel on site. Accordingly, he has no comments to make on the application in terms of land contamination. The site should therefore be suitable for its proposed use without the need for a contaminated land assessment.

CONCLUSION

Given the history associated with the application site in terms of the unauthorised felling of woodland, this is very much an on balance recommendation. It is accepted that a building group of 3 dwellings does exist at this location and that those dwellings are contained within a distinct sense of place contributed to by the buildings, the public road to the north, field boundaries to the west and south and the former mature woodland to the east.

Before the woodland was removed, North Lodge was clearly divorced from the group by the trees and did not form part of the tight knit group of buildings at Langbank. It was, and arguably still is, a standalone dwelling associated with the listed gates and Swinton House. North Lodge was previously not inter-visible with the group and did not have a close relationship with the other buildings that could be described as being part of an established group.

However, the removal of the woodland (whether this is unauthorised or not) has clearly had an adverse effect on the character and appearance of the Designed Landscape and the loss of trees, to a certain extent, has altered the baseline position in terms of the extent of the building group and how far it is possible to go to include the outlier at North Lodge. The key test is the inter-relationship of the buildings in question and whether the loss of the trees now allows for North Lodge to be visually connected to the original group of buildings. This is an important and material consideration Members should take into account when assessing the suitability, or otherwise, of the proposed addition to the building group.

As mentioned earlier, it is regrettable that the trees have been lost and in normal circumstances if a licence was granted for their removal, this would be on condition

that the land is restocked in accordance with national policy on The Control of Woodland Removal. However, the Forestry Commission has confirmed that this is not possible, due to the time period that has elapsed since the trees were felled and it is not possible to compile a case for prosecution against the alleged unauthorised felling. The loss of mature trees clearly has an adverse effect on the character of the locally designated Designed Landscape however it is considered that the setting of Swinton House and the wider DL will not be affected.

Issues regarding access, parking, flood risk, listed buildings and residential amenity have been assessed and any potential outstanding matters have been addressed through the application process. Additional matters regarding siting, design, road improvements and parking can be addressed through any subsequent detailed application.

It is considered that the application site is reasonably well related to the existing building group which, as a result of the loss of trees, now includes Swinton House North Lodge. The extent of the group has increased, and the former outlier at North Lodge is not intervisible from the principal core of dwellings at Langbank. There is a clear relationship between Langbank and North Lodge which did not previously exist which would allow for the erection of two new dwellings as an addition to the building group. The proposed development would not exceed the permitted threshold for additions to building groups and it is considered that the site could be development without having an unacceptable adverse impact on the character of the group, the character of the designed landscape or the setting of the listed building.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement addressing contributions (education and lifelong learning and affordable housing) and the following conditions and applicant informatives:

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. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - (a) the expiration of three years from the date of this permission, or
 - (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
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. 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.
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.
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.
5. The first application for the approval of matters specified in conditions pursuant to this decision shall be accompanied by a detailed design statement for the dwellings hereby approved.
Reason: To ensure a satisfactory form of development appropriate to its setting.
6. 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. Such details shall indicate the existing and proposed levels throughout the application site.
Reason: To ensure that the proposed dwellings are not at risk from surface water flooding issues and to avoid ponding against the proposed buildings.
7. No development shall commence until detailed proposals for flooding mitigation measures from the nearby water course, including SUDS, are submitted to and approved in writing by the local planning authority and thereafter no development shall take place except in strict accordance with the approved scheme.
Reason: In order to prevent any increase in surface water flood risk to North Lodge.
8. The development hereby approved shall be constructed of natural slate on the roof only. Any alternative roofing materials shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
9. No development shall commence until precise details of both surface water and foul water drainage, as well as details of the water supply, have been submitted to and approved by the local planning authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water and to ensure the site is adequately serviced with water without a detrimental effect on the water supplies of existing properties.
10. No development shall commence until details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
11. The vehicular access to the site to be formed to approved specification DC-6 (copy attached to this decision) or alternatively DC-2 (a copy of which is attached to this decision). The access shall incorporate a service lay-by.

Reason: In the interests of road safety and to ensure a satisfactory form of development.

12. No development shall commence on the dwellings hereby approved until one passing place per unit is formed on the minor public road leading to the site. The passing places shall be formed to approved specification DC-1 (attached), at locations which shall first be agreed on site with the local planning authority.

Reason: In the interests of road safety.

13. No development shall commence until a pre-construction condition survey of the minor public road leading to the site has been carried out and the results lodged with the local planning authority. A post-construction condition survey shall also be carried out within 3 calendar months of the occupation of the dwellings hereby approved, the results of which shall be lodged with the local planning authority.

Reason: To ensure the condition of the road is monitored before and after construction.

14. Two parking spaces shall be provided within the boundary of each plot before the dwellings hereby approved are occupied. The parking shall be properly consolidated and maintained in perpetuity thereafter.

Reason: To ensure that parking is provided clear of the public road.

Informatives

1. The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>. Please note that SEPA are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
2. The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Scottish Borders Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.
3. Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:
SEPA Galashiels, Burnbrae, Mossilee Road, Galashiels, Borders, TD1 1NF, Tel – 01896 754797

DRAWING NUMBERS

Location Plan

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

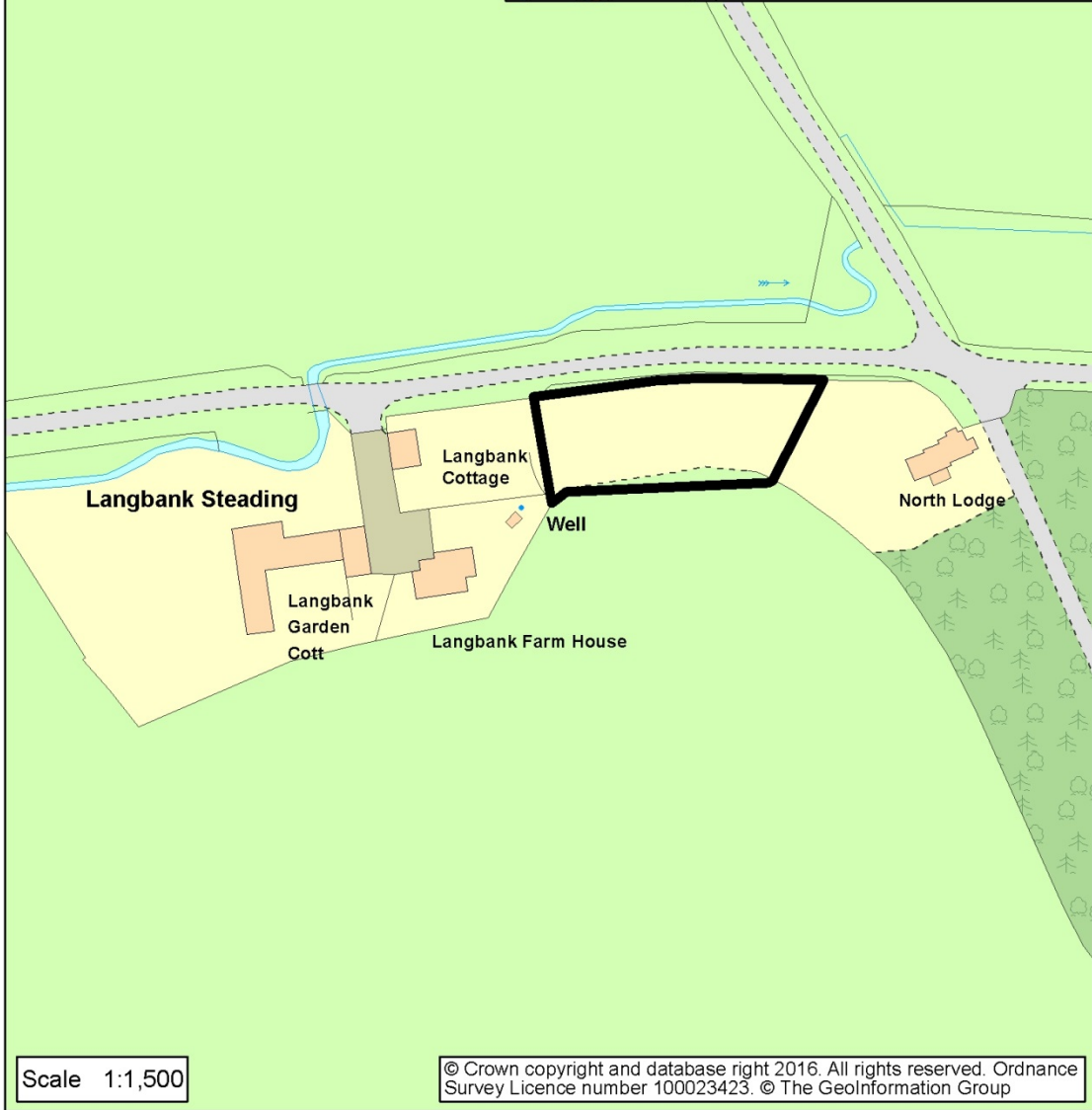
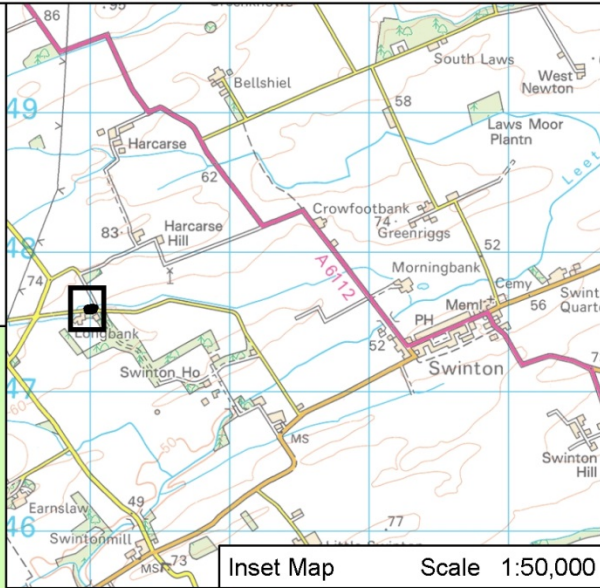
Author(s)

Name	Designation
Barry Fotheringham	Lead Planning Officer



16/00243/PPP

Land East Of Langbank Cottage
Swinton
Scottish Borders



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JANUARY 2017

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/01223/FUL
OFFICER:	Carlos Clarke
WARD:	Leaderdale and Melrose
PROPOSAL:	Erection of dwellinghouse and detached double garage
SITE:	Land North West of The Sidings, Lye Road, Darnick
APPLICANT:	Rural Renaissance Ltd
AGENT:	Hypostyle Architects

SITE DESCRIPTION

The site is a triangular area of undeveloped ground located within the village of Darnick, and currently used as part of the construction area for a residential development of eight houses being implemented by the same applicant to the north. It is located north of Lye Road, a minor, narrow private track serving a number of other properties further south-east. To the east of the site is a housing plot currently being developed for a single house under a con permission granted to a different applicant. To its south-west is a lane leading to the housing site, beyond which is woodland. The site is bound by hedging and trees to east and south-west. The site is not within the village's Conservation Area, which is located further north. It is located within the Darnick Battlefield Inventory site.

PROPOSED DEVELOPMENT

The application seeks consent for a detached, 1¾ storey house, and a detached garage. Access would be from Lye Road, via the lane that currently leads to the housing development to the north. The house would have slate effect concrete tiles and rendered walls, with precast stone details.

During the processing of the application, the site layout was amended to alter the orientation of the house, and relocate its access point further to the south-east. The revised proposals include reference to a scheme to upgrade Lye Road to the Council's adoptable standards.

PLANNING HISTORY

Planning permission was granted for eight houses on adjacent land to the north under 15/01016/FUL. The original application at that time proposed a house on this plot, but the proposal was deleted. Access for that site is from Broomilees Road, with traffic management in place during construction to limit use of Lye Road to smaller vehicles. Access to the completed houses from Lye Road would then be by pedestrian pathway only.

Planning permission was granted by the Local Review Body for a house on land to the east under 15/01491/FUL.

Both developments are currently being constructed.

REPRESENTATION SUMMARY

The application has been subject to two rounds of neighbour notifications, the first in response to the initial planning application, and the second in response to revised proposals. Full representations are available to view on *Public Access*.

In response to the initial application, representations on behalf of nine households were submitted. These raise, in summary, the following key issues:

- Lye Road is a private road that is too narrow, uneven, single track, on a hill (treacherous in winter) not street lit, with no passing places, used by walkers, cyclists, horse riders and children from the nearby nursery. It has blind bends and is not suitable for additional traffic. It is badly maintained, and deteriorated recently due to construction work on the existing developments. It is inadequate for the six existing houses that use it. Only two houses were approved in the past here without the road being improved and lighting provided. It is time the road was adopted, with proper surfacing. The legal right of access for the developers is questioned. Ultimately, there are serious concerns over the suitability of the road to cater for extra traffic and the potential safety implications.
- The site was annexed from the previous application, for which only pedestrian access from Lye Road was approved. Access should not be from Lye Road.
- The site has not been used as a market garden in the last ten years.

In response to the revised application, two further representations have been received. The key points, in summary, are:

- Apart from turning the house around, and trying to tempt residents with lighting, upgrading and turning spaces, do not accept that any of the very real concerns have been addressed. The development will still result in four extra cars, the road will still have two blind corners, be well used by walkers, cyclists, horse riders and local nursery and remain a high risk for accidents. The road is too narrow and drivers can't physically see around a blind corner no matter how well prepared and how many lights. Their objections still stand

APPLICANT'S SUPPORTING INFORMATION

In support of the application, a supporting statement was submitted which is available on *Public Access*.

During the processing of the application, a letter in support of the revised proposals notes that works to Lye Road would include two lighting columns and an overlay finish all to adoptable standard. The full letter is available on *Public Access*.

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD2 Quality Standards

PMD5 Infill Development

IS2 Developer Contributions

IS3 Developer Contributions Related to the Borders Railway

IS5 Protection of Access Routes

IS6 Road Adoption Standards

IS7 Parking Provision and Standards

IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
IS13 Contaminated Land
EP13 Trees, Woodlands and Hedgerows
EP16 Air Quality
HD3 Protection of Residential Amenity
EP8 Archaeology
EP9 Conservation Areas

OTHER PLANNING CONSIDERATIONS:

SPG Developer Contributions 2016
SPG Trees and Development 2008
SPG Landscape and Development 2008
SPG Placemaking and Design 2010
SPG Guidance on Householder Development 2006

CONSULTATION RESPONSES:

NB. The Council's Roads Planning Service and Melrose and District Community Council were consulted on the original and revised proposals.

Scottish Borders Council Consultees

Roads Planning Service: A dwelling on this plot was considered as part of the larger development that was restricted to eight houses. The RPS did not feel strongly enough to object to the single-house application for the adjacent site to the east.

This plot is an obvious infill development site and will always be desirable for development from a developer's perspective. Whilst the limitations of Lye Road are still of some concern, the development will effectively be the last area of developable land served by this road. As such, they have no objections to this infill development provided its access is relocated to the southern end of the plot so minimising impact on the adoptable footpath and avoiding the tree root protection area.

The RPS sought a scheme of details for the access to the plot and the upgrading of Lye Road to the site access. This should include construction make-up details, including drainage and geometry, and show how the road will tie in with the adoptable footpath connection from the adjacent eight-plot development. A small turning area is required which can double up as site access and street lighting provision is preferable so as to contribute to the formation of a connected lit route for pedestrians.

They also note that the works and staff compound for the eight-house development currently occupies all the land of this proposed new dwelling, and is accessed via Lye Road. Because of this, a pre-survey condition of Lye Road was carried out prior to work commencing, with the intention of carrying out remedial works at the end of the contract, in the form of an overlay. Furthermore, the sewer connection from this site has to tie in to the existing public sewer which is located half way down Lye Road. This section of road will require a full road reconstruction.

In response to the revised proposals, they are generally content with the revised proposal. There are some minor concerns over the wording used in some of the notes used on the revised site plan, however these can be easily overcome by an appropriately worded planning condition. No lighting design has been undertaken, therefore they would be keen to be less prescriptive in terms of the number of lighting columns to be installed as this may be more or less than two columns. The note which refers to "Lye Road to have new overlay to

from small turning area" requires to be worded slightly different, as this may suggest that it is only the area at the turning area which is to be overlaid. If possible, a condition is sought which requires a scheme of details to be submitted for approval which includes an appropriate lighting design; extent and specification of upgrading works; all works to be to an adoptable standard, and implemented in full before occupation of the house.

Environmental Health Service: Condition recommended to obtain written confirmation from Scottish Water indicating that the dwelling will be accepted onto their public water supply. Also seek clarification on capacity of the solid fuel stove, and recommend an informative on design and operation. Note that the application appears to be proposing the redevelopment of land which previously operated as part of a wider commercial nursery which is known to have incorporated boiler heating, ash storage, and chemical storage. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. A condition is recommended.

Education and Lifelong Learning: Contributions of £2438 and £3428 required towards Melrose Primary School and Earlston High School respectively.

Archaeology Officer: There are no known archaeological implications. There will be no impacts to the Inventory Battlefield following archaeological survey of this area earlier this year which failed to identify any buried evidence for the battle.

Statutory Consultees

Melrose and District Community Council: In response to the original application, stated they did not object in principle. They note that there appears to be some dispute as to who owns Lye Road but it appears to be private as opposed to Council-owned. The road is in a poor state especially as it has been used to access the Broomilees site by heavy machinery and it has been dug and filled to access services. The local residents are concerned that the road will only deteriorate further if some action is not taken to improve existing road surface to accommodate increased vehicle movements. For this reason ask if Lye Road can be constructed to an adoptable standard with street lighting and possibly some form of pavement to improve vehicle access and also to make safer for all users as it is popular route for walkers, with possible adoption then by the Council. Also concerns were raised regarding ingress and egress from Lye Road to Smith's Road and Smith's Road to Abbotsford Terrace especially when congested with parked vehicles up to junctions and corners. Suggest the roads service may want to look at these issues to see what measures could be taken to make access and exiting safer for all.

In response to the revised proposals, the CC supports the additions outlined

Historic Environment Scotland: No comments

KEY PLANNING ISSUES:

Whether the development would comply with planning policies with respect to infill housing development within a settlement, including as regards siting, design and layout, but also, in particular, with respect to whether Lye Road is suitable for additional traffic generated by the development

ASSESSMENT OF APPLICATION:

Principle

This site is within the village settlement boundary, as identified by the Local Development Plan 2016, and is not safeguarded for any purpose. The principle of development is acceptable, provided the proposals comply with Policy PMD5 and other relevant policies governing site constraints and development impacts. Relevant matters in these regards are considered below. The site is not valued open space in terms of recreational or townscape contribution, and development of the site for residential purposes would not conflict with surrounding land uses.

Access and parking

Access to the site would be via Lye Road. A house on this site was previously proposed as part of the eight house development to the north, to be accessed from Broomilees Road. However, this application is for a different proposal, with access to be taken from Lye Road, and must be considered on its own merits. The previous proposal was not agreeable because of the additional impact on Broomilees Road of a ninth house. A footpath is to be provided to that development from Lye Road, and this remains the case here. The layout proposed for this single house development has been adjusted during the processing of the application to place the entrance to the plot further south-east, principally in order to limit encroachment onto the path which is to be adopted by the Council. The site layout then incorporates adequate parking and turning for two cars.

Concerns regarding the capacity of Lye Road to accommodate further traffic are acknowledged, particularly given the recent increase in traffic associated with the construction of the eight house development. That traffic has been limited to small vehicles (large vehicles access the site from Broomilees Road) and it is understood that Lye Road is to be repaired following the construction period as part of the Roads Construction Consent. However, this development will lead to further construction traffic and further traffic to serve the house in the future.

The principal concern of the Roads Planning Service (RPS) has been with the quality of the road itself. In response, the applicants have agreed to resurface the road, provide a turning area adjacent the site and provide street lighting, in order that Lye Road can be adopted. It is noted that the plan is a little ambiguous as to the extent of the surfacing works, but correspondence on behalf of the applicants is more specific, referring to the entire length of road. It is understood that there are no legal hindrances to the applicants being able to carry out this work. Also, though outwith the application site, the applicants could resurface the existing road without Planning Permission, and the Council would ordinarily be able to undertake further work, including the provision of lamp standards. The proposals should not, in any case, have significant visual impacts. The turning area may encroach into the wooded area to the south-west, though this will be minor and the trees are relatively slight, forming part of a larger wooded area and may not be affected depending on the final specification of the works. Care will be required over the positioning and specification of lighting columns, which may number more or less than two, and this will require liaison with the RPS on this matter particularly. The link between the road and path should be level to maintain universal access. Adoption by the Council can follow as a matter between the applicants and the RPS. There will be disruption during the works that will need managed, but the net result should be a better road for all users.

It is also to be noted that upgrading the road to adoptable standards is not a requirement of Policy IS6 which requires that roads be to adoptable standards only for developments of five or more houses. This would be the fourth new house built since 1984. However, it is

considered that these improvements are necessary in order to ensure this development has an acceptable impact on road and pedestrian safety in this particular case, to ensure it complies with Policies PMD2 and PMD5. .

Ultimately, upgrading the surfacing of the road, providing street lighting and its potential future adoption by the Council will account for a number of the concerns raised by the Council and local residents. That said, it clearly will not address any concerns regarding the layout of Lye Road, particularly the tight bends onto Smith's Road. As the RPS note, this site is an infill opportunity between housing developments that is always likely to be under pressure for development. It is noted that the RPS have not raised any concerns with the layout of Lye Road (aside from surfacing and street lighting), and its scope to safely accommodate traffic during or after construction of the development. Traffic here is naturally slow because of the constraints on the road, and one single additional house will make a limited additional contribution to the overall level of traffic on it.

Design and layout

The scale of the house will be comfortable between the new houses to the north and larger house being built to the east. It will be of a design, form and materials reflective of the eight house development and will also be a reasonable addition to other modern houses onto Lye Road. A condition can secure details. Level information suggests no major level changes, aside from some upfill for the garage.

The original proposal placed the house facing north-west, effectively fronting the rear of a house within the development to the north, and backing onto Lye Road. The applicants were asked to consider placing the front elevation onto the south-west, so providing a frontage to the path and a flow between houses on Lye Road and the new development. They have, however, chosen to place the house facing south-east. This provides an end-stop to Lye Road which is arguably a reasonable approach since the development to the north is not directly off Lye Road so somewhat detached from it, and since not all houses on Lye Road actually face the road. It also maintains an open frontage to Lye Road in this arrangement. The applicants have also included windows on the south-west elevation to provide passive surveillance of the linking path between Lye Road and the new development behind. Tall fencing is largely behind the house and, where it flanks the path, will be behind hedging and planting. A condition can secure details of fencing and a planting scheme.

Ecology

The site is not designated for ecological interest, and no buildings, trees or hedging will be removed from within the site. There is no likely risk to protected species habitat. As above, the turning area may encroach slightly into the woodland area beyond, though encroachment will be very minor.

Trees and hedges

The layout incorporates a two metre buffer for boundary hedges (albeit, some trimming of the height of hedging along the south-western boundary could, in future, be accepted). The layout also maintains adequate separation to the tree to the north-west, which is protected under the consent for the eight houses. To the south-east, the site layout allows for protection of a tree though doesn't fully account for trees along this corner. There is, however, good separation between these and the house itself and protective fencing is proposed. The trees are of some value, albeit not overriding, and a condition can ensure adequate safeguarding as far as practicable.

As noted above, the turning area may encroach into the wooded area on the other side of the road, but this will be minor and trees may not be directly affected. Minimising impact on trees would factor into our consideration of its detailed specifications, which will be sought by condition.

Neighbouring amenity

Owing to the distances involved and the orientation of buildings, the proposed design and layout should not lead to significantly adverse impacts on neighbouring amenity in terms of privacy, daylight, sunlight or outlook loss, including that of undeveloped houses to the north and east.

Archaeology

The site is within the Darnick Battlefield Inventory designation, but Historic Environment Scotland has raised no issues. As the Council's archaeology officer advises, recent surveys in this area have revealed no findings of note and, therefore, no mitigation is required.

Services

Mains water and drainage services are proposed. A condition can secure evidence of connections, and a sustainable surface water drainage scheme.

Contributions

A legal agreement would be necessary, in the event that consent is to be granted, to provide for contributions towards the Borders Railway and local schools in accordance with policy and supplementary guidance.

Air quality

The applicants have confirmed that the stove will not exceed the limitation of 45KW referred to by the Environmental Health Service. Advice regarding specifications and operation can be covered in an informative note as per the EHS's advice.

Contaminated Land

The site requires investigation due to its historic use as a commercial nursery and resulting potential risk of contamination. This can be addressed by condition.

CONCLUSION

Following submission of a revised layout plan, and subject to improvements being carried out to the surfacing of Lye Road and provision of street lighting, all to standards that would facilitate the Council's adoption of the road, the development will accord with the Local Development Plan 2016. A legal agreement shall be necessary to secure contributions towards the Waverley Line reinstatement and local schools, as shall compliance with the schedule of conditions.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to the following conditions, legal agreement and informatives:

1. Notwithstanding the references on plan AL_0_101G no development shall commence until a detailed plan and specifications for improvement works to Lye Road, incorporating resurfacing and new lighting along its length between the site entrance and junction of the road to the east (adjacent Fullarton), have been submitted to and approved by the Planning Authority. The works shall be carried out in accordance with the approved plan and specifications and shall be implemented prior to occupancy of the dwellinghouse
Reason: A detailed scheme of improvements to Lye Road is required in order to ensure the road is capable of serving additional traffic generated by the construction and use of the dwellinghouse, and in a manner which minimises impacts on existing users of the road during the works, maintains residential amenity and minimises visual impacts, including potential effects on existing trees

2. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage connections shall be made available to serve the development, and until a surface water drainage scheme has been submitted to and approved by the Planning Authority. Mains services and approved surface water drainage measures shall be operational prior to occupancy of the dwellinghouse
Reason: To ensure the development can be adequately serviced

3. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme
Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.

4. No development shall commence until a schedule (including samples where required by the Planning Authority) of the external materials, finishes and colours of the house, garage and hard surfacing has been submitted to and approved by the Planning Authority. The development shall be completed using the approved schedule of materials, finishes and colours
Reason: The materials and colours specified in the application plans and drawings require further consideration to ensure they are visually sympathetic to the context

5. No development shall take place except in strict accordance with a scheme of soft landscaping and boundary treatment works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
 - i. location and detailed schedule of new trees, shrubs, hedges and grassed areas, incorporating those proposals identified on the approved site plan, and additional planting and landscaping,
 - ii. design details of boundary fencing specified on the site plan
 - iii. a programme for completion and subsequent maintenance.
 Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings

6. The area allocated for parking and turning on the approved site plan shall be properly consolidated, surfaced and drained before the dwellinghouse is occupied, and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure there is adequate space within the site for the parking and turning of vehicles

7. Before development commences, protective fencing (of a specification compliant with BS5837:12) shall be erected along the route identified on the approved site plan AL_0_101G and shall not be removed until all construction works are complete. There shall be no works (including utilities) or storage undertaken within the protected area unless agreed in writing with the Planning Authority. Following completion of the development, trees and hedges within the site shall be retained and shall not be removed, lopped or otherwise disturbed without the prior approval of the Planning Authority

Reason: To protect and retain trees and hedges that will assist with the visual integration of the development with its surroundings

Information for the applicant

Solid fuel heating installations can cause smoke and odour complaints and Planning Permission for this development does 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 Planning Permission. It is recommended, therefore, that:

- 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. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

DRAWING NUMBERS

AL_0_001 A	Location plan
AL_0_002 A	Existing site survey
AL_0_101 G	Proposed site layout
AL_0_102 B	General

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

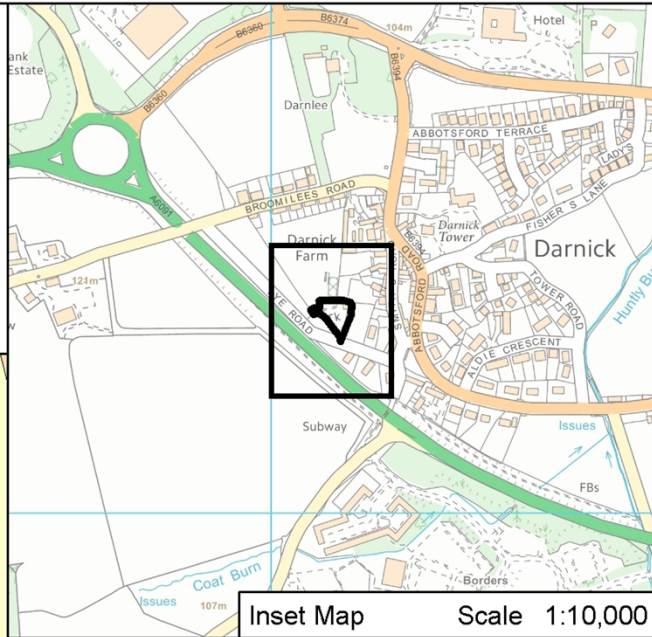
Author(s)

Name	Designation
Carlos Clarke	Lead Planning Officer



16/01223/FUL

Land North West Of The Sidings
Lye Road
Darnick



Inset Map Scale 1:10,000



Scale 1:1,000

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JANUARY 2017

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 16/00865/FUL
OFFICER: Dorothy Amyes
WARD: Tweeddale West
PROPOSAL: Part change of use of dwellinghouse and garden ground to wedding venue and erection of marquees
SITE: Hartree House, Scottish Borders
APPLICANT: Mr & Mrs Michael Goddard
AGENT: Burrell Design Studio

SITE DESCRIPTION

Hartree House is a large detached property within extensive grounds. It is mainly a Victorian mansion which incorporates an earlier Georgian house dating from around 1790. It is Category C listed. There are more recent additions including a new orangery which is nearing completion.

Hartree House had had a number of uses over the years including as a hotel and is now a private dwellinghouse.

PROPOSED DEVELOPMENT

The application is for a part change of use of the property as a wedding venue for up to 15 wedding events each year. This will involve the erection of marquees (teepees) on the lawn area in front of the main entrance to the house, the use of the existing lodge as letting accommodation, parts of the main house known as the White House and Penthouse for guest accommodation and the use of the new Orangery for indoor events.

The main part of the house will not be used for these events and will remain private.

Temporary chemical toilet facilities will be provided for each event, with all material being disposed of off-site. Hartree House is connected to the public water supply via a private pipe.

It is proposed that any guests not staying on the site will be transferred to the venue by private hire organised by the events manager at Hartree House. On-site parking is provided close to the house.

PLANNING HISTORY

In September 2000 consent was granted for the change of use of the hotel to a dwellinghouse (00/01108/COU).

Since then the following consents have been granted at the property:

07/01511/FUL – Erection of garage block
08/01964/FUL - Alterations and extension

08/01966/LBC – Internal and external alterations
11/01467/FUL - Formation of terracing and landscaping
11/00209/LBCNN - External alterations and demolition of outbuilding
11/00456/FUL – Erection of detached garage/store
11/00319/FUL -Formation of pond, creation of bund and infilling of paddock
11/01176/FUL - Alterations and extension
11/01177/LBCNN – Alterations and extension
11/01467/FUL – Formation of terracing and landscaping works
11/01468/LBCNN – Erection of garden wall
12/01539/LBCNN - Internal and external alterations
14/00317/LBCNN - Alterations and extension
14/00318/FUL – Alterations and extension
16/00408/LBCNN - Internal alterations

REPRESENTATION SUMMARY

Nine letters of representation have been received, eight from five different households raising objections to the proposals and one general comment.

The objections can be summarised as follows:

- Impact on residential amenity from noise from teepees and from existing lodge
- Additional vehicles using access through Hartree Square
- Existing issues relating to water supply, foul and surface water drainage
- Site at risk of flooding
- Additional waste storage issues
- Parking and access for emergency vehicles
- Consider that it is a bad neighbour development
- Impact on road safety

The general comments, whilst not objecting to the proposal, ask that consideration is given to potential noise levels, additional traffic using Hartree Square and issues relating to the existing foul drainage provision.

APPLICANTS' SUPPORTING INFORMATION

The applicants have submitted a supporting statement and a detailed response to the objectors' comments. A noise report has also been submitted.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service

Hartree House was previously used as a hotel; therefore the buildings previous use will have generated a number of vehicle movements on a daily basis in terms of deliveries, customers, staff etc.

In terms of access, I have no major concerns, although it should be noted that it is anticipated that the majority of the traffic generated by this proposal will access Hartree House from the north via Biggar. As a result, there is only a short length of public road which lies within the Scottish Borders Council area, with the majority of the route lying within South Lanarkshire.

Initially, the Roads Planning Officer required a swept path analysis to demonstrate that a bus can enter the grounds when travelling from Biggar and suggested that South Lanarkshire Roads Department should be consulted. Following a meeting with the applicants and the submission of the supporting statement it was made clear that buses would not be used and that traffic would be reduced by the use of private hire vehicles. It was agreed that a swept path analysis would not be required. South Lanarkshire Council have not been consulted.

The Roads Planning Service have no objections to this application.

Environmental Health

Environmental Health requested that an assessment in respect of noise impacts should be submitted.

On receipt of the assessment and additional information, Environmental Health have raised no objections subject to a number of conditions being placed on any consent to include a time limit of 2 years, no more than two events in any calendar month and restrictions on the use of any amplified sound equipment.

Statutory Consultees

Community Council

No objection if adequate steps are taken to prevent any disruption to the neighbours, particularly from noise, traffic and the provision of utilities.

Other Consultees

None

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

PMD1 - Sustainability

PMD2 - Quality Standards for New Development

ED7 – Business, Tourism and Leisure Developments in the Countryside

HD3 - Protection of Residential Amenity

EP5 – Special Landscape Areas

EP7 – Listed Buildings

Special Landscape Area: Tweedsmuir Uplands

OTHER PLANNING CONSIDERATIONS:

None

KEY PLANNING ISSUES:

The key planning issues are whether the proposals will comply with the relevant Local Development Plan policies particularly in relation to Business, Tourism and Leisure Developments in the Countryside and Protection of Residential Amenity.

ASSESSMENT OF APPLICATION:

Hartree House is a distinctive large mansion which has previously been used as a hotel for decades, only becoming a private dwellinghouse in recent years. During its time as a hotel, it

would have been used for events such as weddings. It is quite likely that, against this background, and application for conversion back into a hotel would be difficult to resist.

What is currently proposed is a part change of use for use as a wedding venue and given its previous use and recent additions such as the Orangery, it is easily suitable for such a use. Although no business case has been put forward, it is understood that any income from the weddings will be used towards the upkeep of the house and grounds. It will be a small business that is appropriate in this rural setting and will provide some employment opportunities for local companies including caterers and food producers. As such, the use is welcome provided that it does not have any significant adverse impacts on local residents or the environment.

The proposals involve the erection of temporary structures on a maximum of 15 occasions in a year and, as a result, they do not raise any issues in relation to an adverse impact on the setting of the listed building, flooding, drainage and water supply. It is noted that there may be ongoing issues with neighbouring residents in relation to the last three matters but these are not relevant to the consideration of this application. The property is located within the Tweedsmuir Uplands Special Landscape area but the proposals will not have any long term impact on the special landscape quality.

Hartree House is surrounded by extensive grounds and the nearest residential properties are located in Hartree Square which is approximately 200m to the south of the house. There are two vehicular accesses, the main drive from the Lodge and a shared access through the properties at Hartree Square. The proposed marquees will be located on the northern side of the main house, away from the group of properties at Hartree Square and the remainder of the grounds will have limited public access during the events. Adequate parking is available within the site close to the main house.

The use of the White House, Penthouse and Orangery for private functions such as weddings will not have any impact on neighbouring properties. The Lodge is an existing separate dwellinghouse which could be used for residential purposes at any time. This includes the use of a small area of decking. Its use as guest accommodation on a maximum of 15 occasions (which may amount to more to 30 or more nights) is not excessive and will not have a significant adverse impact on neighbouring properties.

It should be noted that if the applicant wishes to use the Lodge and the two annexes, The White House and the Penthouse for holiday lets all year round this will not require planning consent as the properties remain in residential use and no change of use will have taken place.

The use of the site as a wedding venue including the erection and dismantling of the marquees (or wedding teepees) will result in additional traffic, before, during and after the event and has the potential to cause noise nuisance particularly during the event.

In relation to the traffic it has been stated by the applicants that all wedding traffic will be channelled through the main entrance to the house. This would enable any emergency vehicles to use either access, if required to do so. In addition, any guests not staying on the premises will be brought to the site by private hire vehicles organised by the events manager. Roads Planning have not raised any objections to the proposals nor suggested that there should be any restrictions on the use of either access. However, for avoidance of doubt, should Members be minded to approve the application, it is recommended that there should be a condition placed on the consent to restrict wedding traffic on the day of each event to using the main entrance.

The main issue that could have an impact on residential amenity is noise from any amplified music or voices coming from within the canvas structures. A noise assessment has been undertaken and Environmental Health is satisfied with the findings of the assessment and subject to appropriate conditions being placed on any consent do not object to the development. One of the conditions is that the approval should be for a period of two years in the first instance. This would allow for the venue to be reviewed at the end of this time period. Other restrictions will limit the number of events and controls over any potential sound system.

CONCLUSION

In conclusion, it is considered that the site is an appropriate location for a temporary wedding venue and it will bring some local employment to the area, it does not raise any issues in relation to landscape, flooding, water supply or drainage. Subject to appropriately worded conditions, the proposals for a limited use as a wedding venue will not have a significant adverse impact on the residential amenity of neighbouring properties.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

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

1. The part change of use to a wedding venue hereby approved shall be for a limited period of two years from the date on the consent
Reason: To enable the Local Planning Authority to review the matter at the end of a limited period
2. Before any of the events take place details of the proposed sound system shall be submitted to and approved by the Local Planning Authority.
Reason: to ensure that the sound system is appropriate and will not result in any excessive noise levels
3. Before any of the events take place the effectiveness of the approved sound system shall be demonstrated to be working to the satisfaction of the local planning authority
Reason: To ensure that the approved sound system is operating effectively.
4. No music either amplified or otherwise shall be played after midnight on the day of each event
Reason: To protect the residential amenity of local residents
5. All amplified music and speech to be propagated through approved system only
Reason: To protect the residential amenity of local residents
6. Maximum of 15 events per calendar year
Reason: To protect the residential amenity of local residents
7. No more than two events within one calendar month without the prior approval of the planning authority
Reason: To protect the residential amenity of local residents
8. On the day of each event all vehicular traffic associated with the wedding shall use the main entrance only.
Reason: to ensure that additional traffic does not go through a small residential area in the interests of road safety and that emergency vehicles have access to the site at all times

DRAWING NUMBERS
0861/ZONE – Event Hire Zoning Plan

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

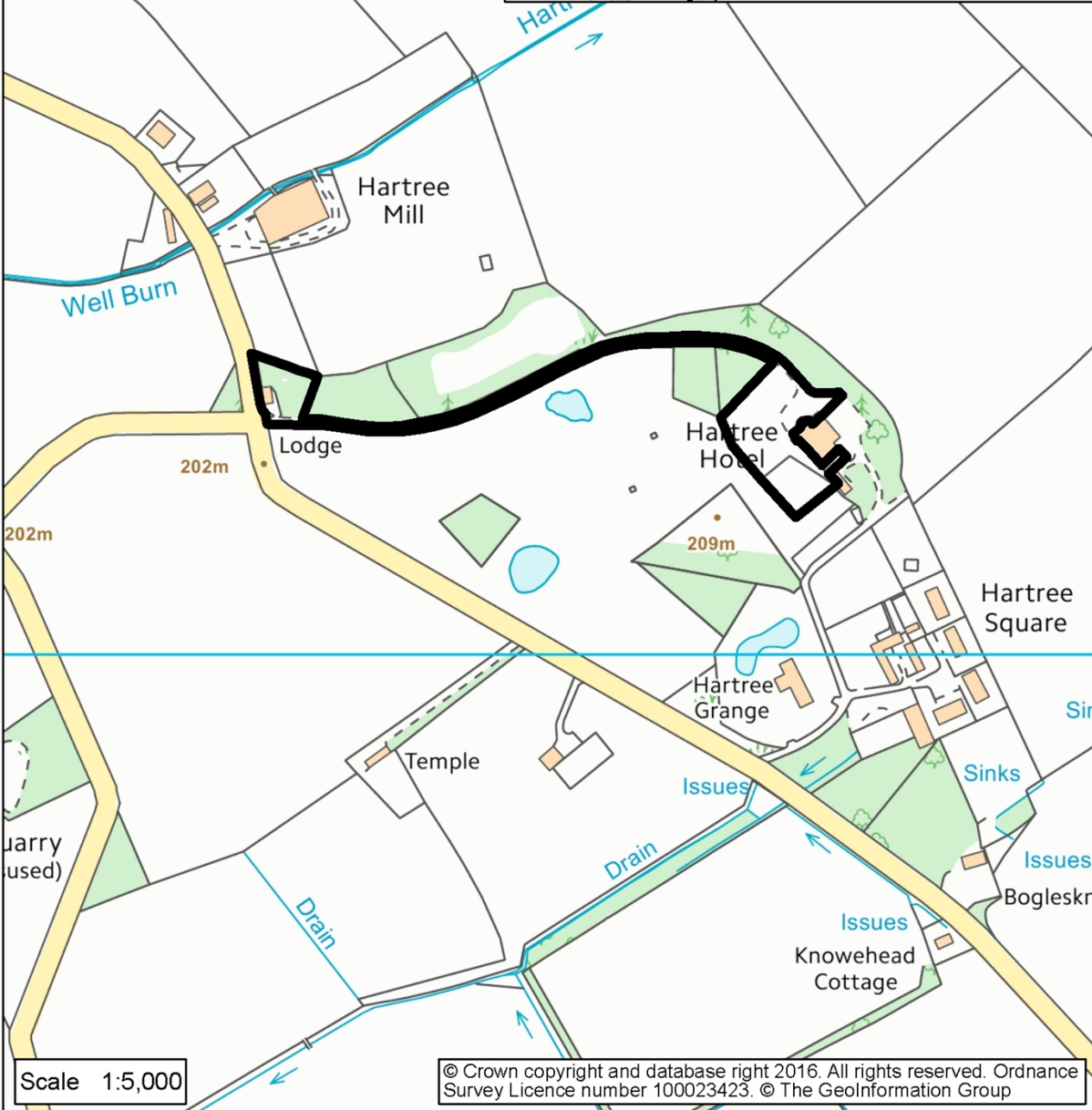
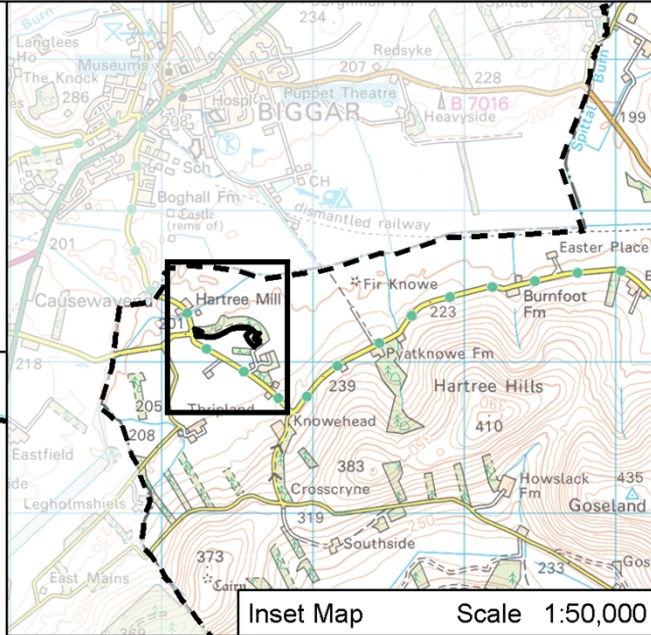
Author(s)

Name	Designation
Dorothy Amyes	Planning Officer



16/00865/FUL

Hartree House
Scottish Borders
ML12 6JJ



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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

9th January 2017

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

- 3.1 Planning Applications

Nil

- 3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

- 4.1 There remained one appeal previously reported on which a decision was still awaited when this report was prepared on 20th December 2016. This relates to a site at:

- | | |
|---|---|
| <ul style="list-style-type: none">• Land North West of Whitmuir Hall, Selkirk | <ul style="list-style-type: none">• |
|---|---|

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 16/01114/FUL
Proposal: Erection of poultry cold store/hay store
Site: Field No 0328 Kirkburn, Cardrona
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, ED7 and EP5 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2- Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape. 2. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a scale that appears suited for the uses proposed on the agricultural holding on which it would be situated, which further undermines the case for justification in this location.

6 REVIEWS DETERMINED

- 6.1 Reference: 16/01114/FUL
Proposal: Erection of poultry cold store/hay store
Site: Field No 0328 Kirkburn, Cardrona
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, ED7 and EP5 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2- Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape. 2. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a scale that appears suited for the uses proposed on the agricultural holding on which it would be situated, which further undermines the case for justification in this location.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

- 7.1 There remained one review previously reported on which a decision was still awaited when this report was prepared on 20th December 2016. This relates to a site at:

- Land North West of 4 Rink Farm •

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained one S36 PLI previously reported on which a decision was still awaited when this report was prepared on 20th December 2016. This relates to a site at:

- | | |
|---|--|
| <ul style="list-style-type: none"> (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir | <ul style="list-style-type: none"> |
|---|--|

Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant (Regulatory) 01835 824000 Ext 5409

Background Papers: None.

Previous Minute Reference: None.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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 Email: PLACEtransrequest@scotborders.gov.uk

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