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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY 4TH JUNE 2018

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, 4TH JUNE, 2018 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

28 May 2018

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 3 - 14) Minute of Meeting of 30 April 2018 to be approved and signed by the Chairman. (Copy attached.)
5.	Applications. Consider the following application for planning permission:-
	(a) Land South of Peelgait, Selkirk - 17/00923/PP (Pages 15 - 30) Erection of two dwellinghouses. (Copy attached.)
	(b) Garden Ground of the Gables, Smith Road, Darnick - 18/00396/PPP (Pages 31 - 42) Erection of dwellinghouse. (Copy attached.)
6.	Appeals and Reviews. (Pages 43 - 50) 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 T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small

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 Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 30 April 2018 at 10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small.
Also Present:- Councillor G. Turnbull
In Attendance:- Chief Planning Officer, Depute Chief Planning Officer, Lead Planning Officer (Environment and Infrastructure), Lead Roads Planning Officer, Solicitor (Emma Moir), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 26 March 2018.

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 applications as detailed in Appendix I to this Minute.

DECLARATION OF INTEREST

3. Councillor Fullarton declared an interest in applications 17/01602/PPP and 18/00134/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

4. **CONSULTATION FEES CHARGED FOR APPLICATIONS UNDER THE ELECTRICITY ACT 1989**

There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the response prepared by the Chief Planning Officer on behalf for Scottish Borders Council in respect of the changes to the fees regime for applications to the Scottish Government's Energy Consents Unit under s36 and s37 of the Electricity Act 1989. The report explained that Scottish Ministers were seeking views on their proposals to substantially increase the fees applicable for such applications and for their proposed new fee structure. The fee structure was set out in Annex1 to the consultation document which was attached as Appendix B to the report. The proposals sought to deliver full recovery of costs for the Energy Consents Unit enabling it to maintain service delivery and support future service improvement. Whilst the general provisions of the new fee regime were acceptable, controversially, the proposals specifically stated that there would be no reciprocal increase in the fee payable to Local Planning Authorities for the work they undertook in the determination and assessment of such applications. There would also still remain a significant discrepancy between the fees charged in Scotland and the rest of the UK for such development.

DECISION

AGREED to approve the consultation response set out in Appendix A to the report as the Scottish Borders Council's formal response to the consultation on the fees charged for applications under the Electricity Act 1989.

5. APPEALS AND REVIEWS

There had been circulated copies of a briefing note by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED:-

- (a) **Appeal received in respect of Demolition of existing building and erection of four dwellinghouses on site at Industrial Building and Yard, Elders Drive, Newtown St Boswells – 17/01342/PPP**
- (b) **that Scottish Ministers had dismissed the appeals in respect of:-**
 - (i) **painting of exterior of building within conservation area and listed building at 13 St Ella's Place, Eyemouth – 17/00006/UNDEV;**
 - (ii) **Erection of scaffolding structure and metal panel fence structure on Land North West of Kirkburn Church, Peebles – 17/00089/UNUSE;**
- (c) **there remained seven appeals outstanding in respect of:-**
 - **Land North of Howpark Farmhouse, Grantshouse**
 - **Poultry Farm, Marchmont Road, Greenlaw**
 - **Land South West of Easter Haprew Farmhouse, Peebles**
 - **Hutton Hall Barns, Hutton**
 - **Land East of Knapdale, 54 Edinburgh Road, Peebles**
 - **Land North West of Gilston Farm, Heriot**
 - **Land South West of Lurgiescleuch (Pines Burn), Hawick**
- (d) **Review request had been received in respect of:-**
 - (i) **erection of dwellinghouse on Land North West of the Gables, Gattonside – 17/0161/PPP;**
 - (ii) **Erection of dwellinghouse on Land South of the Bungalow, Blacklee Brae, Bonchester Bridge – 17/01685/PPP;**
 - (iii) **Change of use from retail to dog grooming practice, 38 Bank Street, Galashiels – 17/01704/FUL;**
 - (iv) **Extension to dwelling house at 34 Edinburgh Road, Peebles – 17/017631/FUL**
- (e) **the decision of the Appointed Officer had been upheld in respect of:-**
 - (i) **Erection of replacement dwellinghouse on derelict dwelling land West of Glenkinnon Lodge, Peelburnfoot, Clovenfords – 17/01008/FUL;**
 - (ii) **Extension to form new living room at 16 Craig Brown Avenue, Selkirk – 17/01409/FUL;**
- (f) **the decision of the Appointed Officer had been Overturned in respect of:-**

- (i) Extension to dwellinghouse on land South East of Beckhope, Kailzie, Peebles – 17/01572/PPP**
- (ii) Erection of dwellinghouse, Land East of Keleden, Ednam, Kelso – 17/01613/PPP**
- (iii) Change of use from retail to dog grooming practice at 28 Bank Street, Galashiels – 17/01704/FUL**

The meeting concluded at 1 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01740/FUL	Demolition of guest lodges and refurbishment of 6 retained lodges, erection of guest lodges, staff accommodation, new central hub with associated facilities, refurbishment and extension to existing staff lodge, redesigned site layout with new access roads, parking and footpaths	Whithaugh Park Holiday Centre Newcastleton

Decision:- Approved subject to the following conditions and informatives:

1. The occupation of the lodges shall be restricted to genuine holidaymakers/tourists for periods not exceeding 3 months in total by any particular person or party within any consecutive period of 12 months. The lodges shall not be used as permanent residential occupation. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the council at all reasonable times.
Reason: Permanent residential units in this location would be contrary to the Scottish Borders Local Development Plan housing in the countryside policies.
2. All new and extended staff accommodation buildings shall only be occupied by persons employed by Whithaugh Park Holiday Centre, including partners and dependants of such employees.
Reason: Permanent residential use unrelated to the holiday development in this location would conflict with the established planning policy for this rural area.
3. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Planning Authority.
Reason: To ensure that the development of the proceeds in an appropriate manner which respects the landscape setting of the holiday park.
4. No development shall commence until a detailed landscape plan has 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. The plan(s) shall include the following information:
 - a) Identifying the extent of ground excavation works for all new and extended buildings, roads and hard standings.
 - b) Identifying trees to be removed and retained.
 - c) The location of protective fencing in accordance with BS5837:2012 which is to be erected around the trees identified for retention. Once approved the fencing shall be erected before development works commence and shall only be removed when the development has been completed.
 - d) A programme of soft landscaping works.Reason: Further information is required regarding tree removal and protection to ensure impacts on trees are minimised and to enable the effective assimilation of the development into its wider surroundings.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.

6. No development to be commenced until samples of all external materials to be used on all buildings throughout the site are submitted to, and approved by the Planning Authority and thereafter no development shall take place except in strict accordance with those details.
Reason: To safeguard the visual amenity of the area and the character of the landscape.
7. All new private access roads within the site shall be constructed with a smooth free draining, well compacted running surface capable of withstanding a minimum axle loading of 14 tonne unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure that the development is served by an adequate means of access.
8. All exterior lighting on buildings and throughout the site and the design of cabins to be fully in accordance with the details submitted in a Lighting Management Strategy which shall first be submitted to, and approved by, the Planning Authority.
Reason: To safeguard the visual amenity of the area and the character of the designated landscape.
9. All development works shall be undertaken in strict accordance with the development processes and means of mitigation detailed within the Species Protection Plan for Bats contained within the Bat Survey (Findlay Ecology Services, October 2017) unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure that bats and their habitats which are affected by the development are afforded suitable protection for the construction and operation of the development.
10. No development shall commence until a Species Protection Plan for breeding birds and badgers has 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: To ensure that species and habitats affected by the development are afforded suitable protection for the construction and operation of the development.
11. Prior to the commencement of development, the developer shall provide to the Planning Authority:
a) a copy of the relevant European Protected Species licence, or,
b) a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development.
Reason: To ensure that the development is carried out appropriately and does not adversely affect the ecological interests of the site.
12. 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 amenity and public health.
13. No development shall commence until the means of surface water drainage to serve the construction operations associated with this development which complies with Sustainable Urban Drainage Systems (SUDS) regulation has been submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in strict accordance with the agreed details:
Reason: To agree suitable means of surface water drainage from the site for potentially contaminative construction operations.
14. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also

detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

Informatives

1. With reference to Condition 12, private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge 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 also be aware that a separate licence will be required to be obtained from SEPA for these works.

2. With reference to Condition 14 it is recommended that as the development may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

3. The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used.

It is recommended that any noise generating work is only undertaken between the hours specified below;

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.

4. With reference to Condition 11, it is recommended that demolition of the existing lodges will require a licence to destroy the bat roosts present in these buildings before development commences. Any renovation of the sports hall, swimming pool and remaining lodges, may require disturbance/destruction licences depending on the work to be carried. The applicant should liaise with SNH regarding this. Further information on the licensing application process and the European Protected Species licensing tests can be found via the following link:- <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/bats-and-licensing/bats-licences-development>

NOTE

Mr Lee Musson, Applicant spoke in favour of the application.

Reference
17/01602/PPP

Nature of Development
Erection of Dwellinghouse

Location
Land South of
Rossleigh,
Horndean

Decision:- Approved subject to a legal agreement and the following conditions and informatives:

1. No development shall commence until details of the layout, siting, design and external appearance of the building(s); the means of access thereto; all finished ground and development levels relative to existing levels; parking for two cars within the site; foul and surface water drainage arrangements, including measures to prevent the flow of water onto the public road and details of boundary drainage; and, the landscaping and boundary treatment of the site, have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. The first application for Approval of Matters Specified in Conditions shall include a scheme of details for site access. The details shall include the design of the new site access on to the public road. Thereafter the development shall be carried out in strict accordance with the agreed details and the site access shall be completed before the dwellinghouse hereby approved is occupied.
Reason: To facilitate safe access to the site and ensure that the public road network can safely cater for the development.
4. The first application for Approval of Matters Specified in Conditions shall be accompanied by a detailed design statement which shall inform the details required by Condition 1 above, but which makes specific reference to consideration of building design, position within the plot and landscaping to demonstrate that the development reflects and is sympathetic to the character of the wider building group.
Reason: To ensure a satisfactory form of development, acknowledging the sensitive nature and location of the site and the character of the building group.
5. No development shall commence until a passing place has been provided on the minor public road at a precise location and specification that shall first be agreed in advance with the Planning Authority.
Reason: in the interests of road safety.
6. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided and retained in perpetuity within the curtilage of the property. Parking and turning must be provided prior to the occupation of the dwellinghouse.
Reason: To ensure adequate on-site parking and turning space is provided within the plot.
7. Before any part of the development hereby approved is commenced, the trees on the boundary of the site shall be protected by a protective barrier to a standard and format compliant with BS 5837 2012, placed at a minimum radius of one metre beyond the

crown spread of each tree adjacent to the site, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate; and
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees adjacent to the development site, the loss of which would have an adverse effect on privacy of the neighbouring property.

8. 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 (as appropriate):
 - 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.

9. No development shall commence until detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Planning Authority.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

10. The first Approval of Matters Specified in Conditions application lodged shall be supported by a Preliminary Ecological Appraisal (PEA) which shall, where necessary, set out mitigation for adverse impacts on protected species in the form of a Species Protection Plan. Thereafter, the development to be completed wholly in accordance with an agreed Species Protection Plan.

Reason: in the interests of biodiversity.

11. No development shall commence until:
 - (a) the Applicant has first submitted to the Planning Authority under an AMC application, either (i) a report by a suitably qualified person, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on the water supplies of surrounding properties; or (ii) documentary evidence from Scottish Water, demonstrating that the dwellinghouse hereby approved is capable of being served from the public mains; and
 - (b) this same report or documentary evidence (whichever is applicable) has itself first been approved in writing by the Planning Authority.

Thereafter, the water supply arrangements for the dwellinghouse hereby approved, shall then be implemented in accordance with the approved details, and the same

dwellinghouse shall not be occupied until this water supply is first fully functional in accordance with the approved details.

Reason: To ensure that the site is adequately serviced without any detrimental effect on the water supplies of surrounding properties.

12. No water supply other than the public mains shall be used to supply the Development without the written agreement of the Planning Authority. Written confirmation from Scottish Water is required to demonstrate that a connection to the public supply is available to serve this site.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

13. 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 amenity and public health.

Informative

1. In relation to Condition 13 above, private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge 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.

2. In relation to Condition 3 above, the means of access to the site shall be by way of a service layby, in accordance with approved detail DC-3, or similar approved. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

3. Stoves and Use of Solid Fuel can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission. Accordingly this advice can assist you to avoid future problems. The location of the flue should take into account other properties that may be downwind. The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses. The flue should be terminated with a cap that encourages a high gas efflux velocity. The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly. The appliance should only burn fuel of a type and grade that is recommended by the manufacturer. If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> In wood burning stoves you should only burn dry, seasoned timber. Guidance is available at [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.

NOTE

Rev A MacKichan neighbour to the proposed site spoke against the application.
Mr Sloan, Owner of the proposed site spoke in support of the application.

Reference
17/00923/PPP

Nature of Development
Erection of two dwellinghouses

Location
Land West of Peelgait
Selkirk

Decision: Continued to allow the Committee to visit the site.

NOTE

Mr A Moffat, Mr J Nixon and Mr J Smith neighbours to the proposed site spoke against the application.

Mr S Davidson, Agent for the Applicant spoke in support of the application.

Reference
18/00134/FUL

Nature of Development
Erection of general purpose agricultural
building

Location
Lumsdaine Farm,
Coldingham

Decision: Approved subject to the following conditions and informative:

Conditions

1. No development shall commence until a plan for the management and control of potential nuisances (including noise, odour, air quality, flies, waste and other pests) that would be liable to arise at the site as a consequence of and/or in relation to the operation, individually and/or cumulatively, has been submitted to and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development.

Reason: To ensure that the operation of the buildings has no unacceptable impacts upon the amenity of the surrounding area or upon the amenity of any neighbouring residential properties.

2. No development shall commence until a Badger Protection Plan has been submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: to ensure badgers are protected adequately during the construction of the proposed development.

3. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: to ensure local biodiversity and ecology interests are protected adequately during the construction of the proposed development.

Informative

1. There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity are discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/00253/FUL	Erection of 80 metres anemometer mast	Land North East and North West of Farmhouse Braidlie, Hawick

Decision: Approved subject to the following conditions and informatives:

1. Approval is granted for a limited period of three years from the date of this consent and, unless an application is made and further consent obtained, the wind monitoring mast shall be removed from the site at the expiry of this same three year period.
Reason: To ensure the satisfactory regulation of a temporary development on the site, in the interests of safeguarding the amenity of the site and surrounding area.
2. Unless otherwise agreed in writing by the Planning Authority in advance of the commencement of decommissioning works, following the removal of the anchors, the holes that accommodated the anchors shall be filled in (backfilled, in the case of dug-in anchors) back to the original height (ground level) of the ground prior to the insertion of the anchors at the time of the erection of the development hereby consented. Further, this reinstatement of the site shall be completed within no more than 2 months from the date of the completion of the decommissioning of the wind monitoring mast itself.
Reason: To ensure the satisfactory restoration of the site in the interests of safeguarding the amenity of the site and surrounding area.
3. No development shall commence until the Developer has first provided the Planning Authority with documentary evidence that the UK DVOF & Powerlines at the Defence Geographic Centre, has received, and confirmed its acceptance of, appropriate notification of the following details:
 - a. Precise location of development;
 - b. Date of commencement of construction;
 - c. Date of completion of construction;
 - d. The maximum height above ground level of the tallest structure;
 - e. The maximum extension height of any construction equipment; and
 - f. Details of aviation warning lighting fitted to the structure.
Reason: in the interests of aviation safety, to allow the records of the Ministry of Defence to be amended and updated for safeguarding purposes.
4. Infra red aviation warning lighting shall be fitted at the highest practicable point on the meteorological mast. It shall be maintained in good working order at all times for the entire duration of time that the mast remains in situ.
Reason: Appropriate aviation warning lighting requires to be fitted to the meteorological mast in the interests of aircraft safety.
5. No development shall commence until a Species Protection Plan (SPP) for breeding birds, has first been submitted to, and approved in writing by, the Planning Authority. This same SPP shall include provision for mitigation and monitoring of the development hereby approved in relation to the protection of breeding birds, including (as a precaution) hen harrier. It shall specifically include the following:
 - a. a scheme of details, including elevation drawings, describing the installation and maintenance of bird deflectors located along the length of each guy wire, positioned relative to one another, at a minimum interval of 5m, with these arranged on adjacent wires such that the resulting pattern of deflectors is staggered to provide maximum visual impact to birds;
 - b. a scheme of details describing how the bird deflectors shall be monitored regularly, and maintained throughout the period of operation of the structure. This shall identify

specific action-points and timescales for the operation of these same measures (that is, what specifically, will be carried out and when it will occur); and

- c. a scheme of details identifying all mitigation measures that shall be employed to minimise disruption to breeding birds during the breeding bird season (March to August).

Thereafter, (i) the development shall only be carried out and operated in accordance with the provisions of the approved Species Protection Plan; and (ii) the provisions of the Species Protection Plan shall all be implemented and operated in accordance with the approved details for the duration of the development hereby approved. The approved bird deflectors installation shall moreover, be fully installed at the time of the erection of the anemometer mast, and this installation shall thereafter be maintained in full and at all times, in accordance with the approved details for the duration of the development hereby approved.

Reason: To prevent adverse impacts on breeding birds, including hen harrier, and to help conserve the natural heritage interests safeguarded by the Langholm - Newcastleton Hills Special Protection Area (SPA).

6. No development shall commence until a Construction Method Statement has first been submitted to, and approved in writing by, the Planning Authority. This Construction Method Statement shall:

- (a) identify measures to protect terrestrial habitats, including soils and the water environment at the time of, and for the duration of, works at the time of construction and at the time of the decommissioning works; and

- (b) address the concerns of **Informative Note 1** attached to this same planning consent. The development shall then be implemented in full accordance with the provisions set out within the approved Construction Method Statement, including at the time of its initial construction and then at the time of the decommissioning works.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impacts on terrestrial habitats and the water environment.

Informatives

It should be noted that:

INFORMATIVE NOTE 1:

Care should be taken to avoid contamination or pollution of the water environment during construction by following SEPA's published guidance, e.g. GPP 5.

The Council's Ecology Section considers that drive-in anchors would be less disruptive to habitat and carbon-rich soils than dug-in anchors. Accordingly, and within the Construction Method Statement, the Developer should consider the potential to employ a drive-in method of anchoring, and describe the employment of such a method, wherever this is possible. (If a dug-in method of anchoring is proposed, it should be justified and evidenced within the Construction Method Statement that a drive-in method, is not feasible for environmental reasons).

NOTE

Mr D Taylor, Applicant spoke in support of the application.

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

4 JUNE 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 17/00923/PPP
OFFICER:	Andrew Evans
WARD:	Selkirk and District
PROPOSAL:	Erection of two dwellinghouses
SITE:	Land West Of Peelgait, Selkirk
APPLICANT:	Beaton Forestry
AGENT:	Stuart Davidson Architecture

CONSIDERATION BY PLANNING AND BUILDING STANDARDS COMMITTEE

This application was presented to the Planning and Building Standards Committee on 30 April 2018 where members resolved to continue the application for a site visit.

SITE DESCRIPTION

The application relates to a site on the south western edge of Selkirk, to the north east of the existing dwellings at Peelgait. The site is located within the Development Boundary as defined by the Local Development Plan 2016. The application site comprises a broadly triangular area of sloping grass paddock currently used for grazing.

To the North of the site is located existing housing at Deer Park. The rear of these houses overlooks the application site. To the South is located existing housing at Peelgait. The frontages of these houses face towards the application site, though there is a significant change in levels between the existing housing and the application site. To the East of the site is located sloping parkland, forming part of the Haining Designed Landscape.

PROPOSED DEVELOPMENT

This is an application for planning permission in principle. The latest set of indicative plans for the application would see two dwellings erected on the site. This is a reduction from the three dwellings originally proposed. An access road to the site would be taken from the existing road serving Peelgait.

PLANNING HISTORY

The site has been subject to previous applications as follows:

11/00039/PPP - Proposed erection of dwellinghouse. The application was withdrawn following an objection from Historic Scotland.

REPRESENTATION SUMMARY

In total 19 letters and emails of objection were received, along with two general comments.

The objections were received from 10 separate Households. The points raised in objection can be summarised as follows:

- Adverse impact on neighbouring private water supply. This development will clearly overlay the pipe run from the well to objector's properties.
- The water supply should be surveyed / checked during construction and checked thereafter.
- The access to piping for maintenance purposes must not be impaired and this would be significantly adversely affected by the proposed development.
- Find it inconceivable that Scottish Borders Council (SBC) would consider a planning application without taking account of the private water supply, the fact the well is privately owned and none of the properties on the private water supply were consulted.
- Queried who is liable for in future if water contamination arises
- There is insufficient access to serve the site
- the access road along Peel Gait is too narrow to allow any more housing
- No sufficient parking space
- Inadequate drainage
- The proposed road would be too steep, particularly in winter
- The well should be protected
- The owner of the well would not agree to seating or development around it.
- Loss of light
- Loss of view
- No sufficient parking space
- Overlooking
- Privacy of neighbouring properties affect
- Subsidence
- Complaints people served by the water supply were not notified of the planning application (Note this is not a notifiable interest – only postal premises within 20m are notifiable)

The general comments can be summarised as follows:

- The well owner had concerns about the house nearest it (this house was since removed in the revised drawings)
- Concerns (but no objection) registered to the application – Including concerns about ownership.

APPLICANT'S SUPPORTING INFORMATION

- Photomontage showing the edge of settlement.
- Further details relating to the private water supply within the site which serves neighbouring dwellings (objectors)
- Since the last committee meeting, a solicitors letter and title plan has been provided on behalf of the applicant, setting out extent of the applicant's land ownership. The applicant owns all the land forming the application site, with the exception of the area covered by St Mungo's Well.

This supporting information is available for members to view in full on Public Access.

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD1 Sustainability
 PMD2 Quality Standards
 PMD3 Land Use Allocations
 PMD5 Infill Development

HD3 Protection of Residential Amenity
BE3 Gardens and Designed Landscapes
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
EP1 International Nature Conservation Sites and Protected Species
EP13 Trees, Woodlands and Hedgerows

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy 2014
Designing Streets 2010
SPG Affordable Housing 2015
SPG Development Contributions 2011 (updated 2018)
SPG Trees and Development 2008
SPG Landscape and Development 2008
SPG Green Space 2009
SPG Placemaking and Design 2010
SPG Guidance on Householder Development 2006
SPG Waste Management 2015
SPG Designing out Crime in the Scottish Borders 2007

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: First Response:

When the development at Peelgait was built, the design standard at that time for the road constructed was suitable for a development of up to 15 houses. Current design policy, 'Designing Streets', encourages informal layouts and shared surfaces which naturally calm traffic movements. Whilst the existing infrastructure does not include pavements this is over a relatively short section and the road geometry at present does not encourage high traffic speeds. When taking this into consideration the principle of adding a further three houses is acceptable.

Notwithstanding the above, the main concern with developing this land is the gradient of the access road serving the plots. No part of the new private road shall be steeper than 1 in 8 (1 in 15 for the junction and turning area) and I must request that a long section and cross sections of the proposed road are submitted for consideration before I am able to make an informed decision. The proposed layout will also need to allow for turning for emergency service vehicles and swept path analysis should be provided to demonstrate that this is achievable. Provision for visitor parking and for vehicles passing one another on the road also needs to be accounted for. Given the topography of the site, I will require this information to be submitted prior to determination as I have concerns in particular over whether the required gradients are achievable. Until I receive this additional information, I must withhold my support for this proposal.

Final Response:

Following the latest submission, drawing P449-Sk-001 Rev F, I am content that appropriate access can be achieved to serve these two plots in principle. Should this application be

approved, more details would be required as part of any detailed planning application. These details would include construction specification, drainage details, earthworks and embankment details including retaining structures. A suitably worded condition should be attached to any approval of the outline consent requesting a scheme of details to be submitted for the detailed design of the private access road.

Education and Lifelong Learning: Confirm that the site is located within the catchment area for Knowepark Primary School, St Joseph's RC Primary School and Selkirk High School. There are no contributions sought for this application.

Environmental Health: Amenity and Pollution

Confirm assessment of the application was carried out in terms of air quality, nuisance and water supply. Proposed two conditions on Drainage, Two conditions relating to Mains Water Supply, and a condition relating to Wood Burning Stoves (If a stove is to be installed as part of the development and so long as it is less than 45kW no further information needs to be provided). An Informative on stoves and use of solid fuel is proposed. The EHO agrees with the application in principle, subject to conditions.

The Contaminated Land Officer considered the proposals and makes no Comment

The EHO issued a subsequent response, following complaints from neighbours about their private water supply advising that Standard Conditions and Applicant Informative may be of use

Landscape Architect: No objections. The landscape architect produced a sketch plan of a proposed planting scheme which could be developed for this site, to indicate how a future application could be considered.

Archaeology Officer: There are archaeological implications for this development and I cannot support the application. The site coincides with the known site of St Mungo's Well. This is a historically significant site and of regional historic interest, and is still in use as a water source for nearby properties. There is the potential for direct and indirect impacts to archaeology and the setting of St Mungo's Well.

I do not feel the current proposal is appropriate or justified per SPP or Policy EP8 and I object to the overall principle of this development. A smaller development proposal, such as that proposed in 2011, may be more sympathetic to the setting of the well. In summary, I object to this proposal. I may be prepared to accept smaller scale development within the site as well as a more modest scheme of interpretation and access to the well itself. In any event, archaeological investigation of the well site and the surrounding area may be required if development were to eventually proceed.

Second Response:

I have reviewed the new proposal for two houses, associated infrastructure and landscaping. I note that a third house and plans to elaborate St Mungo's well have been abandoned and I am now broadly content with the principle of development.

However, I am still concerned that the appreciation of the site from the Designed Landscape will be impacted by landscaping. I question if the semi-mature belt along the north-western edge of the site is necessary and would prefer to see open views into the well area maintained. This would mitigate against the enclosure of the site, further eroding its historic links to the Designed Landscape and the town, which was a concern on the first design.

I am also concerned that the planting of trees near the well could cause inadvertent damage long term through root penetration. Ensuring that planting is at least 10 metres from the edge of the well would mitigate this effect.

In my earlier responses to this application, and in 2011, I highlighted the archaeological potential of the area around the well including the current development footprint. To investigate this I recommend an archaeological evaluation of at least 10% of the development area. This evaluation will form a baseline of the site's potential and may lead to further investigation if archaeological deposits or features are located.

During development, I recommend that the site of the well is temporarily fenced off to prevent accidental damage. This should ideally be erected under archaeological supervision and can be done at the same time as the evaluation.

Finally, while the original proposal for elaborating the well-head was unacceptable there is still a desire to see some form of more limited interpretation and access. This can be achieved through a condition seeking an approved interpretative scheme.

To conclude, I can now support the principle of development but would recommend conditions and applicant informatives requiring a programme of archaeological works and protective fencing to be erected around the area of archaeological interest.

Statutory Consultees

Historic Environment Scotland: The proposals have the potential to affect The Haining Historic Garden and Designed Landscape. SBC should seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings. HES have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals.

Selkirk and District Community Council: No response received.

Other Consultees

Scotland's Garden and Landscape Heritage: Scotland's Garden and Landscape Heritage is grateful to be included in the above consultation which will have an impact on The Haining designed landscape, included in the Inventory of Gardens and Designed Landscapes in Scotland and therefore assessed by Historic Environment Scotland to be of National significance.

Historic Environment Scotland last assessed The Haining designed landscape and designated the current Inventory boundary in June 2011. In the 'Importance of Site' assessment for the Inventory the landscape is accorded 'Some' Scenic value but it is noted that 'the encroachment of suburban housing at the northern boundary of the designed landscape has made a negative scenic impact...'. The current proposals would be located within the northern boundary of the designed landscape which can only increase the erosion of the scenic value in this area of the landscape.

We note that in the Scottish Borders Development Plan 2016 the development boundary for Selkirk does include the proposed site, however it is not allocated for housing or any other development during the lifetime of the plan. Within the plan four alternative sites, allowing for a total of up to 106 units, have been identified as suitable locations for future housing. In addition, Policy BE3 GARDENS AND DESIGNED LANDSCAPES of the Scottish Borders Local Development Plan states that

'Development will be refused where it has an unacceptable adverse impact on the landscape features, character or setting of sites listed in the Inventory of Gardens and Designed Landscapes'. As noted above further erosion of the northern boundary will be an unacceptable adverse impact.

To summarise, Scotland's Garden and Landscape Heritage wish to object to this application and would advise that the proposed houses be accommodated within one of the sites allocated for future housing under the Local Development Plan. We would be grateful to remain included in any future consultations affecting The Haining and other Inventory and non-Inventory designed landscapes in Scottish Borders.

KEY PLANNING ISSUES:

Whether or not the proposed development would comply with development plan policies and guidance, particularly with regard to infill development; impacts on archaeology; residential amenity; water supply, and road and pedestrian safety.

ASSESSMENT OF APPLICATION:

Principle

The site is located within the development boundary for Selkirk as set out in the Local Development Plan 2016.

The principal issue here is whether the proposed dwellings are acceptable in terms of their impact on the neighbouring existing housing and the surrounding area. Aside from ensuring the additional units can be adequately serviced with parking and infrastructure (as considered below), the key considerations are whether there is sufficient information to enable a decision, accounting for representation and objections made about a private water supply serving nearby properties. These matters are considered in more detail further in this assessment, which is guided by other LDP policies and related supplementary guidance as appropriate.

As noted above, the site is located within the Selkirk Development Boundary as defined by the Scottish Borders Local Development Plan 2016. The site is also located within "The Haining" designed landscape. The current application therefore requires to be assessed principally in terms of policy PMD5 of the LDP on infill development. As the site is located within the development boundary, the principle of a dwelling on the site is generally acceptable. Consideration is also required against the provisions of other relevant policies of the Development Plan including but not limited to road safety and impacts on neighbouring private water supply. Members should be aware that third party representations were made specifically in respect of these matters and will be discussed later in this report.

Supporting information and Revisions

The original proposals sought consent for the erection of 3 dwellings but this has been revised to show indicative plans for a two house development. The application has also been supported by a design statement. Visuals of the edge of the settlement were also produced to demonstrate the ultimate position of the site on the edge of the Designed Landscape.

Placemaking and Design

Policy PMD1 of the LDP sets out relevant sustainability criteria applicable to all development proposals. In determining planning applications and preparing development briefs, the Council will have regard to the sustainability principles in Policy PMD1 which underpin all the Plan's policies. In addition, Policy PMD2 sets out the Council's position in terms of quality standards for all new development and sets out specific criteria on Placemaking & Design.

The application is for planning permission in principle. However, sufficient information accompanies the application to inform decision making and assessment of the positioning of the proposed dwellings, road, and landscaping works on the site, and impacts upon surrounding housing and land. The application is supported by an indicative layout for the proposed development. It is considered that the site, subject to the submission and approval of a subsequent detailed application is suitable for residential development.

Infill Development

As stated above, Policy PMD5 sets out the land use planning position in term of infill development proposals within settlement boundaries. Development on infill sites, within settlement boundaries will be approved where the policy criteria are met. In this case, it is considered that a two house development would not conflict with the established land use of the area, and would not detract from the character and amenity of the surrounding area. Subject to suitably designed house types being submitted at detailed application stage a development would be possible respecting the scale, form, design, materials and density found in the surrounding area. It is considered, subject to conditions, that adequate access and servicing can be provided. It is also considered that detailed proposals could be developed for the erection of two houses on this site that would meet approved amenity and privacy standards.

Layout

The indicative site plan shows a layout with a new road serving the two dwellings. As mentioned earlier, the original layout was reduced from three dwellings to two, and the details of the proposed layout and access were improved, with additional supporting sectional drawings submitted by the agent.

The houses are set in the same basic scale as the approved development to the north at Peelgait, albeit incorporating split level houses, set into the sloping land. It is contended that the layout and scale of the houses will fit with the existing townscape. The areas of garden ground are of suitable scale, and comparable with the neighbouring housing development to the site. The house types will be subject to later consideration at the detailed stage, should Members be minded to approve this application. It will be possible to ensure that the 2 new houses on these plots are similar to each other and with the other houses in the overall development.

Level information suggests cut and fill across the site, with retaining walls in selected places. During the processing of the application, more indication of retaining wall and underbuilding requirements have been provided, suggesting the visual effects will be acceptable. A full levels scheme will, in any case, be required as part of the detailed application stage. Further details of all boundary treatments are required and this can also be considered at the detailed stage.

Neighbouring amenity

The proposals demonstrate that there will be no adverse impacts on neighbouring amenity. Policy HD3 of the Local Development Plan sets out that residential amenity will be afforded protection. The Council has adopted supplementary planning guidance on Householder Development which sets out standards for privacy and amenity. Policy HD3 sets out that development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted.

The Council's supplementary guidance on householder developments sets out criteria in relation to privacy, sunlight and residential amenity to ensure that any overshadowing or overlooking is to an acceptable level. Existing neighbours as well as proposed dwellings are entitled to a degree of protection of amenity and privacy.

The relationship of the proposed development to all existing housing has been considered. As this is a planning application in principle there are no detailed proposals to assess against the Council's standards for residential amenity and privacy. It is however possible to determine whether, in principle, those requirements could be achieved on the site. It is considered that the nearest existing dwellings are sufficiently distant from the site that the proposed dwellings would not have an unacceptable adverse impact on the residential amenities of occupants of these properties.

The approved SBC Supplementary Planning Guidance on householder development considers the level of private garden amenity space suitable for family accommodation. The amount of private outdoor space required should reflect the size of the dwelling. It is considered that the proposed layout would provide for suitable garden and amenity space adjoining the proposed individual dwellings and housing development more widely. The requirements of the householder SPG and Policy PMD2 are achieved.

As regards daylight and sunlight, the applicant has submitted sectional drawings which are of some assistance in making a judgement on light loss. Accounting for these plans and the known level differences, the department is content a suitable scheme can be brought forwards at AMC stage, meeting amenity requirements.

Effects on views and property values are not material planning considerations.

Access and Parking

Road safety is a material consideration. Policy IS7 on Parking Provision and Standards sets out that the development proposals should provide for car and cycle parking in accordance with approved standards. Policy PMD2 of the LDP sets out (amongst other matters) criteria on accessibility. Criteria (o) requires that street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths. Criteria (q) requires that development ensures there is no adverse impact on road safety, including but not limited to the site access, Criteria (r) requires that development provides for linkages with adjoining built up areas, Criteria (s) requires that development incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

The Roads Planning Service was consulted on the application and initially objected, seeking the submission of additional detail and information on the gradient and access arrangements to serve the site.

Following the submission of revised drawings RPS advises that the proposed development can be supported subject to conditions. The proposed new access road serving the site will involve cutting into the existing slope and the access road is positioned away from the position of the water supply pipe serving neighbouring dwellings. A full scheme of details for the dimensions of this new access road will require to be provided at detailed application stage. The current plans do demonstrate that a suitable access to the site is achievable and the number of spaces proposed complies with LDP standards.

Landscape

The site is located on the edge of The Haining Designed Landscape. Historic Environment Scotland advises that they have assessed the application for historic environment interests and consider that the proposals have the potential to affect The Haining Historic Garden and Designed Landscape. HES also advised that we should seek advice from the Council's own archaeology and conservation officers for matters including unscheduled archaeology, category B and category C listed buildings. HES have considered the information received in relation to the application and do not have any comments to make on the proposals.

Scotland's Garden & Landscape Heritage consider the development will have an impact on The Haining designed landscape. Members will note from the consultation responses that SGDL advise that HES last assessed The Haining designed landscape in June 2011 and concluded that the landscape has 'Some' Scenic value but notes 'the encroachment of suburban housing at the northern boundary of the designed landscape has made a negative scenic impact...'. The current proposals would be located within the northern boundary of the designed landscape which can only increase the erosion of the scenic value in this area of the landscape.

As noted above SGLH consider further erosion of the northern boundary will result in an unacceptable adverse impact of the designed landscape and accordingly object to the proposed development.

Notwithstanding objections raised by the SGLH, it is considered that while the site would project the built edge of the settlement into adjacent fields, it does so in a manner consistent with the adjacent pattern of existing housing developments with which they would eventually form part. It would be appropriate for a scheme of landscape planting however to be developed to provide a degree of enclosure round the site. A suitable landscaping condition is set out following this report to achieve this. A strong landscaping treatment to this site would provide enhanced separation between the designed landscape and the existing and proposed housing on the edge of Selkirk. This would ensure that the proposed housing could be accommodated in the landscape without significant adverse impacts on the nearby designed landscape, ensuring compliance with Policy EP10 of the LDP.

Trees

The LDP requires that all new development accounts for trees, woodland, and hedgerows. These are given protection under Policy EP13 of the LDP to maintain the character and amenity of settlements and the countryside. The Council has also adopted Supplementary Planning Guidance on Landscape and Development, and on Trees and Development, which are both relevant to these proposals. It is contended that the proposed dwellings can be accommodated on the site without adverse impact on existing trees or hedging. There are no trees within the immediate vicinity of the proposed plots or the access and it is considered that the proposed development meets the principal aims of policy EP13.

Affordable Housing and development contributions

Policy IS2 Developer Contributions of the LDP is relevant to this application. The policy is further set out in the adopted SPG on development contributions. In line with policy, the proposed development would attract development contributions towards Education and Lifelong Learning as well as affordable housing. The precise details of these contributions are set out in the relevant consultee responses above.

The applicant has confirmed their acceptance of the development contributions. Subject to a suitable agreement being concluded, the application will comply with the requirements of policies HD1 (affordable housing) and IS2 (development contributions) of the LDP.

Archaeology

Members will note that the Council's Archaeology Officer initially objected to the proposed application and felt that the original proposal was not justified as per Scottish Planning Policy or Policy EP8 of the LDP. A smaller development proposal, such as that proposed in 2011, may be more sympathetic to the setting of the nearby St Mungo's Well. The initial proposals would have in effect surrounded the well with houses and access arrangements that are out of keeping with its current setting. In particular, the desire to site a house to the west of the well and cross the small valley in which it sits will directly break the visual link to the rest of the designed landscape and this runs counter to both the designation and Historic Scotland's views in 2011. Objections were also raised to the proposed seating area at the well head. This is also out of keeping with the site's setting, and potentially destructive to archaeological deposits and features that are best left in situ. A smaller scale development within the site as well as a more modest scheme of interpretation and access to the well itself may be more appropriate to ensure compliance with local and national policy. In any event, archaeological investigation of the well site and the surrounding area will be required if development were to go ahead.

As noted above and in representations and objections, the site adjoins St Mungo's Well. Objectors to the application highlight the position of St Mungo's Well within the site. Indeed, it is highlighted that one of the originally proposed dwellings would be positioned directly impacting the well. St Mungo's Well is marked on Ordnance Survey mapping, and is located within the site. This is not a listed structure, and carries no built heritage designation or protection.

The proposals as originally lodged would have seen more of a feature made of St Mungo's Well. This was in line with the advice given to the 2011 planning application. However the Council Archaeologist was not keen on the approach set out in 2017. The proposals were revised, with less alteration proposed to the well site. It is considered that the development of two dwellings on this site can be supported in archaeological terms, subject to the imposition of planning conditions as noted.

Ecology

The site is not designated and is already subject to neighbouring development. No tree removal is proposed. There are, therefore, no notable ecological implications associated with the proposed development that would constitute a departure from LDP policy.

Waste

Supplementary Planning Guidance on Waste Management requires that developments adequately accommodate bin storage. This proposal can provide for suitable storage for two bins within each plot behind their frontages. This will be considered in detail at AMC stage.

Services

Public foul drainage and water supply connections are proposed. A condition is necessary to ensure the connections will be provided. This will satisfy Policy IS9.

Policy IS9 of the Local Development Plan on Waste Water Treatment Standards and Sustainable Urban Drainage is relevant to this application. The Local Development Plan sets out that development proposals make satisfactory arrangements for dealing with foul and surface water drainage. SUDS (Sustainable Urban Drainage Systems) principles should be incorporated in the development.

Water supply to dwellings

In terms of water supply to the dwellings proposed, the submitted application form sets out that the water would be via public supply. Objections were received citing concerns that the proposed development would adversely impact upon the private water supply serving neighbouring dwellings at Hartwoodburn, which comes from a source within the application site. The Council's Environmental Health Service has a degree of legislative involvement with regards to private water supplies and was consulted on the application. The Environmental Health Officer (EHO) advises that the application can be approved subject to suitable conditions.

Clarification was sought from the EHO in terms of the requirements in relation to development impacting upon an existing private water supply. The agent has undertaken further mapping work to plot the location of the pipe serving the application site. The agent's additional submissions can be viewed on the *Public Access* website. The details of the proposed development have been clarified, and the agent has lodged further information, plotting the water supply pipe within the private water supply taken from the land above the pipe.

Whilst the supply pipe does not appear to be directly impacted by the proposed development, it is of note that the pipe is in very close proximity to the embankment which would serve the access road to the site. It is imperative that the water supply of existing neighbours is not compromised as a result of these development proposals.

Discussions with the Council EHO have established that it would be acceptable for full, detailed plans and technical information for the drainage arrangements to be required via planning condition. Subject to suitable water and drainage conditions, it is considered that these matters can be suitably dealt with and the site suitably serviced however precise details can be secured through planning condition.

A suitably worded condition will also ensure that the objector's private supply is not adversely impacted.

CONCLUSION

The proposed development will provide for a suitable infill housing development in accordance with LDP policies. Following amendments, the layout, design and density of the houses suggest they will relate sympathetically to the existing residential development and the surrounding area. Subject to conditions, the development will not have a significantly adverse effect on the amenity of neighbouring properties or existing private water supplies. The development will also be adequately served by proposed access road and proposed parking. Subject to a legal agreement covering development contributions towards education and affordable housing as well as compliance with the schedule of conditions the

development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions

RECOMMENDATION BY CHIEF PLANNING OFFICER:

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

Conditions

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access, and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 No development should commence until the applicant has provided evidence that arrangements are in place to ensure that any private drainage system that may be affected by the development hereby approved, will be maintained in a serviceable condition
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.
- 4 Two car parking spaces, not including any garage, and turning within the curtilage of each dwelling shall be included in any subsequent detailed application.
Reason: Interests of road safety on the access road serving the site.
- 5 A scheme of details covering construction specifications, drainage details, earthworks and embankment works including any retaining structures shall accompany the first application for approval of matters specified in condition. A scheme of details shall also be submitted for the detailed design of the private access road. These details must be approved in writing by the planning authority prior to the commencement of development on site. Thereafter the development is to be completed in accordance with the approved details.
Reason: To ensure that the site is adequately serviced.
- 6 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. location and design, including materials, of walls, fences and gates
 - iii. soft and hard landscaping works
 - iv. existing and proposed services such as cables, pipelines, sub-stations
 - v. full details of an enhanced planting belt for the boundary treatment and landscaping finishes formed at the boundary of the site with the Haining Designed Landscape.

vi. a programme for completion and subsequent maintenance.

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

- 7 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 8 No development shall take place until fencing has been erected, in a manner to be agreed in writing by the Planning Authority, around the identified area of archaeological interest and no works shall take place within this fenced area without the prior written consent of the Planning Authority.

Reason: To safeguard a site of archaeological interest.

- 9 No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

- 10 No water supply, other than the public mains shall be used to supply the Development hereby approved, without the written agreement of the Planning Authority.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

- 11 No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and to ensure that the existing private water supply serving neighbouring properties is not compromised.

Applicant Informatives

1. In relation to Condition 3 above, private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties

connect into an existing system and the rights and duties have not been set down in law. To discharge 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.

2. In relation to Condition 6 above, the Archaeology Officer suggests consideration to be given in the final design to removing or limiting the creation of a shelter belt along the northwest edge of the site. This should seek to further minimise impacts to the setting of St Mungo's Well. Consideration should also be given in the final design to the retention of a 10 metre buffer between tree planting and the site of St Mungo's Well.
3. In relation to Condition 11 above:
 - a. A description of the source(s) / type of the supply - i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
 - b. The location of the source(s) of the supply - i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
 - c. The name and address of every relevant person in relation to the supply.
NB. A "relevant person", in relation to a private water supply, means a person (or persons) who: (a) provide the supply; (b) occupy the land from, or on which, the supply is obtained or located; or (c) exercise powers of management or control in relation to the supply.
 - d. The estimated maximum average volume of water provided by the proposed supply, in cubic metres per day (m³/day), and the details of any pump tests/flow rate tests undertaken to determine this estimate.
NB. For boreholes/wells refer to BS ISO 14686:2003 "Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use".
 - e. Any water treatment that is intended to be carried out in relation to the proposed supply for the development.
 - f. Where there are existing users of the proposed supply, the addresses of all such properties.
 - g. Where there are existing users of the proposed supply, the existing and proposed occupancy levels of all such properties, as far as is reasonably practicable.
NB. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of occupancy levels.
 - h. Where there are existing users of the proposed supply and / or there are other properties' private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.), information advising if and how the proposed development will impact on the existing users and / or the other properties' supplies.
 - i. If the development is to be used for commercial purposes and / or members of the public will use / consume the water, the private water supply will be classed as a Type A supply. This will mean that it will require to be sampled / monitored by the local authority on at least an annual basis and a risk assessment of the supply will also be required. As such, prior to commencement of the commercial / public activity, the applicant should contact the Environmental Health Department of Scottish Borders Council to ensure that compliance with the legislative provisions is able to be secured.
 - j. For clarification, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. A reserve storage capacity of three days'

supply should be provided. Also, the quality of the water throughout the building(s) must conform to the requirements of The Private Water Supplies (Scotland) Regulations in order for it to be classed as wholesome.

4. If a stove is to be installed as part of the development and so long as it is less than 45kW no further information needs to be provided.

DRAWING NUMBERS

Plan Ref	Plan Type	Plan Status
P449-001 REV G	Planning Layout	Approved
WATER SUPPLY ROUTE	Other	Approved
EXISTING AND PROPOSED VISUALS	Photos	Approved

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.

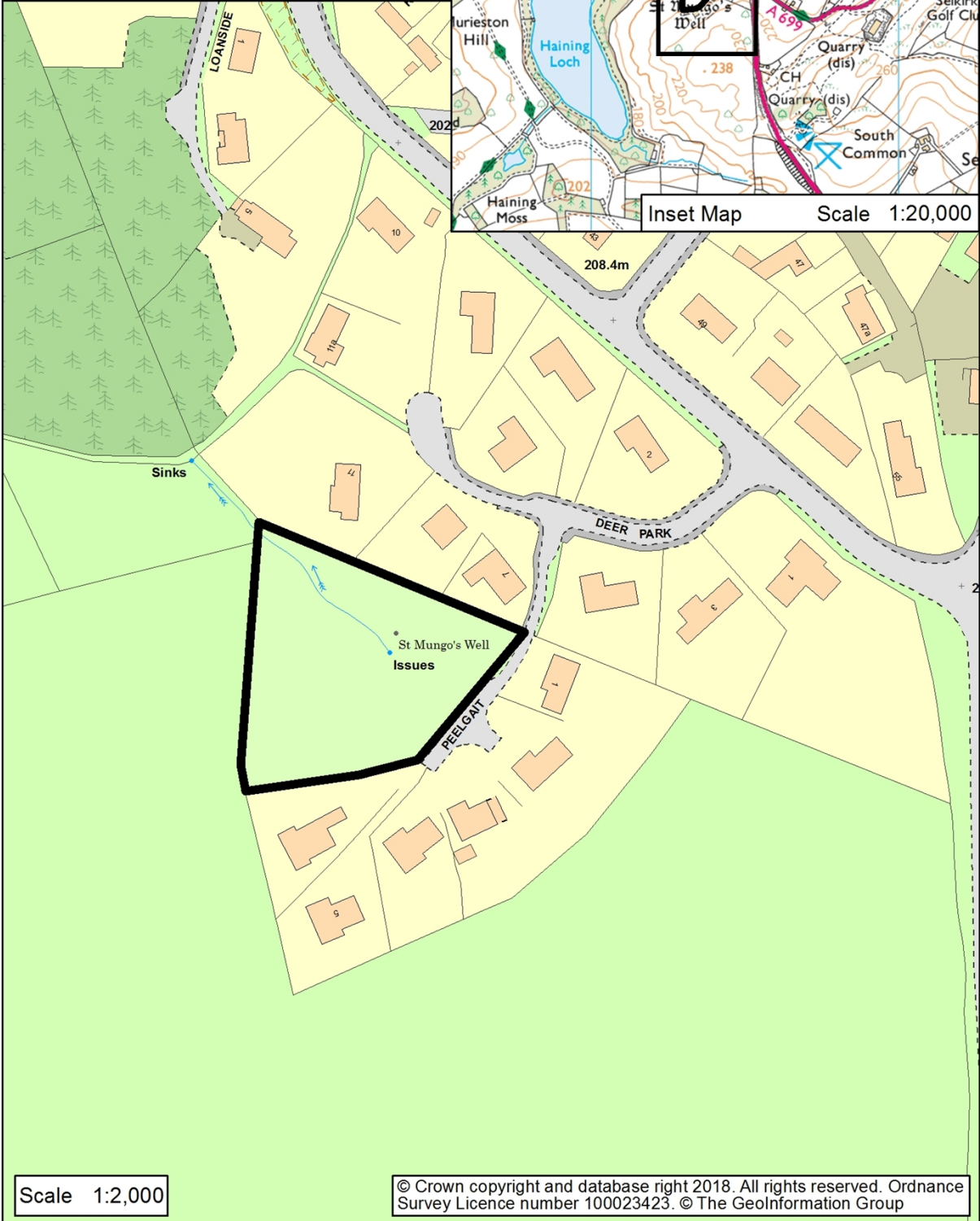
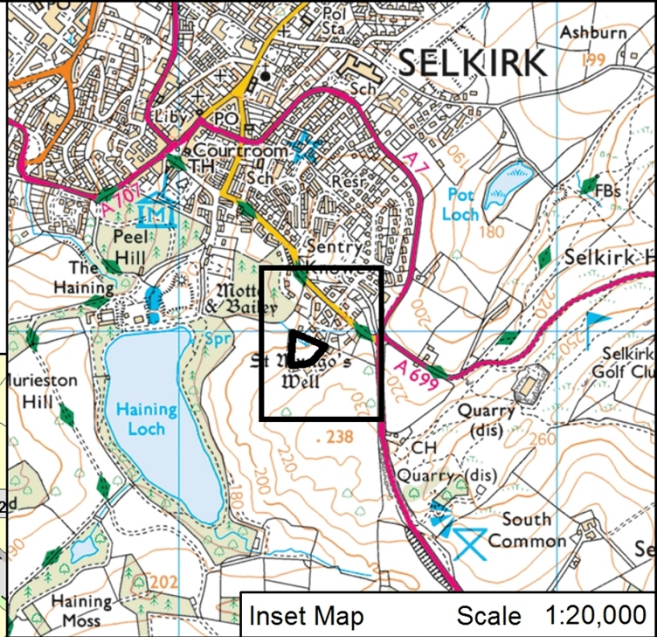
Author(s)

Name	Designation
Andrew Evans	Planning Officer (Development Management)



17/00923/PPP

Land West Of Peelgait
Selkirk



Scale 1:2,000

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

4 JUNE 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 18/00396/PPP
OFFICER:	Julie Hayward
WARD:	Leaderdale and Melrose
PROPOSAL:	Erection of dwellinghouse
SITE:	Garden Ground of The Gables Smith's Road Darnick
APPLICANT:	Mr and Mrs Jock and Margaret Aitken
AGENT:	David Jane Architects

SITE DESCRIPTION

The Gables is a one-and-a-half storey traditional dwellinghouse situated on the corner of Smith's Road and Abbotsford Road within the Darnick Conservation Area. The property faces south and has a small area of garden ground to the front enclosed by a low stone wall and railings. There is a larger area of garden ground to the north surrounded on three sides by a 3m high stone wall. There is a flat roofed garage in the north west corner accessed via timber gates in the wall, which open out onto Smith's Road. There is also a timber pedestrian gate onto Smith's Road.

The property is surrounded by other residential properties. There are three single garages and a phone box adjacent to the wall on Smith's Road.

PROPOSED DEVELOPMENT

The proposal is to demolish the garage and to erect a dwellinghouse on the northern section of garden ground (497 square metres). Two indicative design options have been submitted. Option 1 is for a single storey property with rendered walls and a pitched slate roof. Option 2 is a modern design with a flat roof.

The stone faced gable end of the proposed dwellinghouse and a stone boundary wall would be erected to separate the existing house and garden ground from the site. Four on-site car parking spaces are proposed in the north west corner of the site to serve the existing and proposed houses, with access from Smith's Road.

PLANNING HISTORY

There is no planning history.

REPRESENTATION SUMMARY

Seven objections have been received from separate households and these can be viewed in full on Public Access. The following planning issues have been raised:

- Impact on existing accesses during construction;
- Smith's Road is narrow and would be blocked by construction traffic;

- There is a lack of on-street parking, a high demand for on-street parking, the road is not capable of accommodating any more traffic and the situation would be exacerbated by the development;
- The street is already congested with parked cars causing access problems/obstructions for refuse vehicles, emergency vehicles and delivery vehicles;
- Visitors to the village hall need parking spaces;
- Access to the site would be difficult and visibility is restricted and could result in accidents;
- Detrimental impact on the Conservation Area and historic street, contrary to policy EP9;
- A bungalow would not be in keeping with older properties in Smith's Road;
- Part of the wall would be demolished to form the access to the site;
- Overdevelopment/density;
- Detrimental to residential amenity, including loss of privacy and overlooking;
- Overprovision;
- The proposal is similar to the application for Doonbye in Smith's Road;
- Approval would set a precedent for similar developments on garden ground, resulting in the loss of greenspace;
- Lack of space for the construction compound/storage;
- Contrary to Local Development Plan policies;
- Negative impact on heritage and archaeology.

APPLICANTS' SUPPORTING INFORMATION

- Design Statement
- Supporting Statement

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 1B: The Spatial Strategy: Development Principles

Local Development Plan 2016

PMD2: Quality Standards

PMD5: Infill development

HD3: Protection of Residential Amenity

EP4: National Scenic Area

EP9: Conservation Areas

IS2: Developer Contributions

IS3: Developer Contributions Related to the Borders Railway

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Placemaking and Design January 2010

Developer Contributions Revised 2018

Guidance on Householder Developments July 2006

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: There does not appear to be any history for this site, however we have recently recommended against the erection of a dwelling on a site to the south of this one, also served via Smith's Road, on the grounds of insufficient parking. This other application had no associated off-street parking and we were of the opinion that Smith's Road could not cater for the likely increase in parking demand as a result of the traffic associated with that proposal. The current proposal has the benefit of proposing parking within the site which would be accessed via an existing gate. The net result of this would be no decrease in the area currently available for parking in Smith's Road as the gate has to be kept clear at all times.

While the overall principle of a dwelling on this site is acceptable, there are issues with the proposal which will have to be addressed satisfactorily. As well as parking for the proposed dwellinghouse, it is intended to provide parking for the existing property known as 'The Gables' within the site boundary.

There are issues with the existing parking situation on Smith's Road but this proposal should not adversely impact on that upon completion. My main concern is, given the site is within a walled garden, how does the applicant propose to access the site with regards material deliveries and traffic associated with construction (materials and staff)?

Smith's Road is a public road which currently does not have any traffic restrictions in place and therefore it is available for use by any road legal vehicle. That said, the road is constrained in width over several sections and it would be unacceptable for the road to be continually blocked to traffic due to construction vehicles. It would also however be unrealistic to put conditions on any approval that were unenforceable or required continual policing.

The applicant has indicated that they are proposing to provide two parking spaces for the existing property (The Gables). However, these spaces will not necessarily be fully utilised as they are somewhat remote from the property. Residents of The Gables are likely to continue to park on-street when a space is available and this could cause tension among residents if private spaces are available for The Gables, but are not being used.

It is proposed that access to the new dwelling and the parking is to be via the existing gate. If approved, the existing wall would need to be lowered to a height not greater than 750mm for a distance of at least 2m either side of the access. This is to ensure road users and drivers of vehicles exiting the site are fully aware of each other.

The applicant should be requested to submit information covering the above concerns before a determination is made.

Director of Education and Lifelong Learning: No response has been received.

Principal Officer (Heritage and Design): No response has been received.

Archaeology Officer: No response has been received.

Statutory Consultees

Scottish Water: No response has been received.

Historic Environment Scotland: The proposal has the potential to affect the Battle of Darnick battlefield. No comments or objections.

Melrose Community Council:

- With this site being one of the last green spaces within the conservation village, should it be used for infill development or conserved?
- Traditional building materials should be used so the property would harmonise with the existing surrounding properties.
- We have previously raised concerns for further development using Smith's Road for access as this road is very tight and at times quite congested. The Roads Department should take a close look at vehicle movements and ingress and egress from site to ensure safety of existing road users.
- A turning point should be created within the property to allow vehicles to exit head first on to the road rather than reverse out blindly.
- The Council should ensure proper ownership of all strips of land being crossed by applicant prior to any consent being given.

Other Consultees

None

KEY PLANNING ISSUES:

- Whether this is an appropriate infill site for residential development;
- The impact of the development on the Conservation Area and visual amenities of the area;
- The impact on residential amenities;
- Road safety, traffic generation, parking and access;
- Construction impacts.

ASSESSMENT OF APPLICATION:

Principle

The site is within the Development Boundary for Darnick. The site is not allocated for any specific use within the Local Development Plan and so the proposal has to be assessed against policy PMD5. Within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met. These criteria will be assessed within this report.

One criterion is that the proposal should not conflict with the established land use of the area. In this case, the surrounding area is characterised by residential uses. It is considered that the proposed development of the site to provide a single dwellinghouse would be in keeping with this residential area of Darnick.

Siting, Layout and Design

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development. Policy PMD5 requires that the development 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; the proposal should not detract from the character and amenity of the surrounding area.

The site is within the historic core of Darnick and the area is characterised by a historic townscape pattern that is organic in nature with a varied street pattern, informal groups of buildings, high density and no defined building line. The majority of houses have a street elevation, though a few, mainly terraced, semi-detached or linked properties, have no relationship with the public road. The majority of houses in the surrounding area are traditional one-and-a-half and two storey, detached, semi-detached and terraced, with stone or rendered walls and slate roofs and a high standard of architectural detail.

The site is garden ground to the north of the Gables. The site is enclosed on three sides by a high boundary wall. It is considered that the site is large enough to accommodate a dwellinghouse, off-street parking and adequate garden ground for the existing and proposed dwellinghouse without constituting over-development. The scale of the dwellinghouse shown on the indicative block plan is considered to be too large, however, and a dwellinghouse with a smaller footprint would be more appropriate for a site of this size and in keeping with the density of the surrounding area.

The principle of residential development is therefore accepted on this site. Concern has been expressed that granting consent for this development would set a precedent for similar development on garden ground elsewhere in Darnick. Planning permission (18/00287/FUL) has recently been refused for an area of ground adjacent to Doonbye in Smith's Road to the south west of the current site as this is a significantly smaller site (136 square metres compared to 497 square metres) and proposal was considered to be an overdevelopment of the site that would be detrimental to residential amenity. In addition there is no vehicular access to the site and no on-site parking could be provided. Each application is considered on its own merits and so approving this current application would not set a precedent for residential development elsewhere in Darnick.

Concern has also been expressed about the loss of greenspace by developing on this garden ground. However, the high boundary walls completely hide this greenspace from view and so its contribution to open space or greenspace in this part of Darnick is not significant.

Two design options have been submitted with the application, one with a pitched roof (Option 1) and one modern design with a flat roof (Option 2). A dwellinghouse with a more traditional design would be more in keeping with the historic character of the area. A high quality of design and materials would be required, with the design resembling outbuildings or stables, for example, to reflect its context, with narrow gable widths, natural stone for the visible walls, a slate pitched roof and hayloft dormers. A condition will require a design statement to be submitted with any detailed application for this site.

Impact on the National Scenic Area and Conservation Area

Policy EP4 states that development that may affect the National Scenic Area will only be permitted where the objectives of the designation and overall landscape value of the site and its surroundings will not be compromised and any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance.

Policy EP9 states that the Council will support development proposals within or adjacent to Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces.

The Darnick Conservation Area incorporates the historic core of the settlement and is located within a sensitive landscape setting within the Eildon and Leaderfoot National Scenic Area.

The site is currently well screened by existing buildings and the stone boundary walls. The indicative section drawing (Option 1) indicates that only the roof and gable end would be visible above the wall.

The stone wall is a traditional feature that contributes to the character of the Conservation Area. However, it would require to be lowered to provide the required visibility splays for the access. A condition will require a detailed drawing to be submitted with the Approval of Matters Specified in Conditions application showing the alterations to the wall, including its height, gate pillars and coping stones. This will ensure no adverse impact occurs to the character of the Conservation Area.

The lowering of the wall would expose more of the site. However, the proposed house could be designed so that the gable end of the proposed dwellinghouse backs onto the parking spaces or the house could be attached to the wall so that it screens views into the site through the vehicular access or over the wall.

It is considered that with appropriate scale, design and materials the proposal would not harm the character or appearance of the Conservation Area. The development would read as part of the built form of Darnick and so would not impact on the special qualities of the National Scenic Area.

Impact on Residential Amenities

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 Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

As this is a Planning Permission in Principle application the drawings are indicative and so it is not possible to fully assess the impact of the development on neighbouring properties. The site plan indicates that two properties back onto the

site, Thistle Cottage and Bruce Cottage, on the eastern boundary separated by the high wall. Osmond Cottage is adjacent to the site to the southwest.

It would be important at the detailed application stage to ensure that the dwellinghouse is sited and designed to ensure no overlooking or loss of light occurs to these neighbouring properties.

Access and Parking

Policy PMD5 requires that adequate access and servicing can be achieved. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The proposal is to demolish the existing garage and utilise the opening in the stone wall to access the site. Four parking spaces and a turning area are proposed within the site for the existing and proposed houses.

The Roads Planning Officer advises that the proposal has the benefit of proposing parking within the site and the net result of this would be no decrease in the area currently available for parking in Smith's Road as the existing gate has to be kept clear at all times. There are issues with the existing parking situation on Smith's Road but this proposal should not adversely impact on that upon completion. The proposal also includes on-site parking from the Gables but the spaces are somewhat remote from the property and the Roads Planning Officer is concerned that these may not be used and occupants of the Gables will park on the street.

The provision of parking within the site for occupants of the existing property is welcomed but it is not possible to require the occupants to utilise the parking spaces by way of a condition and as there are no parking restrictions in place, the occupants could legally choose to park on the street. This is not a sufficient reason to recommend the refusal of the application.

The boundary wall would need to be lowered to a height not greater than 750mm for a distance of at least 2m either side of the access to ensure road users and drivers of vehicles exiting the site are fully aware of each other. As outlined above, a condition will ensure that the required visibility is provided and that alterations to the wall do not harm the appearance of the Conservation Area.

The main concern of the Roads Planning Officer is how the site would be accessed during the construction phase with regards material deliveries and traffic associated with construction. Smith's Road is a public road which currently does not have any traffic restrictions in place and therefore it is available for use by any road legal vehicle. That said, the road is constrained in width over several sections and it would be unacceptable for the road to be continually blocked to traffic due to construction vehicles. This concern has also been expressed in the representations received. Residents are concerned that vehicles associated with the development would cause congestion, park on the street reducing parking available for residents and block the street and existing accesses. There is also a concern regarding where the construction compound would be located, given the size of the site.

Construction works will inevitably cause a degree of disruption, though the management of construction traffic is not normally considered as part of a planning application for a development of this scale. However, it is important to ensure that the site can accommodate the type of traffic needed to service the development's construction and that a construction compound can be located within the site in order

to limit potential disruption on the public road and in the general interests of road and pedestrian safety.

A condition would require a Construction Method and Traffic Management Statement to be submitted before any works commence on the site and agreed with the Roads Planning Service. This would ensure that delivery vehicles can access the site and include details of the construction compound location/material storage areas and staff parking. Management of traffic that is not on, entering or leaving the site cannot be controlled by a planning condition.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new development would be a direct connection to the public sewerage system.

The application form states that the proposed dwellinghouse would be connected to the mains water supply and drainage. A condition would ensure that specific details of the water supply and drainage are submitted with the Approval of Matters Specified in Conditions application.

Developer Contributions

Financial contributions, in compliance with policies IS2 and IS3, are required in respect of education (Melrose Primary School and Earlston High School) and the Borders railway. These would be secured by a legal agreement.

CONCLUSION

Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement addressing contribution towards education and the Borders Railway and the following conditions:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. A Design Statement to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site setting out the design rationale for the development and demonstrating an appropriate form, scale and design of development and external materials taking reference from the character of the site and its context.
Reason: To ensure a high standard of design, given the character of the site and its context.

4. The existing boundary wall to be lowered to a height no greater than 750mm for a distance of at least 2m either side of the access. A detailed drawing showing alterations to the boundary wall to provide the required visibility to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. This to include details of gates piers, gates and coping stones. The wall then to be altered in accordance with the approved drawing before the dwellinghouse is occupied.
Reason: To ensure adequate visibility at the vehicular access to the site in the interests of road safety and to protect the character of the Conservation Area.

5. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided within the site for the existing dwellinghouse (the Gables) and the proposed dwellinghouse (a minimum of four in total) prior to the occupation of the proposed dwellinghouse and thereafter the parking must be retained in perpetuity.
Reason: To ensure that adequate parking is provided within each plot, in the interests of road safety.

6. No development shall commence within the site until a Construction Method and Traffic Management Statement has been submitted to and approved in writing by the Planning Authority. This to include:
 - i) The location of the construction compound and areas for the storage of materials, plant and equipment;
 - ii) The location of staff parking (personnel vehicles to avoid peak times 8-10am and 4-5.30pm);
 - iii) Evidence that the site can be accessed by delivery vehicles (all vehicles to leave in a forward gear);
 - iv) The timing of deliveries (restricted to between 10am and 3pm to avoid peak times).
 The construction of the dwellinghouse then to be carried out in accordance with the approved Construction Method and Traffic Management Statement for the duration of the works.
Reason: To limit potential impacts on road and pedestrian safety.

7. Full details of the means of water supply and the surface water and foul water drainage to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority, the development then to be implemented in accordance with the approved details and the water supply and drainage installed as approved before the proposed dwellinghouse is occupied.
Reason: To ensure that the site is adequately serviced.

Informatives

Conservation Area Consent is required for the demolition of the garage.

In respect of condition 3, a high quality of design and materials are required. It is suggested that the dwellinghouse is designed to resemble traditional outbuildings or stables, to reflect the context of the site, with narrow gable widths, natural stone for the visible walls, large areas of glazing, a slate pitched roof and hayloft dormers. The proposed dwellinghouse should be designed and sited so that it backs onto the parking spaces or the house is attached to/built up against the boundary wall so that it screens views into the site through the widened vehicular access.

DRAWING NUMBERS

18023-LOC Location Plan
 18023-E-001 Existing Block Plan
 18023-E-201 Existing Block Sections
 18023-P-001 Indicative Block Plan
 18023-P-201 Option 1 Indicative Block Sections
 18023-P-201 Option 2 Indicative Block Sections

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

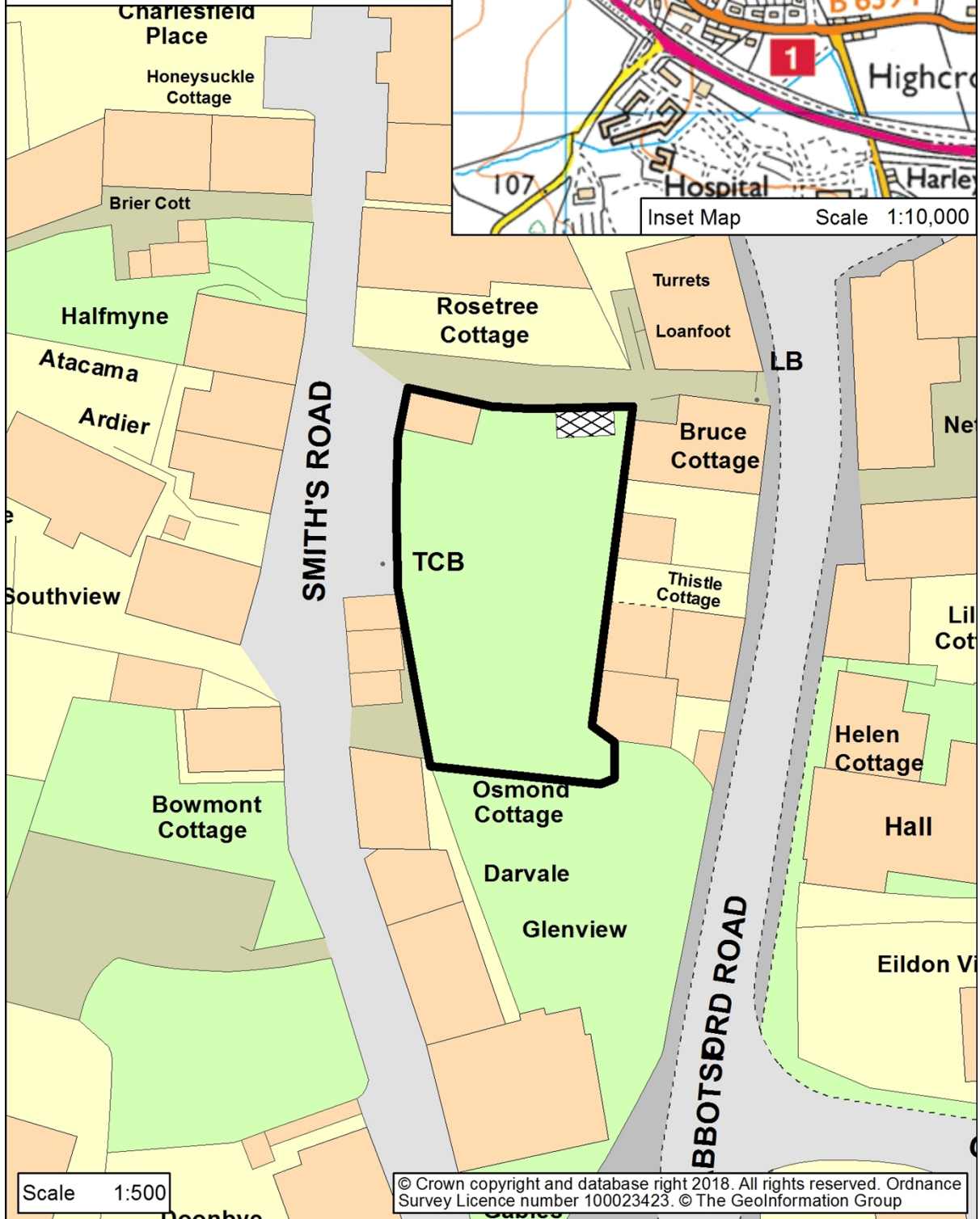
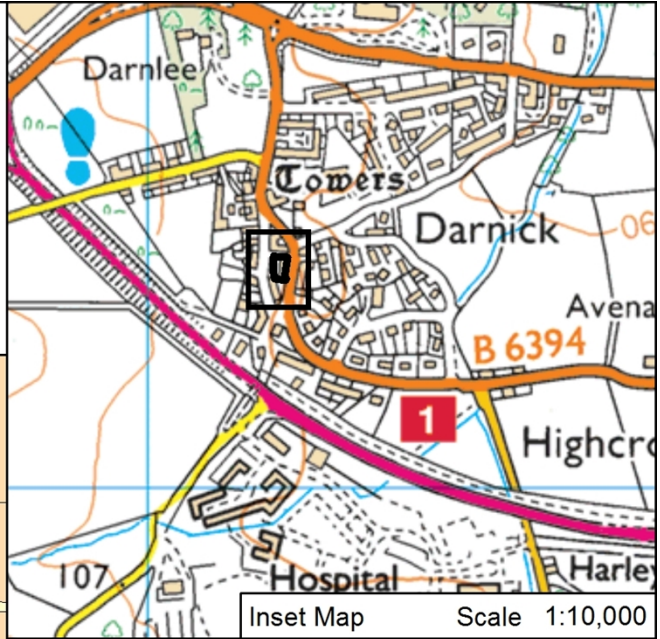
Author(s)

Name	Designation
Julie Hayward	Lead Planning Officer



18/00396/PPP

Garden Ground Of The Gables
Smith's Road
Darnick
TD6 9AL



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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

4th June 2018

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

- 3.1.1 Reference: 16/00980/FUL
Proposal: Wind farm development comprising of 8 no turbines 100m height to tip and associated works, infrastructure, compounds, buildings and meteorological mast
Site: Land North of Howpark Farmhouse, Grantshouse
Appellant: LE20 Ltd

Reason for Refusal: The proposed development is contrary to policy ED9 of the Scottish Borders Local Development Plan 2016, the provisions of the Supplementary Planning Guidance on Windfarms 2011 and the study on Landscape Capacity and Cumulative Impact 2013 (Ironside Farrar) in that the development would have significant adverse cumulative visual impacts on residential and other receptors and that the landscape is incapable of accommodating the scale of turbines proposed. In addition, the identified economic benefits are not sufficient to outweigh the significant visual and landscape objections to the development.

Grounds of Appeal: It is considered that the proposed wind farm will not have unacceptable significant adverse impacts either individually or cumulatively on residential and other receptors and that, the landscape has the capacity to satisfactorily accommodate the scale of turbines proposed. Given that the proposed wind farm is in accordance with the development plan, there is a legal presumption in terms of Section 25 of the Planning Act in favour of permission being granted unless material considerations indicate otherwise. On the whole, the material considerations in this Appeal weigh heavily in favour of approving the proposed wind farm. Whilst the proposed wind farm has generated a moderate degree of objection from third parties and Community Councils, these objections are insufficient to justify refusal.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Sustained

Summary of Decision: The Reporter, R W Maslin, considered the Landscape viewpoints bearing in mind the Drone-Penmanshiel cluster of 39 turbines and found that adding the eight proposed turbines would intensify the landscape effect of the cluster but would not radically alter the existing effect. The reporter also found that noise from the proposed development would not result in unacceptable significant adverse impacts or effects if a condition were imposed. The reporter found no conflict with Policy ED9 and gave careful consideration to the conflicts with Policies HD3, PMD2, EP7 and EP8, but found the conflicts limited in degree. As the proposed development accords with the development plan the reporter did not weigh economic and environmental benefits against adverse impacts or effects, though the report did find that there will be benefits, albeit minor, in terms of employment and reduction in greenhouse gas emissions from the energy sector and contribution to the change to a low-carbon economy. Special regard was given to the desirability of preserving the setting of Renton House, but the reporter felt the adverse effects are not so great as to justify refusal of planning permission. Therefore, the reporter concluded that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusal of planning permission. The appeal is therefore allowed and planning permission granted subject to 31 conditions and four advisory notes.

3.1.2 **Reference:** 17/00015/PPP
Proposal: Residential development with associated supporting infrastructure and public open space
Site: Land East of Knapdale 54 Edinburgh Road, Peebles
Appellant: S Carmichael Properties Ltd

Reasons for Refusal: 1. The application is contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the site lies outwith the defined settlement boundary of Peebles and insufficient reasons have been given as to why an exceptional approval would be justified in this case. 2. The application is contrary to Policies PMD2, PMD4, EP5 and EP10 of the Scottish Borders Local Development Plan 2016 in that the development would create significant adverse landscape and visual impacts, within a Designed Landscape and Special Landscape Area on a prominent and sensitive edge of the town settlement boundary. 3. The application is contrary to Policies PMD2 and IS6 of the Scottish Borders Local Development Plan 2016 in that it has not been demonstrated that

the development could be accessed without significant detriment to road safety on the A703 and at the junction with the proposed access road.

Grounds of Appeal: 1. The proposed development can be reasonably assessed against the terms and provisions of Policy PMD4 of the Scottish Borders Local Development Plan (LDP) as it is of such a scale that it would have no demonstrable or adverse impact upon the longer term development and expansion of the settlement of Peebles. 2. The appellant's landscape architect has prepared a report which demonstrates that the proposed development site will give rise to no significant landscape impacts. The Council have failed to provide sufficient justification which could reasonably support the second reason for refusal. 3. There has been no known record of any significant accidents associated with the use of the current site access road configuration. Whilst the proposed junction improvements may not being the site access junction fully up to the Council's relevant standard, they will bring a measured improvement to both the standard and functioning of the junction and therefore the proposed development can be reasonably justified against Policies PMD2 and IS6 of the LDP.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, Keith Bray, concluded that the proposed development does not accord overall with the relevant provisions of the development plan and in particular a fundamental LDP policy PMD4. There were no material considerations which would still justify granting planning permission. The reporter considered all the other matters raised, but there were none which would lead him to alter his conclusions.

3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

4.1 There remained 6 appeals previously reported on which decisions were still awaited when this report was prepared on 25th May 2018. This relates to sites at:

• Poultry Farm, Marchmont Road, Greenlaw	• Land South West of Easter Haprew Farmhouse, Peebles
• Hutton Hall Barns, Hutton	• Land North West of Gilston Farm, Heriot
• Land South West of Lurgiescleuch (Pines Burn), Hawick	• Site at Industrial Buildings and Yard, Elders Drive, Newtown St Boswells

5 REVIEW REQUESTS RECEIVED

5.1 Reference: 16/01371/FUL
Proposal: Change of use of agricultural buildings and alterations to form 12 No dwellinghouses

Site: Agricultural Buildings, South East of Merlewood,
Hutton Castle Barns, Hutton
Appellant: Mr Geoffrey Bain

Reasons for Refusal: 1. The application is contrary to Policy PMD2 (Quality Standards) and HD3 (Residential Amenity) of the Scottish Borders Local Development Plan 2016 in that the proposed development would not be compatible with neighbouring uses, with a reasonable likelihood of unacceptable residential amenity impacts arising for the future occupants of the proposed dwelling units. 2. The application is contrary to the Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that the proposed development would conflict with the operations of a working farm. 3. The application is contrary to Policy IS2 (Developer Contributions) of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance: Affordable Housing and Development Contributions in that the applicant has not committed to paying the necessary development contributions towards deficiencies in infrastructure and services which will be created or exacerbated as a result of the development. 4. The application is contrary to Policies EP1 (International Nature Conservation Sites), EP2 (National Nature Conservation Sites and Protected Species) and EP3 (Local Biodiversity) of the Scottish Borders Local Development Plan 2016 and the Supplementary Planning Guidance on Biodiversity 2005 in that the potential impact on protected species is unknown as the required ecological surveys have not been carried out. 5. The application is contrary to Policies PMD2 (Quality Standards) in that the proposed parking and access arrangements would result in an adverse impact on road safety.

5.2 Reference: 17/01362/FUL
Proposal: Part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis courts
Site: Southbank and Paddock South East of Southbank, Bowden, Melrose
Appellant: Mrs Sarah Wilkinson

Reasons for Refusal: 1. The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 in that the change of use of the paddock to domestic garden ground and the erection of the tennis court, fencing and summerhouse and the formation of the access and driveway would be outwith the village's Development Boundary, resulting in inappropriate encroachment into the open countryside. There is no justification for this development in terms of the exceptions listed within policy PMD4 and approving this proposal would set an undesirable precedent for similar developments outwith the village that would further erode the Development Boundary. 2. The proposal would be contrary to policies PMD2 and EP9 of the Local Development Plan 2016 as the development would be out of keeping with the rural character of the area and edge-of-village location. The proposal would be prominent in the landscape, with inappropriate boundary treatments that do not help to integrate the development into its surroundings and the wider environment, and would adversely affect the setting of the village, the character and appearance of this part of the Conservation Area and the visual amenities of the area.

5.3 Reference: 17/01734/PPP
Proposal: Erection of dwellinghouse
Site: Land South West of 1 Hill Terrace, Stow

Appellant: Susan Aitchison

Reason for Refusal: The access road serving the site is unsuitable for further traffic and is not capable of being improved to a standard that is adequate to support the additional traffic generated by the proposed development. The development would, therefore, be contrary to Policies PMD2 and PMD5 of the Local Development Plan 2016. This conflict would potentially lead to serious risk to road and pedestrian safety. There are no other material considerations that would outweigh this conflict with the development plan.

5.4 Reference: 18/00287/FUL
Proposal: Erection of dwellinghouse
Site: Land North West of Doonbye, Smith's Road, Darnick
Appellant: Mr I Maxwell

Reasons for Refusal: 1. The proposed development would not comply with policies PMD2, PMD5 or IS7 of the Local Development Plan 2016 as no off-street parking would be provided and the resulting implications on Smith's Road would have potential adverse impacts on road and pedestrian safety. Other material considerations do not outweigh these conflicts with policy. 2. The proposed development would be contrary to policies PMD2, PMD5 and HD3 as it would constitute overdevelopment of the site in a manner that would have an adverse impact on the residential amenities of future occupants of the dwellinghouse and an intrusive and overbearing impact on neighbouring properties. Other material considerations do not outweigh these conflicts with policy.

6 REVIEWS DETERMINED

6.1 Reference: 17/01617/PPP
Proposal: Erection of dwellinghouse
Site: Land North West of The Gables, Gattonside
Appellant: Mr And Mrs A Matthew

Reason for Refusal: It is considered that the proposed development would be contrary to policies PMD2 and, PMD5 of the Local Development Plan 2016 in that adequate access to the site cannot be achieved resulting in an adverse impact on road safety, for the following reasons: 1. The junction of the private road (Priors Road), serving the site and the B6360 is not suitable for additional traffic due to the acute angle at which Priors Road joins the B6360, its width, steep gradient, visibility, loose material and uneven surface making it difficult for vehicles enter and exit the junction and for each other to pass at the junction. 2. Priors Road itself, between the B6360 and The Loan, suffers from poor construction make-up, tight geometry, lack of width combined with limited forward visibility, inadequate passing provision, absence of on-street parking and inadequate street lighting. 3. The junction of the road serving the site and The Loan is substandard in geometry making a left turn out of Priors Road or a right turn in extremely difficult.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.2 Reference: 17/01685/PPP
Proposal: Erection of dwellinghouse

Site: Land South of The Bungalow, Blacklee Brae,
Bonchester Bridge
Appellant: Mr John Huck

Reasons for Refusal: 1. The proposed development is contrary to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside. 2. The proposed development is contrary to Adopted Local Plan Policies HD2, PMD2 and EP13, in that it has not been demonstrated satisfactorily that the development would not have any unacceptable impacts upon the local landscape, principally that it would not cause the loss of, or serious damage to, an existing woodland resource with landscape, ecological and shelter value. 3. The proposed development is contrary to Adopted Local Plan Policies HD2, PMD2 and EP1 in that it has not been demonstrated satisfactorily that the development would not be liable to have any unacceptable impacts upon local biodiversity, principally upon bats, a European Protected Species.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to conditions and informatives)

6.3 Reference: 17/01731/FUL
Proposal: Extension to dwellinghouse
Site: 34 Edinburgh Road, Peebles
Appellant: Ms Lynne Marshall

Reason for Refusal: The development would be contrary to Policy PMD2 of the Local Development Plan 2016 in that the proposed extension would not be sympathetic to the existing building in its form and scale and it would, therefore, have an adverse visual impact on the building and surrounding area.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

7.1 There remained no reviews previously reported on which decisions were still awaited when this report was prepared on 25th May 2018.

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained 3 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 25th May 2018. This relates to sites at:

• Fallago Rig 1, Longformacus	• Fallago Rig 2, Longformacus
• Birneyknowe Wind Farm, Land North, South, East & West of Birnieknowe Cottage, Hawick	•

Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

Name	Designation and Contact Number
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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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