

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01467/AMC

APPLICANT : Mr J McGrath

AGENT : RM Architecture Ltd

DEVELOPMENT : Erection of dwelling house and detached garage (approval of matters specified in all conditions pursuant to planning permission 15/00301/PPP)

LOCATION: Land North East Of Dundas Cottage
Ettrick
Selkirk
Scottish Borders

TYPE : AMC Application

REASON FOR DELAY: No Reason

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
SF25181-001 A	Elevations	Approved
16-015-001 REV A	Site Plan	Approved
16-015-002	Sections	Approved
OS EXTRACT	Location Plan	Approved
"CYCLONE" GARAGE LETTER / PLAN		Other Approved

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

COMMUNITY COUNCIL:

EYCC has no objections to the application on the proviso that the Planning Officers are content that the buildings style, design, finish and orientation are in keeping with the local styles and surrounds and that any noise emanating from the site (in particular the large workshop proposed) is not intrusive. We note that the house is proposed as having a tin roof, not the usual slate tiles which would be in keeping with the surrounding buildings. We are aware of other planning applications where it has been a requirement that traditional materials were used and therefore assume that a consistent approach will be applied to this application.

ROADS PLANNING SERVICE:

The site plan includes details for widening the junction to allow two vehicles to pass in the bell-mouth area, as well as showing the necessary visibility splays. The principle of these improvements are acceptable, however I would like to make the following points;

o The widening of the junction must be to the following specification "A 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (road base) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1."

- o The existing road gully must be relocated to an agreed location.
- o The first two metres of the private access into the plot must be formed with a bituminous surface, or approved equivalent, in order to provide a consolidated surface for vehicles to pull away from.

These works must be completed to the satisfaction of the Council prior to the occupation of the dwelling. It should be noted that all work within the public road boundary must be undertaken by a contractor, first approved by the Council.

ENVIRONMENTAL HEALTH:

The papers lodged in connection with this Application indicate that it is intended to use a private drainage system and a solid fuel appliance. These can both impact on public health if not properly installed, operated and maintained. Agree with application in principle, subject to Conditions and Informatives.

LANDSCAPE ARCHITECT:

The site has not been visited but is in a rural location in the heart of the Etrick Valley. The site is rising ground to the south of the B7009 and screened to some degree by the strip of mature shelterbelt planting that runs along the southern boundary with the road. There are a number of conditions relating to the existing trees on site and to a landscape scheme for the site, as follows:

Condition 1 - which requires the landscaping of the site to be submitted and approved in writing by the Planning Authority. As yet no landscaping scheme has been submitted. It should consider the planting of a hedge and trees along the northern and west boundaries and some additional tree and native shrub planting along the south eastern boundary to strengthen the existing screen along the road.

Condition 4 relates to the existing trees on site, requiring a detailed drawing to be submitted showing trees to be retained on site. We would expect to see plan showing accurately the location and extent of all trees on site (even those trees which it might be necessary to remove). Such a tree plan has not been submitted, and while the Site Plan as Proposed shows existing trees along the south east boundary, it does not show the full extent of these trees or locate them accurately. Once an accurate plan showing all trees has been drawn up it will be necessary to provide tree survey information for the trees along the edge of the proposed development, including condition (health/ longevity) and stem diameter, in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations. This will allow the Root Protection Area (RPA) of these trees to be established. The RPA of all retained trees should then be fenced off prior to commencement on site, so that no damage is incurred to the retained trees in the course of the development.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of the direct postal notification of four neighbouring dwellings. Further publicity was carried out in the form of an advert in the Southern Reporter, and on the National planning notice website. No objections were received. One representation was received from Mr & Mrs Briggs, raising concerns (but not objections) in terms of orientation, windows and materials. These issues are considered further in the report assessment below.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016
 Policy PMD4 Development Outwith Development Boundaries
 Policy HD3 Protection of Residential Amenity
 Policy EP13 Trees, Woodlands and Hedgerows
 Policy IS5 Protection of Access Routes
 Policy IS7 Parking Provision and Standards

Other
 SPGs

- New Housing in the Borders Countryside
- Placemaking and Design
- Householder Development
- Development Contributions

Recommendation by - Andrew Evans (Planning Officer) on 9th February 2017

This application seeks approval of matters specified in conditions in relation to the erection of a single detached dwelling on a site at Ettrick. The site is located at the corner of the Captains Road, and the minor road the B709. Planning permission in principle was granted under application 15/00301/PPP for the erection of a single detached dwelling.

Addressing the conditions of the PPP consent in turn:

Condition 1

The condition stated: 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.

- Layout, Siting and Design.

The form, scale, mass and positioning of the proposed building are all agreeable.

Representation was received regarding the orientation of the house. However given the unusual triangular shape of the site, and tree belt along the neighbouring road, I am content that the submitted orientation can be accepted. The window shape and form is also questioned. However the site is not in any conservation area and the windows do have a generally vertical emphasis. I am content with this aspect as proposed. I note the proposed timber cladding. Given the adjacent tree belt in this rural location, there is a definite context which allows for the use of timber cladding here. The materials condition will cover provision and agreement of a sample.

The proposed dwelling is considered generally acceptable in terms of policy PMD2 of the LDP and in terms of the housing design guidance set out in the adopted SPG on Placemaking and design. A condition on submission and agreement of materials samples would be appropriate to ensure compliance with the materials requirements of policy PMD2. The proposed metal roof sheeting would not be acceptable. The agent lodged additional information and photos seeking to justify the use of metal cladding to the roof of this proposed dwelling. I note the submission, however within the immediate context, dwellings use slate. The neighbouring built context features predominantly slate as roof covering. Slate will be required via planning condition. A condition will also require a black or grey finish to the flue exterior.

- Landscaping / House Position

The position of the house and garage on the plot are acceptable. In terms of the embankment to be formed behind the house, this will be softened by existing trees. Planting details are provided for to a limited degree in drawing 16-015-001A. A full scheme for landscaping and schedule for conclusion is still required. It will be ensured via condition.

- Embankment

I had some concerns about the banking behind the proposed house, in terms of height and grade. The agent has provided a supplementary section which shows that the banking in reality will be less than 2m deep, and at a moderate slope. The banking is proposed to be grassed. These arrangements will be acceptable.

Condition 2

This related to timing of applications, and discharge of conditions, and no action is required here.

Condition 3

This states that no development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area. With regards this condition the agent set out on the proposed application form that the proposed means of water supply is via a public connection.

- Water and Drainage

The current application now proposed a public water supply, but private drainage arrangements. Environmental Health was consulted on the application, and advises that the proposed dwelling can be supported, subject to suitable conditions being in place. Suitably worded conditions are set out following this report.

The condition suggested by the EHO in terms of ongoing maintenance of the drainage system would not pass the tests for use of planning conditions, and as such has not been imposed here.

Condition 4

Condition 4 states that before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Local 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 Local Planning Authority.

The application was accompanied by a tree survey from Ballantynes Tree Services. This includes a detailed tree assessment drawing. This tree RPA / protection plan was transcribed onto plan 16/015-001 Rev A. The submitted drawing 16/015-001 Rev A sets out the position of existing trees, and sets out a position for a protective fence. The drawing needs to be tied to a suitable further condition, to ensure the provision of the protective fencing, and to continue to prevent any further felling or lopping unless agreed.

Tree removals are also set out in this plan. 3 removals from the north of the plot, pose no issue. Trees 62, 65 and 67 are healthy, but removal is required for the access. The remaining removals are of trees in the main belt, south of the house and adjoining the B road, which have started to overhang or lean towards the public road. Some management of this woodland is welcome, and will in the longer terms show benefit. Suitable conditions are set out following this report to ensure only the agreed trees are removed.

Condition 5

This condition required that the right of way adjacent to the western boundary of the site should remain open and free from obstruction before, during and after any construction works. The proposals do not conflict with this requirement.

Condition 6

This condition requires that the detailed design of the alterations to the existing junction and proposed access details from the minor single track road shall be submitted at detailed planning stage. Thereafter, the agreed scheme will be implemented prior to works commencing on site. The Roads Planning Service was consulted on the application, and advises that the site plan includes details for widening the junction to allow two vehicles to pass in the bell-mouth area, as well as showing the necessary visibility splays. The principle of these improvements are acceptable, to the RPS, however there are a number of matters still to be clarified. These will be subject to planning condition.

REASON FOR DECISION :

Subject to compliance with the schedule of conditions, the development will satisfy the conditions of Planning Permission in Principle Ref. 15/00301/PPP, and 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: Approved - conditions & informatives

- 1 No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.
Reason: To ensure that the development does not have a detrimental effect on public health.
- 2 Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.
Reason: To ensure that the development does not have a detrimental effect on public health.
- 3 Notwithstanding the submitted details in this application, the roof of the dwelling shall be slate of a type first submitted to and approved in writing with the planning authority. The development is thereafter to be completed using the agreed slate, prior to occupation of the dwelling. The external parts of the flue of the wood burning stove are to be matt black or matt grey in colour. The remaining external surfaces of the development hereby approved shall be of materials indicated on the submitted application form and approved plans, and no other materials shall be used without the prior written consent of the Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 4 Prior to commencement of the development, the widening of the junction must be to the following specification "A 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (road base) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1." These works must be completed to the satisfaction of the Council prior to the occupation of the dwelling.
Reason: In the interests of road safety at the junction of the B709 with the Captains Road.
- 5 Furthermore, the existing road gully must be relocated prior to commencement of development, to an agreed location that has first been submitted to and approved in writing with the Planning Authority. These works must thereafter be completed to the satisfaction of the Council prior to the occupation of the dwelling.
Reason: In the interests of road safety at the junction of the B709 with the Captains Road.
- 6 The first two metres of the private access into the plot must be formed with a bituminous surface, or approved equivalent, in order to provide a consolidated surface for vehicles to pull away from. These works must thereafter be completed to the satisfaction of the Council prior to the occupation of the dwelling.
Reason: In the interests of road safety at the Captains Road.
- 7 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed in the location indicated on drawing 16/015-001 Rev A, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
 - (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
 - (b) No fires shall be lit within the spread of the branches of the trees;
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
 - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
 - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

- 8 Unless otherwise agreed in writing by the Planning Authority only the trees identified on drawing 16/015-001 Rev A and the corresponding Ballantynes Tree Services Survey Plan shall be removed. Reason: The existing trees represent an important visual feature which the Planning Authority consider should be substantially maintained.
- 9 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.
- Reason: To ensure the satisfactory form, layout and assimilation of the development.
- 10 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.

Informatives

It should be noted that:

- 1 The Environmental Health Service advises:

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

- 2 The Environmental Health Service advises:

Wood Burning Stove installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

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

- 3 The further landscaping details brought forward to address the conditions of this consent should address the comments of the Council Landscape Architect.

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

