

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

26 MARCH 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/01403/FUL
OFFICER:	Carlos Clarke
WARD:	Leaderdale and Melrose
PROPOSAL:	Erection of dwellinghouse
SITE:	Land south of Abbotsbank, Gattonside
APPLICANT:	Rural Renaissance Ltd
AGENT:	Camerons Ltd

SITE DESCRIPTION

The site comprises a long, tapered area of rising ground located within the centre of the village and previously used, according to the application submission, as a market garden/nursery. It is located off the Loan, a narrow, winding rising public road that currently serves a number of existing properties. The site has an existing access onto the Loan at its southern end via an existing tarred junction shared with the adjacent property. At its far northern end it also has a gateway onto the higher section of the Loan. The site itself is grassed, and rises from south to north. In its centre is a dilapidated greenhouse building extending approximately the width of the site at that point. The site's boundaries are marked by fencing, hedging and walling, where it meets undeveloped land to its west, the gardens of houses to its east and, the Loan public road to its north-east and north. It is overlooked by a terrace of houses to the north on the other side of the Loan. The site is located within the village's Conservation Area.

PROPOSED DEVELOPMENT

This application has been subject to an initial submission and two amendments. The application seeks consent for a single detached house which, during the course of the application, has been subject to changes, including in its position (originally to be sited in the northern half of the site, with access from the north-east), and design and scale. The current proposal is for the house to be located within the centre of the site, approximately as per the position of the existing greenhouse. It is to be accessed from a new driveway rising from the existing junction at its southerly end. The house would be 1 ¾ storey, principally on a rectangular footprint, with a further rectangular section behind that would be split-level with the rising ground behind. It would be roofed in natural state, with off-white smooth rendered walls, and aluminium/timber composite windows and doors. The application includes retention of the existing gateway to the north of the site that currently accesses the Loan, and which the applicants confirm is required for maintenance of the remaining field only.

DECISION BY PREVIOUS COMMITTEE

The application was considered by the Planning and Building Standards Committee at its meeting on 5th February. The Committee deferred a decision on the application to allow a visit to the site to be undertaken. Following the site visit, the Committee asked for a Construction Traffic Management Plan. This has since been submitted on behalf of the applicants and is considered in the assessment section of this report. Comments from the Roads Planning Service on the plan are also noted below.

PLANNING HISTORY

There is recent planning history for the site itself, though two recent consents for single houses accessed by the Loan are of some relevance:

- 16/01341/FUL - Land North West Of Wellbank - approved December 2016
- 16/00162/PPP - Garden Ground of Lindisfarne – originally refused due to inadequacy of the Loan to accommodate associated traffic. Consent was granted by the Local Review Body in September 2016

REPRESENTATION SUMMARY

As noted above, the application has been subject to three iterations. The original submission and two subsequent amendments have all been subject to consultation with neighbours and relevant consultees, and all three have attracted a number of objections. The revised proposal, for which consent is now sought, has generated objections on behalf of 20 properties. It is evident that the amended proposals have not addressed objectors' concerns and the principal objections (which account for all stages of processing of the application) are noted in summary below. Copies of all representations can be viewed in full on *Public Access*.

- There has never been a market nursery business on this site. Evidence should be provided of its existence.
- The Loan is unable to cope with the extra traffic associated with the construction and use of the dwellinghouse. The access is onto a blind corner with poor sightlines, and the road gets more dangerous each time another access is added. The road is very narrow, with steep gradients and no footpaths. Cars, houses and walkers use it. Its surface is solid ice in cold weather and it is frequently used for car parking. Houses are being built elsewhere on the Loan now, and damage has occurred as a result of recent construction works. This will result in an increase in traffic making the road more dangerous at its busiest section. Access to the south remains difficult and potentially dangerous.
- The excavator route would be unsafe, and the largest anticipated vehicle doesn't guarantee it will be the largest and, if smaller, this will result in more trips. It is queried how construction materials will be delivered, whether adjoining accesses will be affected during construction, and what level of soil removal is required. Considerable problems will result from reversing the excavator, and the presence of a banksman cannot be enforced. The access cannot adequately cope with small vehicles now and the proposal doesn't address its constraints. Its use risks a serious accident. How disruption from water and sewerage etc. provision will be managed is also queried.
- Ultimately, the Council should uphold its prevention of no further building and not be swayed by the economic concerns of the landowner/developer. This is the third attempt to establish a safe access and is the least convincing. The original views of the Roads Planning Service as regards development off the Loan should be followed.
- Only pedestrian access should be permitted to the north.
- The proposed house is unsympathetic and too dominant in such a prominent position, is not in alignment with existing and is not in keeping. Opinions on its size vary from it being considered more in keeping, to it being considered inappropriately large, crammed into the plot, resulting in loss of open space and with an overlarge garden to the rear. It continues a trend towards overdevelopment of the area. Little or no thought has been given to the character of the oldest part of the village. The

opportunity should have been taken to develop an innovative design. It is also contended that the existing greenhouse is an eyesore.

- The proposal is too close to the Beech hedge and the closest tree (tree 1) is positioned incorrectly.
- Overlooking and loss of privacy will result, especially for Abbotsknowe.
- Potential effects on drainage as the village has springs and the Loan runs water at times, which freezes in winter. Drainage issues have worsened and will continue to get worse with more properties added. There are concerns with effects on the very old existing mains drainage.
- The boundary wall should be repaired/reconstructed. The hedge to the north does not seem necessary, will affect neighbours' daylight, sunlight and outlook and walkers' views of the Eildons and Melrose. Concerns are also raised that this means removal of the wall.
- The application fulfils no criteria with respect to promoting affordable housing. There are also plenty of houses elsewhere of similar size and the Local Development Plan provides sufficient potential growth.
- Loss of bird habitat
- If approved, no further houses should be built. The uncharacteristically large garden to the rear can only be seen as being earmarked for further development.
- The site is clearly unsuitable.

APPLICANT'S SUPPORTING INFORMATION

The following have been submitted in support of the planning application:

- Supporting statement
- Design Statement (for the original application submission, though not the most recent amendment)
- Access appraisal
- Swept path analysis for a construction vehicle
- Overlooking and privacy analysis for Abbotsknowe
- Daylight analysis
- Shadow diagrams
- Root protection area calculations for adjacent trees
- Method Statement for Traffic Management Plan and Swept Path Analysis and Traffic Management Plan

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD2 Quality Standards
PMD5 Infill Development
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
EP1 International Nature Conservation Sites and Protected Species
EP4 National Scenic Areas
EP8 Archaeology
EP9 Conservation Areas
EP13 Trees, Woodlands and Hedgerows
EP16 Air Quality
HD3 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Landscape and Development 2008

Trees and Development 2008

Waste Management 2015

Guidance on Householder Development 2006

Placemaking and Design 2010

Development Contributions 2011 updated January 2018

CONSULTATION RESPONSES:

A number of consultees were consulted on the current amendment and their comments are summarised accordingly

Scottish Borders Council Consultees

Roads Planning Service: As regards the original submission (and the principle of development), the RPS advised that there is a long and complicated history relating to applications for dwellings on land served by The Loan. The RPS has consistently resisted any new development served via this road where there has been no history for the site. In response to recent applications, they intimated that they would be unable to support any new development due to the constrained nature of The Loan. These included 16/00162/PPP and 16/01341/FUL. They were only able to offer support for 16/01341/FUL due to the historical, live, application for two dwellings that could have been taken up by the applicant. Had that site not had a live approval, they would not have offered any support to the proposal.

In considering the current application for Abbotsknowe, they again expressed concerns regarding the nature of The Loan and its ability to support additional traffic. They intimated that they may be able to look more positively on the application if there were improvement works which could be carried out which in the eyes of the residents of The Loan/Valley View outweighed the concerns regarding the constrained nature. The proposals for additional parking, road widening and the provision of a turning area (proposals submitted with the original application but withdrawn in the amended proposals) whilst providing some benefit to the residents of Valley View, were not met favourably by the residents of the area. That said, the last use of the site was as a market garden which would have attracted its own traffic and this has to be taken into consideration by this section when appraising the current application. When this use was in operation, access was taken via the southerly section of The Loan and into the site south of Abbotsknowe. The site could commence such a use again without requiring any further approvals and this would generate additional traffic on the initial section of The Loan. Whilst this access is not ideal, the previous use has to be taken into consideration and with some improvements, the access could cater for a single dwelling. Given the historical use of the site they did not object, provided the house was served by the existing access to the south of the site and subject to submission of a traffic management plan.

With respect to the most recent submission in which access to the site is now proposed from the south, and with which a swept path analysis for a construction vehicle has been submitted, the RPS advises that the revised site plan and swept path drawing show that the applicant can provide the necessary access and parking and that a construction vehicle can enter and leave the site, both of which are acceptable to the RPS. The layout plan indicates that a gradient of 1 in 10 is proposed however there are no levels on the drawing to show this. A drawing giving more detailed level information to support the proposal of such a gradient is required. The swept path indicated is for a small excavator and whilst this is

acceptable in general, there will be larger vehicles associated with material deliveries involved during the construction phase of the property. Additional information confirming how the applicant proposes to accommodate these vehicles and get the appropriate materials to the site in a safe and legal manner is requested. It should also be noted that the RPS would not be prepared to support an access from the northern part of the site on to Valley View as they would not wish to encourage additional vehicles using the top section of The Loan or Valley View.

The RPS have considered the Traffic Management Plan and are satisfied with its content. Item 8.3 indicates that any vehicle which is larger than that shown on drawing 9275.1.10A will be off loaded on the B6360. The drawing indicates that the existing lay-by at Rose Cottage is a potential location for this process and, if it is free, this is acceptable. Should the lay-by not be free, they are satisfied that this procedure could be carried out satisfactorily at another location on the B6360 provided the appropriate traffic management is in place in terms of banksmen and/or signage.

Environmental Health Service: A solid fuel appliance is to be used, which can impact on public health if not properly installed, operated and maintained. As long as it is less than 45 kW no further information is required. If greater, then a screening assessment is required. An informative note is recommended. Also, the site was previously used as a nursery (Abbotsknowe Nursery) and the land use is potentially contaminative. A condition is recommended requiring a site investigation and risk assessment. A condition is also recommended requiring details of the public water supply.

Archaeology Officer: There are potential implications but these do not require mitigation. The applications site is within the backland area of Gattonside's historic core. The village developed along Main Street and two primary roads extending north toward the Earliston road. This is largely post-medieval development, though it may have been preceded by a monastic grange followed on by several towers and a cluster of buildings in the later medieval period. There is no indication that the application has seen development apart from the late 20th century nursery. However, as former backlands or crofts there is a low potential for the site to contain buried archaeological features associated with the early development of the village. The low potential for the site to contain archaeological features does not warrant mitigation. However, an informative note on the consent (if granted) is recommended.

Landscape Architect: With respect to the most recent submission, the landscape architect has considered the information on tree Root Protection Areas and is satisfied that the information accurately reflects the trees. If excavation works are restricted to the hatched area as shown, there will be no impacts on the trees or adjacent hedge. A simple fence should be erected outside the RPAs prior to works commencing, to ensure the areas are adequately protected. No damage to the existing Beech hedge is anticipated. A full landscape scheme, including treatment of all boundaries (particularly the western boundary) should be a condition of consent. The repair, as necessary, of existing stone walls along the property boundary, should be a condition of consent.

Education and Lifelong Learning: Contributions are required towards Melrose Primary School and Earliston High School of £2,438 and £3,428 respectively (2017 indexed levels)

Access Officer: No comments

Statutory Consultees

Melrose and District Community Council: Are concerned with the additional vehicle movements around these narrow roadways

Other Consultees

Gattonside Village Sub Planning Committee: Further development which involves additional vehicle movements by way of The Loan should not be permitted. There is no doubt that the applicant's opinion that the road is easy to negotiate is made by someone who does not have to use the road on a daily basis. Quite frequently, a significant amount of the traffic using the road, especially at peak times of the day – that is travelling to and from workplaces – emanates from the housing development at Monkswood whence there is access to The Loan. Were that access to be blocked off, the situation with regard to traffic movement would be ameliorated and, if the Council is minded to grant consent, this should be conditional on access to and egress from the Monkswood area by way of The Loan being prohibited and a physical barrier provided to stop such traffic movements.

The application suggests that there would be no additional traffic caused by the erection of one house because the "Market Garden" currently generates traffic daily. Their view is that this is a ruse to back up the applicant's contention about volume of traffic. The reality is that, although the area was once used as a market garden, in the more recent past this has not been the case. It is opined that the applicants erected a sign indicating that the area was used as such only earlier this year and the fact is that, although occasional visits to the site seem to be made by vehicles, no gardening work (other than the planting of a few young trees & shrubs) has taken place for many years. Visits by vehicles have been observed but no physical work takes place; rather the workmen sit in their vehicle for a period, occasionally have a meal break or read their newspaper and then depart.

It is contended that part of the access roadway to the site is un-adopted – that is, it is owned by the 'frontagers' of the properties adjacent to the road. It is doubtful if these 'frontagers' would be happy for access to be taken from this section of The Loan without considerable improvements being made to width, formation and drainage of the road at no expense to the 'frontagers'.

On the basis of the above it is recommended that the application be refused.

KEY PLANNING ISSUES:

Whether or not the development would comply with planning policies and guidance with respect to infill housing development and, in particular, whether the access road (the Loan) is capable of adequately servicing the development; whether the development would protect or enhance the character and appearance of the Conservation Area; and, whether or not the development would significantly adversely affect the amenity of neighbouring properties

ASSESSMENT OF APPLICATION:

Principle

The site is within the village's settlement boundary. It is not allocated for a particular use, nor safeguarded from development and, therefore, the provisions of Policy PMD5 principally guide infill development on it. The site does not comprise open space of recreational value and, though it currently contributes to the townscape to some extent as open space, it does not add significant value to the character or appearance of the Conservation Area. Where its landscape contribution has most value is its northerly half where it flanks the Loan, and this proposal retains that part free from development.

There would be no land use conflicts with a single residential house on the site. Amenity impacts on existing residential properties are considered later in this assessment

Demolition of the existing greenhouse would not require Conservation Area Consent by way of exemption due to its age and use.

There is no requirement to demonstrate need for the proposed house, nor to provide affordable housing for a single house development. Though the site to the north may be attractive as a potential development opportunity, this application seeks consent for one house and must be considered on its own merits.

Services and contributions

Contributions apply to the Borders Railway reinstatement and local schools in accordance with Policies IS2 and IS3. A legal agreement would be necessary to secure these contributions before consent (if it is to be granted) is issued.

Mains water and foul drainage are proposed, and this is agreeable in principle. A condition will be necessary to ensure that mains services will be achieved. Impacts on existing drainage will be matters for the applicants and service providers, as well as potentially through the Building Warrant process. Surface water drainage will be an issue requiring particular care for this site, given its slope towards the south, and existing known run-off issues on the Loan. A condition can secure a surface water drainage scheme, for both the construction and operational phase, that confirms that greenfield run-off levels will be maintained.

Contamination

There is a potential risk of contamination from the previous use of the site. A condition can be imposed to ensure any such risk is investigated and addressed, as recommended by our Environmental Health Service.

Archaeology

As noted by our Archaeology Officer, there is some interest in the site as regards archaeology, but it is insufficient to require mitigation to be applied. An informative note is recommended on the consent in accordance with our archaeologist's advice.

Air quality

The supporting design statement advises that the development will make use of a modern fuel efficient heating system. The application drawings indicate two chimneys, with one hearth within the living room. The details of the heating system are not known but, provided it is less than the limitation recommended by the Environmental Health Service, there appears not to be any particular concern as regards air quality impacts. This can be covered in an informative note, as any issue arising from a larger system would be for separate environmental protection procedures.

Ecology

There are no ecological designations, and no mature trees or hedging would be removed. The existing greenhouse is not of a building type likely to be habited by bats. The risk to breeding birds is a matter that can be subject to an informative note for the applicant.

Access and parking

The original application proposed access from the north-eastern boundary of the site, and was supported by proposals to alter the Loan along that and the northern boundary by

means of layby parking and a turning head. However, those proposals would have encouraged traffic along a section of the Loan where traffic ought not to be encouraged, because of constraints of gradient, width and sightlines. The revised proposal for which consent is now sought proposes access only from an existing southerly access point. This access serves the adjacent property, so would not comprise a new junction directly onto the Loan. In addition, though concerns regarding the extent to which the site has previously been used as a market garden are acknowledged, the fact is it could be used as a commercial nursery at any time without planning permission. There is a reasonable likelihood of that occurring if this consent were not granted, albeit the existing building would need repaired or replaced.

Other consents for houses along the Loan are also acknowledged. The erection of a house at Lindisfarne (16/00162/PPP) was resisted by this service (albeit it was approved by the Local Review Body). However, that site was at the very far end of the Loan, requiring traffic to negotiate its entire length. In addition, a house approved under 16/01341/FUL to the north-east of this site, behind Wellbank, was approved because it was the same site as an extant consent for two houses that, due to previous works, could not expire. Therefore, that would comprise one house in place of two. This application seeks consent for a house towards the southern end of the Loan, requiring the least of all the distances from which to travel from the main road. The RPS has not raised any concern with the cumulative impact of a third additional house being accessed off the Loan at this southerly point, and no external mitigation, such as alterations to this or other roads are required.

The site layout incorporates two parking spaces and a turning area and is, therefore, compliant with the Local Development Plan 2016 as regards parking requirements. The applicants have confirmed they have a right to take access via the existing junction. The most recent submission includes level information, partly in order to answer the RPS's queries regarding the levels of the driveway and parking area. This specifies that the overall driveway will achieve a suitable gradient.

Access to the north is to be retained. However, its purpose is for maintenance of the remaining part of the site, and will not directly relate to the proposed house and garden curtilage. Provided the northern boundary of the curtilage is adequately formed (post/rail fencing, with hedging and trees would be most appropriate), then there should be no material change to the frequency of use of this existing access.

Construction Traffic

Construction works will inevitably cause disruption and it is for the applicants to secure any permits for works directly affecting the public road (such as service provision). Management of construction traffic is not ordinarily a matter that requires consideration as part of a planning application for a development of this size. Damage associated with such works is also for the individual parties involved. However, it is recognised that the southerly junction exhibits particular physical constraints and it is important that it can be demonstrated that the site can accommodate the type of traffic needed to service the development's construction, in order to limit potential disruption on the public road, and in the general interests of road and pedestrian safety.

The applicants have, therefore, submitted a swept path analysis for an excavator, demonstrating that it is capable of being reversed into the site and leave in a forward gear. They have also submitted a Traffic Management Plan and accompanying Method Statement. In summary this confirms:

- No vehicle larger than that specified on the swept path will enter the site - barriers will be used to prevent casual access.

- Signage barriers will direct large vehicle drivers (those within the swept path limits) to wait for a banksman who will assist with entry. Banksman will also supervise egress and movement of larger vehicles within the site.
- Vehicles larger than the swept path will park on the main street with materials/equipment transferred in the road, monitored by a banksman and any other necessary traffic management equipment to make it safe. Existing public layby parking has been identified as a potential location.
- On site traffic parking and storage of plant and equipment is shown on the site plan (with parking for four cars), away from the route into the site and neighbouring accesses. All vehicles will leave in a forward gear. Deliveries will be restricted to between 10am and 3pm to avoid peak times and personnel vehicles will avoid peak times (8-10am and 4-5.30pm).
- None of the applicant's vehicles will be permitted to use the route from Monkswood (though they can't close this route due to ownership and access issues).

This management plan is endorsed by the Roads Planning Service. Concerns from residents have been expressed directly to Members regarding the plan, particularly the use of the layby on the B6360 for handover from large to small vehicles. It is recognised that there is the potential for the layby to be unavailable. However, the RPS is content that other alternatives will be suitable. The applicants are free to use the public road for this purpose regardless of location, provided they use it legally and safely. How that occurs is beyond the scope of this planning application. To determine this application, this authority need only be content that safe access and egress into and out of the application site can be achieved. On the basis that large vehicles will not need to use the Loan to access the site (beyond that on the swept path analysis) because the applicants intend to swap to smaller vehicles before reaching the Loan, then the proposal is acceptable. A condition can ensure that management of traffic in the application site is in accordance with the Traffic Management Plan. Management of traffic that is not on or entering or leaving the site cannot be enforced by planning condition.

Waste

Dedicated bin stances are not shown on the plan, though there is ample room to achieve this away from the public road, ideally within the rear patio, though stepped access may discourage this. This matter can be addressed by a condition in this case.

Placemaking and Design

The application has been subject to revisions to the positioning and design of the development, in order to ensure particular consideration has been paid to its potential impact on the character and appearance of the Conservation Area.

The site is rising, and set above and below the Loan. The house will sit within its centre, in a similar position to the existing greenhouse. It will sit alongside other houses to the east set at different levels, below houses to the north, and well away from the Loan to north and south. It will be an improvement on the existing greenhouse. Level information suggests it will be largely cut into the site, with some retaining walls required, though the positioning of the house means these will not have an unacceptable exposure to public view. The driveway will require some upfill, and a low retaining wall is expected along part of its western boundary (not shown on the drawing), however, this will also have limited exposure. Provided this is sympathetically specified (such as dry-stone), that the driveway is also framed as far as possible with hedging, that a planting scheme is specified to aid integration of the development with the site, and that boundaries are formed sympathetically, then the overall landscape impact of the development will not be unsympathetic.

The site is extensive and, in order to maintain the open area to the north free from development of rear garden outbuildings for example, the garden curtilage is specified part way up the site. This would ideally be formed with hedging and planting, with a simple post and wire fence. It is not necessary to provide hedging along the existing northern boundary (as specified on the site plan). As regards existing walls, it is not considered reasonable to require their overhaul by way or repair or replacement, since this development has no direct effect on them.

There are no existing trees or hedging within the site of particular note. The applicant has responded to concerns regarding potential impacts on neighbouring Beech hedging and trees to the east by identifying root protection areas (and correcting the position of Tree 1 to respond to the neighbour's representation). With protective fencing in place for the trees and hedging (notwithstanding existing boundaries), and excavation for the house limited to the extent shown, the risk to the trees and hedging can be minimised.

The existing townscape is varied and this proposal will fit with that variety. It fronts the south, so facing the road and, though it contains frontage parking, it is well set back from the road itself within a large frontage. The positioning of the house accounts for the existing greenhouse and avoids the narrower part of the site further south, where any development may likely have more impact on the adjacent neighbouring property. Its position will fit with the existing townscape. The proposal is relatively large, but the plot is substantial, and the house's proximity to side boundaries will not be discernible from public view. The split level arrangement and overall footprint (with extra leg offset behind the main frontage) has maintained an appropriate layout while achieving a sizeable floorspace. Though a well-considered contemporary design could have been explored, this proposal is more traditional, which allows a more comfortable fit with existing neighbouring buildings. The final form and design has adequately addressed concerns about the suburban character of the original proposal. Its 1 ¾ storey size will not be at odds with neighbouring buildings and it should fit well amongst the existing variety of buildings within the surrounding area.

As regards external materials and specifications, the roof is now specified in natural slate, with quartz zinc for the front dormers' haffits (and rear dormer roofs). The latter is agreeable, subject to a finish specifying a brushed, non-reflective finish. An off-white smooth render is proposed for the walls, with cills and surrounds coloured in reconstituted stone, which is all acceptable in this context. Retaining walls and planters will be finished similarly, with a reconstituted cope. Windows and doors will be in an aluminium/timber composite, which is agreeable in this position away from the road. The window types are not specified, though those to the front appear to comprise sash to the first floor and single-pane to the ground floor (all white) with simple, dark coloured glazing to the rear. Ideally all windows on the front would be the same, albeit the positioning of the house relative to the road (with the ground floor behind planters) suggests, on balance, the arrangement currently proposed is agreeable. The modern approach to the rear is also appropriate in this position. There appears to be no fascias to the eaves and verges on the main roofs, which is welcome. Overall, subject to final finishes and colours being agreed by condition (as well as finishes for hard surfaces), the proposed palette of materials will be sympathetic to the context.

Ultimately, with care over landscaping, boundaries and final finishes, this proposal will contribute positively to the character and appearance of the Conservation Area, adding sympathetically to the existing mix of house types within this part of the village.

Neighbouring Amenity

Impacts on neighbouring amenity have been considered as regards potential daylight, outlook, privacy and sunlight loss for all nearby properties. However, the potential for

adverse impacts are most likely with respect to the properties to the east, including Abbotsknowe, Cherrybank and Horseshoe Cottage (referred to as Orwell in the application plans). The applicants have responded to concerns regarding potential impacts on neighbouring amenity as part of the redesign and repositioning of the proposed house, including a recent amendment to reposition it further west. Information has also been submitted as regards potential overshadowing, daylight loss and privacy impacts. The information has assisted an assessment of these considerations, albeit there are elements within them which require interpretation (such as the presentation of sections for daylight impacts, or shading effects of existing features, and the positioning of Abbotsknowe). Accounting for our supplementary guidance on privacy and daylight, and having regard to potential impacts on sunlight and outlook as assisted (but not conclusively guided by) the applicant's supporting information it is not considered that this proposal will lead to any significant effects on neighbouring amenity.

The hedge proposed to the north is not required to mitigate this development, and nor does it need consent in its own right. Its potential implications on neighbouring amenity are not for consideration here.

CONCLUSION

Following submission of revised proposals which have sought to account more directly for the existing townscape and settlement pattern, and submission of more information regarding impacts on neighbouring amenity and the means of construction access, the proposal is considered compliant with policies and guidance designed to protect the character and appearance of the Conservation Area, road safety and neighbouring amenity. 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 and the following conditions and informatives:

1. The development shall only be implemented in accordance with the approved Method Statement for Traffic Management Plan (27/02/18) and Swept Path Analysis and Traffic Management Plan (9275.1.10B) as regards management of construction traffic within and entering and leaving the application site. Access to the site during construction shall only be permitted from the southern access and there shall be no access to the site of any kind (vehicle or pedestrian) permitted from the northern access.

Reason: To limit potential impacts on road and pedestrian safety

2. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme

Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.

3. No development shall commence until a surface water drainage scheme has been submitted to and approved by the Planning Authority which demonstrates that

surface water run-off from the site will be maintained at pre-development levels using sustainable drainage methods during construction of the development and occupancy of the dwellinghouse

Reason: To ensure the development can be adequately serviced and to safeguard the public road and neighbouring properties from potential run-off

4. No development shall commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include
 - a) location and design, including materials (and detailed specifications), of all boundary treatments and driveway retaining walls
 - b) soft and hard landscaping works, including tree, shrub and hedge planting and any additional areas of hard surfacing not specified on the approved site plan
 - c) bin storage measures
 - d) A programme for completion and subsequent maintenance.

Reason: To safeguard the character and appearance of the Conservation Area

5. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage connections shall be made available to serve the development. Mains services shall be operational prior to occupancy of the dwellinghouse.

Reason: To ensure the development can be adequately serviced.

6. No development shall commence until a protective fence (compliant with BS5837:12) has been erected along the root protection areas for adjacent trees and hedging, as specified on the approved site plan 9275.1.03D. No works shall be permitted within the fenced area unless agreed with the Planning Authority as being compliant with BS5837:12 and there shall be no excavation for the house beyond the area specified on the approved plan 9275.1.02C

Reason: To limit potential risk to adjacent trees and hedging which contribute to the character and appearance of the Conservation Area

7. The dwellinghouse shall not be occupied until the treatment of the northern boundary (specified as the 'extent of house plot' on the approved site plan 9275.1.03D) has been approved by the Planning Authority under Condition 4 and until the approved treatment has been implemented in accordance with a timescale agreed with the Planning Authority. This boundary shall provide no means of access of any kind (vehicle or pedestrian) from the north.

Reason: To safeguard road and pedestrian safety and the character and appearance of the Conservation Area

8. External materials and colours shall accord with the approved drawings, unless otherwise agreed with the Planning Authority. No development shall commence until a schedule (including samples where required by the Planning Authority) providing a detailed specification of all external materials, finishes and colours of the house, retaining walls/planters and hard surfacing has been submitted to and approved by the Planning Authority. The development shall be completed using the approved schedule of materials, finishes and colours. There shall be no bargeboards or fascias applied to the main roofs of the dwellinghouse (excepting only where specified on the approved drawings for the dormers), and window glazing pattern shall accord with the approved drawings (incorporating sash windows on the front elevation upper floor).

Reason: To safeguard the character and appearance of the Conservation Area

9. The area allocated for parking and turning on the approved site plan 9275.1.03D shall be completed in accordance with the approved plan before the dwellinghouse is occupied, and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

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

10. The development shall be implemented wholly in accordance with the plans and drawings approved under this consent, including the site, house and driveway/parking levels, and the southern patio area shall be finished to the same level as the parking area, all unless otherwise agreed in writing with the Planning Authority

Reason: To safeguard the character and appearance of the Conservation Area, neighbouring amenity and road safety

Informatives

1. Site clearance works within the bird breeding season should be avoided unless the site is first checked for nesting birds. The applicant has the responsibility to ensure no breach of habitat regulations.
2. If a solid fuel stove is intended, this should be specified as being under 45kw. If specified to be larger, a screening assessment will be required in liaison with the Council's Environmental Health Service to ensure there is no risk of a statutory nuisance from emissions.
3. Solid fuel heating installations can cause smoke and odour complaints and Planning Permission for this development does not indemnify the applicant in respect of nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted Planning Permission. It is recommended, therefore, that:
 - the flue should be terminated with a cap that encourages a high gas efflux velocity.
 - the flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.
 - the appliance should only burn fuel of a type and grade that is recommended by the manufacturer.
 - if you live in a Smoke Control Area you must only use an Exempt Appliance (www.smokecontrol.defra.gov.uk) and the fuel that is approved for use in it
 - in wood burning stoves you should only burn dry, seasoned timber. Guidance is available on www.forestry.gov.uk
 - 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.
4. 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

DRAWING NUMBERS

9275.1.01 Location Plan
9275.1.02C Existing site plan
9275.1.03D Proposed site plan
9275.1.04A Proposed roof plan and proposed floor plans
9275.1.05B Existing elevations (with down takings/excavation)
9275.1.06B Proposed elevations
9275.1.07B Proposed elevations
9275.1.12A Spot level for driveway
9275.1.10A Swept Path Analysis
9275.1.10B Swept Path Analysis and Traffic Management Plan
Method Statement for Traffic Management Plan 27/02/18

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

Author(s)

Name	Designation
Carlos Clarke	Team Leader Development Management



16/01403/FUL

Land South Of
Abbotsbank
Gattonside

