

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**26 MARCH 2018**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	17/01602/PPP
<b>OFFICER:</b>	Paul Duncan
<b>WARD:</b>	East Berwickshire
<b>PROPOSAL:</b>	Erection of dwellinghouse
<b>SITE:</b>	Land South Of Rossleigh, Horndean, Scottish Borders
<b>APPLICANT:</b>	Mr Robert Sloan
<b>AGENT:</b>	Mr Melvin Winter

**SITE DESCRIPTION**

The proposed site is located at Horndean, a mainly residential hamlet located roughly half a mile south of the B6461 road. Horndean is an established building group of 13 dwellinghouses which sit off a minor public road which winds through the hamlet. The building group is traditional in character. Dwellinghouses are mainly of stone construction under slate roofs, mostly fronting onto or set a short distance back from the minor public road in an informal pattern.

Whilst most land which abuts the minor road within Horndean is in residential use, the proposed site is arable land and is understood to have been farmed for many years. The site is irregular in shape, and forms a far corner extension of a much larger field to the north-west.

Two dwellinghouses (Rossleigh and The Wyld) sit in garden ground immediately to the north of the site. An informal pedestrian access to Rossleigh borders the site on its northern perimeter. To the east, Homefield fronts the minor public road directly opposite the site. A further dwellinghouse (Ashfield) sits to the south of the site. Trees and hedging border the site to the south, east and north and overhead lines cross the site at the minor public road and to the south of the site.

**PROPOSED DEVELOPMENT**

The application is for planning permission in principle for the erection of a single dwellinghouse. As the proposal is in principle only, no elevation drawings are required and none have been provided. An indicative site layout plan has been submitted. This confirms that access would be taken directly from the minor road, opposite Homefield. The existing informal pedestrian access to Rossleigh would be maintained.

**PLANNING HISTORY**

There is no recent planning history on the site. Two new dwellinghouses have been built within the building group in recent years, as summarised per site below:

- **Orange Tree Cottage, Horndean**  
08/01715/FUL - Erection of dwellinghouse and detached double garage

- **Swallowdene, Horndean**  
10/01447/FUL - Erection of dwellinghouse and detached garage

Earlier approvals within Horndean at land east of Westfield (06/00175/OUT & 07/00269/REM) and Plot 2 Land North East of Rossleigh Cottage (08/00788/OUT) were granted permission in 2007 and 2013 respectively but have since timed out.

## **REPRESENTATION SUMMARY**

Eight households have lodged objections to the proposed development. These are available for Members to view in full on Public Access however the principal grounds of objection are summarised below:

- Contrary to Policy HD2
- Development would conflict with the established land use
- Alternative/ brownfield sites preferable
- Precedent/ intentions for further residential development
- Adverse impact on historic building group
- Adverse impact on landscape setting
- Impact on neighbouring residential amenity
- Noise and disruption from construction
- Loss of Prime Agricultural Land
- Gate into site is newly erected/ access did not previously exist
- Impact on wildlife
- Road safety/ increased traffic
- Passing places would be required
- Danger to pedestrians
- Lack of infrastructure/ amenities within the village
- Impact on neighbouring drainage arrangements
- Poor drainage/ surface water flooding
- Site not suitable for septic tank soakaway
- No public transport would result in reliance on private motor vehicle resulting in carbon emissions
- Risk of septic tank run-off into neighbouring garden ground
- Increase in surface water run-off and flood risk
- Mains water pressure insufficient to accommodate further housing
- Loss of view (*not a material planning consideration*)

The application was advertised in the Berwickshire News.

## **APPLICANTS' SUPPORTING INFORMATION**

The applicant wrote a statement in response to the concerns expressed by objectors. This can also be read in full on public access. A summary of the some of the points made are listed below:

- The site is an awkward corner of the field, suitable for growing only a narrow range of crops
- A properly designed and constructed sewage facility is intended, to SEPA regulations and guidelines
- The gardens on the North Boundary are a lot higher than the site and would never take water from the site.

- The site slopes down towards the East and there is no chance it will flood. I have not seen water gushing on to the main road.
- It is incorrect to say that my 19 acre field is all drained through the site. The field drains enter the stream north of the village. Only that small corner of the field is drained to the east.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Roads Planning:** No objection, subject to the delivery of a suitable means of access; a passing place on the minor public road; two parking spaces and turning within the site; and measures to be put in place to prevent the flow of water onto the public road.

**Education:** No objection. The proposed development is within the catchment area for Swinton Primary School and Berwickshire High School. A contribution of £3,428 is sought for the High School. Contributions are sought to raise capital to extend or improve schools or where deemed necessary to provide new schools in order to ensure that capacity issues are managed and no reduction in standards is attributed to this within the Borders Area.

**Environmental Health:** No objection, subject to conditions relating to drainage systems and water supply.

**Flood Officer:** No objection. Review of the application shows that the proposed site is located outwith SEPA's 1 in 200 year and is not considered at risk of fluvial or surface water flooding. Boundary drainage could be considered to intercept any overland flow. Ground levels surrounding the dwelling should also be designed to convey overland flow away from the development and any neighbouring properties.

**Ecology Officer:** No objection, subject to a condition requiring a Preliminary Ecological Appraisal (PEA) and Species Protection Plan. Habitats that may be affected by the development could support protected species such as bats, badger and breeding birds. The roadside trees appear to be semi-mature ash and sycamore, and as such appear to offer negligible bat roost potential. Any FUL or AMC application would need to be supported by a Species Protection Plan informed by a Preliminary Ecological Appraisal (PEA). It is unlikely that a development of this scale and type would have a significant adverse impact on the ecological interest at this site.

### **Statutory Consultees**

**Swinton and Ladykirk Community Council:** Provided the application meets the regulations of Scottish Borders Council Planning and Roads departments, as well as SEPA and Scottish Water, the Community Council has no objection to this application. The Community Council is aware that there is strong local objection to the application.

### **Other Consultees**

None.

## **DEVELOPMENT PLAN POLICIES:**

### **Scottish Borders Local Development Plan 2016**

PMD1 - Sustainability  
PMD2 - Quality Standards  
ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils  
HD2 - Housing in the Countryside  
HD3 - Protection of Residential Amenity  
EP1 - International Nature Conservation Sites and Protected Species  
EP2 - National Nature Conservation and Protected Species  
EP3 - Local Biodiversity  
EP13 - Trees, Woodlands and Hedgerows  
IS2 - Developer Contributions  
IS7 - Parking Provision and Standards  
IS8 - Flooding  
IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage

### **Other considerations:**

Scottish Planning Policy (SPP)  
New Housing in the Borders Countryside SPG  
Privacy and Sunlight SPG  
Trees and Development SPG  
Placemaking and Design SPG  
Biodiversity SPG

## **KEY PLANNING ISSUES:**

Whether, in principle, a dwellinghouse could be accommodated at the proposed site without conflicting unacceptably with planning policies relating to (a) new housing in the countryside; (b) placemaking; (c) residential amenity and (d) road safety.

## **ASSESSMENT OF APPLICATION:**

### Background

As this application is for planning permission in principle only, no proposals for the design of the proposed house have been requested or put forward. The consideration of this application rests solely on the question of whether a dwellinghouse could, in principle, be accommodated on the site. Should Members approve this application, detailed matters would be considered by a subsequent application(s) for the approval of matters specified in conditions attached to the consent granted or approval of a full planning application. The recommended conditions are listed at the end of this report.

### Policy Principle

The Council's planning policies direct most housing development to towns and settlements where services and public transport connections are most readily available. Rural housing proposals may however be supported, where they can be accommodated in accordance with the principles of Local Development Plan Policy HD2 (Housing in the Countryside) and the New Housing in the Borders Countryside Supplementary Planning Guidance (SPG). Part (A) of this Policy (Building Groups) is most relevant in this instance and aims to support suitable new rural housing where it

is associated with existing building groups of three units or more. It is accepted that there is an established building group of 13 dwellinghouses at Horndean. Policy HD2 sets a maximum number of 2 additional dwellings within or adjacent to an established building group within the Local Development Plan period, or a 30% increase in the group, whichever is higher. As there are no existing planning approvals, or new dwellings constructed at Horndean since the current local development plan was adopted, a single additional dwellinghouse would comfortably meet the numerical limit within Policy HD2.

The remaining tests of HD2(A) seek to ensure a good relationship between proposed sites and their respective building groups. These tests are supplemented by the additional guidance and interpretation provided by the New Housing in the Borders Countryside SPG. Policy HD2(A) requires new building group development to be well related to existing building groups. The SPG requires such development to be either within or adjacent to existing building groups. Most land sitting off the main road through Horndean is either built on or forms garden ground. The proposed site - an undeveloped corner of a field - is an exception to this prevailing development pattern. It could reasonably be argued that the site is either within the building group, in the sense that it is within the prevailing boundary of Horndean, or, on the basis that it is undeveloped farmland, adjacent to it the group but still contained within the established sense of place. Either interpretation could satisfy the SPG policy test. More critical to establishing suitability is the relationship between the proposed site and the existing building group, which is mostly defined by assessing the extent of the prevailing sense of place. It is considered that it is the relationship of land to the minor road that defines this more than anything else. The proposed site sits just off the minor road, well within the hamlet, with only partial intervening natural boundaries, and minimal man-made boundaries. There is unobstructed visibility from the road into the site. Overall, it is considered that the site falls within the area contained by the prevailing sense of place, and that the site is well related to the existing building group.

The New Housing in the Borders Countryside SPG provides further guidance which defines what factors should be taken into account in assessing the suitability of any particular building group to accommodate new housing. The proposed site would not result in sprawl or extensions of ribbon development, which the SPG seeks to avoid. The site is within a reasonable distance of existing properties, and reflects the spacing between existing properties. Whilst the site is undeveloped agricultural land, the field is of an irregular shape. No precedent would be set if this site was developed. It is unlikely that further housing development to the rear of the plot would be acceptable. Members should be aware that the site is greenfield land, but rural housing policies do not preclude greenfield development. There would be no conflict with the main established land uses in the vicinity.

There is some overlap between the aims of requirements of Policy HD2(A) and the New Housing in the Borders Countryside SPG and the Council's Placemaking policies, which are considered below.

### Placemaking

Horndean is an attractive building group of a traditional character. Objectors have quite understandably expressed concern at how the site may be developed and the risk that development undermines the special qualities and character of the hamlet. It is agreed that any proposals will require very careful consideration and must be wholly sympathetic to the existing context. The impact of the proposed development must not result in an unacceptable adverse impact on the character of the group or

on the landscape and amenity of the surrounding area. This is also one of the key tests for compatibility with Policy HD2 (A).

It has been established above that the proposed site is physically well-related to the existing building group at Horndean. As this application is in principle only, there is only a limited capacity to assess proposals for their impact on the character of the building group. Given the constraints on the site however, which include overhead lines and neighbouring amenity considerations, it would be prudent to explore how such a sensitive site might be developed. In order to do so, the applicant was invited to submit a site plan showing the position of the proposed house to demonstrate how it would relate to its context. The submission of this indicative site layout has been helpful in addressing the presence of overhead lines and showing consideration to impacts on residential amenity. There are some concerns however about the approach that is envisaged. The proposals underline the need for careful positioning and design to ensure that the development reflects the existing context at the building group, in that the indicated footprint of the build is at odds with the pattern of development at Horndean, being set back from the road. The pattern of development within Horndean is irregular in nature, but most dwellings either front onto the road, or are set a much shorter distance back. A wide and prominent site entrance and driveway is also indicated, which would again be inconsistent with the established development pattern. That is not to say that the site would be inappropriate, but instead that the detailed scheme will require very careful attention to demonstrate that it will be a sympathetic addition to the group. That will require consideration not just of position and design, but also early attention to integrated landscaping as mature trees play an important part in the setting of the building group and the wider sense of place.

The context at Horndean will need to be reflected in the siting and design of the proposed house, should Members support this application. Whilst it is not considered that the approach put forward is appropriate for the site, the submission of a site plan has confirmed that the site could – in principle – be developed satisfactorily without resulting in unacceptable adverse impacts on the character of the group or the surrounding landscape and amenity. Given the prevalent character of the group, a traditional form and design is likely to be most successful here. Further consideration of how the site could be developed will be required however, and a planning condition is recommended to ensure the AMC application is supported by a comprehensive design statement.

#### Traffic and road safety

Objectors are concerned that existing road safety issues would be exacerbated by the proposal. Concerns include the speed at which vehicles travel through Horndean; poor visibility; poor provision for pedestrians; and reference has been made to a recent road traffic accident. The proposal has been assessed by the Roads Planning Officer. Various improvements to local infrastructure and site access are required, including an additional passing place on the minor road and measures to prevent the flow of water onto the public road. Conditions are recommended to ensure suitable control over these points. In principle however, the Roads Planning Officer has no objection to the proposal.

#### Residential and Neighbouring Amenity

Neighbouring properties to the north (Rossleigh and The Wyld) and east (Homefield) face directly onto the site. Side windows on the neighbouring property to the south (Ashfield) also face towards the site. Neighbours are concerned that the erection of

a dwellinghouse on the site could adversely affect their privacy. As no detailed proposal is under consideration there is no proposal to assess against the Council's standards for privacy and loss of light. It is however possible to determine whether a dwellinghouse which meets those requirements could be achieved on the site. Assuming the resulting dwelling house faces the minor road, there will be no strict requirement for windows on the north and south side elevations. Alternatively, obscure glazing could be utilised, if necessary. The screening benefit of bounding trees and hedging would also be factored into any subsequent assessment. There is a greater potential for impact on Homefield, which sits directly opposite the proposed site. The Council's Privacy and Sunlight SPG recommends at least 18m should be maintained between directly opposite windows of principal rooms, although local context can allow for standards to be relaxed. The design of the house would need to meet both privacy standards and the expectations in terms of Placemaking described above. This will be possible, but will need careful thought.

The proposal is less likely to raise concerns in relation to access to light, but such impacts will also be formally assessed at the AMC stage. Boundary walls and hedges should reflect the local context at Horndean. It is not anticipated that they would adversely affect access to light as per objector concerns.

Finally, it is noted that the south side of the Rossleigh property benefits from an informal footpath access around the boundary of the site. The applicant has submitted a detailed drawing illustrating site access. This drawing indicates that the pedestrian access to Rossleigh is within the application site boundary and will be retained. The agent has confirmed that this access is owned by the applicant and that it is not an established right of access, but an informal access that has evolved over many years. It is the applicant's intention to retain this pedestrian access and have it fenced off from the development site. As this is not an established or claimed right of way or a recognised footpath, it would not be normal practice to ensure it is retained and kept free from obstruction. However, Members may wish to consider whether or not a condition should be added to ensure this access is maintained.

Vehicular and pedestrian access arrangements will be formally considered at the AMC stage.

#### Flood risk and drainage

Objectors have raised concerns that the erection of a dwelling could exacerbate poor drainage on the site, increasing surface water run-off and flood risk and potentially impacting neighbouring foul drainage arrangements. As this application is at the PPP stage there is no detailed proposal to assess. The policy test is therefore whether, in principle, a dwellinghouse could be erected on the site without leading to unacceptable impacts. The Council's Flood Officer has assessed the proposals and notes that the site is not considered to be at risk of fluvial or surface water flooding as shown on SEPA flood mapping. The Flood Officer has no objection to the principle of development on this site, but does advise that boundary drainage be considered to intercept any overland flow. The Roads Officer has similarly requested that measures be put in place to prevent the flow of water onto the public road. The Flood Officer also advises that ground levels surrounding the dwelling should be designed to convey overland flow away from the development and any neighbouring properties. These matters can be assessed and addressed in full at the AMC stage. There is no reason to believe a dwellinghouse could not be delivered on the site without adverse drainage or flooding impacts. It would be for the applicant to ensure that any proposal that comes forward at the AMC stage suitably addresses these issues. The AMC application should provide details of development levels relative to

existing levels so these impacts can be properly assessed. The recommended conditions have been worded accordingly.

Similarly, there is no requirement for the applicant to finalise foul drainage arrangements at the PPP stage. Objectors are concerned about septic tank run-off and the suitability of the site for such arrangements. The applicant has outlined an intention to deal with foul drainage arising from the development by way of a septic tank with discharge to land via a soakaway, but precise foul drainage arrangements for this proposal would be considered at a later stage and will be controlled by appropriately worded condition. It should be noted that SEPA are no longer providing planning consultation responses on small scale proposals such as this. Instead any proposal would be assessed in full at the building warrant process. Members will note the requested condition to control future maintenance of any approved drainage system from Environmental Health. The future maintenance of any private drainage system would be controlled under environmental health legislation however there are no planning reasons why the suggested condition cannot be added to any consent that may be granted.

### Natural Heritage

Existing trees border the site and contribute its setting. The applicant has confirmed that there is no intention to remove any of these trees but it would be appropriate to ensure their protection during construction. Indicative planting was shown on the site plan but is not considered adequate to ensure the sensitive integration of the development into the surrounding landscape and local streetscape. Planning conditions are proposed to require the agreement and implementation of a scheme for soft landscaping, and to ensure protection of trees during construction. A condition to control the felling of trees is also recommended. It is not considered that any adverse landscape impact should arise so long as these requirements are met.

The proposed site is mostly an arable field with limited ecological value. The Ecology Officer has been consulted and has no objection to proposals in terms of potential impacts on wildlife or ecological interests generally. Nevertheless it is considered that local habitats could support protected species and could potentially be affected by the development. A Species Protection Plan, to be guided by the results of a Preliminary Ecological Appraisal (PEA) has been requested. A planning condition is recommended to cover this.

### Other matters

Concerns regarding local mains water pressure are noted. A condition is recommended to require the applicant to provide written confirmation from Scottish Water at the AMC stage that suitable mains water supply is available. Private arrangements would otherwise be required.

Whilst the site is arable land it is not recorded as prime agricultural land. The related policy provisions (Policy ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils) do not apply in this instance.

It is appreciated that local residents would be affected by any future construction phase. This is the case with most development proposals. The circumstances in which a new gate and/or access at the entrance to the site were formed are not determining factors in this application.

A development contribution of £3,428 is sought for Berwickshire High School which the applicant has indicated a preference to address by way of a Section 69 legal agreement.

## **CONCLUSION**

It is considered that a dwellinghouse could be accommodated satisfactorily at the proposed site which is well related to the established building group at Horndean in compliance with policy HD2 and the New Housing in the Borders Countryside SPG. Development of the site could be achieved without adversely affecting the character of the building group, the landscape and amenity of the surrounding area, road safety or neighbouring amenity, subject to satisfactory design and landscaping.

Detailed proposals will need to be supported by a design statement, demonstrating that the proposed house is sympathetic to the character of the building group, in terms of design, position and landscaping.

## **RECOMMENDATION BY CHIEF PLANNING OFFICER:**

I recommend the application is 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.

## DRAWING NUMBERS

Reference	Plan Type	Received
RS2017	Location Plan	22/11/17
	Site Plan	22/11/17

## 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
Paul Duncan	Assistant Planning Officer



17/01602/PPP

Land South Of Rossleigh  
Horndean

