

SCOTTISH BORDERS COUNCIL

EILDON AREA COMMITTEE

18 MAY 1998

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 98/00240/OUT
OFFICER:	Mr C Johnston
LOCAL MEMBER:	Councillor D Parker
PROPOSAL:	Erection of dwellinghouse and garage
SITE:	Site adjacent to Abbotscroft Gattonside
APPLICANT:	Mr & Mrs Peter Peacock
AGENT:	Duncan Cameron

SITE AND APPLICATION DESCRIPTION :

This is an outline application for the erection of a house and a garage within a walled area of land towards the east end of Gattonside. The site measures approximately 0.08ha and is bounded by the B6360 to the south, a property known as Abbotscroft to the west and a narrow vehicular lane to the north and east. The access is proposed on to the lane at the north and requires partial demolition and a reduction in height of the boundary wall. The site is in Gattonside Conservation Area and the applicant has indicated it will be a single storey property.

PLANNING HISTORY :

This site was given outline planning consent for a house in 1989 with standard conditions,

LOCAL PLAN POLICIES :

Ettrick and Lauderdale Local Plan Policies 3, 18 & 47 apply which state :

Policy 3

In Ashkirk, Bowden, Ettrickbridge, Gattonside, Lilliesleaf, Newstead, Yarrowford and other villages as identified by Village Plans there will be a general policy of restraint. Only limited infill development will be considered in these settlements over and above existing allocations and planning consents. Developments should normally satisfy the following criteria:

- 1 The proposal will not intrude into open countryside or have an adverse impact on the landscape;
- 2 The proposal will be consistent with, and complement, the character of the settlement;
- 3 The proposal will be consistent with, and conform to, the form of the settlement;
- 4 The proposal does not have a significant adverse effect on the amenity of adjoining property;

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- 5 Adequate access and servicing can be achieved;
- 6 Other policies of the Local Plan are not prejudiced.

Policy 18

In established residential areas there will be a presumption in favour of retaining existing uses. To protect the amenity and character of these areas any development should meet the following criteria:-

- 1 Appropriate form of development for a residential area;
- 2 Appropriate scale of development for a residential area;
- 3 No unacceptable increase in traffic or noise;
- 4 Not visually intrusive.

Policy 47

The Regional Council will continue to protect and enhance the special character and appearance of Conservation Areas and will ensure that any development is of a quality and design which is appropriate to the area.

OTHER PLANNING CONSIDERATIONS :

None.

CONSULTATION RESPONSES :

Councillor D Parker : No objections.

Director of Technical Services : The road to the North of this site, although an old district way, is classed as private and is substandard in a number of traffic related categories. This road does serve a number of existing properties and is accessed via a severely substandard junction onto the B6360. Although this application is a renewal, he is concerned that this application will encourage extra vehicles onto the private road and subsequently increase the usage at the sub-standard junction. However, as consent has previously been issued he has difficulty in formally opposing the proposal. If/when this application reaches the next stage, he will require improvements to the existing junction in terms of gradient, visibility and construction. He will also require two parking spaces and a turning area within the site. There is a provisional scheme in Gattonside which will improve the B6360 at the above location. He would suggest that this proposal, although in the future would present an opportunity to possibly pedestrianise the access road outlined above.

Melrose Community Council: Recommends refusal. The access road is already overused by existing traffic making this area of road very dangerous for pedestrians. The exit with the junction onto the B6360 causes concern. Vehicles now drive faster on the B6360 as a result of the recent straightening. The works involve the removal of part of a wall in the conservation area. Permission has previously been refused for another house in the vicinity which would have used the same access.

Gattonside Village Sub-Committee:

- The amenity of the area would not necessarily be affected by the proposal.
- Traffic increase could be a problem.
- Loss of stone wall on the lane boundary is not welcomed.
- Improvements must be carried out to access onto B6360.

Landscape Architect : No objections in principle. On site trees should be protected by a condition.

East of Scotland Water: Water/sewer available.

OTHER RESPONSES :

Letters of objection have been lodged from three householders which state the following:

- Permission for this site was originally given on the understanding that the B6360 would be upgraded. This has only partly been carried out and vehicles now travel faster on this stretch of the road.
- The conservation area should be preserved.
- The demolition of the wall will destroy the character of the conservation area.
- The back lane is of a dangerous and very poor standard.

PLANNING ISSUES :

Given that an identical proposal has previously been approved, the main planning issue is whether there has been a change in either circumstances or policy which would prevent consent again being issued.

ASSESSMENT OF APPLICATION :

The site remains covered by a policy which would allow infill development on the site. Whilst the Director of Technical Services has reservations he accepts that, as consent has previously been given, there would be difficulty in opposing this proposal. Improvements onto the B6360 are imminent which will help ease visibility from the back lane. The application referred to in the vicinity by objectors was not refused for reasons relating to further use onto the back lane but to overdevelopment of that site. The proposed site can comfortably accommodate a house and parking without adverse impact.

RECOMMENDATION BY DIRECTOR OF PLANNING AND DEVELOPMENT :

I recommend approval subject to the following conditions:-

1. The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.
Reason: Approval is in outline only.
2. The boundary wall to be lowered to the satisfaction of the Planning Authority.
Reason: In the interests of road safety.

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3. No trees to be removed on site without the prior consent of the Planning Authority.
Reason: To protect the visual amenity of this part of the Conservation Area.

4. The means of water supply and foul drainage to be to the satisfaction of the Planning Authority.
Reason: To ensure that the site is adequately serviced.



Planning and Development Development Control

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Outline Planning Permission

Reference : 9800240OUT

To : Mr & Mrs Peter Peacock per Duncan Cameron Achnacairidh Bakers Road Gattonside Melrose TD6 9NA

With reference to your application received on 23rd February 1998 for outline planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse and garage

at : Site Adjacent Abbotscroft Gattonside Melrose Roxburghshire TD6 9NJ

The Scottish Borders Council hereby **grant outline planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 subject to the standard conditions on the attached schedule:-

and subject to the conditions on the attached schedule imposed by the Council for the reasons stated:-

Dated 18th May 1998
Planning and Development Department
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed
Head of Development Control

Assistant



Planning and Development Development Control

Application reference : 9800240OUT

STANDARD CONDITIONS

- a) In the case of any reserved matter, the application for approval must be made not later than the expiration of **three years** beginning with the date of grant of this outline planning permission.
- b) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:-
 - i) the expiration of **five years** from the date of this outline planning permission,
 - ii) the expiration of **two years** from the final approval of the reserved matters, or, in the case of approval on different dates, the **final approval** of the last such matter to be approved.

SCHEDULE OF CONDITIONS

1. The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.
Reason: Approval is in outline only.
2. The boundary wall to be lowered to the satisfaction of the Planning Authority.
Reason: In the interests of road safety.
3. No trees to be removed on site without the prior consent of the Planning Authority.
Reason: To protect the visual amenity of this part of the Conservation Area.
4. The means of water supply and foul drainage to be to the satisfaction of the Planning Authority.
Reason: To ensure that the site is adequately serviced.

FOR THE INFORMATION OF THE APPLICANT

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consent are obtained

If the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Secretary of Station under section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Office Inquiry Reporter's Unit, 2 Greenside Lane, Edinburgh, EH1 3AG.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part V of the Town and Country Planning (Scotland) Act, 1997.

OFFICER'S REPORT

PART III

Reference Number: 06/00223/OUT

Site: Site Adjacent Abbotscroft, Gattonside, Scottish Borders, TD6 9NJ

Proposal: Erection of a dwellinghouse and garage

Applicant: Mr and Mrs G A Matthew

Agent: A J E Matthew 01896 822678

Officer: Mr Charles Johnston

Observations by Development Control Officer:

This is an outline application for the erection of a house and a garage within a walled area of land towards the east end of Gattonside. The site measures approximately 0.08ha and is bounded by the B6360 to the south, a property known as Abbotscroft to the west and a narrow vehicular lane to the north and east. The access is proposed on to the lane at the north and requires partial demolition and a reduction in height of the boundary wall. The site is in Gattonside Conservation Area and the applicant has indicated it will be a single storey property.

The site was given outline planning consent for a house in 1989 and 1998 with standard conditions, there have been no changes in policy or circumstances and the plans can be supported again.

Recommendation:

I recommend approval subject to these conditions:

1. The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.
Reason: the approval is outline only.
2. The boundary wall to be lowered to the satisfaction of the planning authority.

Reason: in the interest of road safety.

3. No trees to be removed on site without prior consent of the Planning Authority.

Reason: to protect the visual amenity of this part of the conservation area.

4. The means of water supply and foul drainage to be the satisfaction of the Planning Authority.

Reason to ensure that the site is adequately serviced.

Charles Johnston
Senior Planning Officer

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Outline Planning Permission

Reference : 06/00223/OUT

To : Mr & Mrs G A Matthew per A J E Matthew The Gables Gattonside Melrose Scottish Borders TD6 9NJ

With reference to your application validated on **8th February 2006** for outline planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse and garage

at : Site Adjacent Abbotscroft Gattonside Scottish Borders TD6 9NJ

The Scottish Borders Council hereby **grant outline planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 **subject to the standard conditions** on the attached schedule:-

and **subject to the conditions on the attached schedule** imposed by the Council for the reasons stated:-

**Dated 17th December 2007
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed ...



Head of Planning & Building Standards

APPLICATION REFERENCE : 06/00223/OUT

STANDARD CONDITIONS

- a) In the case of any reserved matter, the application for approval must be made not later than the expiration of **three years** beginning with the date of grant of this outline planning permission.
- b) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:-
 - i) the expiration of **five years** from the date of this outline planning permission,
 - ii) the expiration of **two years** from the final approval of the reserved matters, or, in the case of approval on different dates, the **final approval** of the last such matter to be approved.

SCHEDULE OF CONDITIONS

- 1 The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.
Reason: The approval is outline only.
- 2 The boundary wall to be lowered to the satisfaction of the Planning Authority.
Reason: In the interest of road safety.
- 3 No trees to be removed on site without prior consent of the Planning Authority.
Reason: To protect the visual amenity of this part of the conservation area.
- 4 The means of water supply and foul drainage to be to the satisfaction of the Planning Authority.
Reason: To ensure that the site is adequately serviced.

FOR THE INFORMATION OF THE APPLICANT

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consent are obtained.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 10/00491/AMC
APPLICANT : Mr Andrews & Mrs Slater
AGENT : John R Harris & Partners
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land South East Of Abbotscroft
Gattonside
Scottish Borders

TYPE : AMC Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
09114-PL001	Location Plan	Approved
09114-PL002	Site Plan	Approved
09114-PL003	Floor Plans	Approved
09114-PL004	Elevations	Approved
09114-PL005	Elevations	Approved
09114-PL006	Elevations	Approved
09114-PL007	Elevations	Approved
09114-PL008	Sections	Approved

NUMBER OF REPRESENTATIONS: 2

SUMMARY OF REPRESENTATIONS:

One of the above representations relates to the Community Council response noted below. The other is a letter of support in which it is contended there is a mix of properties in the area and it seems quite appropriate to develop this site with another modern design. The plan is quite special and assisted with suitable new planting will enhance this small area of the village. Indeed there are two of the most modern properties in the village at this end and it is quite reasonable to have the area completed with another modern property.

Consultations

Director of Planning and Economic Development (Landscape): In principle accepts the recommendations in the tree report, specifically the loss of the four Firs, the Malus and for the positioning of the dwellinghouse, The Yew. Tree 91 (the Oak outside the site) is shown as having a root protection area of 13.6m however 5.6m of the RPA is within the proposed development footprint. The maximum RPA offset permitted is 20% and this still leaves 3.8m of RPA within the foundation footprint. To avoid root damage, radial strip and pile foundations within this area are recommended. The current proposals are 600mm with no provision for hand digging to prevent root damage and are not acceptable. If suitable foundations and hand digging within the RPA are proposed, has no

objections. The established hedge to the west must be protected by a fence to BS5837 specification. A full landscape plan showing new and replacement planting with a maintenance schedule is required.

Director of Technical Services (Roads): Is opposed to any new build in this location, the existing private road being of an unsuitable standard for further new-build, as it is narrow, single track with few passing places and has severe visibility constraints as well as being in a poor state of repair. The junction onto the public road is slightly restricted in either direction and can only be negotiated by a single vehicle at a time. Significant road improvements cannot be achieved and is unable to support. Recommends refusal. (When queried as regards the layout of the site itself, confirmed that he has no further comments on the proposal)

Director of Education and Lifelong Learning: A contribution is required towards Earlston High School of £3851

Community Council: No objections
Gattonside Village Sub Committee: No objections

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Structure Plan 2009

N10, N11, N18, N20, I11

Adopted Local Plan 2008

G1, G7, BE4, NE4, EP1, EP2, H2, INF4, INF5

SPGs Trees and Development 2008; Renewable Energy 2007; Placemaking and Design 2010

Recommendation by - Carlos Clarke (Principal Planning Officer) on 25th August 2010

This application seeks approval of matters referred to in conditions imposed on outline consent 06/00223/OUT granted in December 2007. The application was originally submitted as a 'full' application, but later changed to an AMC as is appropriate (as such neither the principle, nor developer contributions, can be considered here). The proposal is for a split-level, contemporary house on two floors, comprising flat and sloping roofs in a U-plan arrangement, with access from the north formed by opening the existing stone wall, and with terracing on the south side. Fibre cement panelling and zinc/metal sheeting is proposed for the roofs, with render, zinc/metal sheeting and timber to the walls.

The site is located at the east end of the village, within the Conservation Area, and comprises an area of undeveloped ground north of the main road through the village. It is retained above it by a stone wall and bounded to the east by a steep narrow vehicular access serving it and other houses to the north and west. A stone wall bounds the north and north-east corner of the site. The site is level at the north end, but slopes to the south, and includes several trees, as well as flanking a larger tree outwith the site to the south-east. To the north is a 1 1/2 storey elevation of a neighbouring house, and a 2 1/2 storey house is sited to the west.

The proposal retains the stone wall and, though the outline consent required it to be lowered to improve visibility, its retention in full apart from the access (which is desirable from a visual perspective) has not been objected to by the DTS. The site also contains a number of trees, and a tree survey identifies that several would be removed, leaving two on the southern boundary. These trees are not highly rated and our tree officer seems to concur. The survey then suggests a fence will protect the two trees to stay, as well as the large tree outside the site. However, the tree survey was not based on the same building footprint as applied for and, while this not only complicates where the protective fence should go, it suggests a greater risk to the large tree outside the site particularly. Our tree officer has asked for pile foundations and hand digging within the root spread and, on that basis, he has no objections. Further to this, the hedge to the west should be retained for its amenity and screening value. However, the survey again underestimates the footprint of the house and there is a greater risk to this hedge than is apparent from it as a result. However, it would seem that, with care, the hedge and trees should be able to be retained. However, to clear up any ambiguities in

the survey, and to focus attention on ensuring these important features are retained, a tree and hedge protection plan is recommended as a condition of consent.

The development should have no wider implications for landscape designations, given its containment between and in front of houses and trees. The overall house design is clearly contemporary, which is considered an appropriate solution for the site, not only because of its position at the extremity of the Conservation Area, but because of the context provided by a range of house types in the general area. Views of the building would be, despite its position above the public road, surprisingly limited as a result of its containment by neighbouring trees and boundary hedging. The proposal itself negotiates the site levels well, with the flat roofs keeping it low in height. Its 'blank' side elevations will have limited exposure except onto the narrow lane.

The proposal does extend a great deal out into the site, onto the sloping section beyond the building line established by its immediate neighbours. My concern has been that the proposal would appear to overdevelop the site, producing an overtly domineering building when passing. Three dimensional drawings have been submitted which (though not completely accurate) have helped provide an understanding of the development's likely impact, particularly as the photomontage submitted with the original application is not completely convincing. I still have reservations regarding the extent of the building footprint. The building will extend the full width of the site and will certainly stray from the more established building line of its traditional neighbours. However, the southerly building line is not really readily apparent to public view. The building would, even if sited at the top end, not necessarily contribute to the character of the Conservation Area any more so by simply following the building line. In any case, doing so is difficult since the facing elevation of the property to the north is so close, and negotiating access and parking is a particular problem. Ultimately, I cannot conclude that the proposal would necessarily harm the character and appearance of the Conservation Area by extending out in the manner it will and, the contemporary design approach (which helps break up the scale of the frontage) is, in my opinion, enough to suggest that while the proposal will have a strong visual presence, this will not be harmfully so. Indeed, the modern design could provide a very interesting statement as you enter and leave the core of the Conservation Area.

The range of materials is, in principle, agreeable, but it is absolutely critical that shiny roof and wall finishes are avoided and that the colours blend subtly and do not attempt to make the building any more visually conspicuous than its design will already do. A condition is imposed to cover these matters.

The proposal has been designed to account for neighbouring amenity and I would consider there to be no likely adverse effects in terms of privacy or light loss and that the building is just limited enough in a southerly direction not to have an adverse impact on the southerly outlook of its westerly neighbour towards the Eildons.

In terms of access, the DTS's comments were initially related to the application as submitted in its 'full' format. It is recognised that he does not support the principle, but this application does not require exploration of the principle. On the basis there appears to be no concern related to the access position or parking arrangement proposed, there seem to be no reasons to oppose the detailed scheme for road safety reasons.

The scope of this consent would be limited to conditions 1 (reserved matters); 2 (lowering the wall); 3 (no trees removed without consent) of the outline. Condition 4, which refers to the means of water supply and foul drainage, has not been referred to in any particular detail as part of the application. It would seem sensible to require the additional evidence by a further more specific condition.

REASON FOR DECISION :

The proposal is deemed compliant with development plan policies, principally Policies N18 and N20 of the Consolidated Structure Plan 2009 and Policies G1, G7, H2, NE4 and BE4 of the Scottish Borders Local Plan 2008, and is deemed to satisfy all conditions on outline consent 06/00223/OUT, subject to compliance with the schedule of conditions.

Recommendation: Approved subject to conditions

- 1 No trees, other than those specified on the supporting tree survey plan (Donald Rodger Associates 0946/1 April 2010) shall be lopped, felled or removed without the written consent of the Planning Authority. In addition, no boundary hedging within the site shall be removed without the written consent of the Planning Authority. Before development commences, a tree and hedge protection plan shall be submitted for the approval of the Planning Authority. The plan shall specify measures designed to safeguard the trees marked for retention (including that outwith the site to the south-east) and boundary hedging during the construction works, including a detailed specification for protective fencing, foundations, construction and excavation methods. Once approved, the development shall only be carried out in accordance with the protection plan
Reason: To protect remaining hedging and trees within and adjoining the site in the interests of safeguarding the character and appearance of the Conservation Area
- 2 A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development. This shall include all roofing, wall render, timber and metal elements, window and door and external railing/balustrading details, and include external colours.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting and protects the character and appearance of the Conservation Area
- 3 The vehicular access shall be formed, and the area allocated for parking on the approved plan shall be consolidated, surfaced and drained all before the dwellinghouse is occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. Only that part of the wall identified for removal on the approved plans shall be so removed, all of the remaining wall shall be retained as existing. A sample of the surfacing material for the parking area shall be submitted for the prior approval of the Planning Authority
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the road in a manner that protects the character and appearance of the Conservation Area
- 4 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):
i. location of new trees, including replacement tree planting, shrubs, hedges and grassed areas
ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
iii. programme for completion and subsequent maintenance.
Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings
- 5 The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with the scheme of details that shall first have been submitted to and approved in writing by the planning authority.
Reason: To ensure the development minimises any environmental impact
- 6 Written evidence shall be submitted for the approval of the Planning Authority before the development commences that a connection to the public water mains and foul drainage network to serve the development has been approved by Scottish Water
Reason: The application contains insufficient information on these aspects to fully satisfy the requirements of the outline consent.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Application for Planning Permission

Reference : 10/00491/AMC

To : Mr Andrews & Mrs Slater per John R Harris & Partners Palma Place Melrose Scottish Borders TD6 9PR

With reference to your application validated on **13th April 2010** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

at : Land South East Of Abbotscroft Gattonside Scottish Borders

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 27th August 2010
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Head of Planning & Building Standards

APPLICATION REFERENCE : 10/00491/AMC

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
09114-PL001	Location Plan	Approved
09114-PL002	Site Plan	Approved
09114-PL003	Floor Plans	Approved
09114-PL004	Elevations	Approved
09114-PL005	Elevations	Approved
09114-PL006	Elevations	Approved
09114-PL007	Elevations	Approved
09114-PL008	Sections	Approved

REASON FOR DECISION

The proposal is deemed compliant with development plan policies, principally Policies N18 and N20 of the Consolidated Structure Plan 2009 and Policies G1, G7, H2, NE4 and BE4 of the Scottish Borders Local Plan 2008, and is deemed to satisfy all conditions on outline consent 06/00223/OUT, subject to compliance with the schedule of conditions.

SCHEDULE OF CONDITIONS

- 1 No trees, other than those specified on the supporting tree survey plan (Donald Rodger Associates 0946/1 April 2010) shall be lopped, felled or removed without the written consent of the Planning Authority. In addition, no boundary hedging within the site shall be removed without the written consent of the Planning Authority. Before development commences, a tree and hedge protection plan shall be submitted for the approval of the Planning Authority. The plan shall specify measures designed to safeguard the trees marked for retention (including that outwith the site to the south-east) and boundary hedging during the construction works, including a detailed specification for protective fencing, foundations, construction and excavation methods. Once approved, the development shall only be carried out in accordance with the protection plan
Reason: To protect remaining hedging and trees within and adjoining the site in the interests of safeguarding the character and appearance of the Conservation Area
- 2 A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development. This shall include all roofing, wall render, timber and metal elements, window and door and external railing/balustrading details, and include external colours.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting and protects the character and appearance of the Conservation Area
- 3 The vehicular access shall be formed, and the area allocated for parking on the approved plan shall be consolidated, surfaced and drained all before the dwellinghouse is occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. Only that part of the wall identified for removal on the approved plans shall be so removed, all of the remaining wall shall be retained as existing. A sample of the surfacing material for the parking area shall be submitted for the prior approval of the Planning Authority

Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the road in a manner that protects the character and appearance of the Conservation Area

- 4 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):
- i. location of new trees, including replacement tree planting, shrubs, hedges and grassed areas
 - ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iii. programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings

- 5 The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with the scheme of details that shall first have been submitted to and approved in writing by the planning authority.

Reason: To ensure the development minimises any environmental impact

- 6 Written evidence shall be submitted for the approval of the Planning Authority before the development commences that a connection to the public water mains and foul drainage network to serve the development has been approved by Scottish Water

Reason: The application contains insufficient information on these aspects to fully satisfy the requirements of the outline consent.

FOR THE INFORMATION OF THE APPLICANT

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:



Planning and Economic Development

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire. NG18 4RG.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00680/FUL

APPLICANT : Mr Steven Andrews

AGENT : BLVA

DEVELOPMENT : Erection of dwellinghouse (amendment to previous consent 10/00491/AMC)

LOCATION: Land South East Of Abbotscroft Gattonside
Gattonside
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status	
PRIO.AP.L.170515 - A	Site Plan	Approved	
PRIO.AE.170503 - A	Elevations	Approved	
PRIO.AP.0.170331 - A	Floor Plans	Approved	
NORTH - IMAGE	Elevations	Approved	
SOUTH - IMAGE	Elevations	Approved	
EAST - IMAGE	Elevations	Approved	
WEST - IMAGE	Elevations	Approved	
AERIAL IMAGE	Elevations	Approved	
SOUTH EAST - IMAGE	Elevations	Approved	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultations

Roads Planning Service: There is a lengthy history to this site where this service has raised several concerns regarding the access to this site. The private road is narrow with limited forward visibility at several locations due to the proximity of the existing buildings. These buildings also limit the passing opportunities along this road and it is likely that it acts as an informal one-way system. The junction with the B6360 is constrained in terms of geometry, surfacing and visibility. Furthermore, vehicles turning left into the junction can only do so using the full width of the B6360 and/or several manoeuvres. As such, they would not normally support another dwelling served by this private road including its junction with the B6360.

However, it is appreciated that the principle of a dwelling on this site has already been accepted by the Council and if support is to be offered again to this proposal, the following matters should be addressed to the Council's satisfaction:

1. The parking spaces proposed must be available for use prior to the dwelling being occupied and be retained thereafter in perpetuity.

2. The initial 6m of the private road from where it meets the B6360 must be improved with the provision of a level running surface. This will entail the existing road being swept, cleaned, regulated and overlaid with 40mm asphalt. There are several other areas of the road between the public road and the site which would also benefit from improvements, particularly potholes being filled in.

3. Driver visibility should be improved at the junction of the private road with the B6360 by trimming back the existing hedge, at least to in line with the existing southern boundary wall.

Community Council: No comments

Education and Lifelong Learning: Contributions required towards Melrose Grammar School and Earlston High School

Landscape Service: The tree officer's comments on the previous application are still pertinent and were reflected in Condition 1 of the previous consent. Given that more than 7 years have passed since the original tree survey was completed and BS 5837 has since been updated, an updated tree report would be appropriate, allowing consideration of the new layout and updating the RPA of the remaining three mature trees that have potential to be affected by the development. It is not altogether clear how the ground level to the south of the dwellinghouse will be affected as the elevations show both cantilevered terrace alongside ground sloping down from the east end of the terrace. It would be a concern if any earthmoving and reshaping of the ground was done within the RPA of the retained trees, all of which are close to the footprint of the house. The widened side of vehicular access into the site through the north boundary wall, requiring demolition of part of the wall (already undertaken), should be finished off to match or replicate the existing side. If both sides are widened the end detail, on both sides of the widened opening, should be replicated. The wall and cope should be repaired as necessary and if at all possible, the wisteria climber, which is uncommon so far north, and a good specimen, should be retained as an attractive addition to the development.

In conclusion, if a condition, similar to Condition 1 of the previous consent, requiring a Tree Protection Plan and detail of how any development, including an appropriate method of forming foundations, within the RPA of the trees can be achieved without impacting on the trees and requiring the erection of protective fencing of the existing hedges prior to commencement of the development, the landscape architect would not have any further concerns.

Gattonside Village Sub Planning Committee: No reply, but have confirmed since the consultation request that the GVSPC is no longer active

Heritage and Design Officer: A contemporary house has already been approved for this site and the current application seeks to amend the design. The house lies just within the Gattonside Conservation Area and is a sloping site facing south. The building is essentially a single storey building with a low pitched roof some of which appears to be covered with sedum or grass. The external materials are not noted on the application drawings and all these need to be clarified and agreed. He is content with the general design approach in this location. The same architect designed a new house in Melrose using a similar palette which was commended in our 2016 Design Awards. He has some concerns about the building's relationship with the current sloping site; the south elevation in particular (as shown on the 3D drawings) appears to show a very steep grassed ramp leading to the front of the building and a significant amount of white concrete (?) underbuilding showing beneath the building. The building needs to be more visually linked with the existing contours rather than "floating" above it. The absence of true elevations submitted make this difficult to read at present. He is not against part of the new frontage from cantilevering above the ground but not to the extent shown on the south elevation.

Ultimately, he has no objections to the general contemporary design approach adopted, subject to specific conditions on the need to submit details / samples of the proposed external materials for approval. A specific condition, or preferably before determination, is also needed to obtain further details of the south elevation and its relationship with the existing and proposed sloping ground so we can assess the scale and visual impact of the underbuilding.

Archaeology Officer: No known implications

Environmental Health Service: This application includes a proposed fireplace. Solid fuel use can cause smoke and odour problems if not properly sited, installed, operated and maintained. An informative is recommended

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2, PMD5, HD3, EP1, EP4, EP8, EP9, EP13, EP13, IS2, IS3, IS7, IS9

SPGs Placemaking and Design 2010; Guidance on Householder Development 2006; Development Contributions 2016; Trees and Development 2008; Landscape and Development 2008; Waste Management 2015

Historic Environment Scotland - New Design in Historic Settings 2016

Recommendation by - Carlos Clarke (Lead Planning Officer) on 27th July 2017

Proposal and site description

This application seeks consent for a house on a site with an extant full consent for a house under 10/00491/AMC granted in 2010. Works on that development commenced and, therefore, the development can still be constructed. The site is at the east end of the village, within the Conservation Area, on undeveloped ground north of the main road and retained above it by a stone wall. It is bound to the north and east by a narrow track serving it and other houses to its north and west. A stone wall marks the north and north-east corner. The site is initially level at north end but slopes to the south. It includes trees to south, and a large tree outside to the south-east, with hedging and fencing to its western boundary.

Principle

The site is within the settlement boundary and not allocated. The principle is agreeable under Policy PMD5 and the site has an extant consent for a house in any case

Services

Mains water and drainage are proposed. A condition as with the 2010 consent can apply. No surface water drainage is proposed, though it wasn't a requirement of the previous consent (as it wasn't an outline consent requirement). There is no particular issue here and Building Standards can cover the details. A safeguarding condition can apply though to maintain greenfield run off rates

Contributions

The previous consent was subject to a Section 75 covering contributions applicable at the time. Those contributions have been paid. This material consideration outweighs current policy requirements since this proposal does not add any additional burden beyond the extant consent.

Air quality

A flue is proposed though the EHS raise no particular issue regarding its height or location. An informative can cover.

Waste

Our SPG on waste now requires bin storage, though it wasn't a requirement of the extant consent. This site layout incorporates more room than before for potential bin storage, and includes a sizeable garage capable of accommodating bins. Given the historic consent that can be implemented, though, a specific proposal for bin storage is not justified.

Energy efficiency

It is to be noted that the previous consent includes a "Sprouston" condition. This is no longer applied and such matters are covered under Building Standards. The house's access to sunlight is also little different to the previous consent.

Ecology

There are no ecological designations, no tree or building removal and the site does not have substantial shrubbery to be cleared. It has an existing consent, in any case. There should be no notable ecological implications.

Archaeology

There are no implications requiring mitigation

Access/parking

The approach to access and parking is similar to that approved under the previous consent, and two spaces are shown. I appreciate the RPS's requirement for off-site road and visibility improvements, but these are not a requirement of the extant consent so cannot reasonably be applied at this stage.

Trees

The previous consent allowed for removal of a number of trees, retaining two to the south, and requiring protective measures for these, hedging to the west and a tree outside the site to the south-east. The trees consented for removal have since been removed. The consent was conditional on a tree protection plan. This proposal makes reference to trees, but does not show all root protection areas, and the protective fence is incorrectly placed on the most recent plan. In any case, as our Landscape Service notes, it has been seven years since the last tree survey, and an up-to-date survey plan is required to reflect tree growth since then and the more recent 2012 version of BS5837. The applicant's agent has confirmed that a new survey plan will be submitted. There is a risk to leaving this to condition. However, the proposal's footprint is not considerably different, and the construction is to comprise a cantilevered arrangement using steel piles. I would suggest that, given the existing consent, and the view of our landscape service that a condition can be applied, the matter can be addressed by condition. Ultimately, though it shall be for the applicant to demonstrate that the three trees and hedging can be safeguarded during the works on this particular scheme.

In relation to this, the original proposal included illustrations of what appeared to be sweeping level changes, which in themselves could have serious implications for trees and hedging. However, these have since been removed from the elevation drawings and toned down to what are intended to be minor changes to the ground. A condition will, however, require clarity on level changes in the form of reliable plans and sections.

Design and layout

Walls will be retained as before, allowing for the access point. The end wall detail (noted by the Landscape Service) was not covered previously, though is a very minor point that can be reasonably covered in a condition without much implication for the consent.

The layout is fundamentally the same as before. This proposal is not split-level, as before, but rather a single-storey building with underbuilding. It is simpler in design and sleeker. Perhaps a little too simple on its western elevation, but fundamentally of the same character as the original development. It would extend similarly beyond the front elevation of the neighbouring house as before, an arrangement which was accepted (albeit with some reservation) previously given the location of the site on a corner plot and context of tree and hedging. Overall, it will comprise a clearly contemporary design like that previously approved. This proposal is acceptable for similar reasons to the consented scheme, given the location at the end of the Conservation Area, in a location of relatively low sensitivity in terms of potential impact on the character and appearance of the Conservation Area. Modern infills are, however, not new to the village.

As noted above, the original proposal incorporated level changes according to the drawings that suggested significant sweeping of part of the site. These have been removed, and the proposal is for it to be

cantilevered, with the underbuilding framed by gabion baskets. I discussed the arrangement with our HDO following his comments on the original proposal, and it is agreed that the arrangement is acceptable if the gabions are whinstone-filled. Ultimately, though, a clear set of level information remains to be required.

No materials have been specified, and these are required by condition.

The elevation drawings, while sufficient to examine the merits of the proposals, are not sufficiently reliable as working elevations (and internal courtyard elevations are required). A condition is necessary to secure scaled, 'true' elevations based on the elevations drawings and images submitted with the application.

The site has existing boundary treatments and no additional measures are proposed. There is no scope to require repairs at this stage. Retaining climbing plants is desirable, but not sufficient to require by condition. A landscape scheme can, however, be a requirement (as with the previous consent). The agent advises that no hardstandings are proposed beyond the courtyard surfacing shown on the floor plan, though I suggest the landscaping scheme should account for the potential for more being proposed than is shown (though our objective should be to limit any such works around the building unless necessary, for visual reasons as well as to minimise risk to trees and hedging).

Neighbouring amenity

The proposal's potential impact on neighbouring amenity, by way of privacy, daylight, sunlight or outlook loss, has been compared with the extant consent and, overall, it is not discernibly different. A front facing window to the north may intrude a little on the property to the north, but this may likely be hindered by the boundary wall. The neighbour has limited ground floor windows in any case and fronts onto a communal lane. Privacy impact will not be significant.

I note that a number of windows are proposed to the west. There is fencing at the north-end of the mutual boundary; hedging will help reduce any overlooking, and the windows all relate to non-habitable rooms. Given the potential for the internal layout to change in future however, obscuring the glazing of these openings would be sensible, particularly those on the lower part as the ground falls and the value of boundary hedging and fencing is reduced. However, the applicant does not wish to agree obscure glazing. While this is appreciated, it is for the applicant to demonstrate that these windows would not allow future overlooking of the neighbour beyond boundary planting to the detriment of their privacy and, therefore, I would suggest a condition should require obscure glazing unless demonstrated to not be required.

REASON FOR DECISION :

Subject to 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: Approved - conditions & informatives

- 1 No development shall commence until scaled elevation drawings (1:100) for all elevations, including internal courtyard elevations, that concur with the approved drawings but illustrate the building without shading and perspective, have been submitted to and approved by the Planning Authority. The development shall be implemented in accordance with the approved drawings
Reason: Further clarity on the dimensions and details of the elevations is required to ensure implementation of the approved development can be monitored, all to safeguard the character and appearance of the Conservation Area and neighbouring amenity
- 2 No development shall commence until an up-to-date tree survey, arboricultural impact assessment and tree and hedge protection plan (including detailed specification for protection fencing, foundations, construction and excavation methods) have been submitted to and approved by the Planning Authority, demonstrating that hedging to the west, two trees to the south and the tree to the south-east, can be protected during the construction of the development, all in accordance with BS5837:12 No trees or hedging, other than trees already removed under the previous consent

- 10/00491/AMC, shall be removed without the prior written approval of the Planning Authority. The development shall only be carried out in accordance with the protection plan
Reason: To protect remaining hedging and trees within and adjoining the site in the interests of safeguarding the character and appearance of the Conservation Area
- 3 No development shall commence until a schedule of external building and hardstanding materials (including samples where required by the Planning Authority) has been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the approved schedule. The flue shall be black in external colour and matt finished
Reason: To safeguard the character and appearance of the Conservation Area
- 4 No development shall commence until a scheme of existing and proposed ground levels, house floor level and hardstanding levels have been submitted to and approved by the Planning Authority. The scheme shall include a plan illustrating existing and proposed ground contours and sections through the site. The development shall be carried out in accordance with the approved scheme
Reason: To safeguard the character and appearance of the Conservation Area
- 5 No development shall take place except in strict accordance with a scheme of landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):
- I. location of new trees, including replacement tree planting, shrubs, hedges and grassed areas
 - II. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - III. layout and specification of any external hard standings not illustrated on the approved plans
 - IV. programme for completion and subsequent maintenance.
- Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings
- 6 Written evidence shall be submitted for the approval of the Planning Authority before the development commences that a connection to the public water mains and foul drainage network to serve the development has been approved by Scottish Water. Surface water drainage shall maintain existing run-off levels from the site
Reason: To ensure the development can be adequately serviced and to ensure no net increase in surface water run-off from the site
- 7 The vehicular access shall be formed, and the area allocated for parking on the approved plan shall be consolidated, surfaced and drained all before the dwellinghouse is occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. Only that part of the wall identified for removal on the approved plans shall be so removed, all of the remaining wall shall be retained as existing, and the opening shall be finished in materials to match existing prior to operational use. The surfacing material for the parking area shall accord with that approved under Condition 3
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the road in a manner that protects the character and appearance of the Conservation Area
- 8 Windows on the western elevation and west end of the south elevation, currently leading to the dressing room, WC and bathroom, shall be fitted with obscure glazing to a specification agreed with the Planning Authority prior to occupancy of the dwellinghouse, unless otherwise agreed in writing with the Planning Authority. The glazing shall not be subsequently altered or replaced with a different specification unless approved by the Planning Authority
Reason: To minimise risk to neighbouring amenity

Informatives

It should be noted that:

- 1 Fireplace/stove installations can cause smoke and odour complaints and Planning Permission for the installation 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. 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.

- 2 Regarding condition 8, this requires obscure glazing to windows potentially permitting overlooking above boundary hedging. However, the condition allows for the requirement to be varied. This will require that the applicant demonstrates by way of sectional drawings that the privacy of the neighbouring property would not be compromised. While it is accepted that these windows currently lead to non-habitable rooms, this may potentially change in the future without the need for planning consent.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2013**

Application for Planning Permission

Reference : 17/00680/FUL

**To : Mr Steven Andrews per BLVA Per Britt Loa Veirup Braeside Newlyn Road Melrose United
Kingdom TD6 9QX**

With reference to your application validated on **19th May 2017** for planning permission under the
Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse (amendment to previous consent 10/00491/AMC)

At : Land South East Of Abbotscroft Gattonside Gattonside Scottish Borders

The Scottish Borders Council hereby **grant planning permission** in accordance with the
approved plan(s) and the particulars given in the application and in accordance with Section 58 of
the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three
years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons
stated

**Dated 28th July 2017
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00680/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
PRIO.AP.L.170515 - A	Site Plan	Approved
PRIO.AE.170503 - A	Elevations	Approved
PRIO.AP.O.170331 - A	Floor Plans	Approved
NORTH - IMAGE	Elevations	Approved
SOUTH - IMAGE	Elevations	Approved
EAST - IMAGE	Elevations	Approved
WEST - IMAGE	Elevations	Approved
AERIAL IMAGE	Elevations	Approved
SOUTH EAST - IMAGE	Elevations	Approved

REASON FOR DECISION

Subject to 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.

SCHEDULE OF CONDITIONS

- 1 No development shall commence until scaled elevation drawings (1:100) for all elevations, including internal courtyard elevations, that concur with the approved drawings but illustrate the building without shading and perspective, have been submitted to and approved by the Planning Authority. The development shall be implemented in accordance with the approved drawings
Reason: Further clarity on the dimensions and details of the elevations is required to ensure implementation of the approved development can be monitored, all to safeguard the character and appearance of the Conservation Area and neighbouring amenity
- 2 No development shall commence until an up-to-date tree survey, arboricultural impact assessment and tree and hedge protection plan (including detailed specification for protection fencing, foundations, construction and excavation methods) have been submitted to and approved by the Planning Authority, demonstrating that hedging to the west, two trees to the south and the tree to the south-east, can be protected during the construction of the development, all in accordance with BS5837:12. No trees or hedging, other than trees already removed under the previous consent 10/00491/AMC, shall be removed without the prior written approval of the Planning Authority. The development shall only be carried out in accordance with the protection plan
Reason: To protect remaining hedging and trees within and adjoining the site in the interests of safeguarding the character and appearance of the Conservation Area
- 3 No development shall commence until a schedule of external building and hardstanding materials (including samples where required by the Planning Authority) has been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the approved schedule. The flue shall be black in external colour and matt finished
Reason: To safeguard the character and appearance of the Conservation Area

- 4 No development shall commence until a scheme of existing and proposed ground levels, house floor level and hardstanding levels have been submitted to and approved by the Planning Authority. The scheme shall include a plan illustrating existing and proposed ground contours and sections through the site. The development shall be carried out in accordance with the approved scheme
Reason: To safeguard the character and appearance of the Conservation Area
- 5 No development shall take place except in strict accordance with a scheme of landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):
- I. location of new trees, including replacement tree planting, shrubs, hedges and grassed areas
 - II. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - III. layout and specification of any external hard standings not illustrated on the approved plans
 - IV. programme for completion and subsequent maintenance.
- Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings
- 6 Written evidence shall be submitted for the approval of the Planning Authority before the development commences that a connection to the public water mains and foul drainage network to serve the development has been approved by Scottish Water. Surface water drainage shall maintain existing run-off levels from the site
Reason: To ensure the development can be adequately serviced and to ensure no net increase in surface water run-off from the site
- 7 The vehicular access shall be formed, and the area allocated for parking on the approved plan shall be consolidated, surfaced and drained all before the dwellinghouse is occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. Only that part of the wall identified for removal on the approved plans shall be so removed, all of the remaining wall shall be retained as existing, and the opening shall be finished in materials to match existing prior to operational use. The surfacing material for the parking area shall accord with that approved under Condition 3
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the road in a manner that protects the character and appearance of the Conservation Area
- 8 Windows on the western elevation and west end of the south elevation, currently leading to the dressing room, WC and bathroom, shall be fitted with obscure glazing to a specification agreed with the Planning Authority prior to occupancy of the dwellinghouse, unless otherwise agreed in writing with the Planning Authority. The glazing shall not be subsequently altered or replaced with a different specification unless approved by the Planning Authority
Reason: To minimise risk to neighbouring amenity

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

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- 2 Regarding condition 8, this requires obscure glazing to windows potentially permitting overlooking above boundary hedging. However, the condition allows for the requirement to be varied. This will require that the applicant demonstrates by way of sectional drawings that the privacy of the neighbouring property would not be compromised. While it is accepted that these windows currently lead to non-habitable rooms, this may potentially change in the future without the need for planning consent.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

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Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU