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By email to:
dcconsultees@scotborders.gov.uk

Scottish Borders Council
Council HQ
Newtown St Boswells
Melrose
TD6 0DF

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMC consultations@hes.scot

Our ref: AMI/5/35/1
Our case ID: 300020112
Your ref: 18/00287/FUL
23 March 2018

Dear Sir/Madam

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Land North West Of Doonbye, Smith's Road, Darnick - Erection of dwellinghouse

Thank you for your consultation which we received on 19 March 2018. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref	Name	Designation Type
BTL30	Battle of Darnick	Battlefield

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.



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Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Simon Stronach who can be contacted by phone on 0131 668 8077 or by email on Simon.Stronach@hes.scot.

Yours faithfully

Historic Environment Scotland

Julie Hayward
01835 825585
Our Ref: 18/00287/FUL
Your Ref:
E-Mail: JHayward2@scotborders.gov.uk

Melrose Community Council
Mr R Chisholm

Date: 19th March 2018

NAME OF APPLICANT: Mr I. Maxwell

NATURE OF PROPOSAL: Erection of dwellinghouse

SITE: Land North West Of Doonbye Smith's Road Darnick
Scottish Borders

Melrose & District Community Council cannot support this application for all the same reasons as raised at the previous applications.

All our comments still stand

There is no provision for parking there is no off-street parking in this area

The streets are already clogged at night times to the point emergency vehicles could be seriously impeded without the addition of more vehicles looking for non-existent spaces

Regards

Robin Chisholm for Melrose & District Community Council

CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Officer Name and Post: Mark Douglas Lead Officer (Built Heritage & Design)	Contact e-mail/number: mtdouglas@scotborder.gov.uk 01835 826563
Planning Application Reference	18/00287/FUL	
Proposed Development	Erection of a new house	
Site Location	Land NW Doonbye, Smiths Rd, Darnick	
Background	<p>The site lies within Darnick conservation area.</p> <p>I note that a previous application, 16/01311/FUL and subsequently a further application was submitted, 17/00591/FUL to which I responded. This application was subsequently withdrawn.</p> <p>I had raised concerns about the access and the fact that the house would occupy some 45% of the site area with very limited space on three sides of the proposed house. I also expressed concerns about the potential adverse impact on the conservation area.</p> <p>I have reviewed the 17/00591/FUL proposals again as part of my assessment of the current application. The significant change is that the proposed new house has been reduced in size to be a two bedroom house on a single floor only.</p> <p>The agent has provided a Design Statement in support of the proposals.</p>	
Key Issues (Bullet points)	<ul style="list-style-type: none"> Impact on the character or appearance of the conservation area. 	
	<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>	
Assessment	<p>Firstly, in terms of impact of the development on the character and appearance of the conservation area:</p> <ul style="list-style-type: none"> The omission of upper floor accommodation has resulted in a reduction in height of the proposed new house by about 1m (ridge height) from that proposed in the 2017 application. This scale and form of building is more akin to other "cottages" in the conservation area and I am content that the revised proposals can be viewed as having a "neutral" impact on the conservation area as a whole <p>Secondly, in terms of broader design issues:</p> <ul style="list-style-type: none"> The agent has undertaken a survey into properties in the vicinity of the proposed site and had demonstrated that other properties have a high ratio of footprint to site plot area. The aerial image showing the organic pattern of the vicinity of the site. I still consider that the site is tight, especially as it is within about 1m of the site boundary on three sides and the limited access will be challenging 	

	to physically construct the building and potentially to access services. <ul style="list-style-type: none"> • The use of slates on the roof and a painted roughcast is an appropriate external finish 		
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions
Recommended Conditions	Details of external finishes including colours to be agreed in writing by the planning authority.		
Recommended Informatives			
Date	04/04/2018		

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	18/00287/FUL
Uniform Ref	18/00734/PLANCO
Proposal	Erection of dwellinghouse
Address	Land North West Of Doonbye Smith's Road Darnick Scottish Borders
Date	23rd March 2018
Amenity and Pollution Officer	
Contaminated Land Officer	Gareth Stewart

Amenity and Pollution

Assessment of Application

Noise
Water Supplies
Nuisance

Drainage Arrangements

Condition

No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.

Reason: To ensure that the development does not have a detrimental effect on public health.

Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water drainage network.

Reason: To ensure that the development does not have a detrimental effect on public health.

Mains Water Supply

Condition

Where a mains water supply has been identified by the Applicant but the Case Officer suspects that a mains water connection is unlikely to be achievable, the following Conditions should be applied:

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

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

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

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

Construction Noise

Informative

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

The following are the recommended hours for noisy work

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council).

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

Recommendation

Agree with application in principle, subject to conditions
--

Contaminated land

Assessment of Application

The above application appears to be proposing the redevelopment of land which previously housed a greenhouse. The surrounding area was developed with extensive areas of commercial greenhouses, often including heating infrastructure and associated chemical storage. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

The attached standard condition may be helpful in this respect

Recommendation

Delete as appropriate – Agree with application in principle, subject to conditions /Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object /Informative Note

Conditions

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.**

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council **prior to** addressing parts b, c, d, and, e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, **shall be required by the Developer before any development hereby approved commences**. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

REGULATORY SERVICES



To: **Development Management Service**
FAO Mrs. J. Hayward, Council H. Q.

Date: **9th April 2018**

From: **Roads Planning Service**
Contact: **A. Scott**

Ext: **6640**

Ref: **18/00287/FUL**

Subject: Erection of dwelling
Doonbye, Smiths Road, Darnick – 18/00287/FUL

It would appear that there has been no significant change from the previous applications for this site with regards to roads issues and, as such, my comments to the previous application for this site are still applicable and I have copied them below:

I am unable to recommend approval of this application on the grounds of insufficient parking and access. The plot has no vehicular access and there is no dedicated parking proposed. Furthermore, the pedestrian access to the site is not conducive to the transportation of building materials in my opinion. This is likely to lead to materials being stored on Smiths Road which is not appropriate for such storage/occupation.

I have read the applicants parking assessment and whilst I agree that the principles of Designing Streets allows for on-street parking rather than dedicated off-street parking, it is my opinion that Smiths Road is not capable of taking any more parked vehicles without causing further problems for road users. During several visits to the site, the areas suitable for parking on Smiths Road were occupied and this was without the additional traffic associated with the proposed dwelling. Vehicles would have to seek parking further afield and this is not an acceptable solution to parking. There are already concerns with vehicles parked on Smiths Road causing obstructions and the approval of this dwelling would just exacerbate the problem.

The site is garden ground detached from the public road other than by way of a footpath connection. Otherwise I am sure that dedicated parking would have been offered as part of the proposal.

There is no doubt parking and access is very constrained in Smith's Road. There are other areas of garden ground in the vicinity which could be developed for housing and similar issues would apply in respect of inability to provide parking. Approval of this application could set a dangerous precedent.

DJI

CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Archaeology Officer Officer Name: Dr Christopher Bowles		Contact e-mail/number: archaeology@scotborders.gov.uk	
Date of reply	17 April, 2018			
Planning Application Reference	18/00287/FUL		Case Officer: Julie Hayward	
Proposed Development	Erection of dwellinghouse			
Site Location	Land North West Of Doonbye Smith's Road Darnick Scottish Borders			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description	I have commented on previous applications for this site outlining its archaeological potential and proposed mitigation.			
Key Issues (Bullet points)	<ul style="list-style-type: none"> The site likely contains the archaeological evidence of earlier structures. 			
Assessment	The current proposal still has the potential to impact buried archaeological remains. My earlier comments and recommendations remain valid.			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions	I recommend that archaeology conditions on prior applications be carried forward.			
Recommended Informatives				