

SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

5 NOVEMBER 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 18/01090/FUL
OFFICER:	Julie Hayward
WARD:	Leaderdale and Melrose
PROPOSAL:	Erection of dwellinghouse
SITE:	J Rutherford Workshop Rhymers Mill, Mill Road, Earlston
APPLICANT:	Austin Travel
AGENT:	Aitken Turnbull Architects Ltd

SITE DESCRIPTION

The site is situated on the corner of Mill Road and Rhymers Avenue within the Development Boundary of Earlston. It formed part of the former J Rutherford's vehicular sales and repair premises. The site is now vacant but does include an existing former Rutherford's workshop building, which is included within the boundary of the proposed residential property. There are residential properties to the north east and west. The remaining Rutherford's buildings to the south west have been converted into a coach depot (16/00349/FUL) and there is a current planning application to change the use of the remainder of the Rutherford's site to a bus depot (18/0108/FUL). The Leader Water is to the south.

PROPOSED DEVELOPMENT

The proposal is to erect a dwellinghouse on the site. This would front onto Mill Road and would be one-and-a-half storey with two bedrooms. The walls would have wet dash render and timber clad finish and it would have a slate roof. Access would be from Mill Road and two on-site parking spaces are proposed.

PLANNING HISTORY

16/00385/FUL: Erection of dwellinghouse. Withdrawn 19th January 2017.

17/00479/FUL: Erection of dwellinghouse. Refused on 8th June 2017 for the following reasons:

- The proposal does not comply with Adopted Local Development Plan Policy IS8 and Scottish Planning Policy in that the site is subject to a significant flood risk and the development would be both at significant risk of flooding and would materially increase the probability of flooding elsewhere.
- The proposal in the positioning of the dwellinghouse and the overall site layout, does not comply with Adopted Local Development Plan Policies PMD2 and PMD5 in that it would not respect the character of the surrounding area and neighbouring built form.

- The proposal does not comply with Adopted Local Development Plan Policies PMD2 and IS7 in that the access arrangements are unsuitable to serve the development and inadequate provision has been made for the accommodation of the parking of two vehicles within the curtilage of the site, such that there would be adverse impacts upon road safety.
- The proposal does not comply with Adopted Local Development Plan Policies PMD5 and HD3 in that the operation of the workshop building in such close proximity to the proposed dwellinghouse has potential to have unacceptable impacts upon the residential amenity of the occupants of the proposed dwellinghouse.

The application was considered by the Local Review Body on 19th March 2018. The Local Review Body varied the decision of the appointed officer and refused planning permission on the following grounds:

1. The proposal does not comply with Adopted Local Development Plan Policies PMD2, PMD5 and HD3 in that it has not been adequately demonstrated that the height and design amendments resulting from the submissions aimed at addressing flood risk would not have adverse impacts on residential amenity or be sympathetic to the character of the surrounding area.
2. The proposal in the positioning of the dwellinghouse and the overall site layout, does not comply with Adopted Local Development Plan Policies PMD2 and PMD5 in that it would not respect the character of the surrounding area and neighbouring built form.
3. The proposal does not comply with Adopted Local Development Plan Policies PMD2 and IS7 in that the access arrangements are unsuitable to serve the development and inadequate provision has been made for the accommodation of the parking of two vehicles within the curtilage of the site, such that there would be adverse impacts upon road safety.

REPRESENTATION SUMMARY

One representation from the owner of 1 Rhymers Avenue has been received in response to the application, which can be viewed in full on Public Access. The key concerns raised are:

- Loss of light and privacy due to the height and position of the proposed dwellinghouse;
- A single storey dwelling further from the boundary would be preferred. There would only be a car's width and pavement between the proposed house and no.1.

APPLICANTS' SUPPORTING INFORMATION

- Flood Risk Assessment

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: I shall have no objections to this proposal provided the conditions on parking, access and gates are included in any consent issued.

Director of Education and Lifelong Learning: The proposed development is within the catchment area for Earlston Primary School and Earlston High School. A contribution of £2,533 is sought for the Primary School and £3,562 is sought for the High School, making a total contribution of £6,095.

Flood Protection Officer: In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the “third generation flood mapping” prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

In 2016, a planning application (16/00385/FUL) was submitted and flood risk issues were discussed with the applicant and a Flood Risk Assessment (FRA) submitted in support of the application. This was withdrawn and another application (17/00479/FUL) was then submitted, using an updated FRA.

In June 2017, both the Council Flood Technician and SEPA noted that they had concerns with the accuracy of the FRA and that the flood risk was underestimated within.

It was our opinion that the FRA has not suitably shown that the site is not at risk of flooding during a 1 in 200 year flood event and this development would be contrary to Scottish Planning Policy; therefore we objected to the proposal on the grounds of flood risk. I would note that SEPA also upheld their objection.

In February 2018, information was provided by the Council Flood Team’s technician, the main point being that the finished floor level of the site should be set to at least 102.64mAOD; this is also stated within Terrenus’ note dated 6th February.

Further to the Local Review Hearing for application 17/00479/FUL further flood risk information for the Leader Water from Earlston Flood Study had been provided to the applicant.

As required by actions identified in the Tweed Local Flood Risk Management Plan Scottish Borders Council commissioned Earlston Flood Study in December 2016. The study has been undertaken by JBA Consulting to consider the risk of flooding to Earlston from the Leader Water and the Turfford Burn and to recommend options to manage and reduce flood risk in the village. SEPA has reviewed and agreed the hydrology used within the study. 1D/2D modelling of the Leader Water and Turfford Burn has been undertaken using best available data including the use of LiDAR and a full topographic survey. The study outputs were received by SBC in December 2017 and not previously available to share with respect to this application (the study remains ongoing with the options appraisal stage regarding the identification of flood risk measures for Earlston yet to be delivered).

The following data from the Earlston Flood Study was provided to the applicant on 23rd January 2018 following a Local Review Hearing:

- Hydrology Report (extract)
- Flood Modelling Report
- Survey Data
 - Leader Water- AutoCAD drawings
 - PDF drawings – Cross section locations and PDF cross section drawings
 - Property Threshold Survey
- Model Data
 - Flood Modeller Data
 - Hec-RAS Data
 - Mike 11 Data
- LiDAR (flown June 2017 for SBC)

Following receipt of the above datasets a further Flood Risk Assessment Update has been provided by Terrenus Land and Water in the form of a letter, dated 6th February 2018.

The letter states that the findings of Earlston Flood Study and generally in agreement with the findings of the earlier FRA submissions for this application by Terrenus Land and Water. I would strongly disagree with this statement. Earlston Flood Study shows that at the 1:200 year flood (0.5% annual probability event) the proposed site to be inundated from the Leader Water up to a depth of 0.743m. As noted in my previous responses to this application, previous versions of the Terrenus FRA concluded that 'Leader Water remains within its banks during the 1 in 200 year storm event' and at 'the 1 in 200 year event.....does not pose a flood risk to the site'.

Notwithstanding, application of the data from the Earlston Flood Study has enabled revised assessment of this site to be undertaken. The flood maps from the study and flooding animation do show that the site is at direct risk of flooding from the Leader Water as well from overland flow route described in the FRA update letter. Outputs from the Earlston Flood Study show that at the 1:200 year flood the maximum water level from the Leader Water at cross section LEAD_1354 to be 102.043mAOD. The ground level at the proposed site is 101.3mAOD resulting in a flood depth of 0.743m at the proposed site. The FRA update letter acknowledges the level at which the site is anticipated to be inundated at the 1:200 year flood and with the inclusion of freeboard, recommends a finished floor level for this site of 102.64m. I agree with this and recommend that a finished floor level of 102.64mAOD, or above, is taken forward.

I would recommend that ground levels surrounding the dwelling should be designed to convey overland flow away from the development and drainage measures are considered to intercept overland flow. I am in agreement with our previous comments and therefore, if the finished floor level of the building is set to at least 102.64mAOD (1 in 200 year + freeboard level), I would have no objections to this proposal.

I would also further recommend that ground levels surrounding the dwelling should be designed to convey overland flow away from the development and drainage measures are considered to intercept overland flow.

Environmental Health:

Noise

Due to the proximity of commercial and industrial activities to the proposed siting of the dwellinghouse there are concerns that noise generating activities undertaken on the neighbouring sites could adversely affect the amenity of those living in the proposed development.

In order for Environmental Health to support the application, the applicant should provide evidence that residential amenity at the new development will not be adversely affected by these existing activities. The applicant should therefore submit a noise impact assessment using the assessment method described in BS4142:2014: Method for Rating and Assessing Industrial and Commercial Sound.

If the outcome of the assessment suggests there will be an adverse impact or significant adverse impact, the report should identify all methods of noise control and mitigation available to reduce the impact to an acceptable level (including the calculations of the expected reduction in decibels). All appropriate methods of mitigation should be considered and an explanation of why each method has been chosen or dismissed should be provided, to demonstrate that all reasonable steps have been taken to manage noise.

Odour

The proposals include a chimney which suggests a flue serving a solid fuel appliance. Emissions from these types of appliances can impact on local air quality and have the potential to cause smoke and odour nuisance to neighbouring properties. As long as it is less than 45kW no further information needs to be provided, however the informative below should be taken into account. If it is greater than 45kW then the applicant needs to declare this and provide additional information so that a screening assessment can be carried out.

Statutory Consultees

Transport Scotland: The Director does not propose to advise against the granting of permission.

Scottish Water: No response.

SEPA: We object in principle to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

Given the location of the proposed development within the functional floodplain we do not consider that it meets with the requirements of Scottish Planning Policy and our position is unlikely to change. We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. We recommend that alternative locations be considered.

We have reviewed the information provided in this consultation and it is noted that the application site lies entirely within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding.

We have been involved in extensive consultations for this site over many years; hence we have based our response on our latest advice and all readily available information.

A letter from Terrenus Land & Water, dated the 6th of February 2018 has been submitted in support of the application. We would note that the purpose of this letter was to provide additional information for the Local Review Body for a previous planning application (17/00479/FUL). The information submitted in this letter has taken information from the Earlston Flood Study Report, dated October 2017. We would note that we have not received this flood study report however, we are of the understanding that this flood study is not yet completed.

Insufficient information has been submitted within this application as the letter from Terrenus is based on a previous planning application and a flood study currently underway. However, based on the SEPA Flood Maps and the information supplied within the letter the site is wholly within the functional floodplain of the Leader Water. Therefore this development is contrary to SPP and we object in principle to the development.

Community Council: Has concerns over the possible impact on Rhymers Avenue and the residents of houses nearby. The Community Council have also noted the comments made to Scottish Borders Council by SEPA and wish to highlight the content of that response.

Other Consultees

None.

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 1B: The Spatial Strategy: Development Principles
Policy 15: Water and Flooding

Scottish Borders Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
PMD5: Infill Development
HD3: Protection of Residential Amenity
IS2: Developer Contributions
IS3: Developer Contributions Related to the Borders Railway
IS7: Parking Provisions and Standards
IS8: Flooding
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006

KEY PLANNING ISSUES:

- Whether the proposal complies with policy on infill development;
- Whether the site is at risk of flooding;
- The impact of the proposal on residential amenities;
- Whether adequate access and parking can be achieved.

ASSESSMENT OF APPLICATION:

Planning Policy

The site is within the development boundary for Earlston and so must be assessed against policy PMD5. Within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met. These criteria will be assessed within this report.

One criterion is that the proposal should not conflict with the established land use of the area. In this case, the surrounding area is mixed in character, with residential properties to the north and west and commercial premises to the south and south west. The proposed development of the site to provide a dwellinghouse would be in keeping with the established land use of this part of Earlston.

Siting, Layout and Design

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development. Policy PMD5 requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming; the proposal should not detract from the character and amenity of the surrounding area.

The site is situated within an area characterised by a range of traditional and modern house designs and materials, with terraced, semi-detached and detached houses of single, one-and-a-half and two storeys. The area as a whole is characterised by low density, edge of settlement development.

The previous application for a house on this site was refused as the positioning of the dwellinghouse and the overall site layout did not respect the character of the surrounding area and neighbouring built form. It fronted onto Rhymers Avenue, establishing a new building line whilst not relating well with the workshop building. The preference was for the dwellinghouse to front onto Mill Road, to reflect the alignment of the existing properties and to better relate to the properties in Rhymers Avenue.

The current application has re-positioned the dwellinghouse to take these concerns into account and it now fronts onto Mill Road and would have a similar building line to no.1 Rhymers Avenue. The house would be set back from the public road to accommodate the on-site parking and access but there is sufficient garden ground to

ensure that the parking does not dominate the layout. The revised proposal addresses the reasons for refusal on layout grounds.

The previous proposal was for a modern, one-and-a-half storey dwellinghouse which did not raise too many concerns in design terms, other than the over-use of patio-type doors and the lack of any porch or other obvious entrance feature. The design has been revised to give the house a little more architectural interest, with varied fenestration, an obvious front entrance and the use of render and timber cladding.

One of the reasons that the Local Review Body dismissed the appeal was that it had not been adequately demonstrated the height and design amendments resulting from the submissions aimed at addressing flood risk would not have adverse impacts on residential amenity or be sympathetic to the character of the surrounding area.

The finished floor level of the house would be 102.64m above ordnance datum to address the issue of flooding, which would be 1.2m above the surrounding existing ground level, requiring a relatively high basecourse, a ramp and steps. These would be of natural stone. Whilst this is not ideal, this in itself would not render the proposal unacceptable in design terms, as there are varying ridge heights in the surrounding area, and the design approach and materials are considered acceptable for this location. On balance, it is considered that the proposal would not harm the visual amenities of the area. Conditions are proposed in order to adequately control the exact finishes, landscaping and boundary treatments.

Impact on Residential Amenities

Policy PMD5 states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The re-orientation of the dwellinghouse means that the gable end would face the nearest properties, 1 and 2 Rhymer's Avenue. No windows are proposed in this gable end and so there would be no overlooking or loss of privacy. Applying the 25 degree rule set out in the Supplementary Planning Guidance, no loss of light would occur to the properties on Rhymers Avenue. The proposal would not affect the properties on the opposite side of Mill Road.

The agent advises that the existing workshop building would be used as a workshop by the occupants of the proposed residential property. Environmental Health advises that, depending upon how it is operated, the workshop has potential to impact unacceptably upon the amenity of the proposed dwellinghouse.

The applicant did not clarify the proposed use of this workshop when the previous application was processed and the proximity to the proposed dwellinghouse was considered to have the potential to have unacceptable impacts upon the residential amenity of the occupants of the proposed dwellinghouse. This formed a reason for refusal.

The Local Review Body discussed this reason for refusal and considered that the presence of the workshop on the site would be known to any occupant of the proposed dwellinghouse who would be aware of potential impacts. Consequently, they did not consider that the existing workshop represented a reason to oppose the application.

The agent has agreed to a condition that secures a noise assessment and mitigation measures (if necessary).

Access and Parking

Policy PMD5 requires that adequate access and servicing can be achieved. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The Roads Planning Service objected to the previous application as the site would have been accessed directly from Rhymers Avenue, which is a private road, and only one parking space was proposed; they considered that it should instead be accessed from Mill Road, the public road and two on-site parking spaces were required, as is their normal requirement for new houses.

The current proposal is to access the site from Mill Road and two on-site parking spaces are proposed. The Roads Planning Service has no objections subject to conditions relating to the access and parking specifications. This would ensure compliance with Policies PMD5 and IS7 and would address the earlier reasons for refusal.

Flooding

Policy IS8 of the Local Development Plan advises that as a general principle, new development should be located in areas free from significant flood risk and developments will not be permitted if it would be at significant risk of flooding or would materially increase the probability of flooding elsewhere. The ability of flood plains to convey and store flood water should be protected.

The original application (16/00385/FUL) for this site was withdrawn because SEPA objected in principle to the development on the grounds that development would have unacceptable flood risk impacts. The previous application included an updated Flood Risk Assessment (FRA) and an addendum letter which set out details of steps taken to revise the hydraulic model developed for the FRA and was intended to address concerns raised by the flood prevention authorities within their consultation responses. A topographic survey was also undertaken and additional hydrometric data obtained from SEPA. However, SEPA maintained their objection in principle to the development of the site on the grounds that the dwellinghouse would be liable to unacceptable flood risk. These concerns were shared by the Council's own Flood Prevention Section. In light of these objections, the application was refused on flood risk grounds.

Members of the Local Review Body considered a hearing necessary to allow the applicant, Flood Risk Officer and Planning Officer to provide information on discrepancies between the assessments of flood risk to the site and the finished floor level required for the proposed dwellinghouse to mitigate against a 1 in 200 year flood event.

Following the hearing, Members agreed that it had been useful in providing further information about the degree of potential flood risk and proposed mitigation measures in the event of flooding. However, as the information was based on new data in the form of the recently completed Earlstoun Flood Study and despite the technical detail supplied, they remained unclear about the actual floor level required to mitigate against flood risk in the light of that new data and, if this resulted in a change in the ridge height of the house, any impact this may have on neighbourhood amenity. They also required further information about proposals for compensatory storage or alternative method of mitigation for any water flow over the site. After further discussion Members concluded that they could not make a determination without further procedure in the form of written submissions from the applicant to clarify these matters. At a subsequent meeting, the Local Review Body noted that the additional flood study information, floor levels and flow routes seemed to have resolved the issues of flood risk and the proposal's compliance with Policy IS8, in that the Council's Flood Risk Officer had removed objection to the proposal on the basis of the additional information submitted on floor and ground levels. The Local Review Body noted, in reaching that conclusion, that SEPA had not responded to the additional information and that their objection was still outstanding. They removed flood risk from the reasons for refusal.

The same information has been submitted in respect of flood risk with this current application. SEPA maintain their objection on flood risk grounds as the application site lies entirely within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding.

The Council's Flood Protection Officer has no objections to the proposal provided the finished floor levels of the building are set to at least 102.64mAOD (1 in 200 year + freeboard level) and ground levels surrounding the dwelling are designed to convey overland flow away from the development and drainage measures are considered to intercept overland flow.

If Members are minded to approve the application with SEPA's objection in place, the application requires to be referred to Scottish Ministers.

Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be required.

The Council's Contaminated Land Officer advised, in respect of the previous application, that the site was previously a 'works' and which appears to have held a license for the storage of petroleum. 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.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new development would be a direct connection to the public sewerage system. The application form states that drainage would be to the public sewer and the water supply would be from the public supply.

A condition would secure details of the water supply and foul and surface water drainage.

Developer Contributions

Financial contributions, in compliance with policies IS2 and IS3, are required in respect of education (Earlston Primary School and High School) and the Borders railway. These would be secured by a 75 legal agreement.

CONCLUSION

Subject to a legal agreement and compliance with the schedule of conditions, the development is considered to be acceptable, having principally had regard to the relevant provisions of the Local Development Plan 2016 but also having had regard to overriding material considerations in this case which are as set out in this report.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to (the approval of the Scottish Ministers,) a legal agreement addressing contribution towards education and the Borders Railway and the following conditions:

1. 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.

- 2. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3. 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):
 - a) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - b) location of new trees, shrubs, hedges and grassed areas
 - c) schedule of plants to comprise species, plant sizes and proposed numbers/density
 - d) 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.
- 4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.
- 5. Details of all proposed means of enclosure to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.

6. The proposed boundary wall to the front (north west boundary) and side (north east boundary) of the property must be not greater than 950mm in height (including any cope).
Reason: To ensure appropriate visibility is provided for the junction of Rhymers Avenue and the nose in parking spaces on Mill Road.
7. Two parking spaces shall be provided within the curtilage of the property prior to occupation of the dwellinghouse and retained thereafter in perpetuity.
Reason: To ensure the development is served by appropriate parking at all times.
8. The first two metres of the access shall be surfaced to the following specification prior to the occupation of the dwellinghouse: 75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1. Only contractors first approved by the Council may work within the public road boundary.
Reason: To protect the integrity of the public road boundary and to ensure and appropriate verge crossing is formed.
9. Any gates to be hung so as not to swing out over the public road boundary.
Reason: To prevent obstruction of the public road or footpath.
10. The dwellinghouse hereby approved shall have a finished floor level of 102.64mAOD. Details of ground levels surrounding the dwellinghouse (designed to convey overland flow away from the development) and drainage measures (to intercept overland flow) shall first be submitted to and approved in writing by the Planning Authority before the development commences. The development shall then be completed in accordance with the approved details.
Reason: To safeguard the dwellinghouse from flooding.
11. No development shall commence until a Noise Impact Assessment has been submitted to and approved in writing by the Planning Authority. This to provide information on the existing noise environment and the likely impact of the workshop use on the proposed development. If the outcome of the assessment concludes there will be an adverse impact the report should identify methods of noise control and mitigation to reduce the impact to an acceptable level. The mitigation measures to be implemented before the dwellinghouse is occupied or during occupation, as appropriate.
Reason: To safeguard residential amenities.
12. Details of the water supply and foul and surface water drainage to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be connected to the approved water and drainage systems before the dwellinghouse is occupied.
Reason: To ensure the development is adequately serviced.

Informative

Flood Risk

1. It is recommended that the applicant adopts water resilient materials and construction methods as appropriate in the development and that the applicant reviews the Online Planning Advice on Flood Risk. The applicant may also wish to consider Property Level Protection measures, details of which can be provided by SBC Emergency Planning Department.

To receive flood warnings from SEPA for Earlston the applicant should sign up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188. It would also be advisable for the applicant to develop an evacuation plan for the building during times of flood warning.

Noise Impact Assessment

2. The Noise Impact Assessment should use the assessment method described in BS4142:2014: Method for Rating and Assessing Industrial and Commercial Sound. The report should have regard for recommended guidance and methodologies laid out in Planning AN 1/2011, TAN and BS4142:2014. Any departure from those methodologies should be clearly explained, with the reasons clearly stated.

The report should include assessments of night time and day time noise. Time periods should be taken as:

Day – 07:00 to 23:00 hours

Night – 23:00 to 07:00 hours

The noise report should contain the following:

- Details of the author and their qualifications;
- The noise equipment used and details of latest calibration;
- The proximity of any noise sources to the proposed dwelling, giving distances as necessary. This should be illustrated on a scaled plan;
- Details of the existing noise climate. The choice of location and duration for measurements should be explained in the report.

If the outcome of the assessment concludes there will be an adverse impact the report should identify methods of noise control and mitigation to reduce the impact to an acceptable level (including the calculations of the expected reduction in decibels). All appropriate methods of mitigation should be considered and an explanation of why each method has been chosen or dismissed should be provided, to demonstrate that all reasonable steps have been taken to manage noise.

Stoves and Use of Solid Fuel

3. The proposals include a chimney which suggests a flue serving a solid fuel appliance. Emissions from these types of appliances can impact on local air quality and have the potential to cause smoke and odour nuisance to neighbouring properties. Provide that it is less than 45kW no further information needs to be provided. If it is greater than 45kW then the applicant needs to declare this and provide additional information so that a screening assessment can be carried out.

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

Accordingly this advice can assist you to avoid future problems.

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

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

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

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

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

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)

DRAWING NUMBERS

LOC-01	Location Plan
L101	Plans, Elevations and Site Plan as Proposed
L(-5)101	Perspectives as Proposed
L(-5)102	Perspectives as Proposed

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

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