

SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

2 NOVEMBER 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 15/00774/PPP
OFFICER:	Stuart Herkes
WARD:	Mid Berwickshire
PROPOSAL:	Erection of dwellinghouse
SITE:	Land East Of Castle Heights, Hume
APPLICANT:	Mr Simon Bennett
AGENT:	Ferguson Planning

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

This application seeks Planning Permission in Principle for one new dwellinghouse on agricultural land, immediately adjacent to the building group at Hume.

The site lies to the east of the residential property at 'Castle Heights'; to the northwest of the junction with the B6364; and to the west of the War Memorial.

PLANNING HISTORY

The site has no planning history.

'Castle Heights' to the west, was consented by a planning permission comprised of an outline 01/01452/OUT and reserved matters 02/01047/REM.

REPRESENTATION SUMMARY

Eighteen representations in objection (including one general comment in critical terms), have been received from fourteen separate households.

Eight representations of support have been received from five households.

The **eighteen representations in objection** cite the following concerns:

- **contrary to statutory development plan and emerging local development plan** in that the site is not, and is not proposed to be, an allocated housing site; it lies outwith the Development Boundary at Hume; and there is no overriding benefit to the community to be derived, to justify support under Policy G8;
- **out-of-keeping with the character and form of the building group;** development of the site would have an adverse impact upon the setting and sense of place at Hume;

- **over-dominance in views from the surrounding landscape**, including in views from the B6364 and Hume Castle; it would exaggerate existing adverse landscape and visual impacts relating to: (a) the wind turbines at Easter Howlaws, and (b) the existing two adjacent houses to the west of the site, which are already out-of-character with the remainder of the building group; inadequate screening;
- **road safety and public safety concerns**, particularly with respect to (a) impacts upon the bus stop used by local school children, (b) proximity to the junction with the B6364 road and (c) a dangerous S-bend in the same road; concerns are expressed that the bus stop and shelter would not be appropriately re-accommodated in any of the indicated alternative sitings; increased traffic;
- **negative impact upon setting of, and views from, Hume Castle**, a Scheduled Ancient Monument, which is classified by the Council as an iconic viewpoint; this would be diminished as a tourist and visitor attraction, with implications for the local economy, undermining current and on-going efforts to improve the overall visitor experience at Hume as a flagship tourist attraction in the area;
- **detrimental to residential amenity of 'Castle Heights'**;
- **detrimental to the environment**;
- **loss of prime quality agricultural land**;
- **limited or no contribution to Hume as a place or community**, since there are no shops and few businesses and local amenities, that would be liable to benefit directly from the economic and/or social contributions of an additional household in the area; any such benefit would not outweigh the negative impacts;
- **adverse impact upon the setting of the War Memorial**, which should be retained as clearly separate from the Building Group, as originally intended at the time of the Memorial's dedication; insensitive to setting and ambience of the memorial garden, and disrespectful to village's war dead;
- **adverse impact upon views from the road junction**, where tourists and visitors take photographs of the 'Hume' sign and Castle in superimposition;
- **the scale and design of the building described by the indicative drawings, would be out-of-keeping with the building group**; and would contribute to adverse cumulative visual impacts with the two existing large houses;
- **difficulties in servicing** the new plot because access to existing services would require approval of neighbouring land owners;
- **not sustainable in terms of transport** (bus stop only serves local school service and not a public transport service); and
- **trees affected**.

The **eight representations in support**, where these identify specific reasons, cite the following reasons as the basis for their support:

- **development is in-keeping with the character and form of the building group**;
- **site is an appropriate opportunity to accommodate a new house at Hume**; and
- **a one-and-a-half storey home would help balance the appearance of the two existing larger dwellings to the west**, which are considered to be unsympathetic in their scale to the remainder of the building group.

Representations in both objection and support, observe that there would be a need to relocate the 30mph zone and bus stop and shelter.

APPLICANTS' SUPPORTING INFORMATION

In addition to indicative drawings describing a site layout and dwellinghouse, the Applicant also provided a Planning Statement at the time of the original submission.

Further supporting information has been submitted during the course of normal negotiation. This includes a revised site plan which, in response to advice from the planning officer, features provision for a landscaped area to the immediate east of the site.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Section: no objections in principle, however the proposed access as detailed on the site plan is unacceptable. It is overly-engineered, and needs to be significantly reduced in scale to a simple footway crossing, as detailed in the standard DC-10 drawing. The 30mph speed limit sign could then remain in its existing position. The position of the relocated bus shelter needs to be carefully considered in the interests of road safety. The Applicant has intimated three possible locations on the site plan. Option 1 is not suitable; somewhere between Option 2 and Option 3 would be much more acceptable. However, there has been an issue with the location of this bus shelter in the past, and it may be prudent to await the comments of the Community Council with regards to its preferred location.

Environmental Health Section: has been consulted, but has not responded to the public consultation.

Landscape Section: No objection

Outdoor Access Section: no objections. There are no known Core Paths/Promoted Paths/Rights of Way, directly affected by this proposal. However, Right of Way BB 137 utilises the pavement/road to the south of the site. A planning condition is sought to require that the aforementioned Right of Way be maintained open and free from obstruction in the course of development, to protect general rights of responsible access.

Education and Lifelong Learning: advises that a development contribution would be required towards local education provision.

Statutory Consultees

Greenlaw and Hume Community Council: is unanimously of the opinion that the application should be refused, for the following reasons:

- (1) the proposed location is outside the village boundaries as defined by the 30mph limit;
- (2) the design is significantly out of character with the rest of the village, including the two nearest houses (to which the Community Council is understood to have objected at the planning application stage);
- (3) if successful, the construction would increase the already significant risk of road traffic ingress and egress onto the main road;
- (4) the building would inappropriately encroach upon the War Memorial; and
- (5) the scenic impacts especially on the approach from Greenlaw are unacceptable.

Other Consultees

None

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

D2: Housing in the Countryside
G1: Quality Standards for New Development
G5: Developer Contributions
G7: Infill Development
G8: Development Outwith Development Boundaries
H2: Protection of Residential Amenity
Inf4: Parking Provisions and Standards
Inf5: Waste Water Treatment Standards
Inf6: Sustainable Urban Drainage
NE3: Local Biodiversity
NE4: Trees, Woodlands and Hedgerows
NE5: Development Affecting the Water Environment
R1: Protection of Prime Quality Agricultural Land

OTHER PLANNING CONSIDERATIONS:

Scottish Borders Council Proposed Local Development Plan 2013

HD2: Housing in the Countryside
PMD4: Development Outwith Development Boundaries
PMD5: Infill Development

SPG: New Housing in the Borders Countryside, December 2008

SPG: Place-Making and Design, January 2010

SESPlan Strategic Development Plan 2013

NPPG 3

PAN 44: Fitting New Housing into the Landscape

PAN 72: Housing in the Countryside

KEY PLANNING ISSUES:

- Whether or not the proposal is consistent to the Council's adopted Housing in the Countryside Policy;
- Whether or not there are any material planning considerations - including any impacts upon the building group, Hume Castle, the War Memorial, and/or local landscape character – which make the development of this site unacceptable;
- How an appropriately sympathetic development might be achieved at this site – such as the provision of an appropriate landscaped boundary for the eastern edge of the site and building group; and
- Whether or not the appropriate resolution of any outstanding matters is reasonably capable of being appropriately secured by planning condition(s).

ASSESSMENT OF APPLICATION:

Although the application is supported by indicative site plans and elevation drawings, these details are not the subject of the application, which only seeks approval of the principle of a new dwellinghouse being accommodated at this site.

If approved, the specific and detailed design and siting of the dwellinghouse; and the specific and detailed access arrangements and landscaping of the site, would all require to be proposed within a subsequent application, or applications, for Approval of Matters specified in Conditions (the "AMC stage").

Planning Policy

Hume does not have a Development Boundary; nor are there any proposals for a Development Boundary to be established when the Proposed Local Development Plan is adopted. In planning policy terms, therefore, it is not a defined settlement, but a rural building group. No direct account can be taken of any boundary defined in relation to the 30mph limit. The latter has been defined in response to traffic management issues, and is not informed by, and does not inform, planning policy.

The proposed development is accordingly only appropriately assessed in relation to the Council's Housing in the Countryside Policy; specifically the policy and guidance relevant to proposals promoting the expansion of an existing rural building group.

Housing in the Countryside Policy permits appropriate expansion of building groups by no more than 30% or two new houses within any Local Plan period. The building group at Hume is capable in principle, of being augmented by one new dwellinghouse during the current Development Plan Period. (Only one new dwelling has received planning permission at Hume, in the period since February 2011).

The site itself is well-related to the existing building group. It would extend an existing row of houses towards the War Memorial and junction with the B6364, and is of an equivalent size to the two adjacent plots. It would thus be in keeping with the linear built form at Hume. Given the presence of an existing woodland area only a short distance to the east, it would not reasonably promote any wider development of adjacent land. The junction with the B class road at the eastern end of the building group would represent an appropriate natural end-point of the group.

It would involve the development of land within a field that has recently been used to accommodate new dwellings. The current eastern edge of the building group is defined only by a post-and-wire fence. The development of the site would not involve the removal of any existing strong or established boundary feature.

As objectors note, the site is prime quality agricultural land and the site is not allocated for development within the statutory development plan. Consolidated Local Plan Policy R1 requires that prime quality agricultural land should be conserved, unless development is essential to the implementation of the Development Strategy. The general requirement for the maintenance of an adequate supply of new housing land is enshrined within strategic level planning (now the SESPlan, and not the Scottish Borders Structure Plan it has superseded). The proposal therefore does not comply with Policy R1. However, it is material, firstly, that this is a small site, the loss of which would have no discernible impact upon the operation or viability of the farm; and secondly, that it would not set a precedent for any further development of the same field, subject to an appropriate landscaping treatment being achieved. Refusal of permission would be inconsistent with wider national and local planning policy, which seeks to encourage appropriate rural housing. A balance therefore needs to be struck between the two conflicting policy requirements. Although strictly contrary, the proposal is sufficiently small-scale that it would not result in the types of impacts Policy R1 has specifically been imposed to prevent. (The Applicant has advised in the agent's letter of 24 July that the specific area of land concerned is not considered to be of the best quality due to the thinness of the top soil and inclusion of stones).

Excepting only the potential loss of a relatively small area of prime quality agricultural land, the proposal otherwise complies in principle with Planning Policy, and in particular, with the Housing in the Countryside Policy and with the advice of the Housing in the Borders Countryside Supplementary Planning Guidance note. Taking account of this, and the above noted reasons with respect to scale and containment, it is considered that there are material considerations which justify the proposal being supported contrary to Policy R1.

Besides the principle, planning policy also requires that consideration be given to the impacts of the development upon the site or surrounding area. Policies D2 and G1 require that there should also be no unacceptable impacts as a consequence of any other aspects of the proposal.

Given that this application seeks Planning Permission in Principle only, most site-specific and detailed matters are capable of being addressed appropriately at the detailed application stage in accordance with standard planning conditions. However, some of the more significant aspects of the proposal – including many raised in representations – are considered in more detail below.

Design and Layout

Objectors have raised concerns with respect to the design, scale and siting of the dwelling shown in the indicative details submitted with the application. However, the purpose of the application is to establish the principle of a house at the site. It would not permit the design and layout of residential property shown to be implemented. There is therefore no direct requirement to consider this specific design and layout in any detail. It would be appropriate however, to provide guidance over a suitable form of development by means of informative, if Members consider this necessary.

Some objectors have suggested that the landscape setting of the site is sufficiently sensitive that the detailed design should be considered at this stage. Given that the site is neither within a Conservation Area nor within any other designated area of landscape, historical and/or ecological significance, there is no reasonable requirement for the Applicant to have made a detailed application at this stage. Accordingly, not having the details at this stage is not in itself reasonable grounds to refuse the current application.

Given that what is shown is comparable in its footprint and height to the two nearest existing properties, the indicated dwelling would not be out of scale with its surroundings. A traditional design approach, as is largely indicated, would also be in keeping with the character of surrounding properties and would be the appropriate form, given the relative prominence of the site. Some aspects of the detailed design would require revision or clarification, but it is not anticipated that what has been indicated would be liable to be considered unacceptable, in light of the more modern two-storey houses that already adjoin the site.

With respect to the siting of the dwellinghouse within the plot, this should occupy a building line equivalent to the adjacent property at 'Castle Heights' and should not be set any further back into the site than its neighbour.

Objectors, and even some supporters, consider the two existing dwellings adjacent to the site, to be out of scale with Hume. These dwellings are however now part of the existing built environment at Hume. As such, they provide the immediate context for the proposed house. A smaller dwelling might result in a discordant appearance within views from the wider landscape, and therefore something of similar scale to the existing neighbouring houses, may be preferable. It is however considered that landscaping also has a role to play in appropriately uniting such a property into the sense of place of the building group, and also in defining its edge.

Road Safety, Access and Parking

The Roads Planning Section has set out concerns with respect to the over-engineered design of the site access described on the Proposals Drawings. In addition to a reduction in scale, Roads Planning seeks the access's reconfiguration as a simple footway crossing. Given that this is a PPP application, the matter can be addressed by condition.

Roads Planning Officers are content that there would be no direct requirement to relocate the 30 mph sign were the site access to be redesigned as required. The introduction of a new dwelling may mean that there are other reasons to consider

whether or not the existing 30 mph restriction requires to be extended. However, in that event, this matter would be more appropriately addressed directly to the Council as Roads Authority for its consideration. It is not a matter that requires any further regulation within the determination of this application.

There are implications for the incorporation of a new site access into the existing road network, with respect to the operation of the nearby bus stop, which would require to be relocated, along with the existing shelter. However, Roads Planning is content that this can be achieved satisfactorily.

It would therefore be a reasonable requirement, secured by suspensive planning condition, that the Roads Authority should be given appropriate written notification ahead of time, with respect to the Applicant's intention to commence any on-site works. This would also ensure that there would be no requirement to relocate the bus shelter unless the requirement for such works were known to be absolutely necessary. The situation is likely to become clearer at the detailed stage.

Landscape and Visual Impacts

Planning Policy (specifically Policies D2 and G1) require that proposed residential development should not impact negatively upon the landscape, and should be compatible with, and respect the character of the surrounding area, neighbouring uses and neighbouring built form. Policy G1 further, seeks provision for appropriate boundary treatments to ensure attractive edges to new development, to help integrate it with its surroundings.

There is at present, no substantial landscaped edge, or other boundary feature, to the east of the building group at Hume. (According to the approved Proposals Drawings for 02/01047/REM, there were to have been areas of new tree-planting within the grounds of 'Castle Heights', along its eastern boundary. This was either not implemented, or not maintained. However, even if such planting had been realised as proposed, it would not have been a continuous belt of trees, as would have been expected and required of a robust boundary for the building group).

The eastern and northern boundaries of the site would lie adjacent to what is currently open field, and therefore in similar circumstances to 'Castle Heights' at present. Only a short distance to the east however, is the War Memorial. This is sheltered and defined by its own cincture of trees, which includes both newly planted and immature trees, and further to the east, a couple of notably much larger ones.

There is a need to consider how the development would be most sympathetically accommodated within this landscape setting and within the sense of place of the building group; as well as how it might be appropriately accommodated relative to the War Memorial, although this will remain separated from the site.

It is considered that this would be most effectively achieved, were the existing tree belt around the War Memorial to be extended westwards onto the Applicant's land. This would provide a logical, appropriately defined and robust sense of containment for the eastern edge of the building group. At present, this is not achieved by the post-and-wire fence boundary at 'Castle Heights'.

Accordingly, the Applicant has agreed to revise the site boundary to include the land immediately adjacent to the War Memorial for the purpose of accommodating an appropriate landscaped boundary treatment. This additional area of land is shown shaded in green on the Location Plan. The Applicant has agreed that this area will be reserved for the accommodation of boundary screening.

Conditions will require the planting and maintenance of new tree-planting on this land for the purpose of securing the extension and reinforcement of the existing tree belt. In this way, the landscaping of the site would adjoin and strengthen an existing landscape feature, rather than result in any disjointed or isolated areas of new planting at only a short distance from the existing shelter belt. As such, the landscaping associated with the proposal is an opportunity to ensure an appropriately robust finished edge to the site and eastern edge of the building group. It is also, simultaneously, an opportunity to reinforce the setting of the war memorial.

The detail of the landscaping at the site would be appropriately required and reviewed at the detailed stage. A tree survey would helpfully advise with respect to the state of the existing tree-planting within the memorial garden at the War Memorial. This would allow for an informed assessment to be made of how new tree-planting to the east might most effectively be configured to achieve a robust, sustainable and continuous area of tree-planting between the areas of existing and new planting. Secondly, some consideration also needs to be given to the treatment of the northern boundary, particularly the management of the transition from formal garden ground to the area of new tree-planting. The matter is reasonably deferred until the detailed stage, but a hedge of mixed species would be an ideal treatment in this context.

With respect to the southern (roadside) boundary, the Applicant has advised that the existing stone wall would be retained. This raises no concerns, and would be the preferred resolution of this boundary treatment.

Residential Amenity

Concerns with respect to the amenity of neighbouring properties are noted. There is currently no detailed proposal, and accordingly the impacts associated with any particular design cannot reasonably be assessed, let alone prejudged, at this stage.

The size of the plot is sufficiently large to allow for the accommodation of a dwellinghouse, in a relationship to the neighbouring property that would not in principle be liable to have any unacceptable impacts upon the existing property's amenity. It would however be reasonable to impose a condition to ensure that full details of the finished floor and ground levels should be supplied in support of the AMC application describing the siting and appearance of the dwellinghouse, and the layout and landscaping of the residential property.

Although it is given as a reason for objection, no account can reasonably be taken of the potential for disturbance to neighbours as a consequence of development works.

Cultural Heritage

Objectors have raised concerns with respect to the impact of the proposals upon the setting of the Scheduled Ancient Monument at Hume Castle. Notwithstanding the need

for the specific design to be reviewed at the detailed application stage, there are no concerns in principle that a dwelling on this land would at this distance be liable to have any unacceptable impacts upon the setting of the Castle, either in general or in the context of the existing buildings that lie between the castle and the site. There is, as noted above, a more general concern to ensure that the specific development would be sympathetic to the established sense of place at Hume, but this is appropriately addressed at the detailed design stage.

Concerns have also been raised with respect to the impacts of development upon the setting and interpretation of the War Memorial, which it is understood, was intended at the time of the Memorial's dedication, to be kept discrete from the buildings at Hume. However, the establishment of a more robust woodland area around the monument, and in between it and the proposed residential property, would appropriately conserve, and even reinforce, the discrete character of the Memorial and its setting. Whilst sympathetic to the justification for the historic justification for the position of the war memorial, it is unlikely that this would, in isolation, be a reason to refuse planning permission.

On balance, and subject to an appropriate landscaping treatment to the eastern edge of the building group being secured as part of the proposed development, it is considered that there are no strong landscape grounds for seeking to resist the infilling of the remainder of the southern section of the field that has not already been developed. The proposed development moreover, has some potential to improve upon the prevailing situation, even to benefit the setting and interpretation of the monument, by resolving its relationship to the building group into a landscape setting that appears robust, considered and intentional.

Natural Heritage

Although overgrown, the site is open agricultural land. It is not an environment considered to have any high ecological significance. The extension of tree planting westwards however, would have potential to contribute positively to local biodiversity through the conservation and extension of woodland habitat.

Servicing

Notwithstanding the concerns of neighbouring residential land owners, it is not anticipated that the servicing of the plot would be liable to present any insurmountable difficulties. These matters can therefore be regulated by standard planning conditions.

Developer Contributions

The Applicant is agreeable to the conclusion of a Section 69 Agreement to secure the development contribution towards local education provision.

Other Concerns

The Outdoor Access Section seeks a requirement by planning condition, that access along an existing Right of Way to the immediate south of the site, be maintained. However, it would be sufficient only to advise the Applicant by informative, of the presence of the Right of Way and its protection in law. As described, the Right of Way is

in any case, the wider public road and not the pavement. Therefore while works to the footway to create a new vehicular access, would clearly impact the most appropriate route for pedestrians along the Right of Way, such works would be of short duration and would not be liable at any point, to result in the complete obstruction of the public road, and therefore of the Right of Way. Accordingly, it is concluded that there is no unacceptable risk of the Right of Way being liable to be obstructed by development works; and therefore the matter would be appropriately and proportionately addressed by informative, rather than by planning condition.

Some objectors consider that the proposal would be insensitive or disrespectful to the War Memorial. This is ultimately a subjectively-held view, and not a planning concern. Given that there is no direct impact upon the Memorial, and given the potential for landscaping to ensure an appropriate 'buffer' between the proposed dwelling and the monument, it is not considered that there would be any unacceptable impacts upon the setting of the War Memorial in planning terms.

One of the objecting households, the owners of the neighbouring property at 'Castle Heights', advises that it was their understanding based on the advice of their previous neighbours to the west, that an assurance had been given by the Planning Department that 'Castle Heights' would be the last development in the village. The context of this advice is unknown and unverifiable. Furthermore, such an assurance could never be categorically guaranteed, given the potential for changes in policy and site circumstances. Accordingly, no weight can reasonably be given to this matter.

CONCLUSION

Subject to the imposition of planning conditions and informatives to address the above highlighted concerns, and to the conclusion of a legal agreement to secure the requisite development contributions towards local education provision, it is considered that the principle of this development is permissible.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement addressing contribution towards local education provision, and the following conditions and informatives:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto, and the landscaping of the site, have all first been submitted to, and approved in writing by, the Planning Authority. These details shall include provision for new tree planting within the area shaded green on the Approved Location Plan and shall also take full account of the requirements and considerations of **Informative Note 2**. Additionally, a written statement shall also be submitted in association with the first application for Approval of Matters specified in Conditions (AMC), which shall explain how the proposal has been informed by the requirements and considerations of **Informative Note 2**.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. The finished floor level(s) of the dwellinghouse hereby approved and any associated outbuilding(s), and the finished ground level(s) within the curtilage of the residential property hereby consented, shall all be consistent with levels indicated on a scheme of details that shall first have been approved by the Planning Authority which describe the proposed siting, layout and appearance of the dwellinghouse and landscaping of the site. These details shall include:
(i) the proposed finished floor level(s) of the consented dwellinghouse and any associated outbuilding(s);
(ii) the existing and proposed ground levels within the curtilage of the consented residential property; and
(iii) a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights of the existing and proposed levels detailed in (i) and (ii) above, relative to the level(s) of the existing road surface.
Reason: To ensure that the consented development does not have any detrimental impact upon the appearance, environment and amenity of the site and surrounding area, or upon the amenity of neighbouring properties, as a consequence of the levels within the site being raised to an inappropriate height.
4. Notwithstanding the detail submitted in support of the planning application, the site shall only be accessible to vehicles in accordance with arrangements that meet in full the requirements of **Planning Condition No 1** with respect to the design of the site access. The dwellinghouse hereby consented, shall not be occupied until:
(a) the site access from the public road, and
(b) on-site parking and turning provision suitable for at least two vehicles, have all first been completed in accordance with details that shall have been approved at the time of the determination of the first application for Approval of Matters specified in Conditions submitted to address the relevant information requirements of **Planning Condition No 1** attached to this planning permission.
Reason: In the interests of road safety to ensure that safe vehicular access to, and parking at, the site is available for use prior to the occupation of the development.
5. Unless otherwise agreed in writing and in advance by the Planning Authority, no development shall be commenced until the existing bus shelter (or a suitable replacement for this same structure), has first been relocated in accordance with a scheme of details that has first been agreed by the planning authority and made available for use by members of the public. Please see **Informative Note 3** with respect to what specifically is required and expected of the Developer for the purposes of ensuring that the above noted requirements are met.

Reason: To ensure that appropriate provision is made within the timetable of the development, to allow for the appropriate safeguarding, re-accommodation and maintenance by the Local Authority of essential public facilities.

6. Unless otherwise agreed in writing and in advance by the Planning Authority, all planting, seeding and turfing comprised in the approved details of landscaping shall be completed in the first planting and seeding seasons following either the occupation of the dwellinghouse or the completion of the development, whichever occurs soonest, and the tree belt required by **Planning Condition No 1**, shall thereafter be maintained in perpetuity, and in accordance with the approved details. Any tree within the approved landscaping scheme that fails, shall be replaced by one new tree of the same species as the failure, so that the tree belt is fully established and fully maintained in accordance with the approved details.

Reason: To ensure that the landscaping is carried out as approved, and to ensure that the tree belt becomes established, and is thereafter maintained in perpetuity, as a boundary feature appropriate to the definition of the edge of the building group.

7. Notwithstanding the details submitted in support of the planning application, the development shall not be commenced until precise details of:
- (a) the arrangements for surface water drainage treatment;
 - (b) the arrangements for foul drainage treatment; and
 - (c) the arrangements for water supply,
- have all first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the surface water drainage treatment, foul drainage treatment, and water supply shall all be implemented in accordance with the approved details and shall all be functional prior to the occupation of the dwellinghouse hereby approved.

Reason: To ensure that the site is adequately serviced and fit for habitation prior to its occupation.

8. Unless otherwise approved by the Planning Authority at the time of its determination of the details required by condition 1 of this permission, and notwithstanding either (a) the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any subsequent provisions amending or re-enacting that Order), or (b) the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no development shall thereafter take place within the area of the site that is described by the area shaded in green on the Approved Location Plan, unless an application for planning permission in that behalf, has first been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the tree belt required by **Planning Condition No 1** both becomes established and is thereafter maintained in perpetuity as a boundary feature appropriate to the definition of the edge of the building group.

Informatives

INFORMATIVE NOTE 1:

It should be noted that ALL information requirements identified in the planning conditions attached to this planning permission require to be made the subject of a subsequent application, or subsequent applications, for Approval of Matters specified in Conditions (AMC).

When making an AMC application to address the information requirements of the planning conditions attached to this planning consent, the Applicant should explicitly state the reference numbers of the relevant planning conditions being addressed.

In the event that the Applicant would seek to address the information requirements of ALL planning conditions attached to this planning permission within one AMC application, they must ensure that they supply information that fully and properly addresses ALL information requirements identified within ALL planning conditions.

INFORMATIVE NOTE 2:

With respect to the **design of the dwellinghouse**, and subject to an appropriate landscaping treatment, it is anticipated that the scale and traditional design approach described by the indicative drawings would raise no concerns in principle were these to be maintained at the detailed (AMC) application stage. However, it is considered that there would be a need to reduce the horizontal emphasis of the principal elevation, and to establish a clearer sense of a front entrance to the same. It is considered that the former point would be appropriately addressed, by lowering the roof height of one section, to introduce some notable differentiation between the height of the main dwellinghouse and that of a subordinate section. A front door should be included in a central position to ensure the inclusion of a clearly legible entrance to the property.

With respect to the **siting of the dwellinghouse**, this should occupy a building line equivalent to the adjacent property at 'Castle Heights'.

With respect to the design of the **site access**, the Roads Planning Section requires that this be reduced to a simple footway crossing, in accordance with its DC-10 specification. The site access arrangements should also be configured around the retention of the majority of the existing stone boundary wall along the southern boundary of the site. Where the vehicular access is inserted, the aforementioned wall would be appropriately returned into the site in alignment with the radii of the new site access, allowing that appropriate visibility splays are created and are thereafter capable of being maintained.

With respect to **the required tree belt to be established within the area shaded green on the Approved Location Plan**, this: (i) should be composed of a mix of native tree species; (ii) should be the full width and full length of the area shaded green on the Approved Location Plan, in order to constitute a sufficiently dense and robust area of planting. (This is particularly important if the density is equivalent to that of the existing planting around the War Memorial); and (iii) should not feature any buildings or other structures.

With respect to this and all other **landscaping details** at the site, full details of the proposed landscaping treatment for the site, including species, planting requirements (including density, minimum height of new trees and site appropriate protective measures) and maintenance requirements, require to be provided in support of the AMC application which describes the landscaping proposals for the site.

There is no formal requirement for a professionally prepared tree survey to be presented in support of landscape proposals at the AMC stage. However, in the event of the required tree-belt proposal being met in a proposal to extend the existing area of planting around the War Memorial further west onto the Applicant's land (as is the Planning Authority's preferred approach), it would be helpful to all parties if the condition of the existing planting at the War Memorial could be established. This would then allow for full consideration to be given to what would be required in order to establish effectively, an appropriately robust and sustainable area of tree-planting.

Consideration needs to be given within the landscaping proposals to the management of the transition along the northern (field) boundary, from the area of formal garden ground to the area of new tree-planting. It is considered that a hedge of native species would appropriately achieve this, and unite the residential property to its agricultural setting.

With respect to the southern (roadside) boundary, the indicated retention of the existing stone wall is supported.

INFORMATIVE NOTE 3:

With respect to **Planning Condition No 5**, and in the interests of road and public safety, appropriate arrangements for the relocation of the bus stop and bus shelter, require to have been implemented prior to the commencement of development on site.

Planning Condition No 5 has been imposed to ensure that the Developer works within a programme and timetable that reasonably allows for the Council to complete the works needed to maintain appropriate public facilities within the vicinity of the site, ahead of the commencement of a development that would otherwise be liable to impact the structures and/or operation of the public facilities concerned.

It is the Developer's responsibility to liaise with the Council within a reasonable period of time in advance of the intended start-date for the development, so that there is sufficient time to make all the necessary arrangements for the bus stop and shelter to be repositioned ahead of that start date, as required.

It is anticipated that a month's notice (4 weeks) would be required for this.

INFORMATIVE NOTE 4:

Right of Way BB 137 utilises the pavement/road to the south of the site. It is a legal requirement that this Right of Way is maintained open and free from obstruction during and after development. This is to protect general rights of responsible access.

DRAWING NUMBERS

Plan Ref

Plan Type

Location Plan

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)

Name	Designation
Stuart Herkes	Planning Officer



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 Hume

