

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 SEPTEMBER 2020

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 19/01138/FUL

OFFICER: Julie Hayward
WARD: Leaderdale And Melrose
PROPOSAL: Erection of 4 No dwellinghouses
SITE: The Orchard Back Road Newstead
APPLICANT: ELK Construction Ltd
AGENT: Aitken Turnbull Architects Ltd

PLANNING PROCESSING AGREEMENT:

A Planning Processing Agreement is in place until 7 September 2020.

SITE DESCRIPTION

The site is situated on the eastern edge of Newstead, within the Conservation Area and National Scenic Area, between Main Street and Back Road. It is surrounded on three sides by housing, with a field to the east. The site, a former orchard, is overgrown, though a few trees remain, and it is surrounded by hedges and stone walls. A culvert runs through the centre of the site, east to west.

PROPOSED DEVELOPMENT

The proposal, as submitted, was to erect four detached dwellinghouses on the site arranged around a cul-de-sac. Four house types were proposed, three two storey and one single storey of a modern design with integral garages.

The layout and design were not considered to be appropriate for this sensitive site and so negotiations took place with the agent and revised drawings have now been submitted.

The houses have been re-sited to front the road through the centre of the site, though the house on plot 4 on the northern boundary of the site abuts the existing stone wall to the north on Main Street.

Four house types are proposed. Types A, B and C on plots 1 - 3 are all two storey with four bedrooms and integral garage with slightly different designs. The house on plot 4 (type D) is single storey with three bedrooms and an integral garage. The dwellinghouses would have white rendered walls, timber and stone cladding, natural slate roofs and grey window frames and doors.

A new access would be formed from Back Row in the north eastern corner of the site. A new stone wall would be erected to match the existing wall at the entrance to the site, which would be repaired, and the existing hedge would be retained and extended along the southern boundary. The trees within the site would be felled and a planting scheme has been submitted. The plots would have 900mm high stone walls on the

front boundaries and 1.8m high timber fences along the side boundaries of the rear gardens.

PLANNING HISTORY

03/00182/OUT: Erection of six dwellinghouses. Approved 12th January 2004.

06/02207/FUL: Erection of six dwelling houses with attached garages. Approved 12th September 2008.

REPRESENTATION SUMMARY

Nine representations were received in respect of the application as originally submitted (two objections, six general comments and one of support). These can be viewed in full on the Public Access website and raise the following planning issues:

- Loss of trees and shrubs within the site, destroying habitat before the application has been determined;
- The remaining trees and wall should be retained and replacement planting is required;
- Loss of privacy and light;
- Impact on the Conservation Area, especially of the historic wall (policy EP9);
- The walls are in a poor state of repair as they have never been maintained. These should be retained and developer contributions should secure the future of the wall and hedgerow boundary;
- Loss of greenspace and impact on biodiversity;
- Back Road is privately maintained and the cost of any damage as a result of the proposal should be borne by the developer and access for construction traffic should be at the start of back Road;
- The design is not in keeping with the vernacular style of the village;
- The materials are not in keeping with the traditional use of materials in the village. Stone should be used and a lighter or natural finish to the cladding;
- The proposal to replace the wall with a hedge raises concerns regarding subsidence and it has not been demonstrated how the road will be underpinned or how the hedge will be planted, given the change in levels;
- It is not clear how high the houses will be as no sectional drawings have been submitted showing roof height in relation to existing houses;
- The archaeological importance of the site should be investigated;
- Queries raised regarding the access to the site, visitor parking, in-curtilage parking and bin storage if the refuse vehicle cannot access the site;
- The existing and any proposed hedges should be maintained and trimmed as necessary to assist road safety, as well as verges and any grass areas alongside Hazeldean Road and Back Road;
- There is a culvert running through the site east to west and this should not be blocked;
- Back Road should be widened and upgraded to an adoptable standard;
- Surface water drainage pipes need to be maintained;
- Visibility when exiting the site, poor sight lines, fast traffic. Re-grading is required;
- The existing area used for parking will be lost to form the new junction and so parking should be allocated within the site to avoid having to park on Main Street;

- Access is required to Townhead Farmhouse for maintenance and should not be blocked by the development on plot 4;
- The site has been neglected, is overgrown and prone to fly tipping.

Neighbours were re-notified following the receipt of amended drawings and two objections and one general comment were received raising the following issues:

- Loss of trees and biodiversity. The trees are within the Conservation Area and so are protected and the tree survey is inaccurate. More of the trees should be retained in accordance with policy EP13. New tree planting would not provide the level of amenity or habitat shown in the Design Statement for decades;
- Overlooking and loss of privacy;
- The historic boundary walls should be retained and repaired, as they contribute to the amenity of the area;
- Given the historic nature of the village and the importance of Trimontium to the local economy and national interest, the condition suggested by the Council's Archaeology Officer for a programme of works should be attached to any permission in line with policy EP8. There is high archaeology potential within the proposed development site of national significance, which will be lost if this condition is not attached and adhered to;
- Safe access to and from the site, Back Road and Main Street both during construction and afterwards for pedestrians and vehicles is required. This is an accident blackspot already and the development would generate more traffic exacerbating existing concerns. Conditions should require dirt from construction vehicles to be regularly removed from private and public roads and any damage to the private road in conjunction with the development made good;
- The Orchard site is a lower lying land level than Back Road and the height of the proposed houses should maintain the village topography and be limited to the 2 storeys proposed.

APPLICANTS' SUPPORTING INFORMATION

- Design Statement
- Preliminary Ecological Appraisal
- Flood Risk Assessment
- Tree Survey

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

PMD3: Land Use Allocations

HD1: Affordable and Special Needs Housing

HD3: Protection of Residential Amenity

EP3: Local Biodiversity

EP4: National Scenic Areas

EP8: Archaeology

EP9: Conservation Areas

EP13: Trees, Woodland and Hedgerows

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

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development 2008
Biodiversity 2005
Affordable Housing 2015
Development Contributions updated January 2018

Supplementary Guidance: Housing

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: No objections to the principle of the development of this site, however there are a number of issues which must be addressed to the satisfaction of the Council prior to any approval being issued:

- Access and junction details, visibility and pedestrian facilities;
- Visitor parking;
- Turning within the site for service and refuse vehicles;
- Drainage;
- Construction details;
- Authority to provide access to this site over Hazeldean Road (a private road);
- Appropriate street nameplates.

Second Response: Confirm that Hazeldean Road (the section of road between Main Street and Back Road) is deemed a road in terms of the Roads (Scotland) Act 1984 and therefore a right of access for all over this road currently exists.

Third Response: The following issues remain outstanding:

- Access details, visibility splays and pedestrian facilities;
- No swept path analysis to show that service vehicles can turn within the proposed turning area;
- Drainage;
- Construction details;
- Existing retaining wall behind plot 3.

Until such times the above information has been provided and considered by the Council, RPS are unable to offer formal support to the proposal.

Education and Lifelong Learning: The proposed development is within the catchment area for Melrose Primary School and Earlston High School. A contribution

of £2,612 x 4 is sought for the Primary School and £3,672 x 4 for the High School, making a total contribution of £25,136.

Archaeology Officer: The site is within an area of high archaeological potential. It lies on the east end of the medieval village, and as such associated archaeology may be located within the site. More importantly, the site lies to the west and north of the Roman military complex of Trimontium, a Scheduled Monument, but archaeological evidence of the Roman presence has been found at the east end of Newstead. All told there is a high potential for encountering buried archaeology within the site; the presence of buried Roman archaeology within the site is potentially of national significance, while medieval is of regional importance.

Without appropriate mitigation any Roman archaeology that may exist in the site could be at risk. A condition is recommended seeking a programme of archaeological works.

Principal Officer (Heritage and Design): No response.

Re-consultation: The Newstead Conservation Area, in which the site is located, is closely aligned with its long history, dating back to Roman settlement, the home of Melrose Abbey's masons, through the medieval period and into today. The historic route of Main Street, and the close urban grain of historic buildings along and spanning off of its route make an important connection to this history and today provide an area of strong local character. Rectangular-planned pitched-roof single or two storey houses sitting tight against the boundary of routes, with articulated windows set in sandstone or harling, give the area a strong architectural character; while sites built for a different purpose express their time and place of their origin in a considered manner.

These unique architectural forms, details and layout are all appreciated through winding, unfolding views along the Main Street, along secondary routes, across historic spaces and to and from the wider landscape. The village also has a close connection with its natural and man-made landscape features, including natural boundaries such as the former mill stream, disused railway embankment and close visual relationship with the wider landscape.

Within this context, the site has historically been characterised by its open character, both in respect of the grounds associated with the abutting historic building to the Main Street, which remains extant today, and likely orchard grounds in the southern part of the site.

The proposals represent a notable lessening of density to previous development proposed within this site. There is also considerable areas of open space and landscaping. In this respect the proposals are a welcome development from previous proposals. The view westward from Main Street, looking into the proposed site access point is a key view of the Conservation Area, and demonstrable measures should be taken to ensure that this avoids the impression 'hard landscaping and development' in favour of green setting.

The proposals indicate that the historic boundary wall to the site will be retained and sensitively repaired. This feature makes a positive contribution to the character and appearance of the Conservation Area, and has partially collapsed in areas. Its retention and sensitive repair as part of the works is therefore greatly welcome.

The overall layout responds both to the historic character, the scale of development is also broadly in keeping with local examples and the limitation of the building height to

the north of the site is welcome as this responds well the urban character of its important townscape.

Landscape Architect: No response.

Housing Strategy: No on-site affordable housing is required.

Flood Protection Officer: In terms of information that this Council has concerning flood risk to this site, 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.

The flood maps suggest the risk of flooding is from surface water and not from river flooding.

A site visit confirmed the presence of a burn through the site and culvert outlet located on the eastern boundary of the site, routed from the adjacent field and under Back Road. The presence of the watercourse and culvert has not been noted within the application or marked within the Proposed Site Plan. Although there is presently a significant amount of vegetation within the burn and surrounding the culvert outlet, the burn was free flowing following recent rainfall. Note that the culvert outlet is within the vicinity of proposed Plot 1. The site visit confirmed a number of active flow pathways from the adjacent field and surface water from the B6361 also discharges to the burn. Note the topography of the surrounding area which falls towards the culvert and proposed site from the B6361 to the north east and also from the A6091 underpass and across the adjacent fields to the proposed site.

Due to the presence of the watercourse within the proposed site a Flood Risk Assessment (FRA) is required to further assess the flood risk to the site.

The FRA should also assess the risk of surface water flooding to the site, confirm the catchment area draining towards the site and also propose surface water mitigation.

Re-consultation: A FRA has been submitted by the applicant. Content with the methodology of the FRA. In general, content that levels are set to the 1 in 200 year flood level but would be looking for a 600mm freeboard allowance. Therefore, finished floor levels of 102.15mAOD in the eastern area and 99.67mAOD in the western area. Happy to discuss the feasibility of a 600mm freeboard.

The latest site plan, referenced "AT3177 L-101 C" shows topographical and Finished Floor Levels in Local Datum. Unable to cross-reference the Local Datum to the Ordnance Datum figures shown in the Flood Risk Assessment. Furthermore, as stated within the previous response, the culvert and watercourse do not appear to be marked on the Site Plan.

At present, given the current information submitted, the Flood Officer would object to the proposal until a new site plan showing levels and FFL's on site in mAOD to reflect the figures shown within the Flood Risk Assessment, the culvert and watercourses in the area clearly marked on the plan and a plan containing the 1 in 200 year flood map in Figure 9 of the FRA and the proposed house locations.

Statutory Consultees

Community Council: Do not have any objections to this site being developed as proposed. CC does however have the following observations:

- There are proposals to plant hedging along the back road. There needs to be a plan in place to keep all hedges around this scheme trimmed annually and kept under 1800mm to comply with SBCs tall hedge regulations;
- There needs to be attention given to supporting the Back Road if any supporting walls are removed;
- Are there any plans to preserve the walls around this development to maintain the historic value of this site within the conservation village?
- There are concerns regarding flooding at or around the proposed entrance to this site in times of heavy rainfall, which will need to be addressed.

Re-consultation: Do not have any objections to this site being developed as proposed but reiterate the previous concerns.

Scottish Water: No response.

Scottish Natural Heritage: Newstead is within the Eildon & Leaderfoot National Scenic Area. The proposal site is part of Newstead and will not form a separate settlement in the landscape. The artist's impression of the proposal as an aerial view shows dark, slate-coloured roofing which is similar in style to existing properties in the immediate surroundings. As such, the impact on the National Scenic Area is likely to be insignificant. Provided that the eventual scheme resembles the current plans, SNH does not have any concerns about the proposal.

Other Consultees

None.

KEY PLANNING ISSUES:

- Whether the development complies with the requirements outlined in the Supplementary Guidance
- Layout, scale, design and materials
- Impact on the Conservation Area and National Scenic Area
- Impact on residential amenities
- Impact on trees and wildlife
- Archaeology
- Flooding
- Access, parking and road safety

ASSESSMENT OF APPLICATION:

Planning Policy

The site is allocated in the Local Development Plan (LDP) 2016 and Housing Supplementary Guidance (SG) (ANEWS005) for housing with an indicative capacity of 6 units on this 0.3 hectare site. The proposal is for four dwellinghouses and so the proposed use and density complies with basic principles of this allocation. The SG lists a set of requirements which the proposal has to comply with and these will be discussed in this report.

Layout, Design and Materials

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 SG requires the design and layout of the site to take account of the Conservation Area and trees on site.

The application as submitted was for a cul-de-sac where the houses did not address the road through the site. The layout has been revised so that the houses front the road within the site, though the house on plot 3 is set back slightly. The house on plot 4 has been positioned to align with the existing houses on Main Street. The density has been reduced from that previously approved, providing generous plots and front gardens for planting to soften the impact of the development. The layout is now considered acceptable and the proposal does not constitute overdevelopment.

The proposed houses are all detached within generous plots. The scale of the houses are acceptable, with the house on plot 4 being single storey and positioned behind the high stone boundary wall on Main Street. The houses would have a modern design and incorporate windows with a vertical emphasis, rear single storey wings and large areas of glazing. The variety in the designs avoids uniformity. The roof pitches are relatively shallow, compared to the traditional houses in Main Street, but this is considered to be acceptable. This would reduce the scale of the proposed houses, their impact on the existing houses to the rear of the site as well as the prominence of the overall development on the immediate surrounding area.

The houses would have a natural slate roof, white render, timber cladding and Marley Equitone stone cladding panels for the walls, blue grey facing bricks for the basecourse and dark grey window frames and doors. The material pallet is acceptable for this infill development and would add interest to the design. A condition would secure samples of all the external materials are submitted for approval of the planning authority to ensure a satisfactory form of development.

The site would be enclosed by stone walls and hedgerows and only rear gardens would be separated by 1.8m high timber fences.

Impact on the Conservation Area, National Scenic Area and Visual Amenities

Policy EP9 states that the Council will support development proposals within or adjacent to Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces. Policy EP4 seeks to protect the special qualities of the National Scenic Area.

The SG requires the historic walls to be retained. The wall along eastern boundary is in need of repair. Part of the wall would be removed to provide the access but the remainder would be repaired. This feature makes a positive contribution to the character and appearance of the Conservation Area. Its retention and sensitive repair as part of the development is therefore welcome. Any replacement should be on a like-for-like basis with the use of appropriate materials. A condition will ensure the existing boundary walls are retained and repaired in accordance with a scheme of details approved by the Planning Authority.

The site is screened somewhat by the existing buildings along Main Street. The key viewpoint is from the Main Street looking into the site from the east. There would be a stone wall either side of the proposed entrance and along front gardens and areas of planting. This would ensure the development would have a green setting and attractive entrance. The front elevations now address the street replacing gable ends shown in earlier versions. The southern boundary would be defined by a beech hedge, and as the site is lower than Back Road to the rear, the development would sit comfortably on the site without compromising the character or appearance of the surrounding area.

It is considered that the proposal would not harm the character or appearance of the Conservation Area or the special qualities of the National Scenic Area (NSA). Members will note from the papers that Scottish Natural Heritage is satisfied that the development would not harm the special qualities of the National Scenic Area.

Impact on Residential Amenities

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.

Townhead Farmhouse - located to the north - backs onto the site, though there is at least 20m from the rear elevation of this property to the front elevations of the proposed houses on plots 1 and 2. The properties to the west would be a sufficient distance from the proposed houses or would be screened by trees, preventing any overlooking and loss of privacy. There are houses to the south that front Back Road and face the site. The proposed houses would be 2 to 3m lower due to the difference in ground levels. The position of windows, boundary treatments and a level of passive overlooking from the existing road means that any overlooking would not be significant. It is maintained that there would be no loss of light of existing properties.

Trees

Policy EP13 seeks to protect trees and hedgerows from development. A tree survey has been submitted that shows the existing trees within the site (willow, apple and ash), though this does not appear to be wholly accurate. The existing trees would be felled and the site would be cleared of overgrown vegetation.

The landscaping proposals include an extension of the beech hedge along the rear boundary, four apple trees at the site entrance and one within each plot. It is unfortunate that the existing trees cannot be retained, however, additional replacement trees in addition to those shown on the site plan and a greater range of species would compensate somewhat for the loss of these trees. A detailed scheme of landscaping should be submitted for approval and all soft landscaping works carried out during the first planting season. This can be covered by suitably worded planning condition.

Ecology

Policy EP3 states that development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused

unless it can be demonstrated that the public benefits of the development outweigh the value of the habitat for biodiversity conservation.

A Preliminary Ecological Appraisal has been submitted and assessed by the Council's Ecologist. The site was previously an orchard with a cultivated burn that has been partly cleared and unfortunately there is evidence of fly tipping on site. There was no evidence of protected species, though the habitat may provide opportunities for breeding birds, and the high wall on the north-west boundary has cavities that may provide opportunities for breeding bats.

It is recommended that a condition is added to any grant of consent to ensure that the site is cleared of vegetation outwith the bird breeding season. An applicant informative will advise the applicant that no repair works to the high wall can take place until the cavities have been inspected by a licenced bat worker.

Archaeology

Policy EP8 states that development proposals which will adversely affect local archaeological assets will only be permitted if it can be demonstrated that the benefits of the proposal outweigh the heritage value of the asset. All proposals that adversely affect such an asset must include an acceptable mitigation strategy.

The Council's Archaeology Officer advises that the site is within an area of high archaeological potential and has set out the historical context of the area in his response.

The present scheme is not clearly justified per Policy EP8 (A) for its impacts on nationally significant archaeology but Members will note from the papers that this does not give rise to an objection. There may be potential for Roman archaeology to exist within the site however, as recommended by the Council's Archaeologist, this can be mitigated by the submission of a Written Scheme of Investigation (WSI).

It is recommended that a condition requiring submission of a WSI, detailing a programme of archaeological works and the implementation of the archaeological works is attached to any consent that may be granted. This would ensure compliance with Policy EP8.

Access and Parking

Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

A new access would be formed from Back Road and each dwelling would have two on-site parking spaces. A turning area and two visitors' parking spaces are included in the layout.

Comments submitted by third parties are noted and the Roads Planning Service has raised a number of issues regarding the access, visibility splays, pedestrian facilities, parking, turning and the construction of the road. At the time of writing, the requested information that would address the outstanding concerns has not been submitted but it is contended that these matters can be addressed – either through the submission of further details before determination or through planning condition. A verbal update on this matter will be provided at the meeting.

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.

Members will be aware from the papers that the site is at risk from surface water flooding with a return period of 1 in 200 years and that the Council's flood officer currently objects to the proposals.

A culverted burn flows through the site and culvert outlet is located on the eastern boundary of the site, routed from the adjacent field and under Back Road. The whole of the watercourse would be culverted by the current proposals.

A Flood Risk Assessment has been submitted and the Council's Flood Protection Officer was been consulted. Further information (including site levels, finished floor levels and the precise location of the culvert shown on a plan) was requested and this has now been submitted. Unfortunately, at the time of writing, a response was not available from the Flood Officer. A verbal update will be reported at the meeting. Finished floor levels of the proposed houses, could be covered by condition in the event that Members agree to approve this application.

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 the houses would connect to the public drainage network and public water supply. The exact details would be secured as part of the Building Warrant.

No details of surface water drainage have been submitted but this could be secured by a planning condition in the event of an approval. Surface water drainage should follow good practice in terms of sustainable urban drainage techniques to ensure Greenfield run-off levels are no greater than existing.

Developer Contributions

Development contributions, in accordance with policies IS2 and IS3 are required towards the Borders Railway, education and affordable housing. These would be secured through a Section 75 legal agreement.

CONCLUSION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to a legal agreement addressing contribution towards education, affordable housing and the Borders railway and the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details.

2. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

3. A sample of all materials/colour finishes to be used on all exterior surfaces of the development hereby approved (walls, roofs, windows, doors) shall 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 samples.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting and to the character of the Conservation Area.

4. The existing boundary walls (shown on the drawings hereby approved) shall be retained and repaired as necessary (with the exception of the section of wall required to be removed for the vehicular access or lowered to achieve the junction visibility splays) in accordance with a scheme of works that shall first be submitted to and approved in writing by the Planning Authority before the development commences. The repairs shall be completed before the first dwellinghouse hereby approved is occupied.

Reason: To secure the retention and repair of the historic wall, which contributes to the character of the Conservation Area.

5. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):

- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
- ii. location of new trees, shrubs, hedges and grassed areas
- iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iv. programme for completion and subsequent maintenance.

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

6. The finished floor levels of the dwellinghouses hereby approved shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Planning Authority before the development commences. Such details shall indicate the existing and proposed levels throughout the application site and shall be measurable from a fixed off-site datum point in a location clearly indicated in the scheme of details so approved.

Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers and to reduce the risk of flooding.

7. Details of the surfacing materials for the vehicular access, internal access road, visitor parking spaces and driveways/parking spaces shall 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: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting and to the character of the Conservation Area.

8. Two parking spaces shall be provided within the curtilage of each dwellinghouse prior to the occupation of the dwellinghouse and then retained thereafter in perpetuity. The visitor parking spaces shall be provided before the first dwellinghouse is occupied.

Reason: To ensure the development is served by satisfactory on-site parking, in the interests of road safety.

9. No drainage system other than the public mains sewer shall be used to service the dwellinghouses hereby approved without the written consent of the Planning Authority. Prior to occupation of the dwellinghouses, written evidence shall be submitted to and approved in writing by the Planning Authority that the dwellinghouses have been connected to the public water drainage network.

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

10. No development shall 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 dwellinghouses, written confirmation shall be submitted to and approved in writing by the Planning Authority that the development has been connected to the public mains water supply. 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.

11. Details of all surface water drainage shall be submitted to and approved in writing by the Planning Authority before the development commences. The surface water drainage arrangements shall follow sustainable urban drainage techniques and shall ensure that pre-development Greenfield run-off rates are not increased. The surface water drainage shall then be installed as approved before the dwellinghouses are occupied.

Reason: To ensure that the development is adequately serviced, does not increase run-off rates and does not have a detrimental effect on public health.

12. The site shall be cleared of vegetation outwith the bird breeding season (March to September) unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary survey, that shall first be submitted to and approved in writing by the Planning Authority.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.

13. Details of the proposed culvert shall 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/drawings.

Reason: Further information is required to ensure a satisfactory form of development.

Informatives

1. With respect to Condition 4, no repair works to the boundary wall enclosing the site to the north-west are to take place until the cavities have been inspected by a licenced bat worker.

The applicant is advised that, under the Conservation Regulations (Natural Habitats & c.) 1994 (as amended) it is an offence to deliberately or recklessly damage or destroy a breeding site or resting place of bats (whether or not deliberately or recklessly), capture, injure or kill a bat, harass a bat or group of bats, disturb a bat in a roost (any structure or place it uses for shelter or protection), disturb a bat while it is rearing or otherwise caring for its young, obstruct access to a bat roost or otherwise deny an animal use of a roost, disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species, disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact Scottish Natural Heritage (tel: 01896-756652 or 01463 725 364) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at:

http://www.bats.org.uk/pages/bats_and_buildings.html

http://www.bats.org.uk/pages/existing_buildings.html

<https://cdn.bats.org.uk/pdf/Bats-Trees.pdf?mtime=20181101151317>

All wild birds are afforded protection and it is an offence to deliberately or recklessly kill, injure and destroy nests and eggs of wild birds. Additionally for those species protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any bird whilst it is nest-building or at or near a nest containing eggs or young, or to disturb any of its dependent young.

2. The Council's Heritage and Design Officer advises that there are references to historic sundials in Newstead; should these or other historic elements remain, or be found during the course of the works, the Planning Authority should be notified to agree the best way forward.

DRAWING NUMBERS

| Plan Ref | Plan Type |
|---|------------------|
| Location Plan | LOC |
| Proposed Site Plan | L-101 C |
| House Type A Floor Plans and Elevations | L-102 B |
| House Type B Floor Plans and Elevations | L-103 B |
| House Type C Floor Plans | L-105 A |
| House Type C Elevations | L-106 B |
| House Type D Floor Plans and Elevations | L-107 B |
| Site Elevations and Sections | L-110 a |
| Proposed Site Plan with Flood Risk | L(-1)102 |

Approved by

| Name | Designation | Signature |
|------------|------------------------------------|-----------|
| Ian Aikman | Chief Planning and Housing Officer | |

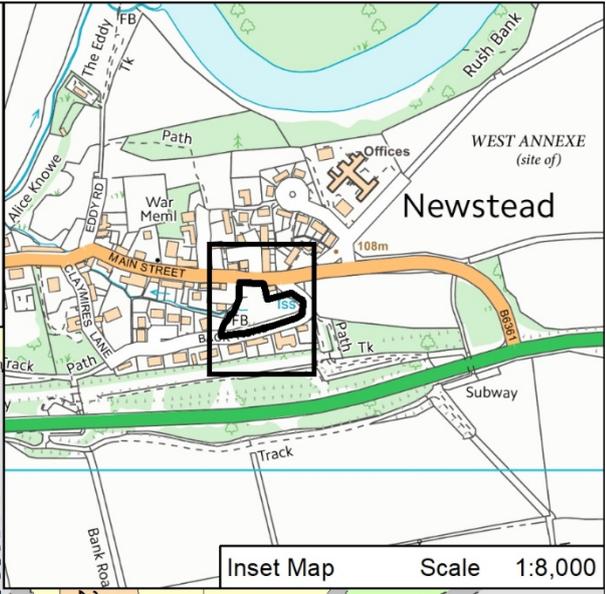
The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

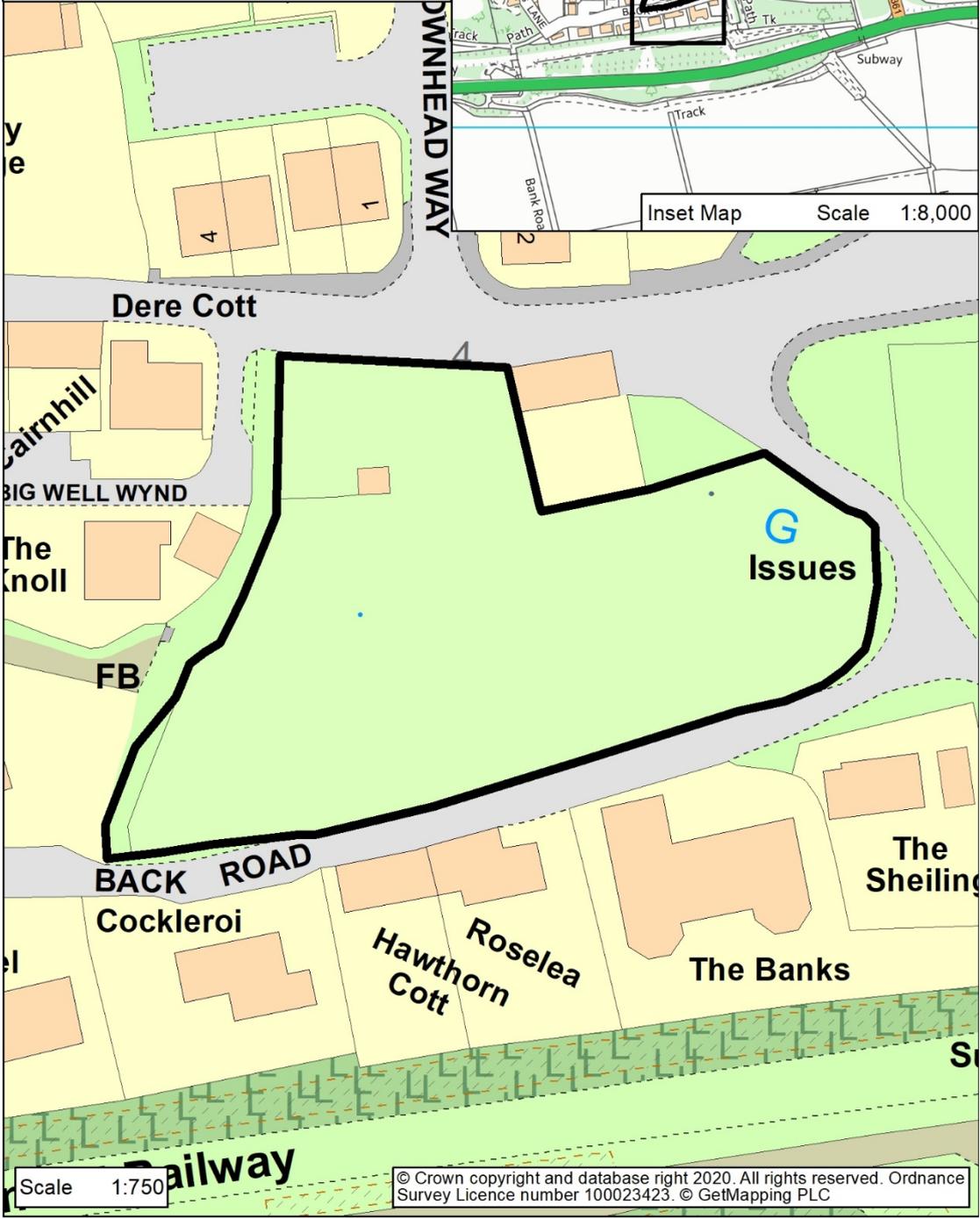
| Name | Designation |
|---------------|------------------------------------|
| Julie Hayward | Team Leader Development Management |



19/01138/FUL
The Orchard
Back Road
Newstead



Inset Map Scale 1:8,000



Scale 1:750