

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>15/00661/PLANCO</b>
<b>Uniform Ref</b>	<b>15/00403/FUL</b>
<b>Proposal</b>	<b>Erection of dwellinghouse</b>
<b>Address</b>	<b>Site South Of Pyatshaw Burn Lauder Scottish Borders</b>
<b>Date</b>	<b>05/05/2015</b>
<b>Amenity and Pollution Officer</b>	<b>David A. Brown</b>
<b>Contaminated Land Officer</b>	<b>Reviewed no comment</b>

**Amenity and Pollution**

Assessment of Application

*Air quality  
Nuisance*

The papers lodged for this Application indicate the provision of solid fuel heating.

These installations can cause smoke and odour problems if not properly installed and operated.

**Recommendation**

Agree with application in principle, subject to Informative.

**Contaminated land**

**Informative**

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you 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. If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

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

# Consultation Reply



## ENVIRONMENT AND INFRASTRUCTURE

**To:** HEAD OF PLANNING AND REGULATORY SERVICE

**FAO:** Stuart Herkes

**Your Ref:** 15/00403/FUL

**From:** HEAD OF ENGINEERING & INFRASTRUCTURE

**Date:** 12<sup>th</sup> May 2015

**Contact:** Ian Chalmers

**Ext:** 5035

**Our Ref:** B48/1902

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**Nature of Proposal:** Erection of dwellinghouse  
**Site:** Land South West Pyatshaw Schoolhouse Lauder

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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 may be 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 Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to come in and view them.

I would state that only the East side of the site is at risk of flooding. The proposed dwellinghouse is located in the South West of the site and is out with the flood plain.

I am content that the associated drawings show that the levels of the house are sufficiently higher than the burn (around three metres higher) and I would have no objections to this proposal on the grounds of flood risk.

As access and egress to the development may also be affected by flood waters, should approval be given, I would recommend that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Ian Chalmers  
Flood Risk and Coastal Management

## PLANNING CONSULTATION

To: Ecology Officer

From: Development Management

Date: 13th April 2015

Contact: Stuart Herkes ☎ 01835 825039

Ref: 15/00403/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 4th May 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 4th May 2015, it will be assumed that you have no observations and a decision may be taken on the application.

**Name of Applicant:** Mrs Paula Milanese

**Agent:** Taylor Architecture Practice

**Nature of Proposal:** Erection of dwellinghouse

**Site:** Land South West Pyatshaw Schoolhouse Lauder Scottish Borders

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### OBSERVATIONS OF: Ecology Officer

## CONSULTATION REPLY

*It is recognised that a formal recommendation for a decision can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Management service in respect of heritage and design issues (biodiversity).*

I note the submitted badger survey (Nocturne Environmental Surveyors December 2014) and bat survey (Nocturne Environmental Surveyors December 2014). No evidence of badger activity was recorded. The trees proposed for felling are identified as Category 3<sup>1</sup> (trees with no potential to support bats).

The site is used by breeding birds including rook. Site clearance of trees and vegetation should be carried out outside of the bird breeding season. I have not visited the site to inform this consultation response.

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.

The Pyatshaw burn runs through the site and connects with the Brunta burn (part of the River Tweed SAC) just to the north-west of the development site. Precautionary measures are required to protect the waterbody from potential sediment run-off and pollutants.

## Recommendations

- Site clearance or disturbance of habitats which could be used by breeding birds, including hedgerows and trees, shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary checking surveys and appropriate mitigation for breeding birds will be required if tree felling and habitat clearance are to commence during the breeding bird season.
- To protect the water body adopt SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses), and PPG 6 (construction and demolition) as appropriate. Prior to commencement of works a proportionate Construction Method Statement for Works is required.

Dr Andy Tharme  
Ecology Officer  
21 May 2015

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<sup>i</sup> Hundt, L (2012) Bat Surveys Good Practice Guidelines – 2<sup>nd</sup> Ed. Bat Conservation Trust

**From:** Frater, John  
**Sent:** 25 May 2015 13:58  
**To:** Herkes, Stuart  
**Subject:** ERECTION OF DWELLING - PYATSHAW - LAUDER 15/00403/FUL

I have no objections in principle to this proposal.

There is ample parking and turning provision within the site, and the visibility sightlines are good. The speed of traffic is relatively slow due to the general winding topography of the road. My only roads issue is the construction detail of the access from the public road, over the verge, and into the site. This should be constructed with a bituminous surface(tar) preferably to the following standard (or similar).

1 layer of 75mm thick (40mm size) bitumen blinded with grit to BS 4987 laid on 375mm of 75mm broken stone bottoming blinded with Type 1 sub-base.

The work carried out within the road and verge to be carried out by an SBC approved contractor.

## PLANNING AND ECONOMIC DEVELOPMENT

To: Planning and Economic Development                      Attention: Stuart Herkes  
From: LANDSCAPE SECTION    Date: 2015  
Contact: Catherine Andrews    Ref: 15/00403/FUL

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**Subject: Residential property at Pyatshaw Burn, Lauder**

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*It is recognised that a formal recommendation can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Control service in respect of landscape related issues.*

### Description of the Site

The site is situated in the south west corner of the garden ground of the former Schoolhouse at Pyatshaw. Its northern boundary is the Pyatshaw Burn, with a tree lined fence and open fields to the west. A hedge and stone dyke contain the site on the south and eastern boundaries and the road follows the perimeter in this location. The site is within a cluster of detached traditional and modern houses and farm buildings in a well treed setting. The former garden site is a wooded piece of ground containing a number of mature deciduous and coniferous trees which form a continuation of existing tree belts running from the west on either side of the road towards the site and connecting with tree groups surrounding adjacent properties. The plot slopes up away from the road to a small knoll and down again towards the Pyatshaw Burn.

### Nature of the Proposal

The proposal is for a detached house clad in dark stained timber with car park to the front of the property bordered by a low stone wall. The greater part of the existing stone wall and beech hedge to be retained and a number of mature trees from within the site to be removed.

### Implications of the Proposal for the Landscape including any mitigation

The house has been sited perpendicular to the road to accord with other properties in this location and is sufficiently distant from adjacent houses to contribute to a balanced development within the building group of Pyatshaw. The development allows for the retention of sufficient numbers of trees to retain a sense of enclosure and some continuity with tree belts and tree groups surrounding adjacent properties. The visual amenity of the beech hedge will be retained as part of the proposal. However the roadside view will be considerably broken by the 'openness' of the proposed access and parking area where 2m of hedge will be removed in addition to the trees.

A tree survey carried out by Tree Consultancy Group is included in the application. Of the 29 trees surveyed the proposals allow for the removal of 7no. deciduous trees of which 2no are classed as Category B and the 5no. Category C as well as a group of 4no. Scots Pines Category C. A section of Beech hedging is to be removed for driveway access. It is proposed that 11no. trees are planted to replace those removed. The Root Protection Area of 2no. Category A listed trees fall within the building line of the house. A proposal for the foundation construction that appears to accommodate the RPA of these trees has been included.

It is recognised that account has been taken of the existing woodland, trees and hedgerows within this application however I am concerned that in constructing a house in such a densely treed area,

not only will more than 50% of the existing woodland trees be removed but the low light levels for occupants of the proposed house will put pressure on the remaining trees for heavy pruning or removal particularly in the future.

### **Consultation Summary**

**I object to this application for although there is a precedent of similar development within the area the site is shown in mapping records as woodland since 1843 and the Borders Council policy NE4 seeks to protect the woodland resource of the Scottish Borders in turn protecting the character of settlements, the countryside and maintaining habitats.**



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I consider that tree no 7, Silver Birch (multi stemmed) should be retained as it will have amenity value in the view from the west facing windows and will be of value in retaining the connection

between the existing tree belt and the trees surrounding the house particularly when viewed from the road side. However it appears that changes in level may not allow for this.

It is recognised that account has been taken of the existing woodland, trees and hedgerows within this application however I am concerned that in constructing a house in such a densely treed area, not only will more than 50% of the existing woodland trees will be removed but the low light levels for occupants of the proposed house will put pressure on the remaining trees for heavy pruning or removal particularly in the future.

### **Consultation Summary**

**The determination of this application is difficult to judge for although there is a precedent of similar development within the area the site is shown in mapping records as woodland since 1843 and the Borders Council policy NE4 seeks to protect the woodland resource of the Scottish Borders in turn protecting the character of settlements, the countryside and maintaining habitats.**