

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/00459/PPP
APPLICANT : Mr Malcolm Bruce
AGENT : Sorrell Associates
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land West Of Westwater
Bogbank Road
West Linton
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
148(PL) 001	Site Plan	Approved
PLANNING STATEMENT		Other Approved
TREE SURVEY	Other	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultation Responses
Roads Planning

No objections in principle to the proposed dwelling on this plot. Improvements to the existing access and private road have been carried out as part of other developments along this section of private road.

At detailed design stage, the layout must include parking and turning for two vehicles within the curtilage of the plot.

Landscape
1st response

The avenue trees along the southern boundary are a feature in the landscape and every effort should be made to retain them. The mature (chestnut) tree within the site has a significant stature and again every effort should be made to retain it and any other trees on site as they contribute to the amenity of the area.

Conclusion

I suggest that a tree survey is required to establish the position and condition of all the trees on or adjacent to the site. A tree survey carried out in accordance with BS 5837:2012 will establish the Root Protection Areas (RPAs) of all trees, which will assist in identifying if a house and site access can be achieved while retaining the existing trees.

I suggest that a tree survey should be submitted to inform any consent to develop this site.

Should consent be forthcoming a tree planting scheme will be necessary to the north boundary to create a degree of screening of the house to views from the north and to create a setting into which the house will fit. As far as possible boundary treatments should be as low key as possible with hedges instead of walls or timber fences and any entrance should reflect the local vernacular using materials most commonly used in the area.

2nd response

I was able to visit the site on last Friday afternoon (10th June) with a view to assessing possible access into the site while minimising impacts on tree Root Protection Areas (RPAs). The photos of the site visit are available at the link below.

G:&IControl RepliesLinton3 West Water Barn, Bogsbank Rd Jun 16

I have discussed the survey and findings on site with Simon and we are both of the opinion that all trees on site (all except Birches Nos 0183 and 0187, recommended in the Tree Survey for removal) should be retained as they offer valuable local amenity.

Access should be taken between Lime trees Nos 0186 and 0188, centred on the removed birch tree No 0187.

The removal of the birch creates a 12m opening between the two lime trees which should amply accommodate a driveway.

The driveway will be going through the RPA of three trees (Lime No 0186, Lime No 0188 and Sycamore No 0185) and in order that these trees are retained and RPAs are not damaged, we would expect the driveway within the RPA of these trees to be built up so that there is no digging within the RPAs.

Section 7.4 Permanent hard surfacing within the RPA of BS 5837 : 2012 Trees in relation to design, demolition and construction - Recommendations provides guidance and we recommend the use of Terram Geocell confinement system (see attached product information sheet) to be installed above existing ground level for the driveway within the RPA of retained trees with a porous and not a sealed surface to the driveway from the existing track through the trees.

We will expect details to be submitted for approval.

Some limited crown lifting to the trees immediately adjacent to the possible route of the driveway may be required to create adequate headroom for vehicular access (removal of one limb from Sycamore No 0185 was considered likely) Any work to retained trees should be a condition of approval and should be agreed on site with Tree Officer prior to commencement.

There may also be an issue of how services are brought onto the site and the location of services runs should be a condition of approval. If they cannot be brought into the site without coming through the trees (through the north or west boundaries) we would want to see services brought in through the trees along the same line as the driveway - centred on the removed birch tree. The minimum required width of trenching should be dug and ALL trenches within the RPA of trees should be hand dug. The exact location of driveway and any service trenches should be agreed on site with the Tree Officer prior to commencement.

Retained trees will need protective fencing erected in accordance with 6.2 Barriers and Ground Protection : BS 5837:2012 prior to commencement on site.

I hope this clarifies our assessment of the application but should you wish to discuss further please get back to me.

Education

The proposed development is located within the catchment area for West Linton Primary School and Peebles High School.

Primary School Contributions - £7463, High School Contributions - £1051. Total = £8514

Community Council

No response received

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

PMD1 - Sustainability

PMD2 - Quality Standards

HD2 - Housing in the Countryside

EP13 - Trees, Woodlands and Hedgerows
IS2 - Developer Contributions
IS7 - Parking Provision and Standards

SPG - New Housing in the Borders Countryside

Recommendation by - Dorothy Amyes (Planning Officer) on 16th June 2016

The site is a plot of land, part of a larger field to the north of the access track to Westwater House. The site lies between Westwater House to the east and Westwater Cottage to the west. Between the cottage and the site there is a building which is currently being converted to a dwellinghouse. The track, along the southern boundary and from which access to the site will be taken, is lined by mature trees and there is at least one additional mature tree on site. There is an overhead power line that cuts across the northern part of the site.

It is proposed to build a single detached dwellinghouse on the site with access off the existing track. As this is an application for planning permission in principle no further details have been provided with the exception of a supporting statement and a tree survey.

Policy

The presence of a building group at this location has been established by a decision of the Local Review Body in 2015. This relates to application ref 14/01182/FUL for a dwellinghouse and attached annexe.

In the decision the LRB noted the following:

'The Review Body gave significant weight to the view expressed by the Reporter in the appeal decision in 2004 (SBC ref: 03/00202/OUT) that a building group was evident at the locus. In the Reporter's opinion, a sense of place existed at the junction of the access serving West Water and Bogsbank Road, which extended eastwards up to West Water. Members also noted that planning permission had been granted for the conversion of an outbuilding between Westwater Cottage and Westwater to a house, which further consolidated the form of the group. In their view, whilst there was a dispersed development pattern, a cohesive building group existed at Bogsbank. The Review Body concluded that a building group of at least 3 dwellinghouses existed at Bogsbank in accordance with the provisions of Policy D2 of the Local Plan.'

There is therefore an established building group at this location. The application site sits within this group and it is well related to it, being accessed from the existing access track.

The new Local Development Plan period commenced in May 2016 and two additional dwellinghouses could be permitted under the 30% rule in policy HD2. However, as the consent noted above is still valid and no work has yet commenced, this consent counts as being one of the two additional units within the current local plan period. The current application will be the second unit and complies with the policy. For the avoidance of doubt any further applications for additional dwellinghouses within this building group are unlikely to be supported during the local plan period as they would exceed the number than can be permitted under policy HD2.

Landscape

The site is bounded along its southern edge by the avenue of broadleaved trees, mainly lime. In addition there are at least two mature trees within the application site.

It is considered that these are important landscape features which should be retained and protected during development. A tree survey has been submitted with the application and the council's landscape architect considers that all trees on the site should be retained with the exception of two birches which are recommended for removal in the Tree Survey. The access should be taken between two lime trees centred on one of the removed birches which will give a 12m opening. It is noted that this is not the location of the access as shown on the indicative plan. During the formation of the driveway it is important that the roots of the retained trees are not damaged and it is recommended that the driveways within the RPA should be built up so that there is no digging. Further details of how this will be achieved can be submitted at the detailed planning stage

The trees along the eastern boundary are outwith the application site but are also protected from removal by a condition on the consent for the replacement Westwater house.

Access and Parking

The access track has been satisfactorily upgraded as part of the development at Westwater House. Roads Planning have no objections but require two parking spaces and a turning space to be provided within the site. The access into the site has been dealt with above.

Developer Contributions

The applicant had agreed to enter into a section 69 agreement for the payment of the required developer contributions.

REASON FOR DECISION :

The proposals for a new dwellinghouse comply with the Local Development Plan Policies for Housing in the Countryside in that there is an existing building group and the site is well related to this building group. It will add to the sense of place which exists at this location. The trees are important landscape features which should be retained and protected. Details of design, access, water, drainage and protection of residential amenity can be dealt with at the detailed planning stage.

Recommendation: Approved - conditions, inform & LA

- 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 been submitted to and approved in writing by the Planning Authority.
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 development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.
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.
- 4 Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 5 Two parking spaces and a turning area shall be provided within the site and retained in perpetuity.
Reason: To ensure that adequate parking is provided in the interests of road safety.
- 6 Only the birch trees trees nos 0183 and 0187 as identified in the Arboricultural Survey dated May 2016 shall be removed. No other trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Local Planning Authority.

Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained.

- 7 Notwithstanding the location of the access shown on the indicative plan, access to the site shall be between Lime trees nos 0186 and 0188 as identified in the Arboricultural Survey dated May 2016 and at no other location. Before any development commences on site details of the design of the access from the existing track through the trees shall be submitted to and approved by the local planning authority.

Reason: To ensure that no damage occurs to the trees to be retained which are an important landscape feature.

- 8 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
 - (b) No fires shall be lit within the spread of the branches of the trees;
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
 - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
 - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

Informatives

It should be noted that:

- 1 Access
Section 7.4 Permanent hard surfacing within the RPA of BS 5837 : 2012 Trees in relation to design, demolition and construction - Recommendations provides guidance and we recommend the use of Terram Geocell confinement system to be installed above existing ground level for the driveway within the RPA of retained trees with a porous and not a sealed surface to the driveway from the existing track through the trees.

Some limited crown lifting to the trees immediately adjacent to the possible route of the driveway may be required to create adequate headroom for vehicular access and it is suggested that the applicant contacts the Council's Tree Officer for further advice.

If the required services cannot be brought into the site without coming through the trees (through the north or west boundaries) we would expect to see services brought in through the trees along the same line as the driveway - centred on the removed birch tree. The minimum required width of trenching should be dug and ALL trenches within the RPA of trees should be hand dug. The exact location of driveway and any service trenches will need to be agreed on site with the Tree Officer prior to commencement of development.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.