

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 17/01526/FUL

**APPLICANT :** Mr Hamish Hunter

**AGENT :**

**DEVELOPMENT :** Erection of dwellinghouse with integral garage

**LOCATION:** Garden Ground Of  
1 Hay Park Woods  
Hay Park Loan  
Stow  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
991.PL.01	Location Plan	Approved
991-PL-02	Existing Layout	Approved
991-PL-03-REV-A	Block Plans	Approved
991-PL-04	Floor Plans	Approved
991-PL-05-REV-A	Floor Plans	Approved
991-PL-06-REV-B	Elevations	Approved
991-PL-07-REV-B	Sections	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Consultations

Roads Planning Service: Current policy is that only a maximum of 4 new build dwellings (since 1984) can be served off a private access. It would appear that the provision of this dwelling would not take the number served by the private access above 4 and, as such, the RPS will not object to the proposal. Given the levels proposed, the applicant should satisfy themselves that they have adequate measures in place to cater for any surface water which may flow from the adjacent track towards the garage door. The parking spaces must be provided prior to occupation and be retained thereafter in perpetuity

Community Council: No reply

Education and Lifelong Learning: A contribution of £3567 is sought for Galashiels Academy

Environmental Health Service: Objected, as the plans (originally) indicated that there would be a solid fuel stove fitted in the property. The flue height is insufficient to guarantee that neighbouring properties will not be affected by fumes from the appliance.

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2, PMD5, HD3, EP13, IS2, IS3, IS6, IS7, IS9

SPGs Placemaking and Design 2010; Trees and Development 2008; Landscape and Development 2008; Guidance on Householder Development 2006; Waste Management 2015

**Recommendation by** - Carlos Clarke (Lead Planning Officer) on 4th January 2018

This application seeks consent for a detached house on garden ground located near the southerly end of the village, and accessed via a private road. It is located just outside the Conservation Area which stops short to the north and west. The site is on a corner, forming part of the garden of a 1 1/2storey modern house located to the south-east. To its north is a driveway leading to that house and a further house behind. To the north side of the driveway are further houses and, opposite the site to its west is a detached house within an elongated garden. To the south is an undeveloped field. The site is banked above the access road, with hedging on the top of the bank and trees located along the bottom.

#### Principle

The site is within the settlement boundary, is not designated and there are no significant land use conflicts likely to arise. The existing house will retain adequate garden ground and existing parking and access.

#### Ecology

There are no designations and the trees to be removed are not significant in size, with limited ecological potential. An informative can cover risk to breeding birds.

#### Services

A legal agreement will be necessary to secure a contribution towards the local high school, and a contribution towards the Waverley Line reinstatement.

Water and drainage services are proposed to and from the mains. A condition can require evidence of Scottish Water approval of connections.

A scheme of surface water drainage should be sought by condition, to ensure a SUDs based scheme is achievable that maintains greenfield run-off levels from the site. Protection of the house itself from run-off from the road is a Building Standards matter, though any implications for the approved house layout/levels will need addressed if these arise. An informative note can draw this to the applicant's attention.

#### Access and parking

The site is off a private road, but the RPS is content that this house will not trigger a need for an adoptable road. The applicant has a share in the ownership of the road. the proposal originally included works to widen the road, though the RPS does not require this, so it has been removed from the proposal.

A new access is proposed with undercroft parking with room for at least two cars. The RPS accepts the proposal. Though the undercroft is not a garage in itself (it leads to one), there is the potential to later close off the entrance under PD rights. A condition should, therefore, ensure the opening remains and the parking spaces under it. A condition should also secure driveway construction details.

#### Waste

No bin storage or collection points are shown, though there is plenty of room for the former, and bin collection will follow existing arrangements that affect the private road

#### Air quality and noise

The stove flue originally proposed, and objected to by the EHS, has been removed from the proposal. The application includes what appears to be an air source heat pump to the rear. This is agreeable if noise is controlled to standard levels, as per the recommended condition.

#### Placemaking and design

The application is supported by a tree survey that identifies eight trees on site, though all are classified as being low quality (there are also small conifers to the rear). All but one of the eight main trees would need removed to permit the development. The trees contribute to the setting, but I don't consider their value is overriding. The tree survey notes that the landscape here is dominated by more substantial trees elsewhere. Some replacement tree planting is proposed, and this will assist integration.

The development will be visible in the wider landscape from various views, but it will be amongst a mix of houses on the hillside which are punctuated by trees. The response to the site is an appropriate one, with the house comprising a modern, two storey building set well within the site, thus retaining the overall banked appearance of the site while minimising the visual impact of the development. Stone walling will mark the boundaries, with hedging above masking the frontage. The modern flat-roofed design is a suitable design solution for this site. The proposals were, however, amended a little so that the boundary wall was reduced, and a tiered hedge is used to screen the upper retaining wall. The fascia of the house has also been slimmed a little. These amendments will help to reduce the visual impact of the house when viewed from the lower road level. A condition is necessary to secure full elevation drawings purely to account for parts of the building obscured in the submitted drawings. A condition is also necessary to secure enforceable levels as, though the sections illustrate an appropriate arrangement for ground works, levels set to a fixed off site datum will be needed to be enforceable

Materials include grey single ply roof and zinc fascias. A white coloured smooth render was originally proposed (now specified as off-white), with dark grey render for the basecourse. Dark grey is also proposed for windows. There is a mix of materials in the area, and these proposals will generally be suitable, provided dark matt finishes will be used for the roof, and on the basis of a more subdued colour for the main render. Hardstanding materials will largely be hidden, aside from entrance. Solar panels and rooflights will have an acceptable visual impact subject to dark frames.

Boundary features will include the natural stone outer wall and tapered hedging. There is an existing fence to the south, and a new fence and hedge is proposed to the east. A retaining wall is also sited to the rear, but will be relatively low and with limited external visibility. These proposals are agreeable, subject to conditions on details.

The proposal will also not affect the setting of a nearby Listed church or Scheduled church remains. It is just outside the Conservation Area but amongst a sporadic grouping of buildings, with no significant views from the core of the Conservation Area. It will add to the existing variety of buildings without detracting from the character or appearance of the Conservation Area.

#### Neighbouring amenity

The proposal will not adversely affect neighbouring property in terms of sunlight, daylight or outlook loss. As regards privacy, the deep cut and low level of the development suggests no significant issue in this regard. The proposal itself may be overlooked by the existing house, though the applicants propose fencing and hedging on that boundary which will not be visually unsympathetic. Given proximately to the house to the rear a limit on PD rights is recommended for extensions and external outbuildings.

#### **REASON FOR DECISION :**

Subject to a legal agreement and 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:** Approved - conditions, inform & LA

- 1 No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage connections shall be made available to serve the

development, and until a surface water drainage scheme has been submitted to and approved by the Planning Authority that demonstrates that greenfield run-off levels will be maintained. Mains services and the approved surface water drainage scheme shall be operational prior to occupancy of the dwellinghouse

Reason: To ensure the development can be adequately serviced

- 2 The development shall be carried out in accordance with the approved sectional drawings, and no development shall commence until further level details, confirming the proposed floor and site ground levels related to a fixed off-site datum, have been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the approved levels  
Reason: To ensure the development is visually sympathetic to the context
- 3 No development shall commence until elevation drawings have been submitted to and approved by the Planning Authority illustrating those parts of the elevations obscured within the approved drawings. The development shall be implemented in accordance with the approved drawings  
Reason: To ensure the development is visually sympathetic to the context
- 4 No development shall commence until further details of external landscaping/planting and new fencing illustrated on the approved plans and drawings, and an implementation timescale and maintenance schedule for all planting, have been submitted to and approved by the Planning Authority. The development shall be implemented in accordance with the approved details, and the plans and the drawings, including sections, approved under this consent.  
Reason: To ensure the development is visually sympathetic to the context
- 5 No development shall commence until samples of all external materials of the house and dwarf wall (i.e. the wall incorporating the hedge) have been submitted to and approved by the Planning Authority. The development shall be completed using the approved materials. The roofing finish, including fascia, and rooflight and solar panel frames, shall be matt and dark grey in colour, and the boundary/retaining walls illustrated on the approved plans/drawings shall be constructed of natural whinstone unless otherwise agreed with the Planning Authority  
Reason: To ensure the development is visually sympathetic to the context
- 6 The dwellinghouse shall not be occupied until the access and parking area have been implemented in accordance with the approved plans and drawings, including sections, and in accordance with surfacing treatment of the access/driveway which has first been submitted to and approved by the Planning Authority. The access and parking area shall be retained in perpetuity and the access shall not be subsequently closed off notwithstanding the General Permitted Development (Scotland) Order 1992 (as amended 2011) or any subsequent amendment or Order  
Reason: To ensure the development is adequately serviced with off-street parking
- 7 Notwithstanding the General Permitted Development (Scotland) Order 1992 (as amended 2011) or any subsequent amendment or Order, no further development comprising an extension or alteration materially affecting the external appearance of the approved dwellinghouse or erection of building or other structure within its curtilage shall be undertaken without a planning application for the same having first been submitted to and approved by the Planning Authority  
Reason: To safeguard the amenity of neighbouring properties
- 8 Any noise emitted by external heating units shall not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2  
Reason: To protect the residential amenity of nearby properties.

### Informatives

It should be noted that:

- 1 If the development requires adjustment to address Building Warrant requirements, amendments may require a fresh planning application unless these are non-material. Of particular note in that regard is the driveway gradient and potential surface water run-off into the site from the road
- 2 The colour of the main wall render should be relatively subdued, such as cream
- 3 Removal of trees should avoid the bird breeding season (March-August) unless trees are first checked for bird nests. Breeding birds are protected under EU and UK habitat legislation

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