

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING  
AND REGULATORY SERVICES**

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

**REF :** 14/00371/AMC

**APPLICANT :** Mr Craig Richardson

**AGENT :** Hunter Architecture

**DEVELOPMENT :** Approval of matters in all conditions of outline planning consent  
11/01656/PPP

**LOCATION:** Site East Of Friarshaugh  
Gattonside  
Scottish Borders

**TYPE :** AMC Application

**REASON FOR DELAY:** No Reason

---

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
1060.PL.0 REV A	Location Plan	Approved
1060.PL.5 REV A	Block Plans	Approved
1060.PL.2	Floor Plans	Approved
1060.PL.1	Floor Plans	Approved
1060.PL.3 REV A	Elevations	Approved
1060.PL.4	Elevations	Approved
1060.PL.6 REV A	Sections	Approved

**NUMBER OF REPRESENTATIONS: 1**  
**SUMMARY OF REPRESENTATIONS:**

One representation raises concerns regarding the position of the driveway and house within the site, due to concerns regarding loss of privacy and disturbance. Seek its relocation further up the field.

**Consultations**

Community Council: No comments

Roads Planning Service: The new access has been positioned at the best location with regards to topography, its location keeping any earthworks to a minimum, and it uses the contours of the site to its best advantage. Any alternative route is likely to require significant earthworks, as well as disturbing tree roots which may lead to the removal of some trees

Landscape Service: The trees outwith the site to the west need to be included in the tree survey. They are included as part of the TPO. Standard protective fencing as per BS5837 should be conditioned to protect all retained trees around the construction site for the duration of the build. Recommendations from Robert Gray's report in terms of removals are agreed. There will be sufficient retained tree cover to protect the amenity of the area and the integrity of the TPO. The replacement planting indicated in

Robert Gray's report is acceptable. To become a viable condition, details of proposed species, numbers, specification etc are required.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Consolidated Local Plan 2011

G1, BE1, NE3, NE4, EP1, EP3, H2, INF4, INF5, INF6, D2

SPGs

Countryside Around Towns 2010

Trees and Development 2008

Landscape and Development 2008

Placemaking and Design 2010

New Housing in the Borders Countryside 2008

Guidance on Householder Development 2006

Historic Scotland Guidance – Setting 2010

**Recommendation by** - Carlos Clarke (Principal Planning Officer) on 16th May 2014

This application seeks approval of all conditions imposed on 11/01656/PPP which granted consent for the erection of a single dwellinghouse on this site.

The site is located east of Gattonside, within an established group that includes Friarshall, a Category B Listed villa, to the west. It includes mature trees at its raised northern end subject to Tree Preservation Order. To the east is an existing access road serving neighbouring houses and to the south are open undeveloped fields.

Condition 1: This limits the period for submitting AMC applications. This application has been submitted within the three year timescale of the PPP. There is no time limit on commencing, so the standard 2 years from AMC approval should be issued under this approval. I would note the site boundary doesn't quite tally with the PPP but the differences are immaterial.

Condition 2: This covers layout, siting, design/appearance, access and landscaping matters. The key issue with the design and layout of the site has been protection of trees. The application has been supported by a tree survey (and later submission of information on trees outside the site to the west). Only one tree would be affected, and it seems that a protective fence can be routed to protect the remaining trees. Tree thinning is also proposed within the woodland. I have liaised with our landscape service and they are content with the recommendations in the survey report. Replacement planting is proposed to the east, though more detail is required and this can be covered by conditions.

The house is proposed on the lowest level possible within the site. There are level changes and the sections and plans aren't wholly consistent. However, no retaining walls are proposed, and the level changes aren't considerable, and can be evened out as part of a landscape scheme. The positioning of the house is appropriate in my view with respect to the arrangement of the group, and the layout is not dissimilar to others here, with a detached garage. There is also a variety of building types and scales here. The overall form and design is appropriate to this variety. I did have (and still do have) concerns regarding the overall scale of the building and its parking area. However, there is very limited public exposure of this site, any external views being from significant distance to the south. It will also relate comfortably to the plot size and its positioning means it will not interrupt the setting of the Listed Building to the west, even if it competes with it in terms of scale. The applicant has reduced its height a little during the course of the application, and this is welcome. Ultimately, given the limited public visibility, and the setting of the site and existing variety of building types/scales, I would consider it agreeable, on balance.

Slate, render, stone and timber cladding is proposed, and exposed rafter ends. This approach to materials/details would be appropriate in this setting. Conditions can cover final specifications.

The submission includes a landscape plan including hedging and planting to the east and post/wire fencing to the south, though it is unclear regarding treatments of other boundaries, and the details of the landscaping needs more fully specified. A condition can cover these aspects.

The RPS is content with the access proposal.

In terms of neighbouring amenity, though I acknowledge the neighbouring concern regarding the access position, this is the most appropriate position in terms of level changes, visibility, and taking access from the north is not practical due to the impacts on trees and required level changes. The driveway has been orientated away from direct line of sight into the neighbouring property and planting as proposed will also reduce any potential glare from headlights. Noise disturbance from a single private driveway entrance will be low and infrequent and is not a matter that can be determinative, particularly as this access avoids the alternative of encroaching on the TPO.

The house itself will not harm neighbouring amenity by way of outlook, daylight, sunlight or privacy loss due to the distances between it and its neighbours. That said, the applicant has revised the garage and house during the course of the application such that they are 1m and 2m respectively further from the neighbours who submitted representation. Though closer to the westerly neighbour, intervening trees and distance suggest to me that this change, in this particular case, has no material consequence and can be incorporated in this application and its determination.

In terms of ecological impacts, the site has no designations and few trees will be lost. The PPP did not specify any requirements as regards ecology, but given that trees are to be removed, an informative is noted to advise the applicant of their obligations as regards bats/birds before removing trees.

Condition 3: This requires details of water supply, foul and surface water drainage. Water supply will be from the mains. The route is proposed through the trees, but there appears to be no technical reason why that is necessary. A condition can require that the route avoid the trees. Foul drainage would be to septic tank and soakaway in the applicant's field below, and onto watercourse. The application included a letter from SEPA authorising discharge. The matter is a BS issue technically, but it appears that a foul drainage scheme is capable of being provided and this is sufficient for planning purposes. Regarding surface water, this will soakaway and this is again a BS matter. Gravel surfacing is proposed for the parking area. The information is limited, but indicates the scheme is based on SUDs principles. A condition can secure agreement on the parking area/driveway finish (thus ensuring porous finishes excepting the junction point).

Condition 4: This requires two car spaces to be provided before occupancy. Sufficient parking is proposed within the layout.

## **REASON FOR DECISION :**

This application satisfies Conditions 1 – 4 of consent 11/01656/PPP, subject to compliance with the schedule of conditions

### **Recommendation:** Approved - conditions & informatives

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this approval  
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 The development shall be implemented in accordance with the plans and drawings approved under this consent, unless specifically amended by any condition in this schedule.  
Reason: To ensure the development is carried out as approved, in a manner consistent with the schedule of conditions

- 3 Before development commences, samples of all materials to be used on all exterior surfaces of the development hereby permitted, including the dwellinghouse and garage, and including external colours, shall be submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved materials/finishes and colours  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting
- 4 Only trees 7, 9, 11 and 23 shall be felled. All other trees shall be retained and protected by a fence (compliant with BS5837:12) which shall be erected along the Root Protection Areas identified in Robert Gray's Arboricultural Report March 2014 and additional information (email 13th May 2014). The fence shall be erected before the development commences and shall not be removed until development is complete. No works shall be carried out within the protected area with the exception of removal of spoil around trees 14-16, and unless otherwise agreed with the Planning Authority  
Reason: To protect trees of amenity value, including those subject to Tree Preservation Order
- 5 No development shall commence until a full specification for all landscaping and boundary treatments have been submitted to and approved by the Planning Authority. The landscaping shall include the location, species and numbers of hedging and tree planting within the site; grading (in order to minimise gradients) and reseeding of altered ground levels; and an implementation timescale and maintenance scheme for the planting. Details of boundary treatments shall include the route, height and specification of any walls/fences not illustrated on the approved block plans and no walls/fences shall be erected as part of the development unless their details have first been approved by the Planning Authority under this condition. The development shall be carried out in accordance with the approved specifications.  
Reason: To integrate the development sympathetically with its setting and minimise effects on neighbouring amenity
- 6 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced and drained before the dwellinghouse is occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. A detailed specification of the surface materials for the access junction and driveway/parking area shall be first agreed in writing with the Planning Authority. Surface water drainage shall dispose to soakaway as illustrated on the approved block plan and/or via porous finishes, in a manner that does not affect road safety or increase run-off to neighbouring properties  
Reason: To ensure the dwellinghouse is served by at least two off-street parking spaces in the interests of road safety, and to ensure that surface water drainage is treated in a sustainable manner within the site and applicant's land
- 7 The water supply connection shall be to the public mains and, notwithstanding any reference otherwise on the approved plans/drawings, the route of the supply shall be sited outwith the Root Protection Area of trees which shall be protected in accordance with Condition 4. If a private water supply is required, a report, by a suitably qualified person, shall be submitted to and approved in writing by the Planning Authority before development commences demonstrating the provision of an adequate private water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the dwellinghouse hereby approved  
Reason: To ensure the development can be adequately serviced

### Informatives

It should be noted that:

- 1 Tree removal should be undertaken outwith bird breeding and bat activity seasons (March to September) unless the trees have first been inspected for bats or breeding birds. If either is found, no removal should be undertaken until further advice on how to proceed is obtained from Scottish Natural Heritage
- 2 If a private water supply is chosen for the development, the provision of the following should fulfil the requirements of the relevant condition:

1. A description of the source(s) of the supply – i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
2. The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
3. The name and address of every relevant person in relation to the supply.  
NB. A “relevant person”, in relation to a private water supply, means a person (or persons) who: (a) provide the supply; (b) occupy the land from, or on which, the supply is obtained or located; or (c) exercise powers of management or control in relation to the supply.
4. The estimated maximum average volume of water provided by the proposed supply, in cubic metres per day (m<sup>3</sup>/day), and the details of any pump tests/flow rate tests undertaken to determine this estimate.
5. Any treatment that is intended to be carried out in relation to the proposed supply for the development.
6. Where there are existing users of the proposed supply, the addresses of all of the properties that are to be served thereby and the purpose(s) for which the water is supplied – i.e. for domestic use or as part of a commercial/public activity.
7. Where there are existing users of the proposed supply, the existing and proposed occupancy levels of all of the properties that are to be served thereby, as far as is reasonably practicable.  
NB. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of occupancy levels.
8. Where there are existing users of the proposed supply and/or there are other properties’ water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.), a report advising if and how the proposed development will impact on the existing users and/or the other properties’ water supplies.

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