

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 17/00857/FUL

**APPLICANT :** Mr Drew Glendinning

**AGENT :** Aitken Turnbull Architects Ltd

**DEVELOPMENT :** Erection of dwellinghouse

**LOCATION:** Land North East Of Westcote Farmhouse (Plot 3)  
Hawick  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:** Negotiation

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
L(-1)001	Location Plan	Approved
L(-1)101 B	Site Plan	Approved
L(-2)101	Elevations	Approved
L(-1)002	Existing Layout	Approved
L(-2)102	Sections	Approved
L(-1)102	Other	Approved

**NUMBER OF REPRESENTATIONS: 2**

**SUMMARY OF REPRESENTATIONS:**

One representation has been received in response to the public consultation, which does not object to the proposals, but does raise the following concerns with respect to parking provision and vehicle movements at the site and within the surrounding area:

- (i) visitor car parking required under Planning Condition No 6 attached to Planning Consent 10/00938/FUL has not been completed; while the current site includes land previously shown to accommodate three visitor parking spaces within a scheme consented under Planning Consent 08/00218/FUL. The concern is that the development of the current site would result in there being no available land for visitor parking despite there already being six inhabited properties at the site; and
- (ii) land within Plot 3 is required to accommodate the movement of larger vehicles - including emergency services and delivery vehicles.

DENHOLM AND DISTRICT COMMUNITY COUNCIL: no comments or objections.

ROADS PLANNING SECTION: initially responded to advise that there was a lack of detail to support this application in terms of access arrangements. This identified a need for a scheme of details requiring to be submitted showing: (i) the upgrading of the junction of the private access road with the A698 to provide a properly tarred area (specification provided) free of loose material with adequate drainage in place to prevent the flow of water onto the main road; (ii) access road improvements, from the A698 to the building group, in order to provide a well compacted, smooth, free draining running surface capable of withstanding a minimum axle loading of 14 tonnes; (iii) adequate means of passing

provision for vehicles on the access road; (iv) details of service delivery arrangements and visitor parking for the overall development; and (v) construction details for the formation of the associated parking and turning area for the proposed dwellinghouse on the plot. A site meeting with the Roads Planning Section was offered and recommended. The Applicant did take up this opportunity, and ultimately presented a revised site plan and an additional drawing relating to proposed works on the wider road network. Roads Planning has reviewed these amended and updated details, and has advised that the details contained within drawings AT2804-L(01)101A (that is, revision A) and Drawing AT2804-L(-1)102 address the comments raised through the consultation response. The only additional concerns are, firstly, that the works adjacent to the A698, which are within the public road boundary should be carried out by a contractor first approved by the Council; and secondly, that all the improvement works detailed, should be completed prior to occupation of the proposed dwellinghouse, and then, thereafter be maintained in perpetuity. Providing these points are incorporated into any planning consent, Roads Planning advises that it would not object to this application.

**ENVIRONMENTAL HEALTH:** the Contaminated Land Officer sought and reviewed details about historic land use and contamination, and was ultimately able to support the proposals based on the information provided. With regard to amenity and pollution concerns, Environmental Health has considered the potential for nuisance impacts affecting drainage, water supply and air quality. With respect to private drainage, it notes the concern that foul waste should be disposed of, via a connection to the existing septic tank of plot 2; and a condition is recommended to require that no development should commence until the Applicant has provided evidence that arrangements are in place to ensure that the private drainage system would be maintained in a serviceable condition. This is to ensure that the development does not have a detrimental effect on amenity and public health. Environmental Health recommends a related informative, to clarify that the Applicant should produce documentary evidence that the maintenance duties on each dwelling that would be served by the system, have been clearly established by way of a binding legal agreement; with access rights specified. With respect to water supply, it is noted that the development is to be serviced by a mains water supply; but a condition is also sought, that no development should commence until it has been confirmed to the satisfaction of the Planning Authority that the public mains water supply is available, and can be provided for the development. This is 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. Finally, an informative is recommended to advise with regard to the installation and operation of a solid fuel burning appliance.

**EDUCATION & LIFELONG LEARNING:** has confirmed that the site is within the catchment area for Denholm Primary School and Jedburgh Grammar School; and that a contribution of £2,438 would be sought for the Primary School.

**OUTDOOR ACCESS OFFICER:** advises that Core path 128 runs along the track adjacent to the proposed dwellinghouse, and is promoted in a booklet entitled "Paths around Hawick ", as: Route 4: Hornshole, Ormiston and Cavers. It is further advised that the development has implications for the ability of the public to exercise rights of access along this path, in that it is possible that boundary fencing, if constructed, and depending on the location and design etc., may affect path users. It is essential that rights of access are not obstructed and that the public continue to enjoy access to the paths without risk from machinery, ground disturbance or any other aspect of development works. It is advised that the boundary treatment of the development could moreover, define the edge of the access route and if this is planned, then appropriate width for use by all users could be allowed. It is important that the access is visually separate from the garden ground of the proposed dwelling so that the public continue to feel welcome to use it. Therefore a clear drawing showing the measurement of the track, and a clear location of the start of the garden ground should be required. Planning conditions are recommended to require that: Core Path 128 be maintained open and free from obstruction during development; the public access should not form part of the curtilage of the property; during and after development there should be a clearly defined location of the boundary of the garden of the property where it is adjacent to the land allocated for the Core path, ensuring sufficient width for access for agricultural vehicles; and no additional stiles, gates steps or barriers to access, be erected that could deter potential future use of the public footpath. This is to protect general rights of responsible access. It is advised that general advice should be appended to advise with respect to rights of responsible access in the surrounding area.

HEALTH & SAFETY EXECUTIVE: has been consulted, but has not responded to the public consultation.

## **PLANNING CONSIDERATIONS AND POLICIES:**

LOCAL DEVELOPMENT PLAN - Adopted Scottish Borders Local Development Plan (2016)

PMD1: Sustainability  
PMD2: Quality Standards  
HD2: Housing in the Countryside  
HD3: Protection of Residential Amenity  
EP5: Special Landscape Areas  
IS2: Developer Contributions  
IS5: Protection of Access Routes  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment and Sustainable Urban Drainage

## **SUPPLEMENTARY PLANNING GUIDANCE**

Placemaking and Design (2010)  
New Housing in the Borders Countryside (2008)  
Development Contributions (2016)  
Householder Development (2006)

**Recommendation by** - Stuart Herkes (Planning Officer) on 9th July 2018

This is an application I have taken over from a previous planning officer.

## **BACKGROUND AND PLANNING CONTEXT**

Full planning consent is sought for the erection of a single detached dwellinghouse on a centrally-located site within the building group at Westcote Farm. New-build dwellings have now been completed on Plots 1 and 2 to the north and west. Numerically, the building group has capacity to accommodate a new dwellinghouse within the current development plan period.

This proposal has been considered against the policies and proposals of the statutory development plan, and its supporting guidance notes, and I am content that it would not have any unacceptable impacts upon the amenity or environment of the site or surrounding area, subject to certain specified matters (identified below), being regulated under appropriately worded planning conditions. Critical considerations in respect of the assessment of this application are as follows:

The specific site is within the centre of the building group on land within the former farmyard and would accord with the compact form of the building group. Properties have different orientations with respect to principal elevations, so the proposed orientation is acceptable.

## **RESIDENTIAL AMENITY**

With respect to residential amenity, developments on 'Plot 1' (to the immediate west) and 'Plot 2' (to the immediate north) have substantially anticipated the development of a house on this site at 'Plot 3'; while the Applicant is resident in 'Westcote Farmhouse' to the south. Taking account of this and the angles and distances of set back, the proposal would not have any unacceptable impacts upon the residential amenity of any surrounding properties.

## **DESIGN, MATERIALS AND FINISHES**

A design more in line with those of the properties on 'Plot 1' (12/01395/AMC) and 'Plot 2' (15/01380/FUL) would have been more sympathetic to the character and context of this building group in being buildings of a more ancillary character, more likely to be 'read' as converted farm steading buildings and such. The current proposal however, is overtly domestic in character (including two storeys and dormers), and as such,

would be liable to be 'read' as a farmhouse, particularly in such a central location relative to surrounding buildings. This impression is undermined to some extent, by the limited curtilage of this property; the lack of a chimney; and the exaggerated horizontal emphasis and prominence of the Northeast Elevation. Ideally, these points could have been addressed within the design. However, on balance, and subject to the materials and finishes being traditional and in line with surrounding buildings, I am content that the appearance would not be unacceptable in the context of what is reasonably 'read' as new-build within the setting of a former farm steading.

Given that this would be a higher, and central property, I would consider it reasonable and necessary, that it should have a slated roof (as is proposed), which should be maintained in perpetuity. The flue should be finished in a matt dark grey colour.

Given the domestic character of the building, the fenestration does not raise any concerns. However, stronger mullions should be incorporated into the dormer windows, in line (or at least, more in line) with the proposed appearance of the ground floor windows. This would give these windows a more appropriately traditional appearance (certainly counteracting what would otherwise make the upper windows appear notably horizontal in their emphasis). This would also make the design more consistent in its detailing. I note that the windows would be casements, and uPVC of a colour still to be decided. While none of this is objectionable per se, there is a concern that the appearance of the windows might be let down by poor quality detailing and finishing which does not have any traditional aspects at all, particularly if the glazing bars were internal. This might give the property an incongruous 'suburban' appearance, and therefore the details of the windows should be regulated.

The eaves detailing is sympathetic to a traditional and rural character, but an odd detail is a horizontal line on the Northeast Elevation between the roofs of two of the dormers. This suggests potential for these to be within, or incorporated into, some box dormer feature with a slated wall. Such a feature is not however described on the roof plan or on the 3D drawings. However, this detail on the elevation drawing is incongruous, and should be regulated to ensure that the approval of the elevation drawing is not the basis for the construction of a flat-roofed, slate-clad box dormer feature accommodated between two dormers within such a prominent view.

## LEVELS AND LANDSCAPING

The levels information provided on both the site plan and the sections drawing, is generally good in its detail and coverage, and the fact that it is informed by GPS data (according to the site plan) even identifies the unit of measurement. The actual ground works described, also raise no concerns with regard to the accommodation of finished levels relative to existing levels. One concern however is that the identified datum points ('GPS1' and 'GPS2') relate to land that is liable to be altered by the proposed or neighbouring developments, such that the heights of the surfaces which inform the survey provided, might not be available at a later point in time, to enable the results to be cross-referenced. Subject to a suspensively worded requirement under planning condition that the levels survey be related to a surface that would remain the same either side of construction works, I am content that there would be no requirement for any new levels survey.

With respect to landscaping, the site is surrounded by buildings. Therefore I am content that full landscaping details beyond what is shown, are not reasonably required for landscape and visual purposes, and that the occupiers might reasonably be allowed to design and stock the garden areas.

With regard to the boundary treatment, the proposal that a 0.9m high fence should be established meandering around the front garden area, hard up against the boundaries of the private road and access road (including the two junctions to the northwest and southeast), would give an overly severe and incongruous appearance in the context of a rural building group. Moreover for practical reasons relating to vehicle movements, particularly in the vicinity of the junctions, some set back of the fence from the road would be in the interests of traffic movement and road safety. This aspect of the proposal would therefore reasonably be reconsidered, and required for prior approval. This concern that the development should not encroach onto public rights of access, has also been picked up by the Council's Outdoor Access Team.

## ACCESS AND PARKING

The Roads Planning Section raised concerns within its first consultation response, detailing matters that it would require to be addressed to its satisfaction in order to support the planning application. Its concerns were largely addressed within a revised site plan, and an additional drawing, which describes works off site, at the junction between the access road and the A698 on additional drawing L(-1)102. However, Roads has further advised that its agreement is subject to all the improvement works detailed being completed prior to occupation of the proposed dwellinghouse; and its concern that these should thereafter be maintained in perpetuity.

With respect to the works sought by Roads, it is reasonably required that the site access and parking arrangements within the site boundary should be completed and be made available for use by residents before the first occupation of the dwellinghouse. However, while it would reasonably be required that the junction with the A698 should be upgraded to accommodate the increase in traffic (in the same way that a new passing place might have been required in similar circumstances), it would not be practical, reasonable, necessary or enforceable, to require works along the 600m of intervening private road in between. Furthermore, any continued requirement for the maintenance and repair 'in perpetuity' of the same junction and stretch of road, would be unnecessarily and unreasonably onerous, particularly since this would be held against a single household, to the benefit of all other road users. (There would also be no practical way under a planning condition, of establishing the timings, scope and requirements for all future repair works to be carried out by that household, in any way that was liable to be enforceable in planning terms).

The identification of a turning head to the north of the site, has addressed Roads' concern that there is sufficient provision to manage the turning of larger vehicles at the building group. However, this turning head coincides in part, with land that is within the curtilage of 'Plot 2', including land which is to be used for the accommodation of that property's parking and turning provision; as well as one of the three visitor parking spaces. The delivery and maintenance of Plot 2's parking spaces is also required under conditions attached to Planning Consent 15/01380/FUL. As such, there would strictly speaking, be a conflict between, on the one hand, the provisions of Planning Consent 15/01380/FUL, and on the other, any conditions that might be attached to any planning consent issued ulterior to the determination of this current application, which sought to hold the Applicant to the achievement of the turning head described by the hatched area.

Notwithstanding that the hatched area is in any case, entirely out with the site boundary (and out with the public road verge), it does not appear that there are any other realistic options to re-accommodate the turning head any differently, to what is shown. Conversely, I would note that the layout of parking and turning within Plot 2 is actually readily capable of being reconfigured to allow for the achievement and maintenance of the turning head described. Ultimately it is up to the owners of Plot 2 to ensure that they are able to comply in full with the requirements of Planning Consent 15/01380/FUL - and some potential does exist for a revised layout (showing the parking and turning areas re-accommodated elsewhere on the site). It is far from ideal to be supportive on the grounds that the principle of a non-material variation to another planning approval should be agreeable. However, there is a need to be pragmatic in the circumstances with regard to how an appropriate and operational turning head is in fact accommodated, and an informative might reasonably point out the need for the matter to be resolved within a revision to the layout of Plot 2.

I notice the neighbour's concerns within his representation with respect to a loss of parking spaces on the site and in the surrounding area, and about the movement of larger vehicles along the access track to the south of the site. With regard to the latter point, Roads has not raised any concerns about any need for any alteration to that specific access, to accommodate larger vehicles in the way anticipated by the neighbour.

With regard to the former point, the visitor parking provision that is to be delivered under the planning consent for Plot 2 (15/01380/FUL) is only appropriately regulated under that same consent (notwithstanding the need for one of the spaces to be re-accommodated, if the turning head is to be retained).

Contrary to the advice of the neighbour, there is no direct requirement that the current application site, or any part thereof, should be kept as parking provision. I do notice that part of the site (its southeast corner, specifically) was previously shown to accommodate parking spaces on some previous location plan drawings relating to other planning consents previously issued. However, this is only reasonably taken as indicative, given that the land lay out with the site boundaries of these other consents. Ultimately, the Roads Planning Section has taken account of circumstances on site and in the surrounding area. I am content therefore that the concern that sufficient parking and turning for the site and wider area, can be achieved.

Roads' advice with respect to contractors is reasonably appended as an informative.

## ACCESS AND RIGHTS OF WAY

The Outdoor Access Officer advises that Core Path 128 runs along the track adjacent to the proposed dwellinghouse, and anticipates that the development has implications for the ability of the public to exercise rights of access along this path, in that it is possible that boundary fencing, if constructed, and depending on the location and design etc., may affect path users. Planning conditions are recommended to require that the Core Path 128 be maintained open and free from obstruction during development; and to advise that the public access should not form part of the curtilage of the property. Notwithstanding these concerns however, Rights of Way are protected legally. Therefore, while the position and design of fencing would require attention (indeed, a condition to address this concern has already been proposed above with respect to the finished landscaped appearance of the site), an informative would suffice to address the concern with respect to the protection of the Rights of Way.

## WATER SUPPLY AND DRAINAGE

The submitted application form advises that the proposal would require private drainage arrangements; foul drainage being specifically via a new connection to an existing septic tank which serves Plot 2, with outfall to a soakaway; and surface water drainage via a Sustainable Urban Drainage System. The water supply would be via the public mains.

Environmental Health seeks a condition to require that no development should commence until the Applicant has provided evidence that arrangements are in place to ensure that the private drainage system would be maintained in a serviceable condition.

With respect to water supply, Environmental Health seeks a condition that no development should commence until it has been confirmed to the satisfaction of the Planning Authority that the public mains water supply is available, and can be provided for the development.

Taking account of the advice given, all matters are reasonably regulated under standard planning conditions suitable to the circumstances of the proposed provision.

## OTHER CONCERNS

There are no land contamination concerns. Environmental Health recommends an informative to advise with regard to the installation and operation of a solid fuel burning appliance.

The Applicant has agreed to the collection of a contribution under a Section 69 Legal Agreement.

## CONCLUSION

Subject to a legal agreement to collect the requisite development contribution, and subject to the imposition of conditions and informatives to address the concerns highlighted above.

## 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 Notwithstanding the description of the approved drawings, the development hereby consented shall not be commenced until a revised version of Approved Site Plan Drawing L(-1)101 B, has first been submitted to, and approved in writing by, the Planning Authority, which shows:  
(a) the proposed finished levels and the existing levels that are already described on Approved Site Plan Drawing L(-1)101 B, all described relative to a clearly identifiable datum point, or clearly

identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights of the proposed finished levels, and existing levels, relative to the level of the existing streetscape. [For the avoidance of doubt, the concern is that the levels described on Approved Site Plan Drawing L(-1)101 B should be described relative to a level or levels relating to a hard surface which is not to be impacted by development; as is liable to be the case with the given GPS points]; and

(b) the perimeter fencing shown re-sited, so as to be set back at least 0.25m from the property boundary at all points along its course, where it lies adjacent to the road or any vehicular access(es) to establish a verge (with a width of at least 0.25m) between the garden and the adjacent road/vehicle access.

Following approval of this revised site plan drawing, the development shall thereafter only be implemented in accordance with the approved details and a verge with a width of at least 0.25m shall be maintained at all times, at all points between the perimeter fence and the adjacent road and vehicular access surfaces.

Reason: To ensure that the consented development does not have any unacceptable impacts upon the amenity of neighbouring properties and/or any detrimental impacts upon the appearance of the surrounding landscape and/or upon the sense of place of the building group, as a consequence of the ground levels within the site being raised or lowered to any inappropriate heights; and to ensure that the boundary fencing is sited so as to be sympathetic to the character and visual amenities of the site and surrounding area and does not present any obstacles to road safety within the surrounding area.

- 2 The dwellinghouse hereby consented shall not be occupied until parking and turning provision for at least two vehicles, excluding garages, has first been provided within the site. This provision shall thereafter be retained in perpetuity within the curtilage of the dwellinghouse hereby approved. Reason: In the interests of road safety, appropriate arrangements for the accommodation of vehicles accessing, and parking at, the site requires to be in operation from the time of the first occupation of the house, and the parking provision thereafter retained in perpetuity.

- 3 Unless otherwise agreed in writing by the Planning Authority in advance of the commencement of development, the water supply requirements of the site shall be met by the public mains. (Please see Informative Note 1). Furthermore, the dwellinghouse hereby consented shall not be occupied until its water supply is first fully functional. Reason: To ensure that the development is capable of habitation at the time of its first occupation.

- 4 Surface water drainage shall be designed to comply with PAN 61 and CIRIA SUDs manual C697, and shall be designed and installed to maintain surface water run-off from the site (including from all areas of hard standing) at, or below, greenfield levels. Further, the dwellinghouse hereby approved shall not be occupied until the surface water drainage system has been completed and is fully functional. Reason: To ensure the sustainable disposal of surface water and avoid additional run-off from the site to neighbouring properties.

- 5 Notwithstanding the details submitted in support of the planning application, no works shall be commenced until details of the proposed foul drainage arrangements have first been submitted to, and approved in writing by, the Planning Authority. These shall include details of how these arrangements would be maintained in a serviceable condition in the long-term. Following approval, the foul drainage arrangements shall be implemented, and thereafter maintained, in accordance with the approved details. Further, the dwellinghouse hereby approved shall not be occupied until the approved foul drainage system is complete and is fully functional. Reason: To ensure that the site is adequately serviced and fit for habitation prior to its occupation.

- 6 The external roofing material of all roofs of the dwellinghouse hereby consented, shall be natural slate, which shall thereafter be maintained in perpetuity as the external roofing material of all roofs of the dwellinghouse hereby consented. Further, the external surfaces of the flue shall be, or shall be finished, uniformly in a matt black or a matt dark grey colour, at the time of the installation of the same flue. Otherwise:

(a) the finished appearance (including materials and finished colours) of all other proposed external surfaces of the development hereby consented; and

(b) the design and appearance of the proposed window units (including material, colour, opening mechanism, and glazing pattern), shall all conform with a scheme of details that shall itself, first have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is sympathetic to the character of the building group and visual amenities of the site and surrounding area.

- 7 Notwithstanding the description of the North East Elevation on Approved Drawing L(-2)101, each of the dormers so described shall be genuinely discrete features, separate from one another; and shall not be constituents within any larger box dormer feature(s). [This is notwithstanding the presence of a horizontal line connecting the ridges of the roofs of two of the dormers within the description of the North East Elevation].

Reason: To retain effective control over the development and ensure an appearance which is as sympathetic as possible to the character of the rural building group.

- 8 The dwellinghouse hereby consented shall not be occupied until the road access improvements described by Approved Drawing L(-1)102; including the upgrade of the road junction with the A698; have all first been completed in accordance with a scheme of details, which:

(a) includes a detailed drawing in plan of the proposed works to upgrade the junction of the access road with the A698; and

(b) has first been submitted to, and approved in writing by, the Planning Authority.

[For clarity, thereafter, the road access improvement works shall have been completed in accordance with the approved details ahead of the first occupation of the dwellinghouse hereby approved].

Reason: In the interests of road safety, appropriate arrangements for the upgrade of vehicular access to the site require to be completed before the dwellinghouse hereby consented is occupied.

### Informatives

It should be noted that:

#### 1 INFORMATIVE NOTE 1:

With regard to Planning Condition No 3, in the event that the development is to be serviced by a private water supply, the Developer will need to provide details to demonstrate that the supply will be adequate for the size of the development and will not affect other supplies in the vicinity.

This will involve the provision of the following information:

1. The type of supply i.e. borehole, spring, well etc.;
2. The location of the source by way of an 8 digit reference number;
3. Details of other properties on the supply (if the supply is an existing one);
4. Estimated volume of water that the supply will provide (details of flow test);
5. Evidence that this supply will not have a detrimental effect on supplies in the area;
6. Details of any emergency tanks;
7. Details of treatment to be installed on the system; and
8. Details of any laboratory tests carried out to ensure the water is wholesome (has the supply been tested; did it pass).

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three day's worth of supply, in order to allow for supply interruption/failure.



## 2 INFORMATIVE NOTE 2:

The operation of a solid fuel heating appliance can give rise to smoke and odour complaints which may be actionable under Environmental Health legislation. This is regardless of whether or not a flue has planning permission or is the subject of a Building Warrant. Neither Planning Consent nor Building Warrant approval would indemnify the owner in respect of any potential Nuisance action.

Appropriate precautions should therefore be taken to avoid problems arising in this case. Please note however, that the Planning Department should be re-consulted about any proposed changes to the consented flue before these are implemented.

Environmental Health has provided the following additional advice with regard to the operation of the stoves, to help avoid any smoke and odour nuisance impacts:

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.

## 3 INFORMATIVE NOTE 3:

The Council's Outdoor Access Section notes that Core Path 128 runs along the track adjacent to the site, and is promoted in a booklet entitled "Paths around Hawick ", as: Route 4: Hornshole, Ormiston and Cavers.

Please note that it is a statutory requirement that this Right of Way is maintained open and free at all times. No part of the Right of Way should ever be included within, or enclosed within, the residential property hereby approved.

The Council's Outdoor Access Section should be contacted in the event of any concern to close or obstruct the Right of Way during the period of development. This is to ensure that any and all appropriate temporary arrangements required, are put in place to allow the Right of Way to continue in operation at that time; and to ensure that these arrangements are appropriate for the purpose of maintaining public access along the Right of Way.

## 4 INFORMATIVE NOTE 4:

Please note that the layout of the turning head described on the Approved Site Plan Drawing L(-1)101 Rev B conflicts directly with the layout of the residential property on 'Plot 2' approved under

Planning Consent 15/01380/FUL; specifically with respect to the accommodation of both this other property's parking and turning provision, and one of the three visitor parking spaces.

It appears that all of the above noted matters could be readily addressed within a revised layout for Plot 2; and potentially also as the subject of a non-material variation (depending of course, on how precisely it were proposed that the parking provision should be re-accommodated within the site, which would need to be reviewed by the Planning Authority). However, and notwithstanding this potential, this discrepancy is not itself reasonably a matter that is capable of regulation under the current planning consent. Any proposed non-material variation to amend the layout of Plot 2, would need to be proposed by the developer of Plot 2, and in direct relation to (and with direct reference to) Planning Consent 15/01380/FUL.

Ultimately, it is the responsibility of the developer of Plot 2 to ensure that they are developing in accordance with details that accord in full with the provisions of the planning permission that is regulated by Planning Consent 15/01380/FUL. Accordingly, any submission to regulate the position with respect to the accommodation of parking and turning provision within Plot 2, requires to be addressed by the developer of Plot 2.

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