

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/00143/PPP

APPLICANT : Robin And Carole Lawrie

AGENT :

DEVELOPMENT : Erection of dwellinghouse (renewal of previous application 14/00917/PPP)

LOCATION: Land East Of 5 East Gordon Farm Cottages
Gordon
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY: Legal Agreement

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|----------|-----------|-------------|
| | Site Plan | Approved |

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

CONSULTATIONS:

GREENLAW AND HUME COMMUNITY COUNCIL: No concerns or comments raised.

ARCHAEOLOGY OFFICER: Have nothing further to add to my comments on the previous consent. The recommendation for a watching brief condition remains valid. Previous advice was that "there may be archaeological implications associated with the development of this site. It is accordingly requested that top-soil stripping of the site should be monitored by a qualified archaeologist, conducting a watching brief. This should be subject to an agreed Written Scheme of Investigation, and the methodology in this employed during development. In the event that significant archaeology were discovered, it is advised that further investigation may be necessary."

EDUCATION AND LIFELONG LEARNING (ESTATES): No response received.

ENVIRONMENTAL HEALTH: The noted conditions in the EHO reply will ensure the development does not have a detrimental effect on nearby private water supplies, or impact on amenity in terms of drainage arrangements.

ROADS PLANNING SERVICE: Have no objections to the renewal of this consent.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of the direct postal notification of 4 neighbouring properties. Further publicity was undertaken by means of an advert in the Berwickshire News, and an advert on the national public notice website "Tell Me Scotland".

No objections or representations were received.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan (2016)

PMD2: Quality Standards
HD2: Housing in the Countryside
HD3: Impact on Residential Amenity
EP8: Archaeology
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS3: Developer Contributions Related to the Borders Railway
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards

Supplementary Planning Guidance

- New Housing in the Scottish Borders Countryside
- Placemaking and Design
- Development Contributions
- Householder Development

Recommendation by - Andrew Evans (Planning Officer) on 10th April 2018

SITE

This application relates to an area of agricultural land to the east of 5 East Gordon Cottages. This adjoins a row of terraced farm cottages located on the public road between Earlstoun and Gordon.

PROPOSED DEVELOPMENT

Planning Permission in Principle is sought for the erection of a single detached dwelling on the site.

POLICY PRINCIPLE/ BUILDING GROUP ASSESSMENT

The application requires to be assessed principally in terms of adopted policy and guidance on New Housing in the Borders Countryside. Policy HD2 of the Scottish Borders Local Development Plan 2016 sets out the Council position in terms of proposed new dwellings in rural locations. Planning permission in principle was previously granted for the erection of a dwelling on the site, most recently under application 14/00917/PPP. The site represents an acceptable addition to an existing building group. There are six existing dwellings located in the vicinity, 4 of which form a building group with this site. The immediate cottages numbered 1-5 comprise three dwellings, and a further dwelling in the group is located at Kircal, to the North West. These comprise an existing building group, and there is capacity in the group to expand. The dwellings at The Steading and The Garden Cottage are separated from the site by the road, and are not well related to it. These 2 dwellings are outside the group.

PLACEMAKING AND DESIGN

The proposed site relates well in terms of the plot dimensions relative to the dimensions of the adjoining plots. Design and materials will be given subsequent consideration, to account for the requirements of adopted Supplementary Planning Guidance on Placemaking and Design (January 2010).

ARCHAEOLOGY

The Council's Archaeology Officer confirms that he has nothing further to add to his comments on the previous consent. The recommendation for a watching brief condition remains valid. Subject to such a

condition, the development is considered acceptable in archaeological terms, and will comply with the requirements of policy EP8 of the LDP.

ROAD SAFETY

Road Safety is a material planning consideration. The Roads Planning Service was consulted on the application, and the RPS engineer advises of no objections. That was the only comment the RPS engineer provided. However I note the previous approval was subject to a planning condition requiring provision of suitable visibility splays at the site access. This road safety requirement for provision of splays remains the case. Suitable conditions are set out following this report.

AMENITY

Policy HD3 of the LDP seeks to ensure that development does not adversely affect neighbouring residential amenity. The Council has also adopted Supplementary Planning Guidance on Householder Development, which sets out the Council policy position in terms of amenity and privacy. The nearest dwellings are sufficiently distant from the site that I am satisfied the proposal would not affect the residential amenities of occupants of these properties. There are no other properties in the surrounding area that would be affected by the proposal. The adopted SPG on Householder Development also sets out minimum standards for garden space in planning applications for new housing. These can be achieved. These requirements will be assessed fully at AMC stage.

TREES, WOODLAND AND HEDGEROWS

I note the position of trees and hedging round the perimeter of the site. The site can be developed in a manner not impacting on any significant trees or hedges. These are self seeded brashy trees present in the site. These have no amenity value, and are too small to make subject to a tree survey. Their loss poses no concern. I am content the proposals comply with policy EP13 of the LDP on Trees, Woodland and Hedgerows. Detailed consideration will be carried out at AMC stage to ensure no adverse impact on or unnecessary loss of boundary hedging.

DRAINAGE AND WATER SUPPLY

The site is in a rural location outwith any settlement boundary and sewered catchment area. Policy IS9 of the Local Development Plan on Waste Water Treatment Standards and Sustainable Urban Drainage is relevant to this application. The Local Development Plan sets out that development proposals should make satisfactory arrangements for dealing with foul and surface water drainage. SUDS (Sustainable Urban Drainage Systems) principles should be incorporated in the development.

Water and drainage issues are controlled via the building regulations and planning conditions. In this case, suitable standard planning conditions are set out following this report, which should adequately deal with these matters, along with the other regulatory processes which have to be followed.

There has been no legislative or policy change which would justify the more onerous conditions requested by the EHO, in comparison to the most recent approval on this site. I have set out suitable conditions and informatives following this report. Subject to the noted conditions, I am content that the proposed development of a dwelling at this location will comply with the requirements of the LDP as per policy IS9.

DEVELOPMENT CONTRIBUTIONS

No reply was received from the Estates Service. The proposed development would notionally attract development contributions in terms of education. Policies IS2 and IS3 of the LDP, as well as the adopted SPG on Development Contributions set out the position in terms of contributions.

I note that the previous permission was subject to a legal agreement. This ensured that the required development contributions can now be collected. This agreement will require to be superseded to account for this fresh application and fresh contributions assessment. Currently, a contribution of £3,562 is required for Earlston High School.

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 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 No development shall commence until visibility splays of 2.4 x 215m in both directions from the site access onto the public road have first been achieved. These visibility splays shall be maintained throughout the period of construction works, and then, following the completion of the development, shall thereafter be maintained in perpetuity in accordance with the approved details.
Reason: In the interests of road safety, the identified visibility splays require to be achieved on site before the commencement of development and thereafter, require to be maintained in perpetuity, to ensure the safe access and egress of vehicles to and from the public road.
- 4 Notwithstanding the details submitted in support of the planning application, the development shall not be commenced until precise details of :
(a) the arrangements for surface water drainage treatment;
(b) the arrangements for foul drainage treatment; and
(c) water supply
have first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the surface water drainage treatment, foul drainage treatment and water supply shall all be completed in accordance with the approved details. The approved surface water drainage, foul drainage and the water supply shall all be functional prior to the occupation of the dwellinghouse hereby approved.
Reason: To ensure that the site is adequately serviced and fit for habitation prior to its occupation.
- 5 The dwellinghouse hereby consented shall not be occupied until on-site parking and turning provision for at least two vehicles, has first been completed and is available for use by the occupants.
Reason: In the interests of road safety to ensure that provision for the parking and turning of occupants' vehicles is complete and available for use prior to their occupation of the property.
- 6 The finished floor level(s) of the dwellinghouse and the finished ground level(s) within the curtilage of the residential property hereby consented, shall be consistent with levels indicated on a scheme of details that shall first have been submitted to, and approved in writing by, the Planning Authority prior to the commencement of development. Such details shall include:
(a) the height of the roof ridge of the existing cottage ('No 5 East Gordon Farm Cottages') to the immediate southwest of the site;
(b) the proposed finished floor level(s) of the consented dwellinghouse;
(c) the existing and proposed ground levels within the curtilage of the consented residential property; and

(d) 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 existing and proposed levels detailed in (a) to (c) above, relative to the level(s) of the existing public road.

Reason: To ensure that the consented development does not have any detrimental impact upon the appearance of the surrounding area or upon the amenity of neighbouring properties as a consequence of the levels within the site being raised to an inappropriate height.

- 7 No development shall commence until (a) the Developer has first secured a programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining a Watching Brief to be conducted in relation to all top-soil stripping of the site; and (b) this WSI has first been submitted to, and approved in writing by, the Planning Authority. Thereafter, both the development and the archaeological investigation shall only be implemented and progressed in accordance with the approved details; and the approved archaeological works shall only be carried out by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). In the event that any archaeological finds, features and/or deposits encountered during the archaeological investigation are deemed to be significant by the contracted archaeological organisation working to the standards of the CIfA, then the requirements identified in Informative Note 6 shall all be met and observed in full, and in accordance with the details, procedures and time limits identified within that same informative note. In any event, the results of the archaeological works shall be reported in the form of a Data Structure Report (DSR), which, unless otherwise agreed in writing and in advance by the Planning Authority, shall be submitted to the Planning Authority for its written approval within no more than one month of the date of completion of all on-site archaeological works. The DSR shall itself include, or be accompanied by, a scheme of details outlining the proposed arrangements for the archiving and dissemination of this same document. Following approval, the DSR shall be archived and disseminated in accordance with the approved details.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains. Accordingly, it is necessary to ensure that sufficient provision is in place to investigate and record the archaeology of the site; to ensure that appropriate arrangements are in place for the processing and curation of any archaeological materials, samples and artefacts recovered; and to ensure the appropriate recording, dissemination and archiving of all archaeological information gathered from on-site investigations and through post-excavation analyses.

Informatives

It should be noted that:

1 Stoves and Use of Solid Fuel

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant 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.

2 Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

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