

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 18/00249/FUL

**APPLICANT :** Mr Robert & Jennifer Croall

**AGENT :**

**DEVELOPMENT :** Erection of dwellinghouse

**LOCATION:** Land East Of South Laws House  
Swinton  
Duns  
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>
SLH.02.SP B	Site Plan	Approved
SLH.03.PL B	Floor Plans	Approved
SLH.04.EL B	Elevations	Approved
SLH.05.EL B	Elevations	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

**ROADS PLANNING:** No objection, subject conditions requiring provision of two parking spaces and a passing place.

**ENVIRONMENTAL HEALTH (AMENITY AND POLLUTION) FIRST RESPONSE:** The proposed dwellinghouse is situated between two buildings that cause concern for the amenity of the development. Further information relating to the use of these buildings is required to determine an appropriate response.

**ENVIRONMENTAL HEALTH SECOND RESPONSE:** No objection. The applicant has provided information that has allayed my initial concerns. A condition relating to water supply is requested.

**ENVIRONMENTAL HEALTH (CONTAMINATED LAND):** No comment.

**EDUCATION:** No response.

**SCOTTISH WATER:** No response.

**COMMUNITY COUNCIL:** No response.

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016:

PMD1 Sustainability  
PMD2 Quality Standards  
ED10 Protection of Prime Quality Agricultural Land and Carbon Rich Soils  
HD2 Housing in the Countryside  
HD3 Protection of Residential Amenity  
EP13 Trees, Woodlands and Hedgerows  
IS2 Development Contributions  
IS7 Parking Provision and Standards  
IS9 Waste Water Treatment Standards and SUDS

Other considerations

Development Contributions SPG  
New Housing In the Borders Countryside SPG  
Placemaking and Design SPG  
Privacy and Sunlight Guide SPG

**Recommendation by** - Paul Duncan (Assistant Planning Officer) on 11th July 2018

## BACKGROUND

This application seeks planning permission for the erection of a single detached dwellinghouse at the South Laws building group, around 2km north of Swinton. A minor road splits the Laws North Plantation to the north from the building group located to the south. The building group is generally linear in development pattern, with the exception of Gean House which sits further from the minor road, to the south of Runglee. The spacing of dwellinghouses, their design, form and massing and their relationship to the minor road all vary somewhat throughout the building group.

The proposed site is located within garden ground associated with South Laws House. This land sits to the east of a large timber clad shed/ garage/ stables building, associated with South Laws House, which provides clear separation from the proposed plot and South Laws House. The plot is bound by thick hedging to the north, providing good screening from the minor road. Further well established hedging and trees run to the east, providing a strong perimeter to the neighbouring South Laws Farmhouse property. A greenhouse and garden shed currently sit within the site.

## ASSESSMENT

### Principle

The principle of this proposal can be assessed against Local Development Plan policy HD2 (Housing in the Countryside) with reference also to the Council's New Housing in the Borders Countryside SPG. Policy HD2 aims to support new rural housing where it is associated with existing building groups of three units or more. There is an established building group of six dwelling houses at South Laws. The policy sets a maximum total of 2 additional dwellings at a building group within the Local Development Plan period, or a 30% increase, whichever is higher. There are no live approvals for new houses within the building group.

The remaining tests of HD2 control the relationship of the site to its respective building group, and the effect of the development on the character of the building group. The proposed site is considered to represent a logical infill opportunity which would be well related to the building group. The pattern of development and spacing between building within the group is relatively irregular. The proposed development would not conflict with the development pattern. The site is partially brownfield and benefits from existing means of enclosure.

### Placemaking and Design

The original proposals for this house were not considered suitable, particularly in the relationship of the dwellinghouse to the minor road. The proposed north west elevation had the appearance of being the rear or side of the dwellinghouse. Whilst there is not a strong building line within the building group the proposal

sited the house closer to the public road than was preferable. Following discussions with the applicant, revised proposals have been lodged which see the house sit more in line with South Laws House and South Laws Farmhouse. The revised proposals also produce a more traditional and clear front elevation when viewed from the road (although this is currently partially screened by the existing hedge). The revised design is for a 1.5 storey T-shaped dwellinghouse with two narrow dormer windows to the front (north) elevation and a simple open porch. Larger dormers are positioned on the rear elevation with a single storey extension. Timber cladding to the corners of the proposed gables will help the gables visually recede, giving suitable proportions when viewed from the public road. The rear elevation is more contemporary in design with larger windows including an irregularly shaped kitchen window which on this elevation. This window would not normally be supported, but in this instance the elevation faces out to agricultural fields and is not visible from the public realm. Solar panels are also proposed for this elevation. The house will have an off-white or beige wet dash render. Bargeboards would have a blue-grey finish to match the slate roof. The proposed materials are appropriate but a standard condition will be attached to control their details. Overall, the proposed scale, massing, materials and general design approach are considered suitable for this site.

### Roads Planning

The formal proposal is to use the existing South Laws House access from the minor road. This has been assessed by the Roads Planning Officer who has no objections, subject to the provision and retention of two parking places and the provision of a passing place on the minor road. The applicant has indicated a potential desire to establish a new direct means of access to the property at a later date. The Roads Planning Officer is of the view that this may be acceptable and the applicant may explore this further at a later date. Whilst this would result in partial loss of hedging, this should not be unacceptable. The proposal being considered however is for the property to be accessed via South Laws House, and this is acceptable to Roads Planning. The requested conditions to control parking and form a single passing place are duly recommended.

### Residential Amenity

Potential residential amenity impacts extend to existing neighbours (including South Laws House) and future occupants of the house. In terms of the former, the existing store/ shed/ garage building would largely screen the proposed dwelling from South Laws House. Given the distances to South Laws Farmhouse (to the east) any adverse impacts would be negligible. The existing planting would further reduce any impacts.

The Environmental Health Officer expressed concerns about potential impacts on future occupants of the proposed dwellinghouse. This related to existing buildings in the vicinity. Further conversations with the applicant have addressed these concerns however and an initial objection has been removed. The proposed dwellinghouse will benefit from sufficient garden ground and amenity space.

The proposals are considered to satisfy LDP policy HD3 (Protection of Residential Amenity) and the associated Privacy and Sunlight SPG.

### Other Matters

The hedging and trees which bound this site will benefit the setting of the site and should be protected during development. A condition will be attached to control this.

Development Contributions of £3562 are required for Berwickshire High School. The applicant has expressed a preference to pay for this by way of a section 69 legal agreement.

Foul drainage would discharge to a treatment plant with outflow to an existing rumbling drain and field tile which would be shared with South Laws House. The property would connect to the mains water supply. No details have been provided for surface water drainage.

The site is recorded as Prime Quality Agricultural Land but is partially brownfield, small in size, and offers little potential for agricultural use.

### **REASON FOR DECISION :**

Subject to compliance with a legal agreement and 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 details of the finished floor levels of the building hereby permitted have been submitted to and approved in writing by the Planning Authority. Such details shall indicate the existing and proposed levels within the application site and the finish floor levels of the dwellinghouse hereby approved. Thereafter, the development hereby approved shall be carried out wholly in accordance with the approved details.  
Reason: To ensure that the proposed development is appropriately positioned alongside neighbouring properties.
- 2 No water supply other than the public mains shall be used to supply the Development without the written agreement of the Planning Authority.  
Reason: 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.
- 3 Prior to the dwellinghouse hereby approved becoming occupied, two parking places shall be provided within the curtilage of the site which shall be retained thereafter in perpetuity.  
Reason: in the interests of road safety.
- 4 Prior to the dwellinghouse hereby approved becoming occupied, a passing place shall be provided at an agreed location on the public road network.  
Reason: in the interests of road safety.
- 5 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.  
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 6 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 7 The dwellinghouse hereby consented shall not be occupied until the water supply and surface and foul drainage, are all functional in accordance with details that shall first have been submitted to and approved by the Planning Authority.  
Reason: To ensure that the property is fit for habitation ahead of it being occupied for the first time.
- 8 Before any part of the permitted development is commenced, the hedge on the eastern and northern boundary of the site shall be protected by a fence compliant with BS5837:2012 "Trees in relation to design, demolition and construction. Recommendations". The fencing shall be removed only when the development has been completed. The hedge and tree shall thereafter be retained in perpetuity. During the period of construction of the development the existing soil levels around the boles of the hedge and tree so retained shall not be altered.  
Reason: In the interest of preserving the hedges which contribute to the visual amenity of the area.
- 9 The roofing material to be natural slate.  
Reason: To safeguard the visual amenity of the area.

**Informatives**

It should be noted that:

1 It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

2 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.

3 The passing place required by condition 4 shall be designed as per the Roads Planning Officer's DC-1 drawing. Further details can be provided by the Roads Planning Officer (Keith Patterson).

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