

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 16/01061/FUL

**APPLICANT :** C & V Developments

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Erection of four dwellinghouses, access, landscaping and associated infrastructure works

**LOCATION:** Land South And West Of Wellnage House  
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>
P345-SR-LOCB	Location Plan	Approved
P348-SR-001	Site Plan	Approved
003/16/SP01	Sections	Approved
P348-SR-007	Elevations	Approved
P348-SR-006	Floor Plans	Approved
P348-SR-009	Elevations	Approved
P348-SR-008	Floor Plans	Approved
005/16/SK01	Floor Plans	Approved
001/16/PA01	Floor Plans	Approved
001/16/PA02	Floor Plans	Approved
003/16/LP01	Landscaping	Approved
P348-SR-008 A DRAINAGE	Other	Approved

**NUMBER OF REPRESENTATIONS: 8**

**SUMMARY OF REPRESENTATIONS:**

**REPRESENTATION SUMMARY**

A re-neighbour notification and advertisement process was undertaken when revised proposals were received on the 2nd of November 2016. None of the original objection comments have been removed. Objection comments from 5 different residencies (including one letter from signed by additional residents at Boston Court) remain attached to this application. Grounds for objection are summarised as follows;

Detrimental to the setting of The Wellnage

Inappropriate infill development  
Lack of demand and development should be directed to other sites allocated within the Local Plan  
Plot 5 and 6 will be visually prominent  
Plot 5 & 6 are should be bungalows  
Road Safety  
Inappropriate vehicle access  
Detrimental to residential amenity, in particular the development of Plot 6 would detract from the amenity of The Lhen by blocking access to light and causing visual intrusion  
If approved the house in Plot 6 should be re-sited towards the west  
Detrimental to the environment  
Development of lower lying ground will exacerbate drainage problems  
Land affected  
Poor design and inappropriate material finishes  
Trees/landscape affected  
Impinge on nature conservation  
Detract from views from Station Road and the park  
Proposals fail to comply with the Local Development Plan  
Impinge on foul drainage infrastructure of neighbouring properties

#### APPLICANTS' SUPPORTING INFORMATION

A Planning Statement and two additional written representations have been received from the agent along with a revised Landscape Schedule. Each of these are available on Public Access.

#### CONSULTATION RESPONSES:

Consultation responses were first received in response to the original proposals. A re-consultation exercise was carried out for the revised proposals. Comments pertinent to the revised proposals are summarised below with all responses available in full on Public Access.

#### Scottish Borders Council Consultees

Access Ranger: No objection. A Core Path utilises the pavement opposite the site on Station Road. The development does not affect this route or any other Core or Promoted Paths or Rights of Way.

Archaeology Officer: No archaeological implications.

Education and Lifelong Learning: The development is located within the catchment area for Duns Primary School and Berwickshire High School. Contributions are sought towards both schools at £4639 per unit for the Primary School and £3428 per unit for the High School.

Environmental Health Officer: The proposals have been assessed by both the Amenity and Pollution Officer and the Contaminated Land Officer. Planning conditions are recommended to agree details of water supply and confirm connection to the network prior to consumption. Informative Notes providing best practice guidance relating to Construction Noise and Wood Burning Stoves are recommendation to mitigate potential nuisances arising from these practices for neighbouring properties.

Flood Protection Officer: Only a very small portion of the site lies within an area with a 0.5% annual risk of flooding. No objection on grounds of flood risk is raised but the design should incorporate measures to route surface water run off away from the dwellings.

Landscape Architect: The site is very visible from Station Road. Ground clearance works which have been carried out are not given support but equally the site is an urban location where infill development is widely accepted so in principle no objection is raised assuming the development is in keeping with the surrounding area and site drainage issues are overcome. The removal of Plot 1 and 2 is welcomed and the development does benefit from the retention of TPO trees which mitigates

adverse effects and provides a setting for the new houses. No objection is raised to the findings of the tree survey. The first response recommended that;

1. The removal of two trees from Plot 4 enables the site layout to be adjusted so plot 4 moves toward the gap left by the removals and allows Plot 3 to move further from the Wellingtonia which is an important feature from the road.

2. Concerns are raised that the access to Plot 6 requires an access track to be created through root protection areas (RPA). Construction traffic may damage the trees and could be taken from the lane to the north. A method statement is required to confirm that the access can be built over the retained trees.

Following the revised proposals an updated response has been provided which confirm that Plot 3 is now located outside the TPO of the Wellingtonia. A method statement to agree mitigation measures of the development upon the TPO'd trees is required and should include details of protective fencing during construction as per BS5837:2012. Some limited access will be required within the root protection areas (RPA's) including to lay access to Plot 6. The applicant is aware of this and this must be controlled. These details can be agreed via condition.

Heritage and Design Officer (H&DO): In response to the original 6 house proposal, concerns were raised that the development would have an adverse impact on the setting of The Wellnage. Historic OS mapping shows the house was designed as the principal house within policy grounds and intended to sit facing an open vista to the west with an ancillary stable block and walled garden tucked behind the house. In recent years the policy grounds around the listed building have changed though the overgrowth of a conifer hedge which screens the house from Station Road. The original visual relationship between the house and the road are important. The development of Plots 1 and 2 with a separate new entrance was judged to have a significant enough adverse impact on the setting of the listed building to warrant objection. In principle there is scope for development on Plots 3 - 6, any proposals must retain The Wellnage as the principal house and Plot 5 needs to be subservient and further away from the listed building.

An updated response to a revised 4 house proposal advises that; the removal of houses to the west of The Wellnage addresses the principle concern and reduces the impact of the development on its setting. The layout of the remaining housing proposals have been altered and while there is an impact on the setting of The Wellnage from their development the proposals take account for site levels and proposed screen planting. Plot 5 is now subservient to The Wellnage and the height of Plot 6 has been reduced. The proposals will be visible from the road, especially Plots 5 & 6 owing to their siting on higher ground levels. The contemporary design approach is not opposed. No issue is raised with the general palate of materials however a key issue will be the colour / hue of these finishes to help the buildings recede. It is recommended that the render should be darker than off white and rather than leaving the timber to weather it should be stained a colour, possibly grey.

On balance, the revised proposals represent a significant improvement from the original 6 house scheme and no objected is raised provided that the colour of the external wall finishes are agreed via condition.

Roads Planning Officer (RPO): No objection provided the following points are included in any consent issued:

Engineering drawings of the new footway between new junctions incorporating pedestrian crossing points to the footway opposite are required

The first 6m of the new access is finished to the surface and gradient specification of the RPO.

Visibility splays on the new junction shown on the submitted plan must be implemented prior to occupation of the first house and retained in perpetuity

No part of the access road should have a gradient in excess of 1 in 8.

All work within the public road boundary must be carried out by an approved contractor.

Statutory Consultees

Duns Community Council: Object, on the following grounds;

Lack of demand

Lower area of the site is a bog and unsuitable for development

A large drain is located within the site and there is no information of the development avoid impacting on this infrastructure  
Insufficient information about treatment of surface water drainage  
The houses are not in keeping with surrounding development and are too tall for a sloping site  
Number of accesses on to Station Road  
The exact height of the development from the Station Road is unclear  
Pre-development works are concerning and during construction the development may be an eyesore

Scottish Environmental Protection Agency (SEPA): No objection. The following points are noted; Further investigation of surface water flooding is recommended to ensure surface water is handled appropriately and does not increase the risk of flooding at neighbouring properties or infrastructure.

Scottish Water assets run through the site at Plot 3 and 4 and the development should avoid this infrastructure. Means of drainage via the public sewer is supported and should be compliant with SUDS in line with Scottish Planning Policy (SPP).

#### Other Consultees

Architectural Heritage Society of Scotland (AHSS): Object. The scale, use and materials of the proposals will have a detrimental impact on the setting of the Wellnage. Additionally Plot 6 is insensitive amid the designed landscape and is not appropriate for development.

Berwickshire Civic Society (BCS): Object. The proposal is detrimental to the setting of the listed building, views from Station Road and the Park, reducing the amenity of the settlement. The modernist design of the dwellings is out of keeping with the character of the surrounding area. Proposals should restore the landscape framework which has been removed from the site.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

##### DEVELOPMENT PLAN POLICIES:

Scottish Planning Policy (SPP) 2014

SES Plan Strategic Development Plan 2013

Policy 5 Housing Land

Scottish Borders Council Local Development Plan 2016

PMD2 Quality Standards

PMD5 Infill Development

HD1 Affordable Housing

HD3 Protection of Residential Amenity

EP7 Listed Buildings

EP13 Trees, Woodlands and Hedgerows

IS1 Public Infrastructure and Local Service Provision

IS2 Developer Contributions

IS7 Parking provision and Standards

IS8 Flooding

IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

##### OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance on;

Affordable Housing (2015)

Development Contributions (updated 2016)

Landscape and Development (2008)

Placemaking and Design (2010)  
Privacy and Sunlight (2006)  
Trees and Development (2008)

Managing Change in the Historic Environment on Setting (2010)

**Recommendation by** - Scott Shearer (Planning Officer) on 6th February 2017

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JANUARY 2017

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 16/01061/FUL

OFFICER: Mr Scott Shearer

WARD: Mid Berwickshire

PROPOSAL: Erection of four dwellinghouses, access, landscaping and associated infrastructure works

SITE: Land South And West Of Wellnage House

Duns

APPLICANT: C & V Developments

AGENT: Ferguson Planning

#### SITE DESCRIPTION

The application site occupies curtilage ground to the west and south of The Wellnage which is a Category B listed two storey villa. The building dates from the early 19th century and is one of a series of villas built on Station Road in Duns within spacious grounds. The site generally slopes to the west/southwest with a steeper gradient running through its centre before flattening to occupy a bowl at its western side which sits below the road level. A walled garden is located within the eastern corner of the site. Several of the existing trees throughout the application site are covered by the Station Road Tree preservation Order (ref; BCC No 6). A whinstone wall separates the site from Station Road, this wall and the gatepiers immediately to the north of the application site are also listed.

The site is not located within the Conservation Area, however a number of the large villas to the north and south on Station Road are listed. Additionally, Wellnage Cottage and its former Stables directly to the north of The Wellnage is listed Category C. The Public Park is located on the opposite side of the road. A Scottish Water drain is understood to run through the site.

#### PROPOSED DEVELOPMENT

This application originally sought permission for the erection of six houses over a larger developable site, but has been revised to reduce the number to four, with the two northern plots having been removed from the proposal. A revised application which seeks permission for four detached dwellings, referred to as Plot 3, Plot 4, Plot 5 and Plot 6 along the southern section of the site is now under consideration.

A mixture of house types are proposed, ranging from a bungalow in Plot 5, one and a half storey dwellings in Plots 3 and 4 and a two storey building in Plot 6 which occupies the walled garden. Each building is to be set under a pitched slated roof with a mixture of stone, render and larch cladding used on the external surfaces of the walls. The dwellings are to be accessed via a new private access from Station Road. The opening for this access has already been formed. Three trees are identified for removal and details of landscape works are included within an updated Landscape Schedule.

## PLANNING HISTORY

A list of relevant planning histories are noted below.

92/00305/OUT & 93/00333/REM - Approved. Erection of dwellinghouse known as The Lhen

99/01544/FUL - Approved. Erection of a dwellinghouse known as The Dub.

15/00535/FUL - Approved. Subdivision of The Wellnage to form two dwellinghouses.

15/00537/LBCNN - Approved. Alterations to stables to form additional accommodation at The Wellnage Cottage.

15/00932/LBCNN - Approved. Alterations to gate pillars to accommodate junction improvement works related to consent 15/00535/FUL.

Although not a planning application it is relevant to note that approval, subject to conditions was granted for works to trees protected by Tree Preservation Order which covers The Wellnage, under application 16/00393/TPO.

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- Insufficient information about treatment of surface water drainage

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- Number of accesses on to Station Road

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#### KEY PLANNING ISSUES:

The main determining issues with this application are whether the revised application complies with Development Plan Policies and Supplementary Planning Guidance on infill development within the residential area and within the setting of statutorily listed buildings.

#### ASSESSMENT OF APPLICATION:

##### Planning Policy

This proposed residential development is located within the settlement boundary for Duns. SPP which is the national planning policy set by the Scottish Government acknowledges that windfall or infill types of development within settlements can positively contribute to housing land supply. While SPP supports the principle that settlements should be able to absorb the effects of infill development it recommends that development must be carefully controlled, especially to ensure that no over development takes place.

Similar to SPP, the primary LDP policy consideration for this application which is Policy PMD5 is also generally supportive of the location of residential development within settlement boundaries. To establish if an infill development is supportable, the proposal must demonstrate that it complies with a range of land use planning criteria set by Policy PMD5. These criteria will be assessed within this report.

The proposed development of four residential properties within an existing settlement is viewed to comply with the broad national and local planning policy principles for infill development. However it is the specific consideration of the proposals against the criteria listed by Policy PMD5 which will determine if the development is supportable.

##### Land Use

Criterion a) of Policy PMD5 requires that the proposal does not conflict with the established land use of the area. In this case, the predominant land use of the surrounding area is residential and the area is also residential in character. The proposed development of the site for residential purposes would be in keeping with this part of Duns. This proposal is judged to comply with the criteria a) of Policy PMD5.

##### Placemaking, Design and Impact on Setting of The Wellnage

In the case of this application the points raised by criteria b), c) and d) of Policy PMD5 are linked. These points require that the development does not detract from the character of the surrounding area; respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the

development should not lead to over-development or town cramming. Directly related to the consideration of these three criteria is the assessment of whether the proposal respects the setting of the Category B listed building under the terms prescribed by Policy EP7. For the purpose of the determination of this application these considerations are interrelated and are discussed below.

Station Road has a mixed architectural context where its northern area is defined by the location of large villas set within spacious grounds before the density of development increases travelling south where modern residential development has taken place. The character of the site itself is heavily influenced by the presence of the listed Wellnage and its setting. Even though The Wellnage is now partly screened by a hedge, its positioning on a raised site within very spacious policy grounds means that it is prominent from Station Road. The H&DO has advised that historic maps reveal that The Wellnage was intended to sit with an open vista to the west.

Towards the south of the Wellnage the context of Station Road begins to change. Here, the density of development becomes higher. This built context is also influenced by the modern developments along Trinity Lane which include the development of The Dub and The Lhen within grounds which once formed part of The Wellnage. As a result of these two developments on Trinity Lane, it is important to note that these latest proposals will not be the first development of policy grounds associated with The Wellnage. The focus of the development along the southern boundary of the site helps the proposals to tie in with the transition of development along Station Road which occurs to the south and north east of the Wellnage. The removal of Plots 1 & 2 from the proposals avoids introducing buildings in front of The Wellnage so that the listed building can retain its uninterrupted westerly vista which was the principal heritage concern of the original proposals.

The reduced volume and the location of the revised development ties in more sensitively with the planned layout of the area. The plot ratios are reasonably spacious and are not inconsistent with the ratios of plots immediately to the north east and south. Aided by the removal of Plots 1 & 2 the revised development retains The Wellnage as the largest site within the immediate surroundings and the reduced number of houses is not considered to represent over development of the area.

The design of the proposed dwellings is unashamedly contemporary. Other modern developments have been previously added around The Wellnage most notably along Trinity Lane. It is conceded that these existing contemporary buildings are not as publicly visible or directly related to The Wellnage as these proposals. A Landscape Schedule has been submitted which details planting which is primarily proposed around the new entrance and access. This planting will provide some screening in time, however there will be visibility of the development, especially Plots 5 and 6 which occupy higher ground. The contemporary designs include subservient flat roofed elements and areas of glazing are otherwise set within pitched roofed buildings of traditional proportions.

The development in Plot 5 has been reduced so that a bungalow is now proposed which achieves clear subordination to The Wellnage and its positioning to the east of the site means it does not encroach on its principal elevation. Plot 5 does include an odd canopy linking the garage and dwelling but because the building is set back from Station Road the public impact of this feature is low. The building proposed within Plot 6 will be visible above the walls which enclose the walled garden. The height of the building has been reduced and the house will be set lower in the site. While the design of Plot 6 is arguably the least successful, it does not result in the removal of the original features of the walled garden and the reduction of the scale of the building proposed in this site reduces the impact of the development on its setting.

The Section Drawing which has been submitted is helpful. This plan illustrates that when viewing from Station Road the revised proposal ties in more sensitively with the designed landscape at The Wellnage because the height of the buildings follow the landform by stepping down in height from The Lhen to the rear of The Wellnage. In particular the development of Plot 5 & 6 which occupy similar ground levels to The Wellnage will be subservient in height alongside the listed building when seen from Station Road. This plan also illustrates that Plot 3 & 4 sit below the road level.

The Community Council, AHSS, BCS and third parties have raised concerns about the design approach and visual impact of the development. However, the Heritage and Design Officer has considered the proposal and does not raise issue with the contemporary design. The design approach will add to the variety of architectural forms which are visible within this wider urban location which is outside of the Conservation Area. The scale and siting of the revised proposals are judged to remain subservient to The Wellnage and

not compromise its setting as the dominant building within its grounds which enjoys views to the west. Owing to visibility of the development, the finished appearance of the development will be important to reduce the impact of the buildings. The proposed palette of materials which consists of slate roofs with render and larch walls is not opposed in principle. Nevertheless darker wall material colours than the proposed off-white render and untreated timber will be required to enable the new buildings to recede into their landscape setting and alongside the darker whinstone hues of The Wellnage and the roadside boundary wall. Agreement of darker wall material finishes can be agreed by condition.

Overall, the revised scheme represents an improvement from the original submission. Due to the visibility of the site and its relationship with the Category B Listed house known as The Wellnage, this is a sensitive location for development. Nevertheless, the reduction in the volume of houses, the removal of development in between The Wellnage and Station Road and the revisions to the siting, scale and design of the proposed development enables the proposals to not represent overdevelopment of the site. On balance, the proposals do not detract from the character and visual amenities of the surrounding area without adversely affecting the setting of The Wellnage. Concerns about the material finishes can be addressed by planning condition. The proposed development is not viewed to adversely affect the setting of any other neighbouring listed buildings.

In light of this assessment, it is judged that the proposals satisfy criteria b), c) and d) of Policy PMD5 and the requirements for developments which affected the setting of listed buildings within policy EP7.

#### Trees and Landscaping

Policy EP13 seeks to protect woodland resources from development especially where the development involves a site which is protected by a Tree Preservation Order. Additionally, the landscape proposals should respect the amenity of the area.

As noted previously, the site forms part of the Station Road Tree Preservation Order. Apart from the removal of the cherry tree which is located at the access to Plot 5, consent was obtained to remove the other trees and reduce the crown of the sycamore which is shown on the submitted plan under consent 16/00393/TPO. It is noted that other works to clear vegetation has been carried out which has exposed the site from Station Road.

The revised proposals have moved the dwelling in Plot 3 further away from the Wellingtonia which is a distinctive feature from Station Road. Following the removal of two trees from Plot 4, it would have been beneficial if Plot 3 could have moved further east but owing to the location of Scottish Water's drain this was not possible. For landscape purposes the location of the drain is unfortunate, nevertheless the revised position of Plot 3 is outwith the Root Protection Area (RPA) of the Wellingtonia and it is an improvement from the original submission.

No houses are positioned within locations which should have a harmful effect upon any of the TPO'd trees which are to be retained. The retention of the mature trees provided an established landscape setting for this development. The retained trees will require to be adequately protected during construction works and this can be achieved by planning condition. Some of the accesses, particularly the access to Plot 6 are located within RPAs. Despite this it is possible to mitigate impacts on roots through careful road construction measures. These measures can be agreed through a Construction Method Statement via a planning condition.

A Landscape Schedule has been submitted which details planting along the bottom of the site which in time will provide some screening and in places backdrops to Plots 3 and 4. The proposals will reinstate some of the road side planting which has been lost. The principles of these proposals appear acceptable in principle and the precise details can be agreed by condition.

It is considered that the development does not adversely affect the Station Road TPO and mitigation to protected existing trees can be achieved through planning conditions along with the agreement of the planting schedule.

## Impact on Local Infrastructure

Criterion e) of Policy PMD5 requires adequate access and servicing to be achieved, particularly accounting for water supply, drainage and school capacity.

### Access and parking

The development is to be served by a single access onto Station Road. Historically there has been an access onto Station Road at this location, albeit in the form of a smaller gated opening which has been recently enlarged. Since the submission of the original proposals, local concern has been expressed that the development will have an adverse effect on road safety. This concern was not shared by the Roads Planning Officer but despite this, the revised proposals which reduce the number of dwellinghouses and accesses on to Station Road result in reducing the impact of this development upon the local road network. Roads Planning have provided an updated consultation response where further details regarding the precise design of the access and a pedestrian crossing point are required. These matters can however be handled via appropriately worded planning conditions.

Each house includes provision for parking and the updated plan has included provision for turning at Plot 5. The parking area at Plot 6 seems slightly tight and may require to be increased in size to aid vehicle movements. Consequently, the visual impact of this change would be of a minor nature therefore it does not raise concern. Ultimately, the delivery of the parking areas can be secured through a planning condition which ensures compliance with Policy IS7.

### Water and Drainage

Objections have been raised that developing the site could cause disruption to properties water supply within this part of Duns which is served by Scottish Water assets which runs through the application site. During the case officer's site visit, this infrastructure did appear visible from the trenches which had been dug in areas between Plot 3 and 4, as SEPA have suggested. The presence of this pipework has had a bearing on the siting of the development. It is understood that part of the access road and driveway of Plot 3 are located over the pipe, however dwellings are not. Fundamentally, it is a matter for the developer to ensure that their development not adversely affect assets belonging to Scottish Water. Given that this infrastructure is believed to serve a significant part of the local population, it is recommended that the developer should provide confirmation from Scottish Water that the development will not adversely affect their infrastructure.

Water supply is to be provided by the mains. There are no known local deficiencies with water supply. Environmental Health Officer's recommend a condition can ensure that the supply can adequately serve four additional properties without impinging on the supply of other within the area.

The low lying western end of the site, adjacent to Station Road has been suggested within objection comments to become waterlogged and that the development of this ground will exacerbate drainage problems. Two houses have been removed from this part of the site, with the house located within Plot 4 revised so that it occupies higher ground. The Infrastructure Considerations listed within the LDP Duns Settlement Profile does not identify that there are any wider drainage infrastructure issues. The aforementioned revisions which have been made to the proposal should provide some mitigation to this localised drainage problem in comparison to the impact of the original scheme. Any outstanding drainage issues should be able to be addressed through appropriately worded planning conditions which can agree suitable surface water treatment methods including provisions to avoid water flowing onto the road. With these safeguards, it is possible that the situation will be improved rather than worsened.

### Developer Contributions

In line with Policy IS2 and HD1, all development that is otherwise acceptable but cannot proceed due to deficiencies in infrastructure and services will be required to make contribution through a legal agreement towards such deficiencies. This application triggers a requirement to make financial contributions towards both the local Primary and High School and affordable housing through our established commuted sum model for a development of this scale. The developer has agreed to comply with these policy requirements and settle the contributions through a Section 75 Legal Agreement.

Following the above consideration, it is concluded that the development satisfies the requirements of criterion e) of Policy PMD5 and other related LDP policy provisions for these matters.

#### Residential Amenity

Criteria f) of Policy PMD5 states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The existing mature planting which runs along the southern boundary of the site means that neither of the dwellings will affect the amenity of neighbours to the south. There were concerns that the height of the original dwelling proposed at Plot 6 would have an undesirable impact on the outlook of The Lhen to its rear, whereby neighbours would be faced with a view of the whole of the roof which would have an overbearing impact, especially from upper floor rooms in their property. The design of Plot 6 has been amended so that its roof height has been reduced with the building positioned at a lower ground level.

The revisions to Plot 6 reduce the impact of this development for the neighbours within the Lhen. The amendments allow the tall hedge which presently separates the plots to act as a greater screen between the two houses, include from the upper rear windows of the development. The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light. Applying the principles of this guidance against the proposed development at Plot 6, this proposed dwelling does not contravene the recommended standards and therefore does not detract from the amenity of The Lhen. The proposals raise no adverse amenity issues between each other or detract from the residential amenity of The Wellnage.

The site is located within an established residential area. To limit the disruption caused by construction works, an informative recommended by Environmental Health provides the developer with advice of construction hours and noise standards which are set by Environmental Health legislation. This advice can be attached as an informative to any consent.

#### Other Matters

##### Flooding

There has been local concern that the site will exacerbate flood risk. During the case officer's site inspection, it was apparent that the grounds nearest Station Road did appear damp. SEPA have not objected and the Flood Risk Officer has advised that only a very small area of the site is at risk from flooding but no objection on flood grounds is raised. Two houses have been removed from the development so this should alleviate flood risk concerns and the recommendations to agree surface water run off measures, particularly to direct water away from dwellings can be agreed via an appropriately worded planning condition.

##### Ecology

Concerns have been raised the development will affect nature habitats. The site is not protected by any nature conservation planning policies. Protected species are safeguarded by other legislation and it will be the responsibility of the developer to ensure that they do not harm any protected species or habitats when they are developing the site.

#### CONCLUSION

The proposed development occupies a location within the Duns settlement boundary, where national and local planning policies are generally supportive towards infill development. Due to the visibility of the site and its relationship to the category B Listed Wellnage this is a sensitive development site. The revised scheme which has reduced the volume and scale of the proposals represents an improvement against the original submission. It is considered that, on balance, the reduced scheme does not have an a harmful impact upon the character of the surrounding area, the setting of the Listed Building, the amenity of neighbouring residential properties or the Tree Preservation Order which covers the development site. Subject to the strict

compliance with the schedule of conditions, the proposals are judged to compliments determining policies of the Local Development Plan, principally Policies PMD5, EP7, EP13, HD3 and IS9.

#### RECOMMENDATION BY THE CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement addressing contribution towards Education and Affordable Housing and the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority as specified in the drawing list on this consent notice.

Reason: To ensure that the development is carried out in accordance with the approved details.

2. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials, including colour finish to be used in the construction of the external walls 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.

3. No development shall commence until a Construction Method Statement (CMS) has been submitted to and agreed in writing with the Planning Authority to outline specific details of all on site tree protection measures. The CMS shall include but not be limited to the following points;

(a) The location of protective fencing which shall be erected around the Root Protection Areas (RPAs) of all trees which are identified for retention on Drawing No; P348-SR-001 in accordance with BS5837:2012 and remain erected for the duration of the development.

(b) Details to agree how access roads will be constructed which fall within RPAs.

(c) Details to minimise the impact of construction works and practices upon the RPAs of all retained trees.

Reason: To ensure adequate precaution are taken to protect the retained trees during building operations as their loss would have an adverse effect on the visual amenity of the area.

4. No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.

Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.

5. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- i. existing and finished ground levels in relation to a fixed datum, preferably ordnance
- ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

6. No development shall commence until Engineering Drawings of the new road junction incorporating pedestrian crossing points on both the new footway and the existing footway opposite have been submitted to and agreed in writing with the Planning Authority and thereafter the completed before occupation of the first dwellinghouse. The submitted drawings shall comply with the access specifications required by the Roads Planning Officer within their consultation response of the 15th Dec 2016 and listed within Informative Note 2. All work carried out within the public road boundary must be completed by an approved Council Contractor.

Reason: To achieve safe vehicular and pedestrian access to the site.

7. A vehicle turning area and two parking spaces, not including any garage space shall be provided within the site prior to the occupation of each dwellinghouse hereby approved and shall be retained in perpetuity.

Reason: To provide and maintain adequate off road parking.

8. No development shall commence until the applicant has provided the Planning Authority with written confirmation from Scottish Water that Scottish Water do not have any objection to the location and siting of the development illustrated on Drawing No; P348-SR-001.

Reason: To avoid the development causing any adverse impacts upon local infrastructure.

9. No development shall commence until the means of surface water drainage which should make provision to route water away from dwellinghouses and avoid water flowing on to the public road has been submitted to and approved in writing by the Planning Authority and thereafter the development shall be completed in accordance with the approved details.

Reason: To ensure that the site is adequately serviced and avoid causing surface water problems at any neighbouring properties.

10. No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.

Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

#### Informatives

1. With reference to Condition 2, the render colour should be darker than off white which is indicated on the drawings and staining the timber a colour possibly grey will assist with integrating the development into its surroundings.

2. With reference to Condition 6, the following requirements of the RPO should be incorporated within the detailed access design and illustrated on the submitted drawing;

The first 6m of the proposed access onto Station Road to be surfaced to my specification i.e. 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

The first 6m of the proposed access onto Station Road to have a gradient no steeper than 1 in 15.

The visibility splays on the submitted plan to be provided prior to occupation of the first dwelling and retained thereafter in perpetuity.

No part of the proposed private access to exceed 1 in 8 in gradient (1 in 15 for parking and turning areas).

3. The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. To limit the impact of the development upon the amenity of neighbouring residential properties it is recommended that any works which generate above average noise are carried out during the following hours;

Monday - Friday 0700 - 1900

Saturday 0700 - 1300

Sunday (Public Holidays) - no permitted work (except by prior notification to Scottish Borders Council).

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

#### DRAWING NUMBERS

Plan Ref	Plan Type	Date Received
P345-SR-LOC	Location Plan	26.08.2016

P348-SR-001	Site Plan	01.12.2016
003/16/SP01	Section	01.12.2016
P348-SR-007	Plot 3 Elevations	26.08.2016
P348-SR-006	Plot 3 Floor Plan	26.08.2016
P348-SR-009	Plot 4 Elevations	26.08.2016
P348-SR-008	Plot 4 Floor Plans	26.08.2016
005/16/SK01	Plot 5	02.11.2016
001/16/PA01	Plot 6	01.12.2016
001/16/PA02	Plot 6	01.12.2016

Approved by  
Name Designation Signature  
Ian Aikman

Chief Planning Officer

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)  
Name Designation  
Scott Shearer Planning Officer

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

The proposed development occupies a location within the Duns settlement boundary, where national and local planning policies are generally supportive towards infill development. Due to the visibility of the site and its relationship to the category B Listed Wellnage this is a sensitive development site. The revised scheme which has reduced the volume and scale of the proposals represents an improvement against the original submission. It is considered that, on balance, the reduced scheme does not have an a harmful impact upon the character of the surrounding area, the setting of the Listed Building, the amenity of neighbouring residential properties or the Tree Preservation Order which covers the development site. Subject to the strict compliance with the schedule of conditions, the proposals are judged to compliments determining policies of the Local Development Plan, principally Policies PMD5, EP7, EP13, HD3 and IS9.

#### **Recommendation:** Approved - conditions, inform & LA

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority as specified in the drawing list on this consent notice.  
Reason: To ensure that the development is carried out in accordance with the approved details
- 2 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials, including colour finish to be used in the construction of the external walls 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.  
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Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

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