

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 10/00491/AMC
APPLICANT : Mr Andrews & Mrs Slater
AGENT : John R Harris & Partners
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land South East Of Abbotscroft
Gattonside
Scottish Borders

TYPE : AMC Application

REASON FOR DELAY:

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|-----------------|------------------|--------------------|
| 09114-PL001 | Location Plan | Approved |
| 09114-PL002 | Site Plan | Approved |
| 09114-PL003 | Floor Plans | Approved |
| 09114-PL004 | Elevations | Approved |
| 09114-PL005 | Elevations | Approved |
| 09114-PL006 | Elevations | Approved |
| 09114-PL007 | Elevations | Approved |
| 09114-PL008 | Sections | Approved |

NUMBER OF REPRESENTATIONS: 2

SUMMARY OF REPRESENTATIONS:

One of the above representations relates to the Community Council response noted below. The other is a letter of support in which it is contended there is a mix of properties in the area and it seems quite appropriate to develop this site with another modern design. The plan is quite special and assisted with suitable new planting will enhance this small area of the village. Indeed there are two of the most modern properties in the village at this end and it is quite reasonable to have the area completed with another modern property.

Consultations

Director of Planning and Economic Development (Landscape): In principle accepts the recommendations in the tree report, specifically the loss of the four Firs, the Malus and for the positioning of the dwellinghouse, The Yew. Tree 91 (the Oak outside the site) is shown as having a root protection area of 13.6m however 5.6m of the RPA is within the proposed development footprint. The maximum RPA offset permitted is 20% and this still leaves 3.8m of RPA within the foundation footprint. To avoid root damage, radial strip and pile foundations within this area are recommended. The current proposals are 600mm with no provision for hand digging to prevent root damage and are not acceptable. If suitable foundations and hand digging within the RPA are proposed, has no

objections. The established hedge to the west must be protected by a fence to BS5837 specification. A full landscape plan showing new and replacement planting with a maintenance schedule is required.

Director of Technical Services (Roads): Is opposed to any new build in this location, the existing private road being of an unsuitable standard for further new-build, as it is narrow, single track with few passing places and has severe visibility constraints as well as being in a poor state of repair. The junction onto the public road is slightly restricted in either direction and can only be negotiated by a single vehicle at a time. Significant road improvements cannot be achieved and is unable to support. Recommends refusal. (When queried as regards the layout of the site itself, confirmed that he has no further comments on the proposal)

Director of Education and Lifelong Learning: A contribution is required towards Earlston High School of £3851

Community Council: No objections
Gattonside Village Sub Committee: No objections

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Structure Plan 2009

N10, N11, N18, N20, I11

Adopted Local Plan 2008

G1, G7, BE4, NE4, EP1, EP2, H2, INF4, INF5

SPGs Trees and Development 2008; Renewable Energy 2007; Placemaking and Design 2010

Recommendation by - Carlos Clarke (Principal Planning Officer) on 25th August 2010

This application seeks approval of matters referred to in conditions imposed on outline consent 06/00223/OUT granted in December 2007. The application was originally submitted as a 'full' application, but later changed to an AMC as is appropriate (as such neither the principle, nor developer contributions, can be considered here). The proposal is for a split-level, contemporary house on two floors, comprising flat and sloping roofs in a U-plan arrangement, with access from the north formed by opening the existing stone wall, and with terracing on the south side. Fibre cement panelling and zinc/metal sheeting is proposed for the roofs, with render, zinc/metal sheeting and timber to the walls.

The site is located at the east end of the village, within the Conservation Area, and comprises an area of undeveloped ground north of the main road through the village. It is retained above it by a stone wall and bounded to the east by a steep narrow vehicular access serving it and other houses to the north and west. A stone wall bounds the north and north-east corner of the site. The site is level at the north end, but slopes to the south, and includes several trees, as well as flanking a larger tree outwith the site to the south-east. To the north is a 1 1/2 storey elevation of a neighbouring house, and a 2 1/2 storey house is sited to the west.

The proposal retains the stone wall and, though the outline consent required it to be lowered to improve visibility, its retention in full apart from the access (which is desirable from a visual perspective) has not been objected to by the DTS. The site also contains a number of trees, and a tree survey identifies that several would be removed, leaving two on the southern boundary. These trees are not highly rated and our tree officer seems to concur. The survey then suggests a fence will protect the two trees to stay, as well as the large tree outside the site. However, the tree survey was not based on the same building footprint as applied for and, while this not only complicates where the protective fence should go, it suggests a greater risk to the large tree outside the site particularly. Our tree officer has asked for pile foundations and hand digging within the root spread and, on that basis, he has no objections. Further to this, the hedge to the west should be retained for its amenity and screening value. However, the survey again underestimates the footprint of the house and there is a greater risk to this hedge than is apparent from it as a result. However, it would seem that, with care, the hedge and trees should be able to be retained. However, to clear up any ambiguities in

the survey, and to focus attention on ensuring these important features are retained, a tree and hedge protection plan is recommended as a condition of consent.

The development should have no wider implications for landscape designations, given its containment between and in front of houses and trees. The overall house design is clearly contemporary, which is considered an appropriate solution for the site, not only because of its position at the extremity of the Conservation Area, but because of the context provided by a range of house types in the general area. Views of the building would be, despite its position above the public road, surprisingly limited as a result of its containment by neighbouring trees and boundary hedging. The proposal itself negotiates the site levels well, with the flat roofs keeping it low in height. Its 'blank' side elevations will have limited exposure except onto the narrow lane.

The proposal does extend a great deal out into the site, onto the sloping section beyond the building line established by its immediate neighbours. My concern has been that the proposal would appear to overdevelop the site, producing an overtly domineering building when passing. Three dimensional drawings have been submitted which (though not completely accurate) have helped provide an understanding of the development's likely impact, particularly as the photomontage submitted with the original application is not completely convincing. I still have reservations regarding the extent of the building footprint. The building will extend the full width of the site and will certainly stray from the more established building line of its traditional neighbours. However, the southerly building line is not really readily apparent to public view. The building would, even if sited at the top end, not necessarily contribute to the character of the Conservation Area any more so by simply following the building line. In any case, doing so is difficult since the facing elevation of the property to the north is so close, and negotiating access and parking is a particular problem. Ultimately, I cannot conclude that the proposal would necessarily harm the character and appearance of the Conservation Area by extending out in the manner it will and, the contemporary design approach (which helps break up the scale of the frontage) is, in my opinion, enough to suggest that while the proposal will have a strong visual presence, this will not be harmfully so. Indeed, the modern design could provide a very interesting statement as you enter and leave the core of the Conservation Area.

The range of materials is, in principle, agreeable, but it is absolutely critical that shiny roof and wall finishes are avoided and that the colours blend subtly and do not attempt to make the building any more visually conspicuous than its design will already do. A condition is imposed to cover these matters.

The proposal has been designed to account for neighbouring amenity and I would consider there to be no likely adverse effects in terms of privacy or light loss and that the building is just limited enough in a southerly direction not to have an adverse impact on the southerly outlook of its westerly neighbour towards the Eildons.

In terms of access, the DTS's comments were initially related to the application as submitted in its 'full' format. It is recognised that he does not support the principle, but this application does not require exploration of the principle. On the basis there appears to be no concern related to the access position or parking arrangement proposed, there seem to be no reasons to oppose the detailed scheme for road safety reasons.

The scope of this consent would be limited to conditions 1 (reserved matters); 2 (lowering the wall); 3 (no trees removed without consent) of the outline. Condition 4, which refers to the means of water supply and foul drainage, has not been referred to in any particular detail as part of the application. It would seem sensible to require the additional evidence by a further more specific condition.

REASON FOR DECISION :

The proposal is deemed compliant with development plan policies, principally Policies N18 and N20 of the Consolidated Structure Plan 2009 and Policies G1, G7, H2, NE4 and BE4 of the Scottish Borders Local Plan 2008, and is deemed to satisfy all conditions on outline consent 06/00223/OUT, subject to compliance with the schedule of conditions.

Recommendation: Approved subject to conditions

- 1 No trees, other than those specified on the supporting tree survey plan (Donald Rodger Associates 0946/1 April 2010) shall be lopped, felled or removed without the written consent of the Planning Authority. In addition, no boundary hedging within the site shall be removed without the written consent of the Planning Authority. Before development commences, a tree and hedge protection plan shall be submitted for the approval of the Planning Authority. The plan shall specify measures designed to safeguard the trees marked for retention (including that outwith the site to the south-east) and boundary hedging during the construction works, including a detailed specification for protective fencing, foundations, construction and excavation methods. Once approved, the development shall only be carried out in accordance with the protection plan
Reason: To protect remaining hedging and trees within and adjoining the site in the interests of safeguarding the character and appearance of the Conservation Area
- 2 A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development. This shall include all roofing, wall render, timber and metal elements, window and door and external railing/balustrading details, and include external colours.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting and protects the character and appearance of the Conservation Area
- 3 The vehicular access shall be formed, and the area allocated for parking on the approved plan shall be consolidated, surfaced and drained all before the dwellinghouse is occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. Only that part of the wall identified for removal on the approved plans shall be so removed, all of the remaining wall shall be retained as existing. A sample of the surfacing material for the parking area shall be submitted for the prior approval of the Planning Authority
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the road in a manner that protects the character and appearance of the Conservation Area
- 4 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):
 - i. location of new trees, including replacement tree planting, shrubs, hedges and grassed areas
 - ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iii. programme for completion and subsequent maintenance.Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings
- 5 The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with the scheme of details that shall first have been submitted to and approved in writing by the planning authority.
Reason: To ensure the development minimises any environmental impact
- 6 Written evidence shall be submitted for the approval of the Planning Authority before the development commences that a connection to the public water mains and foul drainage network to serve the development has been approved by Scottish Water
Reason: The application contains insufficient information on these aspects to fully satisfy the requirements of the outline consent.

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