

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 JUNE 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 21/01804/FUL

OFFICER: Ranald Dods
WARD: Tweeddale West
PROPOSAL: Erection of 8 no dwellinghouses with ancillary building/garage, associated access and landscaping
SITE: Land south west and south east of Bowbank Cottages, Bellfield Road, Eddleston
APPLICANT: Eddleston Development Ltd
AGENT: CSY Architects

PLANNING PROCESSING AGREEMENT: 6 June 2023

SITE DESCRIPTION

The site is approximately 1.35 hectares, located on the eastern edge of Eddleston. It lies within the settlement envelope and outwith the conservation area, although part of the western edge of the site adjoins the kirkyard of Eddleston Parish Church, which is a category B listed building and within the conservation area.

The site comprises two distinct areas separated by a path (reference EDDL/1/1) which connects a section of private road with Eddleston Primary School and Burnside. The area to the south west of the path is to the side and rear of the property known as Weltevreden. That property was the subject of planning permission 10/01505/FUL, dated 6 April 2011. The land currently has no use and, although it was formerly a horticultural nursery, it has now naturalised and can be considered greenfield. Mature trees grow alongside the public path to the north east. The south eastern half of this parcel of land is wooded with mature trees.

The parcel of land lying to the north east of the path is also within the settlement envelope and is rough grazing land and is greenfield. In the north west corner are two properties known as Bowbank Cottages, dating from the late 20th century.

Topographically, the land is generally flat to the north west, sloping uphill to the north east. The land slopes gently from north west to south east although there is a pronounced fall away to southern edge of the site. The private road known as Calderbank runs from the parish church at Bellfield Road (D19-1), along the north western boundary of the site and behind Calderbank and along the southern boundaries of six late 20th century properties on the south west side of Bellfield Crescent. The road gives access to Weltevreden, Bowbank Cottages and the farmland lying to the north east of the settlement. The road lies on the route of core path EDDL/154/1.

PROPOSED DEVELOPMENT

The application seeks planning permission for the erection of eight dwellinghouses with ancillary buildings, associated access and landscaping.

PLANNING HISTORY

17/00236/MOD75 (for land to the north western section of the site) was granted in April 2017 thereby discharging the planning obligation which related to planning permission T199-88. That obligation prohibited any further dwellinghouse being constructed on the entire 2 acres of land to which the permission related.

Subsequent to that, planning permission in principle was granted in October 2018, on conclusion of a legal agreement, for a residential development of up to 15 dwellinghouses (reference 17/00767/PPP).

10/01505/FUL for the erection of a dwellinghouse on land to the north east of the Parish Church is also relevant. This house, now constructed is outwith the application site boundary but lies immediately to the north west of Plot 1.

REPRESENTATION SUMMARY

Seven representations were received in respect of the original submission.

The proposals having been revised, neighbours were re-notified and an advert was placed in the local press. As a result of that process, five additional representations in the form of objections were received. The material grounds contained within those representations can be summarised as follows: loss of light; privacy; impact on setting of area; road and pedestrian safety; increased traffic; lack of parking; site not suitable for development of this scale; loss of amenity; contrary to policy PMD5; water and drainage provision; surface water flooding; waste collection difficulties; unallocated site.

In addition, one comment was made regarding the consent of adjoining owners being required to upgrade the access to the site. It should be noted that those are matters of private law and outwith the realms of planning.

Members can view copies of all representations in full on *Public Access*.

Given the number of individual objections and that received from the community council, in terms of the current Scheme of Delegation, the application is required to be determined by committee.

APPLICANTS' SUPPORTING INFORMATION

- Planning statement
- Design statement
- Tree survey and arboricultural impact assessment
- Ecological appraisal and surveys

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD2 - Quality standards
PMD3 - Land use allocations
PMD5 – Infill development
ED5 - Regeneration
HD1 - Affordable and special needs housing
HD3 - Protection of residential amenity
EP1 - International nature conservation sites and protected species
EP13 - Trees, woodlands and hedgerows
EP15 – Development affecting the water environment
EP16 – Air quality
IS2 - Developer contributions
IS4 - Transport development and infrastructure
IS5 - Protection of access routes
IS6 - Road adoption standards
IS7 - Parking provision and standards
IS8 - Flooding
IS9 - Waste water treatment standards and sustainable urban drainage
IS13 – Contaminated land

National Planning Framework 4

Policy 1 - Tackling the climate and nature crises
Policy 3 - Biodiversity
Policy 4 - Natural places
Policy 5 - Soils
Policy 6 – Forestry, woodland and trees
Policy 9 - Brownfield, vacant and derelict land and empty buildings
Policy 14 – Design, quality and place
Policy 16 – Quality homes
Policy 18 – Infrastructure first
Policy 22 – Flood risk and water management
Policy 23 – Health and safety

OTHER PLANNING CONSIDERATIONS:

The following supplementary planning guidance notes are material considerations:

PAN 61 - Planning and sustainable urban drainage systems 2001;
PAN 65 - Planning and open space 2008;
PAN 67 - Housing quality 2003;
PAN 79 – Water and drainage 2006;
Designing Streets 2010;
SPG - Affordable housing 2015, updated April 2023;
SPG – Biodiversity 2005;
SPG – Contaminated land inspection strategy 2001;
SPG - Development contributions 2016;
SPG - Green space 2009;
SPG - Landscape and development 2008;
SPG - Placemaking and design 2010;
SPG - Privacy and sunlight guide 2006;
SPG – Sustainable urban drainage systems 2020;

SPG - Trees and development 2008;
SPG – Waste management 2015.

CONSULTATION RESPONSES:

The following were consulted on the application. Their comments are summarised below:

Scottish Borders Council Consultees

Roads Planning Service (RPS): RPS has had numerous discussions with the agent regarding this site. Recent correspondence was in response to the revised layout. The drawings go a long way to addressing the points RPS previously raised although there are some outstanding matters, including the need for a suspensive condition for the completion of the proposed public road to an adoptable standard on any intervening land between the site boundary and the existing public road boundary of Bellfield. In addition (per condition 6 of the outline planning consent for the site) a suspensive condition will be required for improvements at the junction of Bellfield Road and the A703. The applicant has provided a '*Drainage Strategy and Surface Water Management Plan*'. This confirms preliminary site investigation results indicate that a porous sub-strata is present on site and that infiltration is proposed for road surface water drainage. Further geotechnical investigations are proposed to better inform a detailed design. The proposal is for infiltration trenches in road verges and other grassed areas but the outcome of future infiltration testing will determine whether additional infiltration and storage (cellular) is required. If so, the plan is to use the open space at the top of the development area or under the car park near the entrance to the site. If required, the report confirms an option for discharging the road surface water positively (piped) to the water environment, either to the unnamed tributary entering the Eddleston Water adjacent to Old Manse Road and the A703 or to Longcote Burn.

RPS notes that it would have been preferable if a detailed drainage design had been proposed and shown on a site plan at this stage, as the eventual solution may have an impact on landscaping and aesthetics. Furthermore, the areas required for SUDS measures may have an impact on the developable area of the site. That said, RPS would be content with a planning condition covering the requirement for surface water drainage measures to be submitted and agreed. In any event, a detailed surface water drainage design will be required as part of the Road Construction Consent process.

Flood Risk Officer (FRO): Having assessed the application and the submitted drainage strategy, the FRO raised no objection but stated that a suspensive condition requiring the submission of a detailed drainage scheme.

Environmental Health Officer (EHO): The EHO noted that the proposed development is unlikely to have a negative impact on existing amenity. No objection was made to the proposal. Conditions are, however, recommended.

Contaminated Land Officer (CLO): The CLO noted that application appears to be proposing the redevelopment of land that previously housed a quarry and glasshouses. Those land uses are potentially contaminative and in such circumstances, it is the responsibility of the developer to demonstrate that the land is suitable for the use proposed. The CLO recommended a suspensive condition relating to site investigations.

Ecology Officer (EO): The EO reviewed the submitted preliminary ecological assessment (PEA) and the tree report. The PEA was carried out at an acceptable time for bats in trees but a sub-optimal time (February) for breeding birds and badgers. Further survey reports were submitted and, having assessed those, the EO commented that the submitted ecological survey by Stone's Wildlife Management found no bats using any of the trees within the site for roosting. During the survey, several species of song birds were found nesting either on the ground or in the old shed/ hen houses within the site. The loss of these nesting places will need to be compensated through the provision of appropriate nest boxes. The rookery within the trees to the south of plot one is very active and given the presence of other breeding birds within the site, a Species Protection Plan for breeding birds should be submitted. The EO also commented on the water environment/ Tweed SAC noting from the drainage strategy document that the final drainage arrangements for the development have not been determined yet. The strategy states that "*During the surface water network design if required, the option to discharge water positively to the water environment to either the unnamed tributary entering the Eddleston Water adjacent the Old Manse Road and A703 or separately the Longcote Burn are to be investigated*". Since the Eddleston Water is part of the river Tweed SAC, the EO stated that they could support this proposal only if any runoff to the unnamed burn or Langcote Burn is treated prior to discharge. The river Tweed SAC will need to be taken into account in any conditions relating to SUDS. In conclusion, the EO raised no objection, subject to conditions.

Landscape Architect (LA): The LA noted that whilst the introduction of native hedging along the boundary of plots 1, 3 & 8 is welcomed, there is scope for much more hedging throughout the site – at the very least along both sides of the path into the centre of the site from the existing path along the west boundary. Also, consideration could be given to using more hedging, in conjunction with post and wire fencing, to demarcate boundaries between plots. The LA stated this would provide a much softer and visually pleasing option than timber fences or post and wire fences on their own. The LA requested consideration for more tree planting and suggested back gardens and along or near plot boundaries to avoid overshadowing the houses. 2-5no in each plot, depending on the size, would greatly enhance the development and be a legacy into the future.

Heritage and Design Officer (HDO): The HDO noted that despite the revisions, no updated Cultural Impact Assessment or assessment of the surrounding context has been provided to demonstrate how the proposal has been amended to better integrate with the surroundings and provide a site-specific response. It was noted that the stepped roofscapes to those buildings set perpendicular to the slope of the ground was an improvement, although it would benefit from further stepping in line with the topography or avoidance of long forms running perpendicular to the slope, to avoid excessive land level alteration. The roofscape has the potential to be the more visible element of the scheme, including potential visibility from Eddleston conservation area and the B listed church. The HDO commented that whilst some standing seam zinc may be acceptable, its use across the whole development would not be characteristic of the area and some slate should be used.

In addition, the HDO commented that the house styles would merit from slightly greater variation. It was noted that boundary treatments require refinement. Timber fences should be avoided to boundaries fronting public spaces, such as the rear and side of plot 2. The boundary to the front and front-side of plot 8 along the path should be low to allow passive surveillance. The need for significant banking to the access road is unfortunate. The banking should be designed to be as naturalistic as possible with planting and allowing existing trees to be retained. Protection of trees (as the backdrop

to views / the church) and soft landscaping across the site as a whole remains important in minimising the impact of the scheme of the listed church, conservation area and wider surrounding context

Archaeology Officer (AO): The AO assessed the application against the Scottish Borders Historic Environment Record (HER). It was noted that the site lies immediately to the east of the churchyard and has received previous archaeological commentary. There is the potential in the western parts in the progression of this development for archaeological evidence for a different churchyard or church to be encountered. Archaeological evaluation was recommended as a condition of any granted planning permissions to the two applications 17/00767/PPP and 10/01505/FUL. There is also a background potential for other materials from prehistoric periods to the medieval period. The submitted details anticipate the applying of a planning condition to this fresh application based on the previous archaeological interest in the area. Within the design statement it is noted that an archaeological written scheme of investigation (WSI) is to be prepared and submitted to satisfy condition number seven of the granted planning permission 17/00767/PPP although that has yet to be submitted to the Archaeology Officer. An archaeological evaluation is recommended for the current proposal.

Outdoor Access Officer (OAO): The OAO noted that the proposed site layout shows path EDDL/1/1 as remaining open and free. That should remain open and free before, during and after any development works.

Statutory Consultees

Scottish Water: No objection. The site would be fed from Bonnycraig Water Treatment Works and serviced by Eddleston Waste Water Treatment Works.

Community Council: Objects to the application. The community council (CC) considered the proposal to: be on an unallocated site; be contrary to the development plan; be out of keeping with the area; have an unsuitable access; have adverse topography; raise road and pedestrian safety concerns and increase traffic; have a negative impact on active travel; reduce available parking spaces for the church; have a negative impact on privacy and amenity; have a negative impact on trees and wildlife; have a negative impact on drainage, water supply and services.

KEY PLANNING ISSUES:

- Whether a development of eight dwellinghouses could be accommodated on the proposed site without conflicting unacceptably with the statutory development plan policies where they relate to (a) infill development; (b) placemaking and design; (c) residential amenity; (d) ecology and (e) road safety.
- Whether there are material considerations that would justify a departure from the provisions of the statutory development plan and material considerations.

ASSESSMENT OF APPLICATION:

Principle

The site is within the settlement envelope of Eddleston as defined by the Scottish Borders Local Development Plan 2016 (LDP). It is not allocated for a particular use, nor is it safeguarded from development. Although the land has not been allocated for housing or any other use within the LDP and broad support is found in terms of PMD5,

policy 9 b) of NPF4 states that “Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP”. In this instance, as planning permission in principle for a residential development has been granted (reference 17/00767/PPP), the principle of development on the site has been established and there would be no immediate tension with policy 9 of NPF4.

Planning policy – infill development

The council is generally supportive to suitable infill development within settlements, provided they meet certain criteria. Such development will usually be unplanned and policy PMD5 of the LDP and policies 14 and 16 of NPF4 are relevant. The general principles set out in those policies are the starting point for the consideration of new housing developments. Provided other policy criteria and material considerations are met, the LDP confirms that development on non-allocated, infill or windfall site, within development boundaries will be approved where the following criteria are satisfied:

- a) it does not conflict with the established land use of the area;
- b) it does not detract from the character and amenity of the surrounding area;
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or ‘town and village cramming’;
- d) it respects the scale, form, design, materials and density in context of its surroundings;
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity;
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

In this case, the site is within the settlement envelope of Eddleston and the established land use in the surrounding area is substantially residential, although there is agricultural land to the east. A residential development is unlikely to detract from the character and amenity of the surrounding area. The site has constraints imposed on it due to topography, mature trees and access arrangements. The pattern of density evident in the surrounding area would not be compromised through the proposed development, which would appear to be less dense than most of the developments in the area and, given permission has already been granted in principle for a 15 house development, 8 houses on the site would not be considered over-development. The design of the development would be different from the surrounding housing stock although there is sufficient variation in the village and the site is secluded enough to accommodate that. Access issues have been the matter of discussions with the RPS and, after revisions, that service is now able to support the proposal. Services would not be affected adversely although conditions are recommended. The development would not impact significantly upon the amenity of adjoining properties although consideration is given to that below. Given the proposed development would appear to comply with the above criteria, the development considered to be in accordance with the principal aims of policy PMD5.

Assessing the proposal against policies 14 and 16 of NPF4, the proposal would be broadly acceptable, especially as the principle of development on the site has been previously established.

Layout and design

The development would be split over the two distinct areas of the site. The western part would see only one house built (plot 1). The balance of the houses would be constructed to the east of the public path (plots 2 – 8). Those seven houses would be set out, for the most part, with their principal elevations facing the access road. The exceptions would be three houses in the northern, south eastern and southern corners (plots 3, 6 and 8 respectively). The first two of those would be tucked into the corners and would have only part of their principal elevations visible from the road with plot 6 exhibiting a minimal amount of visibility. The house on plot 8 would be gable on to the street and, whilst it would be better that this faced the street, it would at least address the proposed pedestrian link to the existing footpath. Plots 4, 5 and to a lesser extent 2 and 7, are very close to the road and have little defensible space in the way of front gardens. Although further improvements could be made, particularly in relation to the houses on the southern edge of the site, the layout can, on balance, be accepted.

The layout and design of the houses was revised during the consideration of the application. Whilst it may have been preferable to have greater variety of houses across the site, there are 5 basic types. All would be single storey with attic accommodation. A split level has been introduced into the ridge line of the houses on all but plots 4 and 5. As well as breaking up the strong horizontal appearance evident in the original submission, the split level would help accommodate the slope which is evident in the topography of the site. The external walls would be finished in a render material with large panels of vertical timber boarding, with fenestration by and large having a strong vertical emphasis. Both the boarding and the fenestration would help to further break up the horizontality. The applicant proposes that the roofs be clad in metal sheeting. In their response to the proposal and taking account of the visibility of the site from the conservation area and the B listed church, the HDO noted that although the use of some standing seam roofing may be acceptable, its use across the whole site would not be in keeping with the character of the area. It was recommended that some slate should be used. The break in the ridge line of the majority of the houses would appear to create that opportunity and the applicant was asked to revise the materials to show slate on the majority of the roofs with the roofs of the stepped areas (where present) being finished in standing seam. That revision was not, however, forthcoming and a condition is therefore recommended. On balance and subject to conditions, the design of the houses is acceptable.

All of the plots would have a detached ancillary building and those would be located towards the extremities of the plots. Those would be clad with vertical timber boarding and the roofs would be finished with metal sheeting and that would be an appropriate pallet of materials for those buildings.

Impact on residential amenity

The concerns raised in representations regarding privacy and residential amenity are noted. The distance between the house proposed for plot 3 and the nearest house on Bellfield Crescent, number 12, would be approximately 29m. That is more than sufficient to ensure there would be no privacy or amenity issues, even accounting for the difference in level between the properties.

Looking at the rest of the site, the orientation, distance between properties and fenestration layout of the houses on plots 2 and 8, 3 and 4, 6 and 7, and in addition plot 3 and Bowbank Cottage, raise issue of concern regarding privacy. Those matters could, however, be resolved quite simply by a condition requiring the submission and

approval of drawings showing revised fenestration details. In terms of plots 2 and 8, the distance between the two proposed properties would require to be increased to be more in line with the minimum distance for direct window to window relationships. That could be similarly covered by condition.

Road safety, access and parking

The principle of development on the site has been established through the granting of 17/00767/PP and that is a significant material consideration. In relation to that proposal, the RPS initially recommend refusal on the basis of road safety, particularly in relation to the A703 junction with Bellfield Road. The RPS indicated that the issue of visibility at the junction with the A703 could be addressed by altering the existing junction arrangement. They also noted that the gradient of Bellfield Road, the main access route to the site, is steep and that could be problematic in wet or wintry conditions. There is, however, an alternative, if longer and more convoluted route to the A703 via Bellfield Crescent.

In the processing of the current application, although the RPS did not object, it noted that as this was a detailed planning application, the applicant was not bound by the conditions previously imposed. The RPS stated that the plans which were submitted initially did not address the two main areas of concern, being: providing an adoptable road and; altering the junction with the A703 to improve visibility. The matter of visibility at the junction with the A703 can, as previously, be covered by a suspensive condition. In relation to the access to the site, the major issue for consideration was the ability of the applicant to provide a suitably constructed road to adoptable standards. Ordinarily, matters of land ownership are outwith the remit of planning. In this instance however, as the access to the site would need to be adopted, the RPS had to be satisfied that a connection could be made between the proposed access and the existing public road network. It appeared from the submissions that the applicant did not have control over all of the access track and its connection with the public road network. The applicant subsequently made a submission stating that an agreement had been reached with landowners enabling them to make the connection to the public road network. A revised certificate was submitted stating that notice had been given to everyone who was the owner of any part of the land to which the application relates was also submitted.

Revisions to the road layout and parking provision were undertaken in response to comments from the RPS. Included were provision of some additional public parking spaces outside plot 1 and the provision of a footpath connecting the site to Bellfield Road. RPS noted that the revisions had addressed many of the points raised previously but there were still some issues outstanding. In order to address those, the RPS recommended the imposition of suspensive conditions. One of the issues raised by the RPS was the matter of drainage. The applicant submitted a drainage strategy in response. The RPS noted that although this would be covered in a Road Construction Consent application, it would be preferable to have full details of drainage at this stage. That having been said, the matter can be covered by a suspensive planning condition and it should be noted that the FRO is content to have those details submitted by means of a suspensive condition. In order to accord with LDP policy IS9 and NPF4 policy 18, conditions should be imposed should Members consider the proposal acceptable.

Impact on setting of listed building

The site is located on rising ground to the east of Eddleston Parish Kirk, a category B listed building. In their assessment of the proposal, the HDO raised a concern about

the impact of the standing seam roofing proposed across the site on the setting of that building and also on the conservation area, as noted above. A recommendation was made regarding the use of slate and a condition is recommended in that regard. Subject to compliance with that, it is unlikely that the development would be detrimental to the setting of the listed buildings, ensuring compliance with LDP policy EP7 and NPF4 policy 7.

Impact on trees

There are several mature trees within the south western part of the site. Those are of high value to the site and this part of the area. The LA and the EO have assessed the submitted reports and, whilst no objection was raised, additional tree and hedge planting was recommended. A revised site plan was submitted showing that. As the landscape plans have not been updated since the original submission, a condition is now recommended. Should Members consider the proposal to be acceptable, to accord with LDP policy EP13 and NPF4 policy 6, tree protection could be ensured by suitably worded planning conditions covering the trees proposed for retention, both within and adjacent to the site.

Ecology

Having reviewed the various submitted ecological reports together with the arboricultural reports, the EO raised no objection but recommended conditions. In addition, the EO commented on the water environment / Tweed SAC noting from the drainage strategy document that the final drainage arrangements for the development have not been determined yet. Since the Eddleston Water is part of the river Tweed SAC, the EO stated that they could support this proposal only if any runoff to the unnamed burn or Langcote Burn is treated prior to discharge. The River Tweed SAC will need to be taken into account in any conditions relating to SUDS. In order to comply with LDP policies EP1, EP2, EP3, EP13, EP15 and NPF4 policies 1, 3, 4, 6 and 22 condition should be imposed should Members consider the proposal acceptable.

Contamination

The CLO has recommended a condition be imposed requiring the submission of reports regarding potential contamination of the site. Should Members consider the proposal to be acceptable, to accord with LDP policy IS13 and NPF4 policy 9, the necessary reports could be secured by a suitably worded planning condition.

Archaeology

Members will note that the council's Archaeology Officer has stated that there is the potential in the western parts of this development for archaeological evidence for a different churchyard or church to be encountered. As archaeological evaluations were recommended as a condition for 17/00767/PPP and 10/01505/FUL, it is now recommended that a similarly worded condition be imposed requiring an archaeological evaluation for the current proposal.

Developer contributions

The proposals, if granted, will require the payment of developer contributions towards education provision and affordable housing. This would ensure compliance with policy IS2 of the LDP and NPF4 policies 16 and 18. The contributions would be secured by means of a legal agreement.

Air quality

The houses would be fitted with flues for solid fuel stoves. It should be noted that Environmental Health has not objected to those on the grounds of local air quality. A condition is recommended regarding the appearance of the flues.

Services

The application form indicates that the site will be connected to the public water mains and foul drainage network. The precise details of both the surface water and foul water drainage can be secured by condition and through the building warrant and road construction consent processes.

Bin storage

The precise location of refuse and recycling bin storage is not shown on the site plan but there appears to be sufficient space within each plot to accommodate waste and recycling containers away from the front elevations of the buildings.

CONCLUSION

The principle of residential development of eight houses on the site is acceptable, albeit subject to conditions. Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the statutory development plan and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to a legal agreement addressing contribution towards the education provision and affordable housing, together with the following conditions:

- 1 The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2 Unless otherwise required by conditions elsewhere in this schedule, 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.
- 3 Unless otherwise agreed in writing and in advance by the planning authority, prior to any development commencing on site, a scheme will be submitted to identify and assess potential contamination on site. No construction work shall commence until that scheme has been submitted to and approved in writing by the planning authority. Once approved the works shall thereafter be implemented in accordance with the scheme.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the

most up-to-date version(s) of any subsequent revision(s) of and/or supplement(s) to these documents. That scheme should contain details of proposals to investigate and remediate potential contamination and must include:

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the planning authority prior to addressing parts b, c, d, and e of this condition;

Thereafter,

- b) where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site and assessment of risk such contamination presents;
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan);
- d) submission of a Validation Report (should remedial action be required) which will validate and verify the completion of works for the written approval of the planning authority;
- e) submission, if necessary, of monitoring statements at periods to be agreed with and for such time period as is considered by the planning authority to be appropriate.

Written confirmation from the planning authority that the scheme has been implemented, completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the planning authority.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

- 4 Notwithstanding the description of the materials on the drawings and supporting statements, no development shall be commenced until precise details of the materials to be used in the construction of the external walls, windows, doors and roofs of the buildings have been submitted to and approved in writing by the planning authority. Where necessary, colours shall be specified by means of a RAL or BS4800 code. Once approved, no development shall be undertaken otherwise 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.

- 5 Notwithstanding the approved drawings and further to condition 4 above, no development shall commence until revised drawings have been submitted to and approved in writing by the planning authority showing amended roofing proposals and materials. The proposed roofing materials shall show the greater part of the roofs finished in natural slate (or a suitable alternative to be agreed in writing by the planning authority). Once approved, the development shall not be undertaken otherwise in complete accordance with the approved details.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

- 6 Notwithstanding the approved plans, no development shall commence until revised drawings have been submitted to and approved in writing by the planning authority showing a revised layout for plots 2 and 8. The revised layout shall comply with the Council's approved supplementary planning guidance note – Privacy and Sunlight Guide (July 2006) regarding privacy and overlooking distances between windows of principal rooms (Table 1). Once approved, the development shall not be undertaken otherwise in accordance with the approved revision.

Reason: In order to safeguard the privacy and amenity of adjoining proprietors.

- 7 Notwithstanding the approved plans, no development shall commence until revised drawings have been submitted to and approved in writing by the planning authority showing a revised fenestration layout or scheme of mitigation for the properties on plots 3; 4; 6 and 7. Once approved, the development shall not be undertaken otherwise in accordance with the approved revisions.

Reason: In order to safeguard the privacy and amenity of adjoining proprietors.

- 8 No development shall commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include, as a minimum:

- i. location of new trees, shrubs, hedges and grassed areas;
- ii. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- iii. location and design, including materials, of walls, fences and gates;
- iv. a programme for completion and subsequent maintenance.

Once approved, the development shall be implemented in accordance with the approved drawings. None of the trees identified for retention within the application site shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the planning authority.

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

- 9 Notwithstanding the approved plans, no development shall commence until an updated Tree Protection Plan (per section 5.5 of BS 5837:2012 Trees in relation to design, demolition and construction - recommendations) and an updated Arboricultural Method Statement have been submitted to and approved in writing by the planning authority. That plan shall show: the footprint of proposed buildings in relation to the existing trees with a clear indication of those being retained, those being removed to accommodate the development (or due to condition as detailed in the approved Arboricultural Impact Assessment, Report 1); details and location of protective fencing. Once approved, the protective fencing shall be erected in accordance with the approved details prior to development commencing and shall be retained until the completion of construction works. Any groundworks within the root protection areas of trees shall be undertaken only by means of hand digging and works within the RPAs should be kept to an absolute minimum to limit any potential negative impact on the trees.

Reason: To ensure that existing trees representing an important visual feature are retained and given adequate protection during construction.

- 10 No development, vegetation removal or works to trees shall commence during the breeding bird season (March-August inclusive) unless in strict compliance with a Species Protection Plan for breeding birds, to include provision for a pre-

development checking survey and mitigation, that shall be submitted to and approved in writing by the planning authority. Thereafter the works shall not be undertaken otherwise in accordance with the approved details.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3 and NPF4 policies 1, 3 and 4.

- 11 No development shall commence unless in accordance with a construction method statement that has been submitted to and approved by the planning authority. The method statement should detail issues relating to the control of noise and nuisance from the site during the construction phase and control of run-off and pollution from the site.

Reason: In the interest of the amenity of the neighbouring properties.

- 12 No development shall commence until a scheme of details has been submitted to and approved by the planning authority, showing the improvement works to the junction of the A703 and the D19-1 Bellfield Road. The scheme of details shall include engineering details of the altered kerbing and any associated alterations to the roadside drainage, along with the required visibility splays. All works to be carried out by a contractor first approved by the council prior to works commencing on site. Thereafter, the junction improvements shall be retained in perpetuity.

Reason: In the interest of road safety.

- 13 No development shall commence until the existing private road is upgraded to adoptable standards from a point where the private road meets the D19-1 Bellfield Road adjacent to the church. The works will be subject to Road Construction Consent. The development shall be served throughout by roads and pavements constructed to the council's adoptable standards.

Reason: To achieve a satisfactory form of development and in the interest of road safety.

- 14 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an archaeological evaluation. That will be formulated by a contracted archaeologist and approved in writing by the planning authority. Access should be afforded to allow investigation by a contracted archaeologist(s) who shall be nominated to and agreed in writing by the planning authority. The archaeologist(s) shall be allowed to conduct a programme of evaluation prior to development. That will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the planning authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. Any significant data and finds shall undergo post-excavation analysis, the results of which will be submitted to the planning authority

Reason: The site is within an area where ground works may interfere with or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 15 No development shall commence until precise details of surface water drainage have been submitted to and approved in writing by the planning authority and thereafter, no development shall take place except in strict accordance with the approved scheme. All surface water drainage shall comply with the SUDS manual (C753) and maintain existing pre-development run off levels.

Reason: To ensure that there are no unacceptable impacts upon the amenity of any neighbouring properties and that surface water is managed in a sustainable manner that does not increase off-site run-off.

- 16 No water supply other than the public mains water supply shall be used to supply the development without the written agreement of the planning authority. No drainage system other than the public mains sewer shall be used to service the properties without the written consent of the planning authority. No development shall commence until evidence has been provided to the planning authority that the proposed dwellinghouses are to be connected to the public water and foul drainage networks. Thereafter, the dwellinghouses shall not be occupied until the above connections are made. All services shall be maintained throughout occupancy of the dwellinghouses

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and that the development is connected to the foul drainage network.

- 17 The finish of the flues shall be matt black or dark grey, unless otherwise agreed in writing with the planning authority.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

Informatives

- 1 Any trees to be felled should be surveyed by a qualified person before felling.

The applicant is advised that, under the Conservation Regulations (Natural Habitats & c.) 1994 (as amended) it is an offence to deliberately or recklessly damage or destroy a breeding site or resting place of bats (whether or not deliberately or recklessly), capture, injure or kill a bat, harass a bat or group of bats, disturb a bat in a roost (any structure or place it uses for shelter or protection), disturb a bat while it is rearing or otherwise caring for its young, obstruct access to a bat roost or otherwise deny an animal use of a roost, disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species, disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact Scottish Natural Heritage (Tel: 01896-756652 or 01463 725 364) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at:

http://www.bats.org.uk/pages/bats_and_buildings.html

http://www.bats.org.uk/pages/existing_buildings.html

<https://cdn.bats.org.uk/pdf/Bats-Trees.pdf?mtime=20181101151317>

- 2 All wild birds are afforded protection and it is an offence to deliberately or recklessly kill, injure and destroy nests and eggs of wild birds. Additionally for those species protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), it is illegal to intentionally or recklessly disturb any bird whilst it is nest-building or at or near a nest containing eggs or young or to disturb any of its dependent young.

- 3 In respect of condition 7, mitigation may include amongst other things, deletion or relocation of windows or the fitting of obscure glazing, the degree of which should be specified.
- 4 **Solid fuel stoves**
 If a stove is to be installed with an output of more than 45kw, contact should be made with the council's Environmental Health Service to provide further information in order that a screening assessment can be carried out. Stove installations can cause smoke and odour complaints and planning permission for the flue's installation does not indemnify the applicant in respect of statutory nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted planning permission, including for changes to the height and position of the flue. 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 burn only fuel of a type and grade that is recommended by the manufacturer.

DRAWING NUMBERS

1. 10074/0_01 REV B Location plan
- 2 10074/0_02 REV B Existing site plans
- 3 10074/3_01 REV O Proposed site plans
- 4 20220065-SK101 REV B Proposed plans
- 5 10074/3-14 REV D Proposed plans & elevations
- 6 10074/3-13 REV D Proposed plans & elevations
- 7 10074/3-15 REV E Proposed plans & elevations
- 8 10074/3-10 REV D Proposed plans & elevations
- 9 10074/3-11 REV D Proposed plans & elevations
- 10 10074/03_09 Proposed plans & elevations
- 11 10074/3-16 REV B Proposed plans & elevations
- 12 2021-602-SK100 Proposed plans
- 13 20220065-SK100 REV D Proposed sections
- 14 Report Report 1

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

Author(s)

Name	Designation
Ranald Dods	Planning Officer



21/01804/FUL

Bowbank, Eddleston

