

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 17/01266/FUL

**APPLICANT :** Mr Daren Silcock

**AGENT :** E Dalton Design

**DEVELOPMENT :** Erection of dwellinghouse with integral garage

**LOCATION:** Plot 1  
Hardens Road  
Duns  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:** Negotiation

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
1705.D.01	Location Plan	Approved
1705.D.02	Block Plans	Approved
1705.D.03A	Elevations	Approved

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

**CONSULTATIONS:**

**ROADS PLANNING SERVICE:** Shall have no objections to this proposal provided the conditions concerning access and parking attached to the previous consent (13/00491/PPP) are met. As in the previous application, would insist on the previous conditions:

- o Visibility splays of 2.4 x 160metres must be provided in both directions onto the public road. These splays must be provided prior occupation and retained thereafter in perpetuity.
- o Turning and parking must be provided before the dwelling is occupied and retained thereafter in perpetuity.
- o The service lay-by indicated on drawing 1705.D.02 must be completed prior to the dwelling being occupied.
- o Any gates proposed for the access must be hung so as to open into the plot and not out towards the public road.

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

**COMMUNITY COUNCIL:** No response received, Consultation lapsed.

**EDUCATION & LIFELONG LEARNING (NEIL HASTIE):** No response received, Consultation lapsed.

**LANDSCAPE ARCHITECT:** In summary, the site can accommodate the proposed development comfortably. My only comment is to note the statement on the Block Plan that existing trees will be

retained subject to a condition report and I recommend that, should this report recommend removal of any trees, they should be replaced with new trees capable of growing to similar ultimate size. This will ensure that this element of the local tree cover is maintained. I do not object to the application but recommend a condition requiring retention or replacement of the existing roadside trees.

HEALTH & SAFETY EXECUTIVE: Confirmed via online system that the site raises no issues for the HSE.

#### PUBLICITY AND REPRESENTATIONS

This application was publicised by means of the direct postal notification of one neighbouring dwelling, Langton Field, to the South. Further publicity was undertaken in the form of an advert in the Berwickshire News, and an advert on the national public notices website, Tell Me Scotland. No objections were received to the application.

#### PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016  
PMD1: Sustainability  
PMD2: Quality Standards  
HD3: Protection of Residential Amenity  
EP13: Trees, Woodlands and Hedgerows  
IS2: Developer Contributions  
IS6: Road Adoption Standards  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment and Sustainable Urban Drainage

#### SUPPLEMENTARY PLANNING GUIDANCE

- Development Contributions (2015)
- Placemaking and Design (2010)
- New Housing in the Borders Countryside (2008)
- Landscape and Development (2008)
- Trees and Development (2008)
- Householder Development (incorporating Privacy and Sunlight Guide) (2006)
- Waste (2015)

**Recommendation by** - Andrew Evans (Planning Officer) on 8th November 2017

#### SITE

The application site is an area of land at Hardens Road, outside Duns. The site adjoins a single existing dwelling to the south of the site. The public road serving the remainder of the building group at Hardens Road runs to the east of this site. A small wind turbine is located in the northern corner of the site.

#### PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a single detached dwelling. The proposed dwelling is a two storey structure, with L shape layout.

#### POLICY PRINCIPLE

Outline permissions have previously been approved on the site, with the most recent approval being for application 13/00491/PPP. The site is outwith the settlement of Duns and falls to be assessed against Housing in the Countryside Policies.

The planning history of this area is significant to the current application. The development of the site has been considered as recently as 2013 by the Planning Authority to be acceptable and line with Reporter's

decisions along Hardens Road. When considered against the Housing in the Countryside Policy, as only two houses presently exist there would be no building group at this location meaning that this situation would normally result in a refusal. However, the planning history stemming from the Reporter's interpretation of this being an acceptable location for development is compelling. While subsequent decisions related to 'infill' plots, part of the ability to support these developments arises from the enclosure provided from surrounding development which this site directly contributed to.

This site has consistently been considered by the Planning Authority to play a role in terminating the extent of development at Hardens Road, and repeatedly has been approved on the basis of the sites positive contribution to the built context at this rural location as viewed by the Reporter, a previous decision to extend permission at this site and the development of a small wind turbine at its top corner.

#### PRIME QUALITY AGRICULTURAL LAND

The site had been designated as prime quality agricultural land. However I note that the site has had the benefit of planning permission for development of housing before. On that basis, I cannot now justify a refusal of this site on grounds of its PQAL location.

#### PLACEMAKING AND DESIGN

##### - House design, position and orientation

The proposed house design is agreeable, and relates well to the adjoining dwelling, which is set back to a similar degree from the roadside. In terms of the proposed house design, the adjustments sought by the planning authority were as follows:

- o Ideally the garage would have been detached. However accounting for nearby housing, I cannot insist on this. There are a number of dwellings along the Hardens Road with integral garages.
- o Revisions were sought to the proposed up and over garage door. This was revised to a more visually appropriate pair of doors.
- o The first floor bathroom window on the front elevation was amended to give vertical emphasis.
- o The roof was revised to be slate not tiles.

##### - Surrounding built form

The surrounding housing at Hardens road is generally large and often suburban in detailing. The proposed house, whilst large, will not appear incongruous. Whilst the house has some more modern design elements to it, there is no issue with the acceptability of these details at this location.

#### LANDSCAPING AND TREES, WOODLAND AND HEDGEROWS

The Council's Landscape Architect was consulted on the application and advised that the site can accommodate the proposed development comfortably. The only comment made was to note the statement on the Block Plan that existing trees will be retained subject to a condition report and the Landscape Architect recommends that, should this report recommend removal of any trees, they should be replaced with new trees capable of growing to similar ultimate size. This will ensure that this element of the local tree cover is maintained. The Council's Landscape Architect did not object to the application but recommends a condition requiring retention or replacement of the existing roadside trees.

I am satisfied no conflict with policy EP13 of the LDP will arise. It would be prudent to impose planning conditions, to protect the trees being retained, and ensure only trees marked and agreed for removal are indeed removed.

A suitable landscaping condition is set out following this report. This will ensure that the site is well integrated into the surrounding landscape.

#### AMENITY AND PRIVACY

Amenity and privacy are afforded protection via policy HD3 of the LDP, and via the adopted SPG on Householder Development. In this case I am content that all required window to window standards to

neighbours are met. There is no overshadowing, overlooking or amenity issues arising from this proposed development. The proposed garden ground for the plot far exceeds the minimum level set in the SPG.

#### ROAD SAFETY

Road Safety is a material planning consideration. The Roads Planning Service was consulted on this application and advises that their requirements can be addressed via imposition of planning conditions, in line with previous approvals on the site. There is no road safety objection to the application. Suitable conditions are set out following this report.

#### WATER SUPPLY AND DRAINAGE

The site is in a rural location in the countryside. Servicing will therefore require further consideration by means of suitable planning conditions. Policy IS9 of the Local Development Plan on Waste Water Treatment Standards and Sustainable Urban Drainage is relevant to this application. This set out that development proposals should make satisfactory arrangements for dealing with foul and surface water drainage. SUDS (Sustainable Urban Drainage Systems) principles should be incorporated in development.

The submitted application form sets out that the proposed development is to be serviced via private drainage, with a septic tank discharging to sealed gravel soak-away. An indicative layout is shown on the proposed block plan. The application form also sets out that water supply will be via connection to the public water supply. I am satisfied that subject to the noted planning conditions on water and drainage, the proposed development can be considered to comply with the requirements of policy IS9 of the Local Development Plan.

#### HEALTH AND SAFETY EXECUTIVE

At registration, a consultation with HSE was identified as necessary. I undertook this consultation using the HSE online system. This confirms no HSE boundaries are crossed and no issues arise for the HSE.

#### DEVELOPMENT CONTRIBUTIONS

A contribution was identified in terms of local education facilities. However it was subsequently established that the contributions for this site were settled via consent 07/00033/OUT. There is communication from the Council Solicitor pertaining to the agreement also in IDOX for application 13/00491/PPP. The Enforcement Officer (managing contributions) checked and confirmed no assessment is required for this current application.

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

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

#### **Recommendation:** Approved - conditions & informatives

- 1 The roofing material is to be slate. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building 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.
- 2 Visibility splays of 2.4 x 160metres must be provided in both directions onto the public road. These splays must be provided prior to occupation of the dwellinghouse and retained thereafter in perpetuity. Furthermore:

- o Turning and parking for two cars must be provided within the site before the dwellinghouse is occupied and retained thereafter in perpetuity.
  - o The service lay-by indicated on drawing 1705.D.02 must be completed prior to the dwellinghouse being occupied.
  - o Any gates proposed for the access must be hung so as to open into the plot and not out towards the public road.
- Reason: In the interests of road safety on Hardens Road and at the junction with the site.

- 3 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 Planning Authority, and shall include:
- i. Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
  - ii. Location of new trees, shrubs, hedges and grassed areas, including replacement of any trees removed
  - iii. Schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iv. 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.

- 4 Prior to commencement, full details of the means of water supply and of foul and surface water drainage are to be submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the approved details unless subsequently agreed in writing with the Planning Authority. No water supplies other than the public mains shall be used to supply the Development without the written agreement of the Planning Authority.
- Reason: To ensure that the Development is adequately serviced with water and drainage provided with a sufficient supply of wholesome water, and that there are no unacceptable impacts upon the amenity of any neighbouring properties

- 5 Prior to the commencement of development full details of the storage space for domestic waste and recycling are to be submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the approved details.
- Reason: To ensure that suitable arrangements for domestic waste and recycling are in place.

- 6 Only trees first identified on a removal plan agreed in writing by the Planning Authority in advance shall be removed.
- Reason: The existing trees represent an important visual feature which the Planning Authority considers should be substantially maintained.

- 7 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence, or equivalent, 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
  - (b) No fires shall be lit within the spread of the branches of the trees;
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
  - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
  - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.
- Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

## Informatives

It should be noted that:

- 1 Attention is drawn to the consultation response of the Roads Planning Service. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

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