

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**30 APRIL 2018**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 17/00923/PPP
<b>OFFICER:</b>	Andrew Evans
<b>WARD:</b>	Selkirk and District
<b>PROPOSAL:</b>	Erection of two dwellinghouses
<b>SITE:</b>	Land West Of Peelgait, Selkirk
<b>APPLICANT:</b>	Beaton Forestry
<b>AGENT:</b>	Stuart Davidson Architecture

**SITE DESCRIPTION**

The application relates to a site on the south western edge of Selkirk, to the north east of the existing dwellings at Peelgait. The site is located within the Development Boundary as defined by the Local Development Plan 2016. The application site comprises a broadly triangular area of sloping grass paddock currently used for grazing.

To the North of the site is located existing housing at Deer Park. The rear of these houses overlooks the application site. To the South is located existing housing at Peelgait. The frontages of these houses face towards the application site, though there is a significant change in levels between the existing housing and the application site. To the East of the site is located sloping parkland, forming part of the Haining Designed Landscape.

**PROPOSED DEVELOPMENT**

This is an application for planning permission in principle. The latest set of indicative plans for the application would see two dwellings erected on the site. This is a reduction from the three dwellings originally proposed. An access road to the site would be taken from the existing road serving Peelgait.

**PLANNING HISTORY**

The site has been subject to previous applications as follows:

11/00039/PPP - Proposed erection of dwellinghouse. The application was withdrawn following an objection from Historic Scotland.

**REPRESENTATION SUMMARY**

In total 19 letter and emails of objection were received, along with two general comments.

The objections were received from 10 separate Households. The points raised in objection can be summarised as follows:

- Adverse impact on neighbouring private water supply. This development will clearly overlay the pipe run from the well to objector's properties.

- The water supply should be surveyed / checked during construction and checked thereafter.
- The access to piping for maintenance purposes must not be impaired and this would be significantly adversely affected by the proposed development.
- Find it inconceivable that Scottish Borders Council (SBC) would consider a planning application without taking account of the private water supply, the fact the well is privately owned and none of the properties on the private water supply were consulted.
- Queried who is liable for in future if water contamination arises
- There is insufficient access to serve the site
- the access road along Peel Gait is too narrow to allow any more housing
- No sufficient parking space
- Inadequate drainage
- The proposed road would be too steep, particularly in winter
- The well should be protected
- The owner of the well would not agree to seating or development around it.
- Loss of light
- Loss of view
- No sufficient parking space
- Overlooking
- Privacy of neighbouring properties affect
- Subsidence
- Complaints people served by the water supply were not notified of the planning application (Note this is not a notifiable interest – only postal premises within 20m are notifiable)

The general comments can be summarised as follows:

- The well owner had concerns about the house nearest it (this house was since removed in the revised drawings)
- Concerns (but no objection) registered to the application – Including concerns about ownership.

#### **APPLICANT'S SUPPORTING INFORMATION**

- Photomontage showing the edge of settlement.
- Further details relating to the private water supply within the site which serves neighbouring dwellings (objectors)

This supporting information is available for members to view in full on Public Access.

#### **DEVELOPMENT PLAN POLICIES:**

##### **Local Development Plan 2016**

PMD1 Sustainability  
PMD2 Quality Standards  
PMD3 Land Use Allocations  
PMD5 Infill Development  
HD3 Protection of Residential Amenity  
BE3 Gardens and Designed Landscapes  
IS2 Developer Contributions  
IS3 Developer Contributions Related to the Borders Railway  
IS5 Protection of Access Routes  
IS6 Road Adoption Standards

IS7 Parking Provision and Standards  
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage  
EP1 International Nature Conservation Sites and Protected Species  
EP13 Trees, Woodlands and Hedgerows

#### **OTHER PLANNING CONSIDERATIONS:**

Scottish Planning Policy 2014  
Designing Streets 2010  
SPG Affordable Housing 2015  
SPG Development Contributions 2011 (updated 2018)  
SPG Trees and Development 2008  
SPG Landscape and Development 2008  
SPG Green Space 2009  
SPG Placemaking and Design 2010  
SPG Guidance on Householder Development 2006  
SPG Waste Management 2015  
SPG Designing out Crime in the Scottish Borders 2007

#### **CONSULTATION RESPONSES:**

Scottish Borders Council Consultees

##### **Roads Planning Service: First Response:**

When the development at Peelgait was built, the design standard at that time for the road constructed was suitable for a development of up to 15 houses. Current design policy, 'Designing Streets', encourages informal layouts and shared surfaces which naturally calm traffic movements. Whilst the existing infrastructure does not include pavements this is over a relatively short section and the road geometry at present does not encourage high traffic speeds. When taking this into consideration the principle of adding a further three houses is acceptable.

Notwithstanding the above, the main concern with developing this land is the gradient of the access road serving the plots. No part of the new private road shall be steeper than 1 in 8 (1 in 15 for the junction and turning area) and I must request that a long section and cross sections of the proposed road are submitted for consideration before I am able to make an informed decision. The proposed layout will also need to allow for turning for emergency service vehicles and swept path analysis should be provided to demonstrate that this is achievable. Provision for visitor parking and for vehicles passing one another on the road also needs to be accounted for. Given the topography of the site, I will require this information to be submitted prior to determination as I have concerns in particular over whether the required gradients are achievable. Until I receive this additional information, I must withhold my support for this proposal.

##### **Final Response:**

Following the latest submission, drawing P449-Sk-001 Rev F, I am content that appropriate access can be achieved to serve these two plots in principle. Should this application be approved, more details would be required as part of any detailed planning application. These details would include construction specification, drainage details, earthworks and embankment details including retaining structures. A suitably worded condition should be attached to any approval of the outline consent requesting a scheme of details to be submitted for the detailed design of the private access road.

**Education and Lifelong Learning:** Confirm that the site is located within the catchment area for Knowepark Primary School, St Joseph's RC Primary School and Selkirk High School. There are no contributions sought for this application.

**Environmental Health:** Amenity and Pollution

Confirm assessment of the application was carried out in terms of air quality, nuisance and water supply. Proposed two conditions on Drainage, Two conditions relating to Mains Water Supply, and a condition relating to Wood Burning Stoves (If a stove is to be installed as part of the development and so long as it is less than 45kW no further information needs to be provided). An Informative on stoves and use of solid fuel is proposed. The EHO agrees with the application in principle, subject to conditions.

The Contaminated Land Officer considered the proposals and makes no Comment

The EHO issued a subsequent response, following complaints from neighbours about their private water supply advising that Standard Conditions and Applicant Informative may be of use

**Landscape Architect:** No objections. The landscape architect produced a sketch plan of a proposed planting scheme which could be developed for this site, to indicate how a future application could be considered.

**Archaeology Officer:** There are archaeological implications for this development and I cannot support the application. The site coincides with the known site of St Mungo's Well. This is a historically significant site and of regional historic interest, and is still in use as a water source for nearby properties. There is the potential for direct and indirect impacts to archaeology and the setting of St Mungo's Well.

I do not feel the current proposal is appropriate or justified per SPP or Policy EP8 and I object to the overall principle of this development. A smaller development proposal, such as that proposed in 2011, may be more sympathetic to the setting of the well. In summary, I object to this proposal. I may be prepared to accept smaller scale development within the site as well as a more modest scheme of interpretation and access to the well itself. In any event, archaeological investigation of the well site and the surrounding area may be required if development were to eventually proceed.

Second Response:

I have reviewed the new proposal for two houses, associated infrastructure and landscaping. I note that a third house and plans to elaborate St Mungo's well have been abandoned and I am now broadly content with the principle of development.

However, I am still concerned that the appreciation of the site from the Designed Landscape will be impacted by landscaping. I question if the semi-mature belt along the north-western edge of the site is necessary and would prefer to see open views into the well area maintained. This would mitigate against the enclosure of the site, further eroding its historic links to the Designed Landscape and the town, which was a concern on the first design.

I am also concerned that the planting of trees near the well could cause inadvertent damage long term through root penetration. Ensuring that planting is at least 10 metres from the edge of the well would mitigate this effect.

In my earlier responses to this application, and in 2011, I highlighted the archaeological potential of the area around the well including the current development footprint. To

investigate this I recommend an archaeological evaluation of at least 10% of the development area. This evaluation will form a baseline of the site's potential and may lead to further investigation if archaeological deposits or features are located.

During development, I recommend that the site of the well is temporarily fenced off to prevent accidental damage. This should ideally be erected under archaeological supervision and can be done at the same time as the evaluation.

Finally, while the original proposal for elaborating the well-head was unacceptable there is still a desire to see some form of more limited interpretation and access. This can be achieved through a condition seeking an approved interpretative scheme.

To conclude, I can now support the principle of development but would recommend conditions and applicant informatives requiring a programme of archaeological works and protective fencing to be erected around the area of archaeological interest.

### Statutory Consultees

**Historic Environment Scotland:** The proposals have the potential to affect The Haining Historic Garden and Designed Landscape. SBC should seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings. HES have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals.

**Selkirk and District Community Council:** No response received.

### Other Consultees

**Scotland's Garden and Landscape Heritage:** Scotland's Garden and Landscape Heritage is grateful to be included in the above consultation which will have an impact on The Haining designed landscape, included in the Inventory of Gardens and Designed Landscapes in Scotland and therefore assessed by Historic Environment Scotland to be of National significance.

Historic Environment Scotland last assessed The Haining designed landscape and designated the current Inventory boundary in June 2011. In the 'Importance of Site' assessment for the Inventory the landscape is accorded 'Some' Scenic value but it is noted that 'the encroachment of suburban housing at the northern boundary of the designed landscape has made a negative scenic impact...'. The current proposals would be located within the northern boundary of the designed landscape which can only increase the erosion of the scenic value in this area of the landscape.

We note that in the Scottish Borders Development Plan 2016 the development boundary for Selkirk does include the proposed site, however it is not allocated for housing or any other development during the lifetime of the plan. Within the plan four alternative sites, allowing for a total of up to 106 units, have been identified as suitable locations for future housing. In addition, Policy BE3 GARDENS AND DESIGNED LANDSCAPES of the Scottish Borders Local Development Plan states that

'Development will be refused where it has an unacceptable adverse impact on the landscape features, character or setting of sites listed in the Inventory of Gardens and Designed Landscapes'. As noted above further erosion of the northern boundary will be an unacceptable adverse impact.

To summarise, Scotland's Garden and Landscape Heritage wish to object to this application and would advise that the proposed houses be accommodated within one of the sites allocated for future housing under the Local Development Plan. We would be grateful to remain included in any future consultations affecting The Haining and other Inventory and non-Inventory designed landscapes in Scottish Borders.

### **KEY PLANNING ISSUES:**

Whether or not the proposed development would comply with development plan policies and guidance, particularly with regard to infill development; impacts on archaeology; residential amenity; water supply, and road and pedestrian safety.

### **ASSESSMENT OF APPLICATION:**

#### **Principle**

The site is located within the development boundary for Selkirk as set out in the Local Development Plan 2016.

The principal issue here is whether the proposed dwellings are acceptable in terms of their impact on the neighbouring existing housing and surrounding area. Aside from ensuring the additional units can be adequately serviced with parking and infrastructure (as considered below), the key considerations are whether there is sufficient information to enable a decision, accounting for representation and objections made about neighbours private water supplies. These matters are considered in more detail further in this assessment, which is guided by other LDP policies and related supplementary guidance as appropriate.

As noted above, the site is located within the Selkirk Development Boundary set out in the Scottish Borders Local Development Plan 2016. The site is also located within "The Haining" designed landscape. A previous application was withdrawn. The current application requires to be assessed principally in terms of policy PMD5 of the LDP on infill development. As the site is located within the development boundary, the principle of a dwelling on the site is generally acceptable. Consideration is also required against the provisions of other relevant policies of the Development Plan including but not limited to road safety and impacts on neighbouring private water supply. Members should be aware that third party representations were made specifically in respect of these matters and will be discussed later in this report.

#### **Supporting information and Revisions**

The original proposals sought consent for the erection of 3 dwellings but this has been revised to show indicative plans for a two house development. The application was supported by a design statement. Visuals of the edge of the settlement were also produced to demonstrate the ultimate position of the site on the edge of the Designed Landscape.

#### **Placemaking and Design**

Policy PMD1 of the LDP sets out relevant sustainability criteria applicable to all development proposals. In determining planning applications and preparing development briefs, the Council will have regard to the sustainability principles in Policy PMD1 which underpin all the Plan's policies. In addition, Policy PMD2 sets out the Council's position in terms of quality standards for all new development and sets out specific criteria on Placemaking & Design.

The application is for planning permission in principle. However, sufficient information accompanies the application to inform decision making and assessment of the positioning of

housing, road, and landscaping works on the site, and impacts upon surrounding housing and land. The application is supported by an indicative layout for the proposed development. This originally showed the positioning of three detached dwellings. The latest revised plan is now for the erection of two dwellings. It is considered that the site, subject to the submission and approval of a subsequent detailed application is suitable for residential development.

### **Infill Development**

As stated above, Policy PMD5 sets out the land use planning position in term of infill development proposals within settlement boundaries. Development on infill sites, within settlement boundaries will be approved where the policy criteria are met. In this case, it is considered that a two house development would not conflict with the established land use of the area, and would not detract from the character and amenity of the surrounding area. Subject to suitably designed house types being submitted at detailed application stage a development would be possible respecting the scale, form, design, materials and density found in the surrounding area. It is considered, subject to conditions, that adequate access and servicing would also be possible. It is considered that detailed proposals could be developed for the erection of two houses on this site that would meet approved amenity and privacy standards.

### **Layout**

The indicative site plan shows a layout with a new road serving the two dwellings. The original layout was reduced from three dwellings to two, and the details of the proposed layout and access were improved, with additional supporting section drawings produced by the agent.

The houses are set in the same basic scale as the approved development to the north at Peelgait, albeit incorporating split level houses, set into the sloping land. However, the layout and scale of the houses will fit with the existing townscape. The areas of garden ground are of suitable scale, and comparable with the neighbouring housing development to the site. The house types will be subject to later consideration at the detailed stage, should Members be minded to approve this application. It will be possible to ensure that the 2 new houses on these plots are similar to each other and with the other houses in the overall development.

Level information suggests cut and fill across the site, with retaining walls in selected places. During the processing of the application, more indication of retaining wall and underbuilding requirements has been provided, suggesting the visual effects will be reasonable. A full levels scheme will, in any case, be required as part of the detailed application stage. Further details of all boundary treatments are required and this can also be considered at the detailed stage.

### **Neighbouring amenity**

The proposals demonstrate that there will be no adverse impacts on neighbouring amenity. Policy HD3 of the Local Development Plan sets out that residential amenity will be afforded protection. The Council has adopted supplementary planning guidance on Householder Development which sets out standards for privacy and amenity. Policy HD3 sets out that development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted.

The Council's supplementary guidance on householder developments sets out criteria in relation to privacy, sunlight and residential amenity to ensure that any overshadowing or

overlooking is to an acceptable level. Existing neighbours as well as proposed dwellings are entitled to a degree of protection of amenity and privacy.

The relationship of the proposed development to all existing housing has been considered. As this is a planning application in principle there are no detailed proposals to assess against the Council's standards for residential amenity and privacy. It is however possible to determine whether, in principle, those requirements could be achieved on the site. It is considered that the nearest existing dwellings are sufficiently distant from the site that the proposed dwellings would not have an unacceptable adverse impact on the residential amenities of occupants of these properties.

The approved SBC Supplementary Planning Guidance on householder development considers the level of private garden amenity space suitable for family accommodation. The amount of private outdoor space required should reflect the size of the dwelling. It is considered that the proposed layout would provide for suitable garden and amenity space adjoining the proposed individual dwellings and housing development more widely. The requirements of the householder SPG and Policy PMD2 are achieved.

As regards daylight and sunlight, the applicant has submitted sectional drawings which are of some assistance in making a judgement on light loss. Accounting for these plans and the known level differences, the department is content a suitable scheme can be brought forwards at AMC stage, meeting amenity requirements.

Effects on views and property values are not material planning considerations.

### **Access and Parking**

Road safety is a material consideration. Policy IS7 on Parking Provision and Standards sets out that the development proposals should provide for car and cycle parking in accordance with approved standards. Policy PMD2 of the LDP sets out (amongst other matters) criteria on accessibility. Criteria (o) requires that street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths. Criteria (q) requires that development ensures there is no adverse impact on road safety, including but not limited to the site access, Criteria (r) requires that development provides for linkages with adjoining built up areas, Criteria (s) requires that development incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

The Roads Planning Service was consulted on the application and initially objected, seeking the submission of additional detail and information on the gradient and access arrangements to serve the site.

Following the submission of revised drawings RPS advises that the proposed development can be supported subject to conditions. The proposed new access road serving the site will involve cutting into the existing slope and the access road is positioned away from the position of the water supply pipe serving neighbouring dwellings. A full scheme of details for the dimensions of this new access track will require to be provided at detailed application stage. The current plans do demonstrate that a suitable access to the site is achievable and the number of spaces proposed complies with LDP standards.

### **Landscape**

The site is located on the edge of The Haining Designed Landscape. Historic Environment Scotland advises that they have assessed the application for historic environment interests



and consider that the proposals have the potential to affect The Haining Historic Garden and Designed Landscape. HES also advised that we should seek advice from the Council's own archaeology and conservation officers for matters including unscheduled archaeology, category B and category C listed buildings. HES have considered the information received in relation to the application and do not have any comments to make on the proposals.

Scotland's Garden & Landscape Heritage consider the development will have an impact on The Haining designed landscape. Members will note from the consultation responses that SGDL advise that HES last assessed The Haining designed landscape in June 2011 and concluded that the landscape has 'Some' Scenic value but notes 'the encroachment of suburban housing at the northern boundary of the designed landscape has made a negative scenic impact...'. The current proposals would be located within the northern boundary of the designed landscape which can only increase the erosion of the scenic value in this area of the landscape.

As noted above SGLH consider further erosion of the northern boundary will result in an unacceptable adverse impact of the designed landscape and accordingly object to the proposed development.

Notwithstanding objections raised by the SGLH, it is considered that while the site would project the built edge of the settlement into adjacent fields, it does so in a manner consistent with the adjacent pattern of existing housing developments with which they would eventually form part. It would be appropriate for a scheme of landscape planting however to be developed to provide a degree of enclosure round the site. A suitable landscaping condition is set out following this report to achieve this. A strong landscaping treatment to this site would provide enhanced separation between the designed landscape and the existing and proposed housing on the edge of Selkirk. This would ensure that the proposed housing could be accommodated in the landscape without significant adverse impacts on the nearby designed landscape, ensuring compliance with Policy EP10 of the LDP.

## **Trees**

The LDP requires that all new development accounts for trees, woodland, and hedgerows. These are given protection under Policy EP13 of the LDP to maintain the character and amenity of settlements and the countryside. The Council has also adopted Supplementary Planning Guidance on Landscape and Development, and on Trees and Development, which are both relevant to these proposals. It is contended that the proposed dwellings can be accommodated on the site without adverse impact on existing trees or hedging. There are no trees within the immediate vicinity of the proposed plots or the access and it is considered that the proposed development meets the principal aims of policy EP13.

## **Affordable Housing and development contributions**

Policy IS2 Developer Contributions of the LDP is relevant to this application. The policy is further set out in the adopted SPG on development contributions. In line with policy, the proposed development would attract development contributions towards Education and Lifelong Learning as well as affordable housing. The precise details of these contributions are set out in the relevant consultee responses above.

The applicant has confirmed their acceptance of the development contributions. Subject to a suitable agreement being concluded, the application will comply with the requirements of policies HD1 (affordable housing) and IS2 (development contributions) of the LDP.

## **Archaeology**

Members will note that the Council's Archaeology Officer initially objected to the proposed application and felt that the original proposal was not justified as per Scottish Planning Policy or Policy EP8 of the LDP. A smaller development proposal, such as that proposed in 2011, may be more sympathetic to the setting of the nearby St Mungo's Well. The initial proposals would have in effect surrounded the well with houses and access arrangements that are out of keeping with its current setting. In particular, the desire to site a house to the west of the well and cross the small valley in which it sits will directly break the visual link to the rest of the designed landscape and this runs counter to both the designation and Historic Scotland's views in 2011. Objections were also raised to the proposed seating area at the well head. This is also out of keeping with the site's setting, and potentially destructive to archaeological deposits and features that are best left in situ. A smaller scale development within the site as well as a more modest scheme of interpretation and access to the well itself may be more appropriate to ensure compliance with local and national policy. In any event, archaeological investigation of the well site and the surrounding area will be required if development were to go ahead.

As noted above and in representations and objections, the site adjoins St Mungo's Well. Objectors to the application highlight the position of St Mungo's Well within the site. Indeed, it is highlighted that one of the originally proposed dwellings would be positioned directly impacting the well. St Mungo's Well is marked on Ordnance Survey mapping, and is located within the site. This is not a listed structure, and carries no heritage designation or protection.

The proposals as originally lodged would have seen more of a feature made of St Mungo's Well. This was in line with the advice given to the 2011 planning application. However the Council Archaeologist was not keen on the approach set out in 2017. The proposals were revised, with less alteration proposed to the well site. It is considered that the development of two dwellings on this site can be supported in archaeological terms, subject to the imposition of planning conditions as noted.

## **Ecology**

The site is not designated and is already subject to neighbouring development. No tree removal is proposed. There are, therefore, no notable ecological implications associated with the proposed development that would constitute a departure from LDP policy.

## **Waste**

Supplementary Planning Guidance on Waste Management requires that developments adequately accommodate bin storage. This proposal can provide for suitable storage for two bins within each plot behind their frontages. This will be considered in detail at AMC stage.

## **Services**

Public foul drainage and water supply connections are proposed. A condition is necessary to ensure the connections will be provided. This will satisfy Policy IS9.

Policy IS9 of the Local Development Plan on Waste Water Treatment Standards and Sustainable Urban Drainage is relevant to this application. The Local Development Plan sets 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 the development.

## **Water supply to dwellings**

In terms of water supply to the dwellings proposed, the submitted application form sets out that the water would be via public supply. Objections were received citing concerns that the proposed development would adversely impact upon the private water supply serving neighbouring dwellings at Hartwoodburn, which comes from a source within the application site. The Council's Environmental Health Service has a degree of legislative involvement with regards to private water supplies and was consulted on the application. The Environmental Health Officer (EHO) advises that the application can be approved subject to suitable conditions.

Clarification was sought from the EHO in terms of the requirements in relation to development impacting upon an existing private water supply. The agent has undertaken further mapping work to plot the location of the pipe serving the application site. The agent's additional submissions can be viewed on the *Public Access* website. The details of the proposed development have been clarified, and the agent has lodged further information, plotting the water supply pipe within the private water supply taken from the land above the pipe.

Whilst the supply pipe does not appear to be directly impacted by the proposed development, it is of note that the pipe is in very close proximity to the embankment which would serve the access road to the site. It is imperative that the water supply of existing neighbours is not compromised as a result of these development proposals.

Discussions with the Council EHO have established that it would be acceptable for full, detailed plans and technical information for the drainage arrangements to be required via planning condition. Subject to suitable water and drainage conditions, it is considered that these matters can be suitably dealt with and the site suitably serviced however precise details can be secured through planning condition.

A suitably worded condition will also ensure that the objector's private supply is not adversely impacted.

## **CONCLUSION**

The proposed development will provide for a suitable infill housing development in accordance with LDP policies. Following amendments, the layout, design and density of the houses suggest they will relate sympathetically to the existing residential development and the surrounding area. Subject to conditions, the development will not have a significantly adverse effect on the amenity of neighbouring properties or existing private water supplies. The development will also be adequately served by proposed access road and proposed parking. Subject to a legal agreement covering development contributions towards education and affordable housing as well as 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 BY CHIEF PLANNING OFFICER:**

I recommend the application is approved subject to a legal agreement and the following conditions and informatives:

## Conditions

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access, and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 No development should commence until the applicant has provided evidence that arrangements are in place to ensure that any private drainage system will be maintained in a serviceable condition  
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.
- 4 Two parking spaces, not including any garage, and turning within the curtilage of the site are to be included in any subsequent detailed application.  
Reason: Interests of road safety on the access road serving the site.
- 5 Also accompanying the first application for approval of matters specified in condition is to be a construction specification, drainage details, earthworks and embankment details including retaining structures. A scheme of details also to be submitted for the detailed design of the private access road. All of these details are to be approved in writing by the planning authority prior to the commencement of development on site.  
Reason: To ensure that the site is adequately serviced.
- 6 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. location and design, including materials, of walls, fences and gates
  - iii. soft and hard landscaping works
  - iv. existing and proposed services such as cables, pipelines, sub-stations
  - v. full details of an enhanced planting belt for the boundary treatment and landscaping finishes formed at the boundary of the site with the Haining Designed Landscape.
  - vi. a programme for completion and subsequent maintenance.Reason: To ensure the satisfactory form, layout and assimilation of the development with its surroundings.
- 7 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully

implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 8 No development shall take place until fencing has been erected, in a manner to be agreed in writing by the Planning Authority, about the identified area of archaeological interest and no works shall take place within the area inside that fencing without the prior written consent of the Planning Authority.  
Reason: To safeguard a site of archaeological interest.
- 9 No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.  
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 10 No water supply other than the public mains shall be used to supply the Development without the written agreement of the Planning Authority.  
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 11 No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.  
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there

## **Informatives**

1. In relation to Condition 3 above, private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.
2. In relation to Condition 6 above, the Archaeology Officer suggests consideration to be given in the final design to removing or limiting the creation of a shelter belt along the northwest edge of the site. This should seek to further minimise impacts to the setting of St Mungo's Well. Consideration should also be given in the final design to the retention of a 10 metre buffer between tree planting and the site of St Mungo's Well.

3. In relation to Condition 11 above:
  - a. A description of the source(s) / type of the supply - i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
  - b. The location of the source(s) of the supply - i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
  - c. The name and address of every relevant person in relation to the supply.  
NB. A "relevant person", in relation to a private water supply, means a person (or persons) who: (a) provide the supply; (b) occupy the land from, or on which, the supply is obtained or located; or (c) exercise powers of management or control in relation to the supply.
  - d. The estimated maximum average volume of water provided by the proposed supply, in cubic metres per day (m<sup>3</sup>/day), and the details of any pump tests/flow rate tests undertaken to determine this estimate.  
NB. For boreholes/wells refer to BS ISO 14686:2003 "Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use".
  - e. Any water treatment that is intended to be carried out in relation to the proposed supply for the development.
  - f. Where there are existing users of the proposed supply, the addresses of all such properties.
  - g. Where there are existing users of the proposed supply, the existing and proposed occupancy levels of all such properties, as far as is reasonably practicable.  
NB. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of occupancy levels.
  - h. Where there are existing users of the proposed supply and / or there are other properties' private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.), information advising if and how the proposed development will impact on the existing users and / or the other properties' supplies.
  - i. If the development is to be used for commercial purposes and / or members of the public will use / consume the water, the private water supply will be classed as a Type A supply. This will mean that it will require to be sampled / monitored by the local authority on at least an annual basis and a risk assessment of the supply will also be required. As such, prior to commencement of the commercial / public activity, the applicant should contact the Environmental Health Department of Scottish Borders Council to ensure that compliance with the legislative provisions is able to be secured.
  - j. For clarification, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. A reserve storage capacity of three days' supply should be provided. Also, the quality of the water throughout the building(s) must conform to the requirements of The Private Water Supplies (Scotland) Regulations in order for it to be classed as wholesome.
4. If a stove is to be installed as part of the development and so long as it is less than 45kW no further information needs to be provided.

**DRAWING NUMBERS**

**Plan Ref**

**Plan Type**

**Plan Status**

P449-001 REV G

Planning Layout

Approved

WATER SUPPLY ROUTE

Other

Approved

EXISTING AND PROPOSED VISUALS

Photos

Approved

**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.

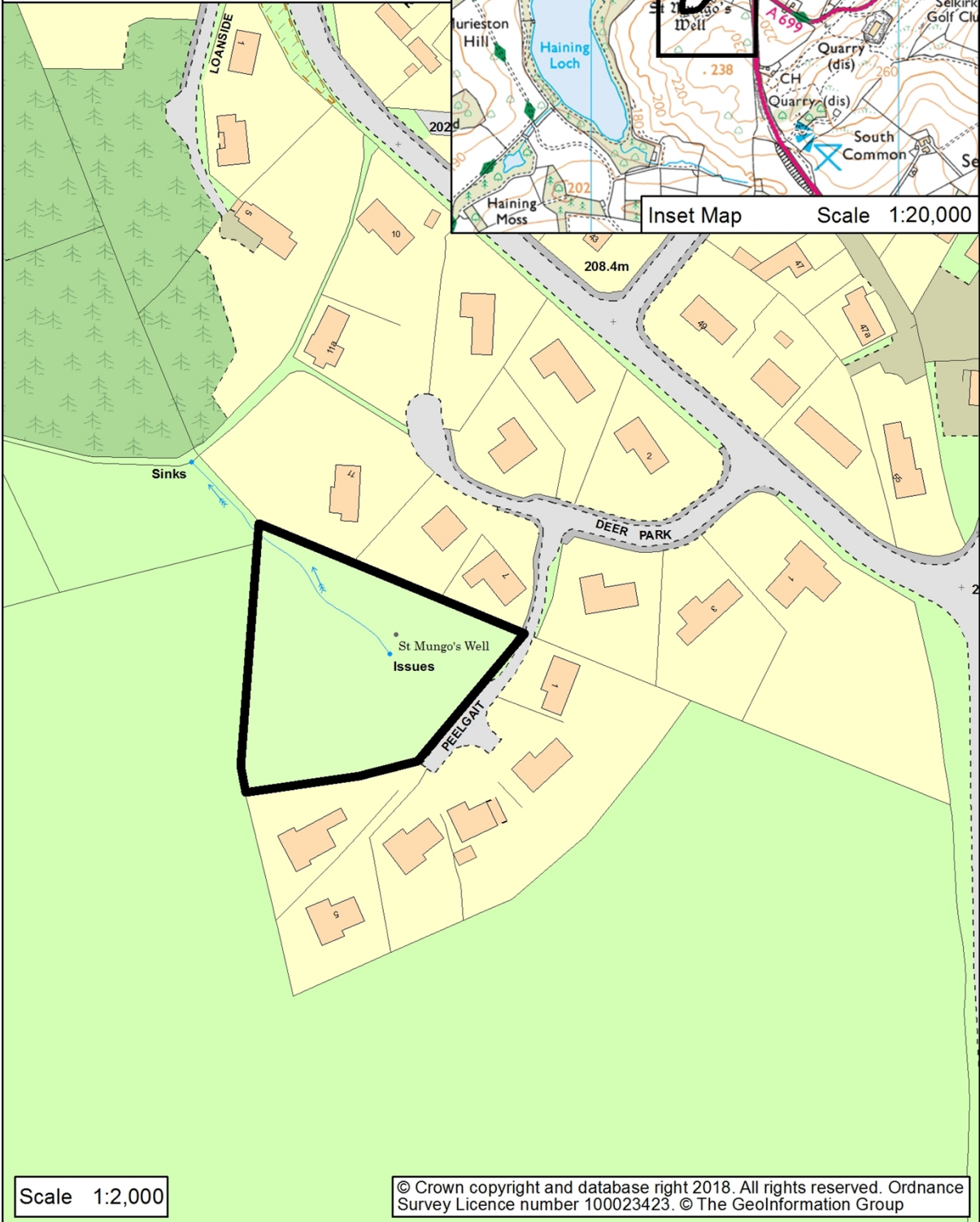
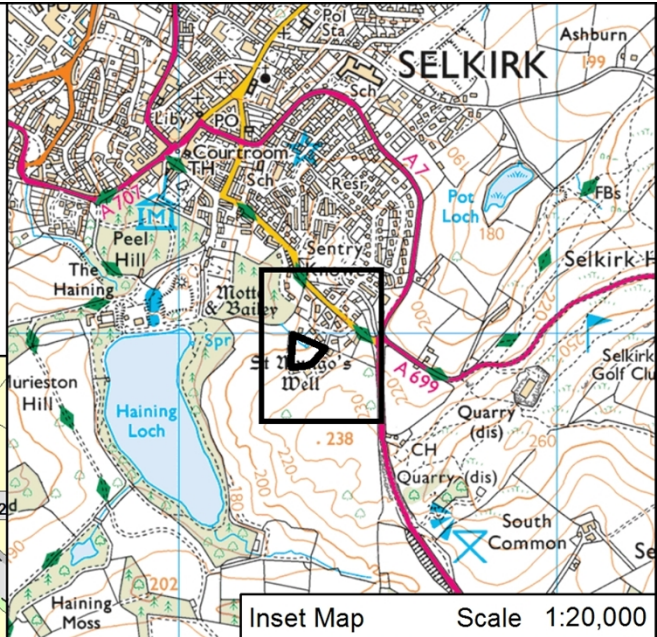
**Author(s)**

Name	Designation
Andrew Evans	Planning Officer (Development Management)



17/00923/PPP

Land West Of Peelgait  
Selkirk



Scale 1:2,000