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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 7TH DECEMBER, 2015

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the SCOTTISH BORDERS COUNCIL, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS TD6 0SA on MONDAY, 7TH DECEMBER, 2015 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

30 November 2015

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 1 - 12) Minute of Meeting of 2 November 2015 to be approved and signed by the Chairman. (Copy attached.)
5.	Applications Consider the following applications for planning permission:-
	(a) 15/00711/FUL and 15/00712/PPP - Muslie Drive, Lilliesleaf (Pages 13 - 44) Residential Developments comprising a total of 16 dwellings (10 dwellings in full, 6 dwellings in principle) on land to East of Muslie Drive, Lilliesleaf. (Copy attached.)
	(b) 15/00741/FUL - Haughhead Farmhouse, Innerleithen (Pages 45 - 56) Change of use of land for siting of six mobile holiday cabins with bike shelters, associated parking and landscaping Land west of Haughhead Farmhouse, Innerleithen. (Copy attached.)
6.	Appeals and Reviews. (Pages 57 - 60) Consider report by Service Director Regulatory Services. (Copy attached.)
7.	Independent Review of Planning (Pages 61 - 72) Consider Information note by Chief Planning Officer. (Copy attached.)
8.	Any Other Items Previously Circulated.

9.	Any Other Items which the Chairman Decides are Urgent.
10.	<p>Items Likely To Be Taken in Private</p> <p>Before proceeding with the private business, the following motion should be approved:-</p> <p>“That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.”</p>
11.	<p>Minute (Pages 73 - 74)</p> <p>Private Minute of 2 November 2015 to be approved and signed by the Chairman. (Copy attached.)</p>

NOTE

Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Members are reminded that any decisions taken by the Planning and Building Standards Committee are quasi judicial in nature. Legislation , case law and the Councillors Code of Conduct require that Members :

- Need to ensure a fair proper hearing
- Must avoid any impression of bias in relation to the statutory decision making process
- Must take no account of irrelevant matters
- Must not prejudge an application,
- Must not formulate a final view on an application until all available information is to hand and has been duly considered at the relevant meeting
- Must avoid any occasion for suspicion and any appearance of improper conduct
- Must not come with a pre prepared statement which already has a conclusion

Membership of Committee:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne, D. Moffat, I. Gillespie, J. Campbell, J. A. Fullarton, S. Mountford and B White

Please direct any enquiries to Fiona Henderson 01835 826502
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SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 2nd November, 2015 at 10.00 am

Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Campbell, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.
Apologies:- Councillor J. Brown.
In Attendance:- Development Standards Manager, Principal Roads Planning Officer, Solicitor (G Nelson), Democratic Services Team Leader, Democratic Services Officer (F Henderson).

MINUTE

1. There had been circulated copies of the Minute of the Meeting held on 5 October 2015.

DECISION

APPROVED for signature by the Chairman.

DECLARATION OF INTEREST

Councillor White declared an interest in application **15/00774/PPP** in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

APPLICATIONS

2. There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION

DEALT with the applications as detailed in the Appendix to this Minute.

APPEALS AND REVIEWS

3. There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:-

- (a) **there remained two appeals outstanding in respect of:**
 - **Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge**
 - **Land West of Muircleugh Farmhouse, Lauder**
- (b) **an Appeal request had been received in respect Wind Farm development of 9 No wind turbines and associated infrastructure/buildings/access (further revised scheme – tip heights of Turbines 1, 2 and 4 reduced to 100m – all others to remain at 125m) on Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick – 13/00789/FUL;**
- (c) **Review requests had been received in respect of the following:-**

- (i) **Change of use of land to form extension to existing holiday park on Land South West of Northburn Caravan Park, Pocklaw Slap, Eyemouth – 14/01282/FUL;**
 - (ii) **Replacement windows (retrospective) at Tushielaw Inn, Ettrick Valley, Selkirk – 15/00601/FUL;**
 - (iii) **Siting of portacabin for use as flour mill on Land North West of Spruce House, Romano Bridge, West Linton – 15/00682/FUL;**
 - (iv) **Erection of dwellinghouse on Land East of Park Lane, Croft Park, Croft Road, Kelso – 15/00745/PPP.**
- (d) **the Local Review Body overturned the Appointed Officers decision to refuse the following:-**
- (i) **Erection of wind turbine 34.4m high to tip and associated infrastructure on Land South West of Clackmae Farmhouse, Earlston – 15/00179/FUL;**
 - (ii) **Erection of dwellinghouse on land South West of Pyatshaw Schoolhouse, Lauder – 15/00403/FUL;**
 - (iii) **Erection of dwellinghouse on Land South of Riding Centre, Newlands, Sunnyside, Reston – 15/00424/FUL;**
 - (iv) **Erection of decking and balustrade at 12 Todburn Way, Clovenfords, Galashiels – 15/00511/FUL; and**
 - (v) **Installation of 16 No solar photovoltaic (PV) Panels to roof at Raebank, Chapel Street, Selkirk**
- (e) **the Local Review upheld the Appointed Officers decision to refuse the External alterations and erection of 4 No flagpoles at Office West Grove, Waverley Road, Melrose – 15/00504/FUL.**
- (f) **there was one Review outstanding in respect of Plot A, Chirnside Station, Chirnside.**

SAFEGUARDING OUR BUILT HERITAGE

4. The Chairman introduced Mr Alan Gueldner: Lead Officer Enforcement and Mr Mark Douglas: Lead Officer Built Heritage & Design to give a presentation on the powers available to the Council (Statutory and non-Statutory), the Challenge of dealing with Buildings at risk and the future for safeguarding our Built Heritage. The non-statutory powers included Grant Schemes (including THIs and CARS), where the Council worked with the building owners to provide grant support, although owners still required to provide funding and providing advice, support and pragmatic negotiations about what changes could be made. Traditional Building Repair and Maintenance Talks had been developed for Selkirk Conservation Area Regeneration Scheme (CARS) and it was hoped these could be given to communities outwith the Selkirk CARS catchment area – possibly in Jedburgh and Hawick in 2016. The number of “at risk” buildings in the Scottish Borders included 21 category A listed buildings (=11% of 189 in the Scottish Borders) 60 category B listed buildings (=5% of 1,237); 35 category C listed buildings (=2% of 1,594) and 48 unlisted buildings (the majority of which were in conversation areas). In response to

a question about the number of buildings at risk which were owned by the Council, it was noted that less than 5% were owned by the Council. In response to a question about the frequency of updating the national website, it was noted that there was no set system for updating but generally every 3 years. The Chairman advised that Planning and Building Standards had been shortlisted for the Kelso Regeneration Project in respect of the Scottish Awards for Quality in Planning.

DECISION

(a) **NOTED the presentation and that a copy would be circulated to all Members of the Committee.**

(b) **AGREED that:-**

(i) **Officers Develop and Implement a Strategy and populate the Building Heritage Action Matrix; and**

(ii) **a further progress report be provided in 6 months.**

PLANNING PERFORMANCE FRAMEWORK

5. The Chief Planning Officer was present at the meeting to advise Members on the Planning Performance Framework. It was explained that the Planning Performance Framework (PPF) provided a comprehensive and co-ordinated approach to performance assessment across all 34 Local Planning Authorities and 4 Strategic Development Planning Authorities in Scotland. It provided a mechanism to benchmark performance and to demonstrate the achievements and success of the Planning Service, what steps were taken to improve the service delivery and sharing good practice. The presentation highlighted performance in relation to Decision Making Timescales for Major Developments which had made significant improvement reducing from an average of 73.3 weeks to 30.9 weeks which was now well below the Scottish average of 46.4 weeks. Improvements had also been made in Local (Non-Householder) Development and Household Development applications. The presentation also compared Performance against Key Markers which demonstrated a continued overall improvement over the past three years.

DECISION

(a) **NOTED presentation.**

(b) **AGREED that Officers continue to disseminate good practice to other local authorities and agencies and to communicate positive developments in the improved operation of the system to Borders residents.**

PRIVATE BUSINESS

6. **DECISION**

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

MINUTE

1. The Committee considered the private section of the Minute of 5 October 2015.
2. With reference to the Minute of 5 October 2015, the Committee, having resolved to suspend standing orders, reconsidered the decision in respect of the Development Contributions relating to application 14/01153/FUL.

The meeting concluded at 1.45 pm

APPENDIX

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/00774/PPP Hume	Erection of dwellinghouse	Land East of Castle Heights,

Decision: APPROVED subject to the following conditions and informatives and completion of associated legal agreement.

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto, and the landscaping of the site, have all first been submitted to, and approved in writing by, the Planning Authority. These details shall include provision for new tree planting within the area shaded green on the Approved Location Plan and shall also take full account of the requirements and considerations of **Informative Note 2**. Additionally, a written statement shall also be submitted in association with the first application for Approval of Matters specified in Conditions (AMC), which shall explain how the proposal has been informed by the requirements and considerations of **Informative Note 2**.
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. The finished floor level(s) of the dwellinghouse hereby approved and any associated outbuilding(s), and the finished ground level(s) within the curtilage of the residential property hereby consented, shall all be consistent with levels indicated on a scheme of details that shall first have been approved by the Planning Authority which describe the proposed siting, layout and appearance of the dwellinghouse and landscaping of the site. These details shall include:
(i) the proposed finished floor level(s) of the consented dwellinghouse and any associated outbuilding(s);
(ii) the existing and proposed ground levels within the curtilage of the consented residential property; and
(iii) a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights of the existing and proposed levels detailed in (i) and (ii) above, relative to the level(s) of the existing road surface.
Reason: To ensure that the consented development does not have any detrimental impact upon the appearance, environment and amenity of the site and surrounding area, or upon the amenity of neighbouring properties, as a consequence of the levels within the site being raised to an inappropriate height.
4. Notwithstanding the detail submitted in support of the planning application, the site shall only be accessible to vehicles in accordance with arrangements that meet in full the requirements of **Planning Condition No 1** with respect to the design of the site access. The dwellinghouse hereby consented, shall not be occupied until:

(a) the site access from the public road, and
(b) on-site parking and turning provision suitable for at least two vehicles, have all first been completed in accordance with details that shall have been approved at the time of the determination of the first application for Approval of Matters specified in Conditions submitted to address the relevant information requirements of **Planning Condition No 1** attached to this planning permission. Reason: In the interests of road safety to ensure that safe vehicular access to, and parking at, the site is available for use prior to the occupation of the development.

5. Unless otherwise agreed in writing and in advance by the Planning Authority, no development shall be commenced until the existing bus shelter (or a suitable replacement for this same structure), has first been relocated in accordance with a scheme of details that has first been agreed by the planning authority and made available for use by members of the public. Please see **Informative Note 3** with respect to what specifically is required and expected of the Developer for the purposes of ensuring that the above noted requirements are met. Reason: To ensure that appropriate provision is made within the timetable of the development, to allow for the appropriate safeguarding, re-accommodation and maintenance by the Local Authority of essential public facilities.
6. Unless otherwise agreed in writing and in advance by the Planning Authority, all planting, seeding and turfing comprised in the approved details of landscaping shall be completed in the first planting and seeding seasons following either the occupation of the dwellinghouse or the completion of the development, whichever occurs soonest, and the tree belt required by **Planning Condition No 1**, shall thereafter be maintained in perpetuity, and in accordance with the approved details. Any tree within the approved landscaping scheme that fails, shall be replaced by one new tree of the same species as the failure, so that the tree belt is fully established and fully maintained in accordance with the approved details. Reason: To ensure that the landscaping is carried out as approved, and to ensure that the tree belt becomes established, and is thereafter maintained in perpetuity, as a boundary feature appropriate to the definition of the edge of the building group.
7. Notwithstanding the details submitted in support of the planning application, the development shall not be commenced until precise details of:
(a) the arrangements for surface water drainage treatment;
(b) the arrangements for foul drainage treatment; and
(c) the arrangements for water supply, have all first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the surface water drainage treatment, foul drainage treatment, and water supply shall all be implemented in accordance with the approved details and shall all be functional prior to the occupation of the dwellinghouse hereby approved. Reason: To ensure that the site is adequately serviced and fit for habitation prior to its occupation.
8. Unless otherwise approved by the Planning Authority at the time of its determination of the details required by condition 1 of this permission, and notwithstanding either (a) the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any subsequent provisions amending or re-enacting that Order), or (b) the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no development shall thereafter take place within the area of the site that is described by the area shaded in green on the Approved Location Plan, unless an application for planning permission in that behalf, has first been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the tree belt required by **Planning Condition No 1** both becomes established and is thereafter maintained in perpetuity as a boundary feature appropriate to the definition of the edge of the building group.

Informatives

INFORMATIVE NOTE 1:

It should be noted that ALL information requirements identified in the planning conditions attached to this planning permission require to be made the subject of a subsequent application, or subsequent applications, for Approval of Matters specified in Conditions (AMC).

When making an AMC application to address the information requirements of the planning conditions attached to this planning consent, the Applicant should explicitly state the reference numbers of the relevant planning conditions being addressed.

In the event that the Applicant would seek to address the information requirements of ALL planning conditions attached to this planning permission within one AMC application, they must ensure that they supply information that fully and properly addresses ALL information requirements identified within ALL planning conditions.

INFORMATIVE NOTE 2:

With respect to the **design of the dwellinghouse**, and subject to an appropriate landscaping treatment, it is anticipated that the scale and traditional design approach described by the indicative drawings would raise no concerns in principle were these to be maintained at the detailed (AMC) application stage. However, it is considered that there would be a need to reduce the horizontal emphasis of the principal elevation, and to establish a clearer sense of a front entrance to the same. It is considered that the former point would be appropriately addressed, by lowering the roof height of one section, to introduce some notable differentiation between the height of the main dwellinghouse and that of a subordinate section. A front door should be included in a central position to ensure the inclusion of a clearly legible entrance to the property.

With respect to the **siting of the dwellinghouse**, this should occupy a building line equivalent to the adjacent property at 'Castle Heights'.

With respect to the design of the **site access**, the Roads Planning Section requires that this be reduced to a simple footway crossing, in accordance with its DC-10 specification. The site access arrangements should also be configured around the retention of the majority of the existing stone boundary wall along the southern boundary of the site. Where the vehicular access is inserted, the aforementioned wall would be appropriately returned into the site in alignment with the radii of the new site access, allowing that appropriate visibility splays are created and are thereafter capable of being maintained.

With respect to **the required tree belt to be established within the area shaded green on the Approved Location Plan**, this: (i) should be composed of a mix of native tree species; (ii) should be the full width and full length of the area shaded green on the Approved Location Plan, in order to constitute a sufficiently dense and robust area of planting. (This is particularly important if the density is equivalent to that of the existing planting around the War Memorial); and (iii) should not feature any buildings or other structures.

With respect to this and all other **landscaping details** at the site, full details of the proposed landscaping treatment for the site, including species, planting requirements (including density, minimum height of new trees and site appropriate protective measures)

and maintenance requirements, require to be provided in support of the AMC application which describes the landscaping proposals for the site.

There is no formal requirement for a professionally prepared tree survey to be presented in support of landscape proposals at the AMC stage. However, in the event of the required tree-belt proposal being met in a proposal to extend the existing area of planting around the War Memorial further west onto the Applicant's land (as is the Planning Authority's preferred approach), it would be helpful to all parties if the condition of the existing planting at the War Memorial could be established. This would then allow for full consideration to be given to what would be required in order to establish effectively, an appropriately robust and sustainable area of tree-planting.

Consideration needs to be given within the landscaping proposals to the management of the transition along the northern (field) boundary, from the area of formal garden ground to the area of new tree-planting. It is considered that a hedge of native species would appropriately achieve this, and unite the residential property to its agricultural setting.

With respect to the southern (roadside) boundary, the indicated retention of the existing stone wall is supported.

INFORMATIVE NOTE 3:

With respect to **Planning Condition No 5**, and in the interests of road and public safety, appropriate arrangements for the relocation of the bus stop and bus shelter, require to have been implemented prior to the commencement of development on site.

Planning Condition No 5 has been imposed to ensure that the Developer works within a programme and timetable that reasonably allows for the Council to complete the works needed to maintain appropriate public facilities within the vicinity of the site, ahead of the commencement of a development that would otherwise be liable to impact the structures and/or operation of the public facilities concerned.

It is the Developer's responsibility to liaise with the Council within a reasonable period of time in advance of the intended start-date for the development, so that there is sufficient time to make all the necessary arrangements for the bus stop and shelter to be repositioned ahead of that start date, as required.

It is anticipated that a month's notice (4 weeks) would be required for this.

INFORMATIVE NOTE 4:

Right of Way BB 137 utilises the pavement/road to the south of the site. It is a legal requirement that this Right of Way is maintained open and free from obstruction during and after development. This is to protect general rights of responsible access.

NOTE

Mr J Nicholls and Mrs N Knowles spoke against the application.
Mr S Bennett spoke in support of the application.

VOTE

Councillor Moffat moved that the application be refused in terms of Policies SJA(44), G1, R1 and D2 there was no seconder.

15/01071/FUL

Erection of dwellinghouse without compliance with condition No 4 of planning permission in principle reference 14/00984/PPP

**Garden Ground of Viewbank
Douglas Road
Melrose**

Decision: APPROVED subject to Section 75 legal agreement (i.e. binding this consent to the current agreement) and the following conditions:

1. Approval of the details of the layout, siting, design and external appearance of the building(s), the means of access thereto, parking provision for two vehicles within the site and the landscaping of the site shall be obtained from 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. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:

- (a) the expiration of three years from the date of this permission, or
- (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

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. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

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.

4. No development shall commence until detailed proposals for the provision of one public parking space, including measures identifying it as public visitor parking, and the widening of Dundas Terrace (as identified on the indicative plan submitted in support of the application 14/00984/PPP) and including details of any retaining walls required to support the same, have been submitted to and approved by the Planning Authority and until the works have been carried out in accordance with the approved details. The public parking space shall at all times be available as public visitor parking in accordance with the approved details

Reason: To ensure the road is capable of accommodating the additional traffic associated with the development and the site is adequately served by visitor parking provision in the interests of road and pedestrian safety and in a manner which safeguards neighbouring amenity

5. The vehicular access to the dwellinghouse and two parking spaces within the site shall be provided in accordance with the details approved under Condition 1 before any development commences on the erection of the dwellinghouse and retained free from obstruction thereafter

Reason: To ensure the site is adequately served by private parking spaces in the interests of road and pedestrian safety and neighbouring amenity during and after construction of the dwellinghouse

6. The means of water supply and of both surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced.

Reason: To ensure that the site is adequately serviced.

7. Approval of the details of the layout, siting, design and external appearance of the building(s), the means of access thereto, parking provision for two vehicles within the site and the landscaping of the site shall be obtained from 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.
8. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
(a) the expiration of three years from the date of this permission, or
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.
Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
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.
9. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.
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.
10. No development shall commence until detailed proposals for the provision of one public parking space, including measures identifying it as public visitor parking, and the widening of Dundas Terrace (as identified on the indicative plan submitted in support of the application 14/00984/PPP) and including details of any retaining walls required to support the same, have been submitted to and approved by the Planning Authority and until the works have been carried out in accordance with the approved details. The public parking space shall at all times be available as public visitor parking in accordance with the approved details
Reason: To ensure the road is capable of accommodating the additional traffic associated with the development and the site is adequately served by visitor parking provision in the interests of road and pedestrian safety and in a manner which safeguards neighbouring amenity
11. The vehicular access to the dwellinghouse and two parking spaces within the site shall be provided in accordance with the details approved under Condition 1 before any development commences on the erection of the dwellinghouse and retained free from obstruction thereafter
Reason: To ensure the site is adequately served by private parking spaces in the interests of road and pedestrian safety and neighbouring amenity during and after construction of the dwellinghouse
12. The means of water supply and of both surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced.
Reason: To ensure that the site is adequately serviced.

VOTE

Councillor Moffat, seconded by Councillor Campbell, moved that application be refused.

Councillor Fullarton, seconded by Councillor Gillespie, moved that the application be approved on the terms recommended by the officer.

Councillor Ballantyne, seconded by Councillor Mountford, moved as an amendment that the application be approved with the reduction to one parking space and that no widening of the road be required..

As there were three proposals, it was agreed to firstly vote for or against refusal of the application.

On a show of hands Members voted as follows:-

<i>For</i>	<i>-</i>	<i>3 Votes</i>
<i>Against</i>	<i>-</i>	<i>5 Votes</i>

Accordingly as the motion to refuse the application fell, a subsequent vote was taken on the remaining two options as follows:-

<i>Councillor Fullarton's Motion</i>	<i>- 6 Votes</i>
<i>Councillor Ballantyne's Amendment</i>	<i>- 2 Votes</i>

The Motion was accordingly carried.

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7th DECEMBER 2015

APPLICATIONS FOR PLANNING PERMISSION AND PLANNING PERMISSION IN PRINCIPLE

ITEM:	REFERENCE NUMBER: 15/00711/FUL & 15/00712/PPP
OFFICER:	Andrew Evans
WARD:	Selkirkshire
PROPOSAL:	Residential Developments comprising a total of 16 dwellings (10 dwellings in full, 6 dwellings in principle)
SITE:	Land To East Of Muslie Drive, Lilliesleaf, Scottish Borders
APPLICANT:	Murray & Burrell Ltd
AGENT:	Camerons Architects

This combined report relates to two linked applications for residential development in Lilliesleaf. The neighbouring sites are on land allocated for housing, located in the centre of the village, and located within the settlement boundary.

SITE DESCRIPTION

The combined site is a sloping paddock of grassland located centrally on the north side of the main street in Lilliesleaf. The southern section slopes down to the road and is south facing but the northern side runs on down as part of a large field that extends to the Ale Water some 200 metres to the north. There is a large mature lime tree situated on the crown of the ridge in the centre of the field. These two sites are immediately adjacent to each other. The full planning application site occupies the frontage of the paddock with the main street through Lilliesleaf. The sites are not level. There is a pronounced series of level changes through the site. The lime tree is located on the highest part of the site. The planning permission in principle site is located adjacent to the outer edge of the existing housing on Muselie Drive.

PROPOSED DEVELOPMENT

The development has been submitted as 2 phases. Working from the Main Street through Lilliesleaf back into the sites, the first application site (15/00711/FUL) is subject to the full planning consent for the erection of 10 dwellings. These are made up of three terraced blocks:

- A terrace of three dwellings would front on to Main Street (the B6359).
- A staggered terrace of four then fronts on to the proposed site access road.
- A terrace of three then fronts on to the link road proposed to link through to Muselie Drive, west of the mature lime tree within the site.

An application for planning permission in principle (15/00712/PPP) has also been lodged for the erection of six dwellings, in a row along the outer edge of the site. These would take the form of three pairs of semi-detached dwellings along the north western edge of the site. These are positioned in line with the building line formed by the existing dwellings on the northern side of Muselie Drive.

PLANNING HISTORY

In August 1990, Murray and Burrell obtained planning permission for residential development (90/01221/FUL), which has now lapsed.

In February 2005 full planning permission reached minded to approve status, for the erection of 6 dwellings (04/01742/FUL), subject to the conclusion of a legal agreement. The consent was not issued, the application still pending the conclusion of a legal agreement in respect of identified development contributions.

REPRESENTATION SUMMARY

These applications were publicised by means of the direct postal notification of 29 neighbouring dwellings. Further publicity was carried out in the form of a notice in the Southern Reporter, and a notice on the national planning notification website. During the processing of the applications, several revisions were carried out to the plans. On the most significant set of revisions, renotification of neighbours was carried out.

In response, comment and objection was received to the applications. It is considered appropriate to deal with the proposals holistically and so to determine the two applications as one in a combined report. This allows for full consideration of the overall development, and will allow for proper decision making. Representations to these applications were received as follows:

8 objections were received, from 7 Households. 5 further comments / representations were also received, neither supporting nor objecting to the application. One letter of support was received. The principal grounds of objection and main issues raised in representations can be summarised as follows:

Housing Supply and Demand issues

- Lack of need for further housing in the village.
- There are numerous houses already for sale in the village.

Placemaking and Design

- Proposals are an over development of the site, which is out of scale with the village.
- Infilling to this extent could ruin the character of the village.
- Previous application had a wider range of vernacular features than what is currently being proposed, and a mix of different sized properties.
- Loss of view
- Poor design
- These houses seem to be aimed at lower income families and the village has neither public transport nor any shops.
- The design does not fit within the context of the village.
- Little consideration of sustainable development and siting.
- The properties bounding the road appear to cut the development off from the rest of the village.
- The houses are all very similar in appearance. More variety would be encouraged both in house style, and house size.
- Suggests use of shared ownership for these housing. Parking seems insufficient. Cost effective heating systems are recommended.

- The field which contains the proposed development had already been enclosed and hedged by the 1730s or 1740s, when the rest of the common field system of Lilliesleaf was re-organised, making it the oldest field in the village. Absence of 18th, 19th or 20th century building on the village street at this point, as confirmed by archaeological investigation, is likely to be due to local knowledge that the site is liable to flooding, as happened in January 2014, while a high water table is also suggested by the well in the adjacent and appropriately named property of Wellfield.

Private Civil and Legal issues

- The applicant's statement that they may be willing to sell an access strip to the rear of Rose Cottage. In order for the neighbour to consider the purchase a value should have been communicated to the neighbour.

Privacy and Amenity

- Detrimental impacts upon Residential Amenity
- Overlooking
- The layout of the properties closest to the road are very close to one opposite property and contradict the council approvals of the last application
- This development proposes building to building distances which do not comply with Council policy.

Drainage and Flooding

- The site is at risk of flooding, and has flooded in the past.
- The proposal does not provide a flood risk assessment arising from addition hard surfaces.
- The Sustainable Urban drainage proposal has not been communicated to residents.
- Strain on drainage, electricity supplies and sewage

Road Safety, Access and Parking

- Insufficient parking space provided
- Increased traffic volume to detriment of road safety.
- The car parking is not spread through the development
- Houses that do not have their own driveways are outdated and very much in the style of social housing developments of the last century.
- The proposal does not consider the availability of an adjacent access
- The development of this site will be reliant on car transportation to access services.
- The proposed access and traffic management to the site would appear to be completely inadequate.
- There is no capacity along the main street or Muselie Drive for further parking and therefore a development of this density would not be able to accommodate the additional traffic.
- Main street is used by tractors and lorries, and is too dangerous to accommodate this development.
- Entrance is dangerous, on a blind corner, near a single lane traffic system.
- Strongly object to the footpath linking to Muselie drive, feeling it will impact on privacy and reduce property value.

Other

- Properties will decrease in their value due to loss of outlook and privacy.
- This development is speculative and has targeted properties that would sell.
- The re-submitted plans show no repositioning of any of the houses only minimal ground work changes are shown on the new plans
- This construction will be going ahead regardless and the Council planning department has already made up its mind.
- Stoves should be being encouraged as a renewable heat source.
- Question the proposed use of concrete tiles. A green solution is now available in the form of hempcrete and environmentally friendly building materials should be mandatory on new properties and more forward thinking should be done.

Copies of all correspondence received are available for Members to view on Public Access.

APPLICANTS' SUPPORTING INFORMATION

The applicant has submitted additional information in support of the application. This includes:

- Cultural heritage desk based assessment
- Written scheme of investigation for an archaeological evaluation
- Further information on Road Drainage and construction
- Arbocultural Report by Robert Gray Forestry and Arbocultural Consultants
- Design Statement
- Swept Path Analysis

All of the above documentation is also available for Members to view in Public Access.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

- G1 Quality Standards for New Development
- G2 Flooding
- G5 Developer Contributions
- G6 Developer Contributions related to Railway Reinstatement
- G7 Infill Development
- BE2 Archaeological Sites and Ancient Monuments
- EP5 Air Quality
- NE3 Local Biodiversity
- NE4 Trees, Woodlands and Hedgerows
- H1 Affordable Housing
- H2 Protection of Residential Amenity
- H3 Land Use Allocations
- D4 Renewable Energy
- Inf2 Protection of Access Routes
- Inf3 Road Adoption Standards
- Inf4 Parking Provisions and Standards
- Inf5 Waste Water Treatment Standards
- Inf6 Sustainable Urban Drainage

Other Planning Considerations:

Proposed Local Development Plan (PLDP) 2013

PMD1 Sustainability
PMD2 Quality Standards
PMD3 Land Use Allocations
ED9 Renewable Energy
HD1 Affordable and Special Needs Housing
HD2 Housing in the Countryside
HD3 Protection of Residential Amenity
EP8 Archaeology
EP13 Trees, Woodlands and Hedgerows
EP16 Air Quality
IS2 Developer Contributions
IS3 Developer Contributions related to railway reinstatement
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

Scottish Planning Policy
Designing Streets
Designing Places

PAN 44 Fitting New Housing into the Landscape
PAN 61 Planning and Sustainable Urban Drainage Systems
PAN 65 Planning and Open Space
PAN 67 Housing Quality
PAN 68 Design Statements
PAN 71 Designing Safer Places
PAN 79 Water and Drainage

Scottish Borders Council Supplementary Planning Guidance

- Placemaking and Design
- Development Contributions
- Affordable Housing
- Householder Development
- Trees and Development
- Landscape and Development
- Waste Management
- Designing out Crime in the Scottish Borders

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Housing Strategy: No formal response received. Has confirmed however that Murray & Burrell propose to build 7 units for NHT/LAV initiative here.

Archaeology Officer: An archaeological evaluation of the proposed development area took place in March, 2015. This failed to identify any significant archaeological

features or deposits. As such, no further archaeological mitigation is required for this area of the site.

Environmental Health: The applicant has proposed that the development may include air source heat pumps. Depending on the location of the heat pumps this may cause an issue. A condition requiring information to be provided at a later date is suggested. A condition has also been proposed with regard to air quality, this is in the event that wood burning stoves or other similar installation is to be included in the development. Informatives have been included for construction noise and any proposed lighting.

Landscape Architect: Initial response: Main concern is that the proposed frontage of the development to Main Street is rather out of character with the rest of the village. The frontage buildings (Plots 1, 2 and 3) do not fully address the street as other buildings in the village do but are instead aligned with the buildings further back into the site. There is also a great deal of footpath and roadway at the frontage. It consists of 2 parking bays and an access road junction that looks wider than the road it serves. The openness and modern geometry of the frontage area is not in character with the rest of the village where most houses face directly on to the main street, often butting up against the road edge, in a traditional (i.e. pre-car) layout. When set further back, these other buildings have a private domain protected by either a hedge or, frequently, a wall. It should be possible to adapt the submitted layout along these lines to retain village character. The frontage layout also creates substantial areas of unused space which are taken up by weak landscape features in the form of extensive groundcover shrub planting. This is low level to achieve sightline requirements but therefore has little presence. In such exposed roadside locations, these areas are liable to become trampled and possibly salt damaged and will be problematic to maintain.

Another related issue to consider is the route pedestrians will have to take to get from Plots 1-3 to the parking bays to the east of the access road. There is a probability that this will result in trampling of the unprotected groundcover strip indicated on the west side of the road. Landscape Architect was also rather concerned about the sheer extent of groundcover planting that was proposed. To be effective, groundcover needs to be routinely hand weeded and sensitively pruned.

There may be scope to reduce communal areas and perhaps give some plots larger private gardens instead. The planting along the northern site boundary in Phase 2, as indicated by the Development Plan, looks satisfactory although this boundary is not particularly visually sensitive. A (possible) pedestrian link from phase 2 through to Muselie Drive is highly desirable and should be treated as a priority. A hedge should be planted along the western boundary at plots 7-11 to maintain the privacy of the existing houses at Muselie Drive. Whilst the overall principles of the design layout are accepted there are issues relating to the main street frontage and the overall practicality of the site layout that need further consideration.

NOTE: Following further consideration of the latest revised plan, it is considered that these issues have been considered and dealt with through revisions, and the undernoted planning conditions. The landscape architect was re-consulted on drawing 7289-2-03 RevJ option 1, on which this committee report is based.

Final response: Has considered drawing 7249/2-03 Revision J – option 1 dated 23.11.15 Content that it revisions are satisfactory and meets all the comments made in the earlier landscape consultation reply. The proposed new hedge along the eastern boundary, where the site adjoins the Wellfield driveway, scales off the

drawing at only 1m wide. Considers that a more substantial hedge as per LGN3 is probably required here. Also, no hedge has been allowed for on the western boundary adjoining 20 Muselie Drive and suggests this should be required. Suggests that all the planting, seeding and tree protection information brought together onto a separate single planting plan with schedules to form the basis of an enforceable condition but, given the information provided, would be content for this to be a reserved matter that can be dealt with following determination - similarly the details of hard landscape treatment, fencing etc. with agreed timetables for same. Expects the site maintenance will be carried out under a factoring agreement and presumes this will be covered by condition also.

Roads Planning Service: Initial Response: The site is allocated for housing; therefore the principle of housing on this site is acceptable. However, there are a number of issues which cause some concern over the proposed layout and associated infrastructure. The topography of the site is quite challenging given the sharp drop in level as you enter the site from the public road, before it rises up again, then falls away in the later part of the site. When you consider this, there is an apparent lack of information for the levels and gradients of the proposed road network within this development site. Furthermore, there is no information on the proposed drainage measures. With regards to the layout, there are a number of matters which must be addressed to the Council's satisfaction in order to gain full support:

- The visitor parking spaces which lie adjacent to the public road are not ideal. Manoeuvring in and out of these spaces looks awkward and any indiscriminate parking at this location is likely to impact on the visibility splays for the new junction, given the hardstanding area between the bays and the public road.
- The widened area of carriageway opposite bays 3-7 is likely to encourage on-street parking.
- Internally the layout is somewhat over engineered and the mono-blocked over-run areas at the corners of the central green area look out of place. I would much prefer the overrun areas to be constructed as per the carriageway and remove the radius kerbs.
- There is a lack of change in surface finishes, especially with the area around the central green area effectively being a shared surface. Where the carriageway does not have a contiguous footway, we would normally look for that to be constructed using block pavements.
- The block of parking in the north east corner is somewhat divorced from the buildings it is intended to serve.
- Swept path analysis will be required to demonstrate that a refuse vehicle can service the site and turn satisfactorily at the end of the prospectively adoptable road.
- The roads serving the site shall require road construction consent.
- There would appear to be inconsistencies between the finished floor levels shown on different aspects of the submission.

As the application stands, the RPS is unable to support this proposal until the above points have been satisfactorily addressed.

Second Response: Following on from initial consultation response, dated 9th July 2015, would like to comment on the potential vehicular link through to Muselie Drive. The aspiration for the link is referred to in the Settlement Profile for Lilliesleaf in the Local Development Plan and it is strongly recommended it be provided in terms of good street connectivity as per current planning policy, such as 'Designing Streets'.

As part of Phase 1, the link road must be constructed up to the boundary of the site. As part of Phase 2, the link should be sought and this could be implemented through a legal agreement. The ownership of the land out with the development site, impacted on by the link, needs to be investigated.

Final Response: A number of issues are considered to be outstanding.

Within this revised layout there have been some fundamental changes to the road layout at the far end of the scheme to accommodate the change in position of Units 8-10. Due to the absence of the vehicular link through to Muselie Drive, the turning head which is required as part of Phase 1 has been shifted further south and the design of the turning area has been altered to remove the radii. Whilst the swept path analysis demonstrates that the turning manoeuvres of the refuse vehicle can be accommodated, there are concerns over the lack of radii and the likely damage to kerbs as a result.

It has always been envisaged that the road, from where it narrows opposite Unit 7 to its termination, would be constructed as a shared surface. The over engineered 6 metre wide roads with 2 metre wide footways either side does not accord with current planning policy such as Designing Streets. From the narrowing, the road should be constructed as a block paved shared surface. This would involve the removal of the footways along the frontage of Units 8 -10 & 11-18. The removal of these footways allows for greater flexibility in terms of altering the entrance to the turning head. A splayed entrance would help aid manoeuvres at this location and remove the vulnerable hard edges to the turning head. A 2 metre service strip will still be required to service these properties and this should be factored into the design.

From a roads perspective, there are some significant concerns over what is proposed. The latest drainage layout is based on a superseded layout, so an updated drainage layout to be submitted for consideration.

The current proposals incorporate porous paving and a cellular storage system. Whilst these are acceptable in principle, the Council do not accept porous paving within the main carriageway but it is accepted within parking areas. The cellular storage system in the current submission is proposed underneath the carriageway. This would not be accepted as any maintenance or remedial work associated with this infrastructure would require the road to be closed off whilst the works are undertaken, thus rendering the site inaccessible for residents. In addition, this poses concerns over the long term structural integrity of the carriageway with the cellular storage system below. The drainage arrangement adjacent to parking bay No. 6 looks cluttered, with nine manholes located in this initial section of road. The current arrangement should be simplified to reduce the amount of infrastructure. A Section 7 agreement may be required for the surface water infrastructure associated with this development depending on what Scottish Water is prepared to adopt.

There is also a lack of information in terms of levels along the road layout. Normally this would be covered in the Road Construction Consent, however owing to the topography of the site this information will be required in order to confirm that the proposed gradients are acceptable for a residential development. The lack of level information also causes some concerns in relation to the drainage layout.

In summary, the RPS is content with the site layout in general terms, but there are a number of outstanding issues which need to be addressed to the Council's satisfaction in order to be considered completely acceptable. These are listed below:

- Design to be altered to provide a shared surface layout beyond the narrowing of the carriageway opposite Unit 7.
- Turning head to be amended to incorporate adequate radii or splays.
- Amended drainage layout to be submitted which incorporates the revised road layout and removes the porous paving and cellular storage system from within the main carriageway.
- Drainage calculations to be submitted for the surface water system.
- Confirmation required that Scottish Water is content with the proposed drainage measures, including the diversion of the existing sewer.
- Longitudinal profile for the centreline of the proposed road to be submitted for consideration.
- Proposed road to be extended to the boundary of the site to allow potential future connection to Muselie Drive.
- A phasing agreement for the road infrastructure is required to ensure adequate servicing of the site as houses become occupied. This relates in particular to ensuring appropriate turning provision is available for service vehicles.

The above points need to be satisfactorily addressed before the RPS can fully support the proposal. It would have been preferable for the submission drawings to be further amended to incorporate my requirements, but the RPS is satisfied that all outstanding matters can be covered by suitably worded planning conditions.

Director of Education and Lifelong Learning: No response received. The Development Negotiator has subsequently clarified that contributions are not required for the school catchments relevant to this site.

Development Negotiator: Given the nature and timing of this Planning Application relative to that for 15/00712/FUL (Erection of nine dwellinghouse with associated car parking and landscaping - Land To East Of Muselie Drive, (Phase 2), Lilliesleaf) it is appropriate in terms of policy to assess the contribution requirements cumulatively. It is noted, however, that the seven units proposed under Phase 1 are intended to comprise Affordable Housing units and in full compliance with SBC policy. These units shall not be required to settle Waverley contributions though they shall require making provision for Play Facilities. Provisionally advises that these applications would appear to generate the following Development Contribution requirements. Official Consultation Responses providing definitive advice will be forthcoming in due course.

- *Borders Railway Contributions*
£1,860 x 9 = £16,740
- *Play Facilities*
These will require to be negotiated once a response has been received from the relevant Service Provider. Generally, and where feasible and appropriate, a contribution towards the off-site provision of additional equipment at an existing facility would be the preferred solution. Any such commuted sum would be required to cover the installation, inspection, maintenance and depreciation costs of this additional equipment. Typically these Commuted sums are sought at a rate of £500/residential unit. If an existing facility is not identified for expansion, then it will be necessary for an appropriate facility to be provided on-site, the factoring costs being conferred to incoming residents.

The Development Negotiator subsequently wrote to the Applicant with confirmation of this provisional contribution requirement and following further discussions, an instruction of a draft Legal Agreement was issued to SBC Legal Services.

Statutory Consultees

Lilliesleaf, Ashkirk and Midlem Community Council: Commented in relation to the original proposals that this development does not conform to the standards expected in respecting the character of the neighbouring built form. There is variety in Lilliesleaf but the unequal pitched roofs will look alien. Similarly, the best local built form incorporates two full storeys, not with dormer windows. Terraces are traditional and can look very attractive, the developer might be able to incorporate these in part of the development rather than the semi-detached houses proposed. We are not convinced that this number of houses can be satisfactorily accommodated within the site. An attractive terrace might be the answer to this.

G4 flooding: The Community Council in responding to the Local Plan amendment pointed out in January 2014 that part of the area was flooded. This development layout does not appear to have taken account of that.

H2 Protection of residential amenity: This development appears to go much too close to Rose Cottage. It appears to have done nothing in relation to the SPG on Placemaking and Design in regard to integrating well into the existing pattern of the settlement. The developer has demonstrated no understanding of the neighbouring buildings other than to have photographed them.

Some members of CC question whether it is sustainable to retain the lime tree near to so many buildings. One day it will have to be removed. It might be wiser to remove it now. This would give the developer greater freedom to create a design that sits well in relation to existing houses and enhances the settlement's attractiveness by e.g. incorporating a large new green space over the area vulnerable to flooding, complemented by new tree planting. In summary, the Community Council Does not object to the development but considers that it should be of higher quality.

Other Consultees

None

KEY PLANNING ISSUES:

The key planning considerations with this proposal are:

- Whether the proposals are considered to be an appropriate development on an allocated housing site, consistent with the established land use of the area, consistent with the character and amenity of the surrounding area;
- Whether the proposed development would have an adverse impact on the character and appearance of the surrounding area;
- Whether the siting, design and external materials of the buildings proposed are appropriate for this location;
- Whether the proposed development is appropriate for this location;
- Whether the proposed development would result in an adverse impact on the residential amenity of existing and proposed dwelling units in terms of over-looking, loss of privacy, over shadowing and loss of daylight.

- Whether the proposed development would result in an unacceptable adverse loss of parking and whether adequate parking and access are being proposed, and whether the proposals are acceptable in terms of impacts on road safety.

ASSESSMENT OF APPLICATION:

Planning Policy

The site is allocated for housing development within the adopted Scottish Borders Local Plan (2011) (hereafter the LP), and the Proposed Local Development Plan (hereafter the LDP). The sites are allocated for housing development within the Consolidated Scottish Borders Local Plan (site EL16b in the plan, with an indicative capacity of 7).

The reporter makes no modification to the proposed LDP. The site (ref 242, Housing within Central Strategic Development Area: Lilliesleaf (EL16B Muselie Drive)) is proposed to be allocated with no modifications. The LDP sets out, that for this specific site, the site requirements are as follows:

1. *Vehicular / pedestrian access must be taken from the B6359 Main Street.*
2. *The possibility of a vehicular / pedestrian link to / from Museli Drive must be investigated.*
3. *An appropriate landscape buffer should be provided to enhance the northern settlement boundary, and to contain the site. The existing hedges, trees and shrubs within and around the site shall be retained and incorporated into the landscaping design for the site. A management scheme for planting is also required.*
4. *The design and layout of the new buildings should exploit the southerly aspect of the site to make best use of the micro climate and reduce energy usage.*
5. *Archaeological investigation of the site to be carried out to determine if further assessment is required.*
6. *The development should safeguard the amenity of existing neighbouring residential properties.*
7. *The existing path link from the village linking to the Ale Water, located along the north eastern boundary of the site is to be maintained. A pedestrian link is to be provided through the site linking with the path access.*

Landscape, Trees, Woodlands, and Hedgerows

Policy NE4 of the LP on Trees, Woodlands and Hedgerows seeks to ensure that these are protected from adverse impacts arising from insensitive development. Also relevant is policy EP13 of the LDP, and the adopted supplementary planning guidance on Trees and Development, and on Landscape and Development.

Lime Tree

The centrally located mature lime tree within the full application site has dictated to a large degree how the site can be developed, in the full application. In turn, this has influenced how the remaining site at the rear can be developed, in the in principle application.

The Council requires that developers follow British Standard BS5837:2012, which requires preparation of a plan identifying Root Protection Areas (RPA). The submitted layout plans do this. A 10m RPA is identified around the tree.

The application is accompanied by an Arbocultural Assessment. This confirms that the lime is a relatively youthful and vigorous example of the species. There was no obvious sign of decay at the time of assessment, and the tree appears in good health. The crown structure of the tree has several stems rising from forks at 3-4m height, rather than from the stem. The report confirms some early tree surgery will prevent any future problems.

The arbocultural report confirms that the tree potentially has a long life. The development layout proposed avoids any significant interference with the tree. Access for construction should avoid any route that interferes with the roots of the tree. Protective fencing can ensure this is the case.

The submitted plans include a root protection area, keeping substantial development and change away from the root area of the tree. There is a slight infraction into the RPA, for a footway, and this will be subject to a further condition on details of the precise means of provision. Subject to suitable working practices and protection being adopted, in line with the recommended condition, it is considered that the tree is both worthy of retention, and capable of being retained in the longer term in conjunction with these development proposals.

Existing Hedgerow

The remnants of an old hedgerow are present on the site, adjacent to the tree. This formed part of a historic boundary in the field, though the hedge is in itself now not in good condition. The submitted arbocultural report confirms this hedge is of no significant intrinsic value. Its retention is not required; indeed, a comprehensive landscaping plan will be brought forth as a requirement of planning condition.

Landscape requirements

The final comments of the Council Landscape architect are noted. These requirements are reflected in the planning conditions following this report.

The proposed landscaping has been amended during the processing of the application. The positioning of groups of trees along the boundary of the PPP site has been amended to provide for views through the gaps in proposed buildings to the new grouped trees to be planted. This is in line with the comments of the Council Landscape Architect.

Further provisions were made for hedging to be incorporated in to the site. A low hedge will run from along the frontage of the proposed terrace of three (plots 1-3), and continue along into the site, marking the edge of the development, and tying in with the edge of the front gardens of plots 4-7 within the site.

As there is a significant degree of undulation across the site, a planning condition will require confirmation on existing and proposed site levels, relative to a known, fixed off site point.

In conclusion, subject to the undernoted conditions on tree protection and landscaping, the proposals are considered to comply with policy NE4 of the LP, policy EP13 of the LDP, and with adopted supplementary planning guidance on Trees and Development, and Landscape and Development.

Placemaking and Design

Policy G1 of the LP and Policy PMD2 of the LDP supplemented by the approved planning guidance on Placemaking and Design, aim to ensure that all new development is of a high quality and respects the environment in which it is contained. It is considered that the proposed amended layout creates a sense of place based on the existing built form and surrounding context in Lilliesleaf. It will clearly read as a modern development close to the historic core of the village but the revised proposals are designed in sympathy with Borders architectural styles taking account character of the surrounding area and neighbouring built form.

Members should be aware that the applicant and agent have engaged in a series of discussions with the Council officers throughout the application process. There have been challenges with implementing Placemaking and design principles given the constraints that exist on this site. Most notably, the mature tree, central within the site, forces a separation of road and housing. This though has resulted in the ability for the site to make a generous provision of central open space around the tree, and provide a focal point for the resulting development.

The Council Supplementary Planning Guidance on Placemaking and Design, which is relevant to the consideration of these applications, sets out a number of considerations to be taken account of in the development management process. In relation to centre / edge of settlement housing development such as is proposed in this application, and in brief summary, its relevant points to this application advise:

- Consideration should be given to the surrounding context and build form.
- Dwellings should relate positively to the public realm, for example frontages to internal and adjacent streets, and ensure building frontages relate positively to the entrance and arrival into the site.
- Boundary Treatments - should use appropriate styles of high quality boundary treatment to help frame space, define public and private spaces, and frame car parking.
- Open spaces, should create a hierarchy of public, semi-private and private space, ensuring gardens are appropriately scaled and usable. Should create meaningful, functional open spaces that are well overlooked and central to the neighbourhood character.
- In terms of building design, buildings should relate to the townscape, and their scale massing and form should be based on a clear and harmonious design rationale.
- Roof and wall proportions should avoid overly bulky forms, or shallow roof pitches.

Proposed Development

Considering the proposals in these applications in turn, starting from the site entrance from the B6359 Main Street through Lilliesleaf, a terrace of three dwellings at plots 1-3 provides substantial presence at the entrance. These dwellings are positioned in a manner presenting an acceptable balance, ensuring:

- Amenity of the dwellings opposite on Main Street is still preserved to a suitable level (this is discussed further in the section of this report dealing with amenity).
- A suitable visibility splay is provided at the junction with the main street through the village.
- The form and character of the village is generally respected here, with the terrace giving sufficient massing and visual weight to this street frontage.

The next block of 4 houses, plots four to seven, then generally front the access road. A step within the frontage of this building has been requested and provided, to visually free up space to the frontage, and introduce some variation into the frontage of the row. There is also a change in level of this building, as the site level rises.

Due to the location of the mature tree centrally in the field, the layout has to adjust on entering the site to transition to send road traffic to the boundary on the far side of the site. This requirement however has the benefit of then freeing up space immediately adjacent to the tree to be used to form open informal green space centrally within the site. This ensures in turn that the necessary root protection areas surrounding the tree can be met. Due to proximity to the existing play equipment within the existing Muselie Drive development, on site play space provision within these current applications is not appropriate.

The proposed housing at plots 8-10 has proved the most challenging and complex within these application sites. A variety of options have been explored here, with various positions for a terrace of three houses, and an alternative for a detached and semi-detached layout explored. It is accepted that, on balance, a terrace in line with Muselie Drive dwellings strikes the appropriate balance in terms of density, form, and impact on surrounding buildings. This is considered further under the section of the report below dealing with the amenity of Rose Cottage.

Both applications set out proposed access, parking and landscaping arrangements. The applicant has submitted a design statement in support of the application. This sets out the rationale underpinning the proposed development.

Density

It is noted that the proposed numbers within the development are an increase over and above the indicative capacity of 7 units shown in the Proposed Local Development Plan. This increase reflects the move to smaller units, incorporating semi-detached and terraced dwellings, rather than the larger lower density units previously approved on the site. The increase in density can be accommodated within the site, and it is not considered that this would amount to over development. There would be no conflict with development plan criteria on density. The increase in density is considered acceptable in terms of CSBLP policy G1 (criteria 2 and 12), and in terms of PLDP Policy MPD2 (Criteria i and l). It is considered that the increase in density above that set out in the previous approval on the site can be safely and suitably accommodated. The inclusion of terraced housing is beneficial in

Placemaking terms, better relating to the higher densities found along the Main Street in Lilliesleaf.

Layout

The submitted design statement includes an assessment in terms of the existing scale and form of Lilliesleaf, and the proposed scale and form set out in the original proposals. The site layout aims to serve the development through a shared surface access. This would see a new access road formed to serve the development. There are opportunities for connectivity with the existing housing on Muselie Drive. The site is only realistically developable with a layout as is proposed here.

The proposed parking and road layout has been revised during the processing of the application to better reflect the policy guidance set out in the national "designing streets" document. The premise upon which the designing streets document is based is that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context. Designing Streets is not a standards-based document. Balanced decision-making is at the core of the policy. Design-led solutions are therefore encouraged.

In the case of these applications, the proposals have been revised, with the final plans and elevations setting out: a layout incorporating the formation of a central open space beside the retained tree. The central terraced blocks have been revised during the processing of the applications to better respond to the site.

Plots 4-7 have been turned 90 degrees to front the access road. Plots 8-10 have also been turned 90 degrees, also to front the access, and to ensure the amenity of Rose Cottage is suitably protected.

House Types and Design

There are two distinct house styles, a semi-detached, and a terraced. They all read as being part of a related development. The form and scale of the proposed housing is considered acceptable. The housing is simple in form and design, consistent with existing development around the site.

The houses feature asymmetric pitches to their roofs. The Community Council are not enthusiastic about this as a feature; however it has been carried out in a manner, which includes the provision of cat slide dormers and timber cladding, which create visual interest in the buildings.

The site is not within a Conservation Area. The proposed houses would all feature solar panels to their roofs. The incorporation of micro-renewables is an increasing requirement in new housing development, particularly to meet the current building regulations. Policy ED9 of the LDP, and policy D4 of the LP, both on Renewable Energy Development, are both supportive of the incorporation of small scale renewable technology.

Materials

Page 10 of the submitted design statement sets out that the proposed materials are to be rendered block-work, with areas of timber panelling to the dormers and gable features, and dual pitched concrete tiled roofing. The proposed colours are white render with grey roofs, and grey timber cladding. The windows are specified as timber, stained grey to match the timber cladding. Doors will similarly be grey timber.

Rainwater goods are specified as being black, with timber eaves, and verges stained black.

The proposed materials are generally agreeable, with the notable exception of the proposed roofing material.

The design statement contains an assessment of the existing surrounding materials. Roughcast render predominates. In terms of roofing materials, tile is present on Muselie Drive, whereas slate is present on Main Street there is much more predominant use of slate. The design statement notes that "Prior Cottage" has a concrete roof, whereas the dwellings at "Lilybank", "Lilybank West", "Riverview", "Poppyland", and "Ashbank" are feature pitched slate.

Representations were also received from a member of the public, opposed to the use of concrete tile on sustainability grounds.

Given the site is not in the Conservation Area, insisting upon natural slate does seem somewhat burdensome. However, given the extensive use of slate within the older buildings nearby the site, the use of concrete tile to the roofs of the proposed dwellings cannot be endorsed. It is considered that an artificial slate or similar tile will represent a suitable compromise.

Suitably worded planning conditions are suggested following this report.

Access, Parking, Connectivity and Road Safety

Policies Inf3 of the LP and IS6 of the LDP set out road adoption standards. Policies Inf4 of the LP and IS7 of the LDP sets out the Council policy position in terms of parking provision to serve developments. In the case of this current application, the Roads Planning Service was consulted on the proposals. The initial layout was considered acceptable in principle but required some alterations and additional information before Roads Planning were in a position to fully support the proposals.

A swept path analysis was carried out for the proposed development. This identified that the necessary turning is achievable, though some minor adjustments to the roadway are required.

The RPS final consultation response outlines that further consideration is required over a number of detailed technical issues connected to the roads layout, and drainage arrangements therein. The concerns and requirements of the Roads Planning Service are noted. It is considered that these matters do not affect the principle of the development and that they can be addressed through the imposition of suitably worded planning conditions on any planning permissions granted.

Through the application process, a number of minor alterations to the internal layout of the site have been adjusted and the Roads Planning Service has confirmed their general acceptance of the revised scheme, albeit with reservations in terms of the proposed detailing of the layout, and drainage arrangements. It is considered that the proposed development is now generally consistent with the terms of Policy Inf4 of the LP and IS7 of the LDP. These further issues in terms of technical issues will be dealt with fully via appropriate planning conditions, as set out following this report.

Pedestrian access to neighbouring houses

Members should be aware that the agent has attempted to take into account and provide for new potential access for properties neighbouring the site. It is considered that the proposed layout, whilst introducing new development on to neighbouring land, will, will make suitable provisions for access for immediate neighbouring dwellings. One objector considers that this matter should have been resolved legally, however, the requirement for the connection is appropriately dealt with at planning application stage, with land ownership matters being addressed separately as necessary in order to address these requirements, by legal agreement if necessary.

Parking

The proposed residential development would include provisions for car parking. The proposed development makes provision for parking at a level of 32 spaces to serve the 16 units in the combined sites. The Council's Roads Planning Service does not object to the development proposals. The general level of parking is considered acceptable. There is a mixture of parking types. In the PPP site, dedicated in curtilage spaces are to be provided.

Resident and visitor parking area would be constructed off of the access road. Parking in the revised plans is now more logically distributed through the development. In terms of the numbers and details of the proposed parking, within the full application site, 18 spaces are shown for the 10 dwellings. This level of provision is considered acceptable. (The 180% provision exceeds the 150% to 175% figure set out in the development plan for communal parking in housing schemes.

Parking would be formed within the curtilage of each proposed dwelling in the PPP site. The level of provision complies with the standards in the adopted and emerging local plan.

Vehicular link with Muselie Drive

Members will note the development plan requirements with regards the investigation of a linkage with Muselie Drive. The provision of this link has been raised on several occasions with the agent. Further information has been requested in terms of the steps taken to establish ownership and achievability of a vehicular connection through the site to Muselie Drive. The agent has been advised of the importance of providing such connectivity. Whilst the submitted drawings have been revised, they still do not explicitly confirm that such a linkage will be provided. It is accepted however that further legal investigatory work require to be undertaken, to establish ownership and rights. On site, it is apparent that, whilst the original design of the dwellings at Muselie Drive allowed for a through link to this neighbouring field, in the intervening years, the domestic garden curtilages of the dwellings adjoining at the end of Muselie Drive now certainly appear as though they take up this land.

Very specifically worded planning conditions on both the outline and full applications can ensure that this linkage be provided for within the current application sites, and that the development of phase one can proceed. It is noted that the boundaries of the application site have been set so as that phase 2 is located between Muselie Drive and phase 1. This makes it incumbent upon both applications to be delivered in a manner to provide for the link road connection through.

A planning condition on phase two would provide the required section of link. Phase one would be required to deliver all of the access road within phase one. Ultimately,

the Local Development Plan requires that the link be investigated. The link is not necessary for Phase 1. Much of the traffic will head to and from the main road anyway. Phase 2 would be the key trigger for the link as it is the closest part of the whole development to Muselie Drive. However, the difficulty here is that Phase 2 relies on Phase 1's road network. The link for Phase 2 cannot be provided without taking the road up to the site boundary of Phase 1, which is understood to be within the applicants land ownership.

As such, it is proposed that Phase 1 should be subject to a planning condition requiring the road link to be made up to the site boundary, regardless of the current plan (ideally a final plan would show this, and be lodged in time for the PBS committee meeting, but a condition would supersede this in any case). Phase 2 would then be subject to a condition which does not permit any work on Phase 2 until the land outside the boundary has been made up to an adoptable road standard, thus providing the physical road link to the site.

This way, Phase 1 can be completed without providing the link. If the link to the adopted road cannot be provided beyond that to satisfy Phase 2, then the applicants would be free to apply to remove the condition on Phase 2. The Planning Authority would be able to conclude then whether the supporting case demonstrates the potential for the link has been investigated to its full extent.

This approach provides the best case for showing how the LDP's requirement has been fulfilled, and ensuring that the link is fully investigated, and if achievable, is delivered.

Footpath link with the Ale Water

Policy Inf 2 (Protection of Access Routes) of the LP, and policy IS5 (Protection of Access Routes) of the LDP seek to protect and keep open any existing route with access rights. The aim of these policies is to protect all existing access routes in accordance with the land Reform (Scotland) Act 2003, and the Countryside (Scotland) Act 1967. Together these Acts place a duty upon the Council to assert, protect and keep open and free from obstruction any route whereby access rights may be reasonably exercised.

The existing path link from the village linking to the Ale Water, located along the north eastern boundary of these sites is to be maintained. A pedestrian link is to be provided through the development linking with the path access. This will result in enhancement of the existing access route. The proposed development is considered to comply with policies Inf 2 (Protection of Access Routes) of the LP, and policy IS5 (Protection of Access Routes) of the LDP.

Neighbouring residential amenity and privacy

Policy H2 of the LP and Policy HD3 of the LDP aim to protect the amenity of both existing established residential areas and proposed new housing developments. These policies relate to areas where the predominant land use is residential. The Council has also adopted Supplementary Planning Guidance on Householder Development which sets out detailed privacy and amenity standards.

The most complex parts of this development to consider and apply place-making principles to have arisen where there is a need to accommodate existing neighbouring windows. However, it has been possible to apply the SPG standards

for privacy and amenity to the proposals. It is accepted that the proposed development would be consistent with the general pattern of development in the area and would be of a scale, mass and material appropriate to the surrounding area. The application site occupies a central location within Lilliesleaf. Housing density is higher along the frontages with the main street through the village. It is acknowledged that higher densities in historic settlements will often lead to overlooking to some degree. The extent of overlooking and the level of privacy that residents enjoy are dependent on a range of factors including the proximity, height and orientation of other properties, visibility from public spaces and the existence of intervening boundaries and screens. Therefore, the level of privacy and amenity that exists will vary according to location.

Generally, new development should not cause an unacceptable loss of daylight to habitable rooms of neighbouring properties. The proposed layout in these applications has been design to avoid, as far as reasonably practicable, loss of daylight to neighbouring properties. It is accepted that the proposed development would be consistent with the general pattern of development in the area and would be of a scale, mass and material appropriate to the surrounding area.

The SPG seeks to ensure minimum standards are met. In the case of this current application, care has been taken with the positioning of dwellings across the site to ensure that the proposed development does not result in unacceptable adverse impacts on neighbouring amenity and privacy. The submitted layout plans are annotated with the required set off distances from the windows serving habitable windows. Considering the impacts and effects on neighbouring dwellings in turn:

Wellfield

This dwelling is located approximately 34m from the nearest proposed dwelling in these applications (plots 5 and 7). The relationship between this house, and the nearest proposed housing is in complete compliance with the standards in the Householder Development SPG.

Priory Cottage and Poppyland

These are the two dwellings opposite the site entrance. They face generally towards the three proposed dwellings on plots 1-3. At their closest point these are just over 14m from the proposed new houses. Whilst this is closer than the 18m window to window distance set out in the Householder Development SPG, given the context, with the existing dwellings being set hard to the roadside, and the development incorporating a set back off the road, with footway and front garden, it is considered that this is an appropriate distance in the centre of the village, and that for placemaking reasons, it is desirable that this set off distance is not increased further.

Roseville

Plot 3 has a blank gable 13m from Roseville. Plot 4 is 16m away, but at an offset angle. This is considered acceptable in terms of the standards in the Householder Development SPG.

Page 8 of the submitted design statement sets out that it is intended that the resident of Roseville will be offered the opportunity to acquire an additional area of garden ground as set out in the proposed plans. This would provide them with additional garden space to secure their amenity. It is not essential that this happens for the development to be considered acceptable.

Rose Cottage

In terms of amenity, the location of Rose cottage relative to the application site boundary has to a large degree influenced the layout of the development in the corner of the proposed development immediately adjacent to Muselie Drive.

The need to provide for daylight and sunlight angles to maintain the amenity of this existing dwelling has meant the immediately adjoining land to the north of Rose Cottage cannot accommodate a dwelling. Whilst an additional dwelling located here flanking the access road through to Muselie Drive would have been desirable in Placemaking terms, better "turning the corner", in reality, this has not been achievable. Rather, the final layout provides for this area to be used as parking, and turning space. This has the benefit of ensuring that Rose Cottage is neither overshadowed nor overlooked from any dwelling in this location. The development would be consistent with the pattern of development in the surrounding area and would comply with the aims of Policies H2 and HD3.

With regards to Rose Cottage, the design statement identified that the house has an existing gate opening on to the site. The statement contends that there is no associated right of access with this gate. It is not for the planning system to arbitrate on any legal dispute, and do it is simply noted that the design statement proposed to deal with this situation by offering the householder at Rose Cottage the opportunity to acquire a small strip of land as set out in the submitted plans (and design statement p8). This would allow for the neighbours access to be formalised, and to connect in with the proposed development in this application. The suggested right of access and this proposed mitigation have no bearing upon the appropriateness of the development in planning terms, however, and would remain to be resolved outside the planning process.

11 and 20 Muselie Drive

The proposed development sets forth that the dwelling on plot 11 would be located in line with the front building line of the existing house at 20 Muselie Drive. The existing dwelling at no.11 Muselie Drive is located 22m south west of plot 10.

These above arrangements are considered to comply with the SPG standards, and with policies H1 and HD3.

Air Quality and Noise Nuisance

The applicant has proposed that the development may include air source heat pumps. Depending on the location of the heat pumps this may cause an issue. Below is a proposed condition requiring information to be provided at a later date. A condition has also been proposed with regard to air quality, this is in the event that wood burning stoves or other similar installation is to be included in the development. Informatives have been included for construction noise and any proposed lighting.

Policy EP16 of the LDP aims to protect air quality and in doing so contribute towards the Council's commitments to addressing climate change. The undernoted planning condition would ensure compliance with Policy EP16.

Archaeology

Policy BE2 of the LP, and EP8 of the LDP on archaeology are relevant to this application. In support of the application, the following were undertaken:

- Cultural heritage desk bases assessment
- Written scheme of investigation for an archaeological evaluation

The submitted design statement also considers the site history and archaeology. The Council Archaeologist has commented in his consultation response. He advises that the previous evaluation work undertaken has failed to identify any significant archaeological features or deposits. As such, no further archaeological mitigation is required for this area of the site. The application is considered to comply with policy BE2 of the LP and EP8 of the LDP.

Waste Management

The Council has adopted Supplementary Planning Guidance on Waste Management covering the provision of waste and recycling facilities within new housing development. The guidance requires that provision of such should be accounted for at the planning stage.

The SPG highlights that proposals for new residential developments in the Borders provide an excellent opportunity to incorporate improved bin storage and collection into street design at an early stage in the planning process. For detached, semi-detached and terraced properties, bin should be stored on an area of hard standing within the curtilage.

In this case, the submitted plans clearly demonstrate provisions being made for positioning of bins within the development. Provision has been made for three bins per dwelling, positioned behind screening in the form of the proposed boundary walls and fences. A swept path analysis for a refuse vehicle has also been provided.

It is considered that suitable arrangements have been included in the submitted site layout plan, and that the proposals in both applications are in compliance with the SPG on waste.

Development Contributions

Where a site is otherwise acceptable in terms of planning policy but cannot proceed due to deficiencies in infrastructure and services which will be created or exacerbated as a result of the development Policy G5 of the Local Plan and Policy IS2 of the LDP will require developers to make a full or partial contribution towards the costs of such deficiencies.

As Members are aware, the Council SPG on Development Contributions is applicable to all developments involving housing proposals. Addressing the identified requirements in turn:

Borders Railway

Policy G6 of the LP, Policy IS3 of the LDP, and the adopted SPG on Development Contributions set out that contributions will be collected towards the reinstatement of the Borders Rail Route through collection of contributions identified in the SPG as being in the postcode record receiving most benefit from the line. Contributions are applicable to this application.

Play

The site is in very close proximity to an existing equipped toddler play facility at the corner of the Main Street in Lilliesleaf and Muselie Drive. As such, it is considered that a commuted sum towards enhancement of the existing facility is more appropriate here than insisting upon further on site provision.

This position has been confirmed with the development negotiator, and legal instruction issued on this basis. In this case, an off-site commuted sum to provide additional play equipment at an existing play facility in the area will be sought at a rate of £500 for each of the residential units subject of this application. This will be secured through a legal agreement in line with prevailing policy. The development will however include an area of open green landscaped space adjacent to the existing mature tree.

Education

A contribution is not required in the case of this catchment. The Development Negotiator has clarified that contributions towards education provision are not currently required in these schools catchment areas (Selkirk HS, Lilliesleaf PS).

Affordable Housing

As the proposed development will involve the creation of a number of on-site affordable units, there is therefore no requirement for a commuted sum in terms of affordable housing provision. Where the Local Housing Strategy identifies a local affordable housing need, the Council will require the provision of a proportion of land for affordable housing. This is currently set at 25% on allocated and windfall sites. Affordable housing is broadly defined as housing of a reasonable quality that is affordable to people on modest incomes. More detailed definitions are available in the approved supplementary planning guidance on affordable housing

The proposed residential development seeks the erection of a total of 16 dwellings, and it is understood that the intention is that 7 units would be acquired by Bridge Homes (SBC/Scottish Futures Trust). This would result in provision of affordable housing on part of this site. To ensure policy compliance with the 25% policy requirement, only 4 of these would actually have to be affordable in terms of the SPG definition, meaning that more generous affordable housing provision is being made than is required by policy.

The submitted design statement confirms that phase 1 of the development is aimed at 100% mid-market rental as part of the SBC affordable housing programme.

The use/occupation of these units for affordable housing purposes can be controlled through appropriately worded planning condition ensuring full compliance with the terms of prevailing development plan policy. In this case a development contribution towards affordable housing will not be required. The affordable element will however be captured in a legal agreement.

Flooding and Drainage

Flooding

Policies G2 of the LP and IS8 of the LDP set out the Council position in relation to consideration of flooding. The Community Council highlights past instances of flooding to affect the site. This issue is also raised in objection and representations made to the application.

The site is not identified on the national flood risk map retained by SEPA as being at risk of flooding. Site topographical conditions mean the forward part of the site adjoining the road sits at a lower level, and forms essentially a hollow. There will be changes to the topography of the application site as part of the implementation of any consent on this site. Topographical changes to the site, together with the construction of drainage to serve the site, dwellings and road, should resolve any issues over standing water. Given the context of:

- the application sites being allocated for housing development,
- being allocated in the proposed Local Development Plan with no change to site requirements, and
- having been subject to previous approvals for housing

it is not considered justifiable to impose an additional requirement for a flood risk assessment. The submitted design statement has also checked and clarified the position on SEPAs national flood map, It confirms that due to the existing land elevation and topography, the application site is not at risk from river or surface water flooding.

Drainage

The Roads Planning Service has requested the submission of further information on the proposed drainage arrangements on several occasions. As part of the Roads Construction Consent and Building Warrant process, these matters in connection to drainage will be fully considered and dealt with. The development will have to make appropriate arrangements for the conveyance of water through the site.

It would nevertheless be appropriate to add suitably worded planning conditions to any grant of consent requiring the developer to provide precise details of both surface water and foul water drainage for prior approval by the Planning Authority. It would also be appropriate to add a condition in respect of water supply. These matters should be addressed before development commences to ensure that the site is adequately serviced in accordance with Policy Inf5 (Waste Water Treatment Standards) of the LP, and Policy IS9, Waste Water Treatment Standards and Sustainable Urban Drainage, of the LDP.

Policy Inf6 of the CLP requires surface water management for all new developments to comply with best practice on sustainable urban drainage systems (SUDS) to the satisfaction of SBC and SEPA. It is noted that a drainage strategy is being developed for this site. There are still shortcomings in the proposed drainage arrangements, which are not yet to the satisfaction of the Roads Planning Service Engineer. It would therefore be appropriate to add a suitably worded condition to ensure that a scheme for SUDS for surface water treatment has been submitted to and approved in writing by the planning authority, in consultation with SEPA.

Other Matters Raised in Representations and Objections

Addressing these in turn:

Issues relating to lack of contact about legal issues

These cannot be taken into account in the determination of these planning applications. It is for the neighbours to resolve access and ownership issues with the developer. The submitted plans make provision for possible repositioning of boundaries and for legal access to be permitted to neighbouring dwellings. It is for the affected parties to resolve these matters amongst themselves.

Impact on property values

The impact of a proposed development upon neighbouring property values is not a material planning consideration. No weight can therefore be attached to this issue in the decision making process.

Footpath or road link with Muselie Drive would impact on privacy

The adopted policies and guidance of the council deal with the impacts arising from dwellings upon neighbouring dwellings. The impact of the connectivity on privacy is not a point on which there is any policy basis to resist the applications. In this instance, there is greater policy requirement for connectivity and this would outweigh any limited impact on privacy.

CONCLUSION

Subject to appropriately worded planning conditions and the conclusion of a legal agreement to secure development contributions, it is considered that the proposed development is acceptable and in accordance with development plan policies relating primarily to place making and design, housing development and the protection of residential amenity. The revised proposals are an improvement over those originally submitted and it is contented that the development will have a positive effect on the street scene and wider appearance of the Village.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

PHASE 1 - 15/00711/FUL

I recommend the application is approved subject to a legal agreement addressing the identified development contributions and the following conditions and informative:

1. Except where varied by subsequent conditions, or subsequent confirmation in writing from the planning authority, the development hereby approved shall be carried out wholly in accordance with the amended plans references, 7249/2-0 ht-D5 revB; 7249/2-0 ht-A5 revA; 7249/2-0 ht-A4 revB; 7249/2-0 ht-A3 revB; 7249/2-03 J-OPT1-PH1SITE, and 7249/2-05 E.
Reason: To ensure that the development is carried out as approved by the Planning Authority.
2. A minimum of 4 of the dwellings hereby approved shall meet the definition of 'affordable housing' as set out in the adopted Scottish Borders Local Plan 2011 and accompanying supplementary planning guidance on affordable

housing (January 2015) and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first be submitted to and approved in writing by the Planning Authority.

Reason: To ensure the properties hereby approved are retained for affordable housing, and that the requirements of adopted policy on Affordable Housing are met.

3. The existing mature lime tree central within the site is to be protected in accordance with a scheme of details first submitted to and approved in writing by the Planning Authority. This is to include provision for protective fencing, and to include arrangements to ensure construction plant, equipment, and materials are kept clear of the identified Root Protection Area.

Reason: To ensure suitable arrangements are made for the protection of the lime tree.

4. Further details of the means of construction, surfacing and material finish of all footway within the root protection area (RPA) of the mature lime tree are to be submitted to and approved in writing by the planning authority. Any excavations within the RPA are to be carried out by hand.

Reason: To ensure suitable arrangements are made for the protection of the lime tree.

5. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development proceeds in an orderly manner.

6. 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 buildings have been submitted to and approved in writing by the Local 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.

7. The roofing shall be slate or artificial slate of a type first submitted to and approved in writing by the Planning Authority.

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

8. No development shall commence until precise details of all windows have been submitted to and approved in writing by the local planning authority and thereafter no development shall take place except in strict accordance with the approved scheme. The details shall include material, colour, glazing, glazing pattern opening method and frame thickness.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development, which contributes appropriately to its setting.

9. 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:

- a. existing and finished ground levels in relation to a fixed datum preferably ordnance
- b. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- c. location and design, including materials, of walls, fences and gates and other means of enclosure
- d. soft and hard landscaping works, including details of planting, seeding and turfing, revised hedging along the eastern boundary where the site adjoins the Wellfield Driveway, and along the western boundary with 20 Muselie Drive.
- e. existing and proposed services such as cables, pipelines, sub-stations
- f. other artefacts and structures such as street furniture
- g. A programme for completion and full details of the arrangements for subsequent maintenance.
- h. A scheme of details providing confirmation on existing and proposed site levels, relative to a known, fixed off site point.

Thereafter the development is to be completed in accordance with the agreed details.

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

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

11. No development shall commence until detailed engineering drawings and a further scheme of details for the proposed road, turning area, footway, shared surfaces, and drainage arrangements therein 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. The scheme of details is to include:

- a. Design to be altered to provide a shared surface layout beyond the narrowing of the carriageway opposite Unit 7.
- b. Turning head to be amended to incorporate adequate radii or splays.
- c. Amended drainage layout to be submitted which incorporates the revised road layout and removes the porous paving and cellular storage system from within the main carriageway.
- d. Drainage calculations to be submitted for the surface water system.
- e. Confirmation required that Scottish Water is content with the proposed drainage measures, including the diversion of the existing sewer.
- f. Longitudinal profile for the centreline of the proposed road to be submitted for consideration.
- g. Proposed road to be extended to the boundary of the site to allow potential future connection to Muselie Drive.
- h. A phasing agreement for the road infrastructure is required to ensure adequate servicing of the site as houses become occupied. This relates in particular to ensuring appropriate turning provision is available for service vehicles.

Thereafter, the development is to be completed in accordance with the approved scheme of details, and the areas allocated for parking on the approved drawings shall be properly consolidated, surfaced and drained

before the buildings are occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
Reason: In the interests of road and pedestrian safety, both with the development, and on adjoining roads and footways.

12. Prior to the occupation of any dwelling hereby approved, the road link shown highlighted in blue on approved drawing 7249/2-03 J-OPT1-PH1SITE (and in any subsequent drawing approved by the planning authority superseding that plan) is to be made up to the site boundary.

Reason: To ensure a vehicular link to Muselie Drive remains possible, in the interests of the proper planning of the development.

13. No development shall commence until precise details of water supply have been submitted to and approved in writing, in consultation with Scottish Water, by the Planning Authority. Thereafter no development shall take place except in strict accordance with those details.

Reason: To ensure an adequate supply of water is available to serve the site and to ensure that existing users are not compromised.

14. No development shall commence until a scheme for sustainable urban drainage (SUDS) for surface water treatment and foul water drainage has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

15. Prior to commencement of development the applicant must prepare and submit a report for approval by the Planning Authority that demonstrates the final development will comply with this condition. Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernable tonal component. Tonality shall be determined with reference to BS 7445-2. Any heat pump equipment shall thereafter be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the noise limits

Reason To protect the residential amenity of nearby properties.

16. No development shall commence until an assessment of the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in strict accordance with the recommendations/findings of the report. The assessment should quantify the levels of pollutants likely to arise from the development, with reference to the Scottish Air Quality Objectives. The applicants should demonstrate that the proposed flue height is adequate to allow proper dispersal of the products of combustion.

Reason: In the interests of the amenity of the neighbouring properties, to protect the quality of air in the locality and to protect human health and well-being.

17. Within twelve months of the end of the useful life of the solar panels hereby approved, all solar panels and ancillary equipment shall be dismantled and removed from the buildings and the roof of each building made good with

matching roofing material to the remainder of the roof, or to other such condition as may be agreed in advance and in writing by the Planning Authority.

Reason: The anticipated design life of the solar panels is such that they are expected to have a limited life expectancy.

Informatives

1. Lighting - The installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.
2. Construction Noise - The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. The following are the recommended hours for noisy work
Monday – Friday 0700 – 1900
Saturday 0700 – 1300
Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council).

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites. For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

DRAWING NUMBERS

7249/2-0 ht-D5 revB
7249/2-0 ht-A5 revA
7249/2-0 ht-A4 revB
7249/2-0 ht-A3 revB
7249/2-03 J-OPT1-PH1SITE Block Plan
7249/2-05 E Sections

PHASE 2 - 15/00712/PPP

I recommend the application is approved subject to a legal agreement addressing the identified development contributions and the following conditions and informative:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority. The submitted access details shall make provision for the minimum necessary size of opening in the wall with provision of a lintol above the opening, and include full details of how this shall be achieved, and how the remaining wall will be retained.
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. Parking and turning for two vehicles, excluding garages, must be provided within each plot before the dwellinghouse is occupied and retained in perpetuity.
Reason: In the interests of road safety.
4. Prior to the commencement of development, full details of the means of foul and surface water drainage, and of the means of water supply are to be submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the agreed details, unless otherwise agreed in writing by the Planning Authority.
Reason: To maintain effective control over the development, and to ensure that the dwelling is suitably serviced.
5. No development shall take place until such time as until such time as the land outside the application boundary, highlighted in blue on approved drawing 7249/2-03 J-OPT1-PH1SITE (and in any subsequent drawing approved by the planning authority superseding that plan) has been made up to an adoptable road standard forming a vehicular access connection with Muselie Drive, forming a physical road link Muselie Drive to the application site.
Reason: To ensure a vehicular link to Muselie Drive is achieved, in the interests of the proper planning of the development.

Informatives

1. Lighting - The installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.
2. Construction Noise - The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. The following are the recommended hours for noisy work
Monday – Friday 0700 – 1900
Saturday 0700 – 1300
Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council.
Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites. For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.
3. Access link with Muselie Drive - With regards condition 5 on access to Muselie Drive, if the link to the adopted road cannot be provided beyond that to satisfy Phase 2, then the applicants would be free to apply to remove the condition on Phase 2. The Planning Authority would be able to conclude then whether the supporting case demonstrates the potential for the link has been investigated to its full extent.

DRAWING NUMBERS
7249/2-03 J-OPT1-PH1SITE Block Plan (Part)

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

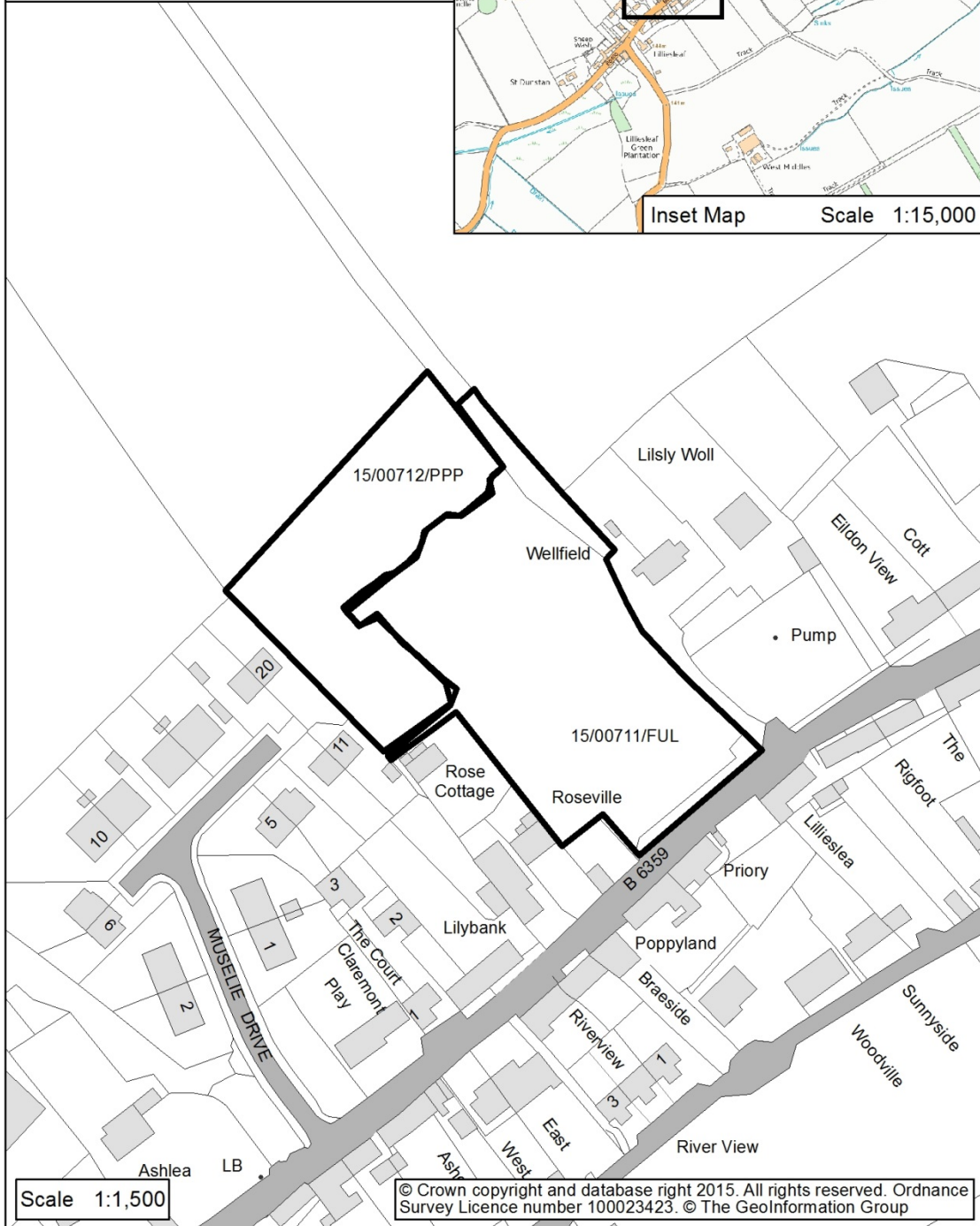
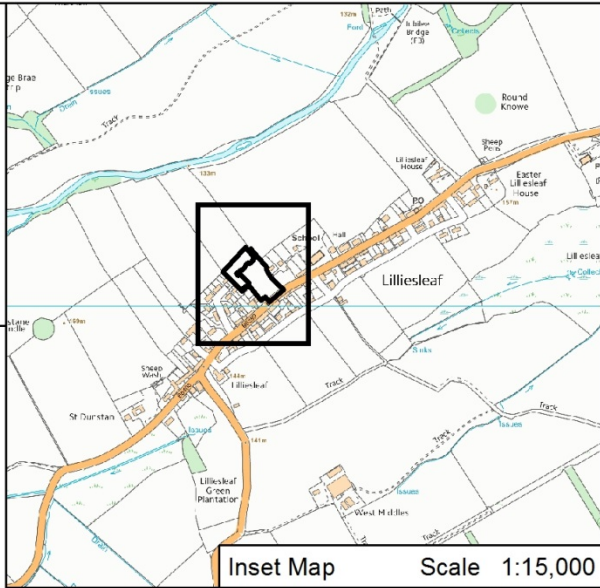
The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Andrew Evans	Planning Officer



15/00711/FUL & 15/00712/PPP
Land To East Of Muslie Drive
(Phase 1 & 2)
Lilliesleaf



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 DECEMBER 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 15/00741/FUL
OFFICER:	Mr C Miller
WARD:	Tweeddale East
PROPOSAL:	Change of use of land for siting of six mobile holiday cabins with bike shelters, associated parking and landscaping
SITE:	Land west of Haughhead Farmhouse, Innerleithen
APPLICANT:	Mr Tim Ferguson and Simon Lawson
AGENT:	David Jane Architects

SITE DESCRIPTION

The site is located south of Innerleithen on the public road to Walkerburn, immediately south of the River Tweed and a former railway bridge. It consists of a sloping paddock west of Haughhead Farmhouse and steading which is subject to an associated application for conversion of an outbuilding to a second dwellinghouse on the site (15/00742/FUL).

The paddock is 0.4 hectares in size and immediately borders the public road, separated from it by a post and wire fence, some hedging and trees towards the western end with a slight drop in levels. A field access exists at the eastern end and the site slopes down to the north and borders a public footpath which connects with the former railway bridge and leads into Innerleithen. A dry stone dyke runs along the eastern boundary.

The site lies within Special Landscape Area 2 "Tweed Valley" within the Consolidated Local Plan 2011.

PROPOSED DEVELOPMENT

The proposal is for change of use of the site to position six mobile holiday chalets in a linear fashion immediately to the north of the public road. The chalets will be 5.2m wide by 6.7m long and will be assembled on site in one or two pieces, capable of then being removed at some future date in a similar way. As a result of their size and mobility, combined with their low height, they are classified as "caravans" and the application is effectively for change of use to a caravan site.

The mobile chalets will have slightly monopitched roofs sloping down to the north and covered with grass sedum. They will be horizontally boarded with non-combustible fibre cement cladding and will be excavated into the site, increasingly so towards the western end. High level windows above a stone gabion retaining wall will face south and corner picture windows will face north. In between each chalet will be access decks and metal roof canopies for bike storage. Each chalet will provide three bedspaces.

The finished floor levels of the chalets have been informed by a Flood Risk Assessment which has been submitted in support of the application. This reveals that the lower part of the site lies within the Tweed functional flood plain and any development should only occur outwith the AOD level of 139.55m. Taking into account climate change and freeboard allowance, the levels of the cabins should be set no lower than 140.42m AOD, three of these being set at these levels and three towards the eastern end set at higher levels reflecting the rising ground.

The site will be accessed from a new tarmac entrance which forms part of a proposed service lay-by with a new access to the adjoining farmhouse. The tarmac bellmouth then leads to a gravel turning area and entrance drive with access to a proposed sewage treatment plant and bin store. Access to the chalets and parking spaces will be surfaced using a heavy duty grass protection grid. Whilst some of this lies within the functional flood plain, there are no alterations to existing ground levels and the grid is merely being set into the existing ground.

Tree planting is shown immediately to the south of the chalets and parking areas with mixed indigenous hedging proposed in the space between the public road and the chalets, augmenting the existing hedgerow.

PLANNING HISTORY

No direct history on the paddock although a 2007 application for conversion of outbuildings to form two dwellinghouses on the adjoining site at Haughhead was submitted but ultimately withdrawn.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: No objections, noting that although the road is single track in nature, there are passing places and it is still close to Innerleithen with a linking pedestrian route into the town. Sought adjustments to the access design involving improved radii, width, 6m of tarmac and 2.4m by 90m visibility splays. Accepts revised access plan and notes the shared service lay-by. Suggests parking area enlarged to improve manoeuvrability.

Flood Protection Officer: Notes the FRA advice that the cabins be set at least 140.42m AOD and raises no objections as that is what the plans propose, being above the 1 in 200 year flood level including climate change and freeboard.

Environmental Health: No objections subject to conditions relating to private water supply, private drainage and means of heating the cabins. Advice then provided through Fire Officer over distances cabins may be apart together with fire safety precautions to allow the spacing as planned.

Landscape Architect: Initially concerned about the impacts on the Special Landscape Area, caused by the linear nature, size, spacing and linking canopies and also partly by the car parking. Suggested a reduction in density, increase in spacing and a more robust landscaping scheme. Following assessment of agent's response, now satisfied that the development could be acceptable subject to a detailed landscaping scheme for the roadside edge, each end of the cabins and north of the parking. Also suggests re-siting of the bin store.

Access Officer: The site is next to a right of way designed for multi-use and should be connected directly to this path, through the proposed landscaping. This should be a condition of planning permission.

Economic Development: Supports the development which is in line with the Scottish Borders Tourism Strategy, increasing attraction, volume of overnight visitors and expenditure.

Statutory Consultees

SEPA: No objections noting that the cabins will be above the defined and agreed 1 in 200 year flood risk level and not within the functional flood plain. Notes that the FRA depicts flood levels higher than the 2005 event surveys.

Innerleithen and District Community Council: Supports the development as it will enhance tourism accommodation in area and complement the Aim Up project, together with improvement of a run-down site. Notes the flood risk and sewage issues are addressed.

REPRESENTATION SUMMARY

A total of seven separate objections have been received to the application from occupants or business owners in the vicinity of the site. These can be viewed in full on the Public Access website and the main grounds of objection can be summarised as follows:

- Increased amenity and nuisance impacts on nearby caravan site relating to noise, loss of view, sewage smell, litter, dog fouling, use of path through site etc.
- Negative impacts on caravan site and other existing holiday accommodation businesses.
- Public road inadequate to safely cope with additional traffic generation and associated impacts on horse trekking use adjoining.
- Chalets are too close to the public road and too close together posing fire safety risk.
- Queries over whether the chalets would constitute caravans under legislation.
- Alleged lack of neighbour notification.
- Criticism over flood risk assessment accuracy.
- Concerns over impacts on protected wildlife such as swallows, barn owls, red squirrel, badgers, foxes, salmon etc.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy G1 Quality Standards for New Development
Policy G4 Flooding
Policy BE8 Caravan and Camping Sites
Policy NE3 Local Biodiversity
Policy NE4 Trees, Woodlands and Hedgerows
Policy NE5 Development Affecting the Water Environment
Policy EP2 Areas of Great Landscape Value
Policy Inf4 Parking Provisions and Standards
Policy Inf5 Waste Water Treatment Standards

Proposed Local Development Plan 2013

Policy PMD2 Quality Standards
Policy ED8 Caravan and Camping Sites
Policy EP3 Local Biodiversity
Policy EP5 Special Landscape Areas
Policy EP13 Trees, Woodlands and Hedgerows
Policy EP15 Development Affecting the Water Environment
Policy IS7 Parking Provisions and Standards
Policy IS8 Flooding
Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

“Local Landscape Designations” SPG
“Trees and Development” SPG
“Landscape and Development” SPG

KEY PLANNING ISSUES:

The main determining issues with this application are compliance with Development Plan Policies and Supplementary Planning Guidance on caravan sites in the countryside, impact on a Special Landscape Area, flood risk and local infrastructure.

ASSESSMENT OF APPLICATION:

Planning policy

Holiday chalet developments would normally be assessed against Local Plan Policies on business, tourism and leisure developments in the countryside, such as Policies D1 and ED7. However, the Consolidated and Proposed Local Plans draw a distinction with caravan and camping sites, Policies BE8 and ED8 supporting the principle of such developments and favouring settlement or immediately outwith settlement sites over deeper countryside locations.

Whilst some doubt is raised by an objector over whether this proposal is a “caravan” development, it has been submitted and considered as such. The change of use of land to allow six mobile chalets has been assessed against the rules governing what is a “caravan”, the chalets complying in terms of length, width and internal height. The agent is aware they have to be delivered and fitted in one or two sections. Whilst there is also some question over the canopy sections erected between the chalets, there is limited evidence to outweigh the fact they will be able to comply with the regulations.

The cross sections imply they will be placed upon battens almost like timber sheds would. There is no detailed information though and none in relation to the way in which the canopies will be fixed. For these reasons, and those mentioned below, a condition would be justified to ensure that sufficient details are submitted to address the question of the chalets’ mobility and compliance with the definition of caravans.

In planning terms, the submitted information clearly sets out what is proposed and the implications of the development are clear enough to be assessed regardless of their regulated definition.

Various issues were raised by some of the objectors in relation to spacing of the chalets and fire safety and this was explored with Environmental Health and Licensing over the question of compliance with Model Standards for Caravan Sites. The chalets were spaced closer together than would be the norm for caravan sites. However, the Firemaster stated that this would be acceptable subject to various fire precautions in the provision of the chalets, including one wall to be fire resistant. Having also checked with Building Standards, it would appear that such fire resistant measures could be incorporated and the chalets still retain their mobile “caravan” status. These measures can be included on any consent as an Applicant Informative in pursuance of the relevant condition relating to demonstration of the mobility of the units.

Having established that this development is for “caravans”, the relevant Local Plan Policy is different from the normal Policy applied to other forms of tourism development in the countryside. Policy BE8 in the Consolidated Local Plan and ED8 in the Proposed Local Plan make clear that the Council will support new caravan sites where they are in accordance with the Scottish Borders Tourism Strategy and where they can support local economies and nearby towns.

This modest development of six chalets with 18 bedspaces will provide important support accommodation for the growth in visitor figures expected in the Tweed Valley as a result of the success of mountain biking, the improvements at Glentress being carried out by the Forestry Commission and the proposed Aim Up project in the vicinity. The location is appropriate for various landscape and context reasons as described below and the Economic Development section have confirmed that the proposals would be consistent with the Scottish Borders Tourism Strategy.

It is considered that the development would improve occupancy levels, quality of accommodation and links with mountain biking. It also fits with the South of Scotland Competitiveness Strategy by building on success of adventure sports. There is no reason to believe that a small amount of competition with existing accommodation in Innerleithen is justification for rejection of, what is, a modest scheme providing small niche accommodation. The scheme is supported by the Community Council for these reasons also.

Policies BE8 and ED8 specifically favour caravan sites within settlements or just outside them but close enough to be of benefit to the shops and services in such settlements. The site at Haughhead clearly complies in that it is within easy walking, cycling or driving distance of Innerleithen and can be directly linked to the Multi- use path alongside the site which then gives public access into Innerleithen. A condition can be imposed to ensure this is provided before the first chalet is occupied. A branch route is also sought for the associated application for the conversion adjoining, which would result in the loss of a very well used pedestrian and equestrian route through that site.

Although there are concerns from the existing caravan park in Innerleithen regarding increased usage of the path system through their park as a result of the development, natural desire lines and the quality of the multi-use path would suggest that the more direct route to the town shops, facilities and remainder of the strategic path network is not through the existing caravan park but to continue along the multi-use path to the end of Princes Street.

As with other approvals for caravan sites and holiday chalet developments, it is important to ensure that they are not lived in on a permanent residential basis as this

would conflict with other Council Policies on housing in the countryside. An appropriate condition is therefore proposed.

For the aforementioned reasons, it is considered that the relevant qualifying criterion of Policies BE8 and ED8 are met by the proposal. Full compliance would still require compliance with other criteria which are discussed below, involving environmental and infrastructural impacts as well as being free from flood risk.

Access and parking

The issues of public access for pedestrians and cyclists have been dealt with above and a condition can secure satisfactory connection of the site with the local footpath network. Policies BE8 and ED8 also require caravan sites to be acceptable in terms of their impact on infrastructure, including the local road network. Although there have been concerns expressed from objectors about the capacity of the road to accommodate this development, there is no objection from Roads Planning. They acknowledge that the road is single track but, given the passing places and the modest nature of the development, there is no opposition from them on road capacity grounds.

Roads Planning have secured an improvement in the plans at the site junction where a service lay-by will now serve both the chalet site and the adjoining farmhouse, whilst still providing another passing opportunity. Other junction improvements include a tarmac bellmouth and visibility splays, all of which can be sought for completion before the use of the chalets commences. The parking area is also a little narrow and the advice of Roads Planning on enlarging the width between the chalets and the parking spaces will be included as a condition. This will be extended in a northerly direction to avoid any further reduction in the space for roadside hedge planting.

There is therefore no reason to oppose the application on the grounds of detrimental impacts on road safety or roads infrastructure and the application complies with the relevant Local Plan Policies

Landscape and Design

Policies BE8 and ED8 seek to ensure new caravan sites have no detrimental impacts on the environment and this includes impacts on rural landscape. In this location, the site lies within the recent Special Landscape Designation 2 "Tweed Valley" which seeks to safeguard landscape quality by minimising visual impact. This had been expressed as a concern with the applicant during pre-application discussions before the scheme was reduced in scale and coverage following the outcome of the Flood Risk Assessment.

In particular, the impacts of the site should be considered from the A72 either side of Innerleithen, from the southern edge of Innerleithen and multi-use path and especially from the minor public road linking Innerleithen with Walkerburn. The Council's Landscape Architect initially had some concerns over the rigid layout and density and suggested a reduction and respacing of cabins together with a robust landscaping scheme. The agent responded to this by raising a concern over the viability of the scheme which had already been reduced following the definition of the flood risk line. He also felt that any reduction would have little overall effect on the visual impact.

The Landscape Architect therefore sought more details of the landscaping, indicating that if a strong scheme was submitted, then the modest development of six chalets could still be considered to have an acceptable impact on the environment. The agent has agreed to provide this scheme at this stage which is only currently shown in schematic form on the submitted site plan. This would involve tree planting to the north of the car parking area, detailed hedge planting along the road edge and additional planting at each end, together with screening of the proposed bin store. Members will be updated on the receipt of the landscaping scheme at the Committee meeting.

Overall, a suitable scheme should mitigate any significant impact on the landscape of the Special Landscape Area which is also aided by the small scale nature, height and design of the chalets with sedum low monopitched roofs. A condition should be imposed to ensure that, as this is effectively a caravan site with mobile units, only the units approved are erected on site and that, if there were any proposals for other types of units, this would need to be agreed with the Council. Precise external materials will also need to be agreed. The impacts are also lessened by the use of grid matting for the majority of the parking and turning spaces which, again, should be subject to a detail approved by condition.

Subject to these conditions and the submission of a satisfactory planting scheme, it is considered that the impacts on the landscape will be minimised and prove acceptable. The grouping when viewed from across the valley from the A72 is seen as part of the Haughhead steading and equestrian centre opposite. There is also an existing landscape structure which provides some intervening screening but especially a substantial backdrop. The new tree planting south of the car parking area will aid this integration and reduce impacts from Innerleithen and the footpath network.

The impacts from the minor public road are more difficult to mitigate, given how close the cabins are to the road as a result of the flood risk line. However, the cabins are being excavated into the site, lower than road level and there is sufficient space for native hedging between the road boundary and the retaining wall which will be detailed on the forthcoming landscaping plans.

In summary, with conditions and subject to a suitable landscaping plan, the application can be considered to comply with landscape protection Policies EP2 and EP5 and relevant criteria within Policies BE8 and ED8.

Flooding

Policies G4 and IS8 specifically refer to sites at risk of flooding although it is also a named criterion within Policies BE8 and ED8. The site partially floods at the northern end and objectors as well as SEPA have referred to this fact. It is also identified in the submitted Flood Risk Assessment (FRA) whereby a flood line for the 1 in 200 year flood has been defined across the site. A previous version of the development at pre-application stage also had chalets within this area until the FRA defined the extent of the flood.

It recommended no chalets within that defined flood extent and, including climate change and freeboard, suggested no floor levels below 140.42m AOD. All six chalets are at or above that level and the development has been accepted without objection by both SEPA and the Council's Flood Prevention Officer. Some of the parking area extends into the flood zone and will need to extend a little further to meet the Roads Planning concerns over manoeuvring space. However, this is in the form of matting

placed upon existing ground levels and does not involve any actual alteration to the functional flood plain.

It is considered that the development, supported by the FRA, complies with the relevant Local Plan Policies on flood risk.

Other issues

Various other issues have been raised by consultees and objectors but none which are material to determination of the application. Environmental Health raise issues over drainage, water and heating which can be addressed in conditions although the agent has confirmed the scheme will be linked to mains water. Local concerns raised over impacts on wildlife have not been backed by any concerns from the Council's Ecologist who had raised issues over the adjoining conversion proposal but not in relation to this development. The amenity concerns from some occupants and the owner of the existing caravan site are noted but many will simply be as a consequence of increased use of the path network as tourism grows within the valley, with or without this development. Indeed, the impacts of the approved Aim Up project in the vicinity will be likely to be far greater than those created by this development.

There were concerns raised over lack of neighbour notification but these have been responded to. The concern was that a local business next to the site had not directly been notified but, under the regulations, no direct notification can be undertaken where there are no premises with a postal address such as in this case. Notification was then properly carried out by the placement of a press advertisement.

CONCLUSION

Subject to the receipt of a satisfactory detailed landscaping plan and to the listed conditions and informatives, the development is considered to comply with the Scottish Borders Tourism Strategy and thus Development Plan Policies on caravan site development, impacts on landscape, flood risk and other local infrastructure.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

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

1. The occupation of all chalets shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.
Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area.
2. No development to be commenced until further details of the chalet construction, connection into services, linking shelter roofs and retained mobility are submitted to, and approved by, the Planning Authority.
Reason: To ensure that the development complies with the legislation and regulations governing definition as "caravans".

3. This development is approved only for the chalets as shown on the approved plans and not for any alternative style or design of units which, if proposed, should be submitted for the prior approval of the Planning Authority.
Reason: To safeguard the landscape and visual amenity of the area.
4. No development to be commenced until further details of the external materials of the walls, roofs, windows, decks and shelter roofs of the chalets are submitted to, and approved by, the Planning Authority.
Reason: To safeguard the landscape and visual amenity of the area.
5. The finished floor levels of the chalets should be as shown on the approved site plan 13029-001-C and there should be no development or alteration of ground levels below 139.55m AOD.
Reason: To safeguard the development from flood risk and maintain the functional flood plain.
6. All access and parking as shown on the approved site plan 13029-001-C to be completed in accordance with the plan before occupation of the first chalet, the visibility splays then to be maintained in perpetuity. However, before the works commence, further details of the parking surface material to be submitted for the approval of the Planning Authority, the space between the northern elevations of the chalets and the parking spaces to be increased to 6m.
Reason: In the interests of road safety.
7. No development to commence until further details are submitted of a foot/cycle path link between the development and the multi-use path running along the north-western side of the site. No chalet to be occupied until the approved path link has been completed. It should then be retained in perpetuity.
Reason: To provide connection between the development and the public path network.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the chalets or the completion of the development, whichever is the sooner, and shall be maintained thereafter in perpetuity (and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.)
Reason: To ensure that the proposed landscaping is carried out as approved.
9. Should a public water supply not be used, then no development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the chalets hereby approved.
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
10. None of the chalets shall be occupied until works for the disposal of surface water and sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved

in writing by the Planning Authority, including the maintenance arrangements for the system.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

Informatives

1. You are advised by the Fire Safety Enforcement Officer of the Scottish Fire and Rescue Service of the following:

The spacing between the cabins can be reduced to a distance of 3.5 metres if the following conditions are met:

1. As detailed on the drawing the adjacent cabin should have a solid wall with no openings and which will provide a minimum of 60 minute fire resistance,
2. Adequate automatic fire detection should be installed & maintained within each cabin (conforming with BS 5839 Part 6 LD2 i.e. bedrooms and open plan living area),
3. A fire blanket and 2kg dry powder extinguisher to be provided within each cabin (conforming with current British Standard)
4. An adequate means of raising the alarm of fire on the site.
5. Evacuation plan available and which is displayed at a prominent location within each cabin.

2. The Council Environmental Health Officer advises:

The applicant should confirm the means of heating of the cabins. If biomass is to be used the Applicants should provide evidence that this will not adversely impact on local air quality.

DRAWING NUMBERS

13029-001-C Site Plan
13029-002-A Site Elevations and Sections
13029-1-1 Cabin Plans and Elevation
13029-205 Cabins Section
13029-LOC-A Location Plan
Flood Risk Assessment

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

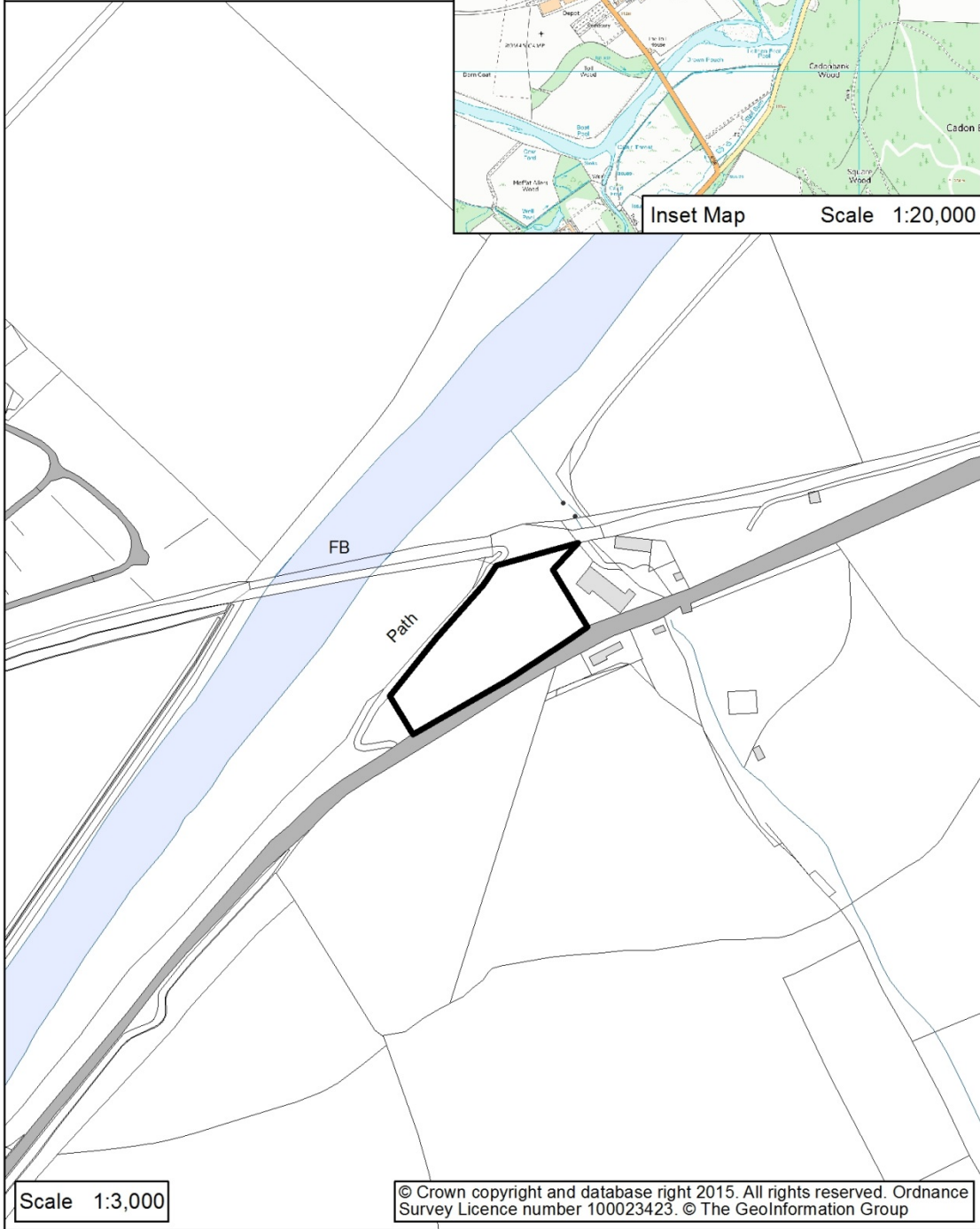
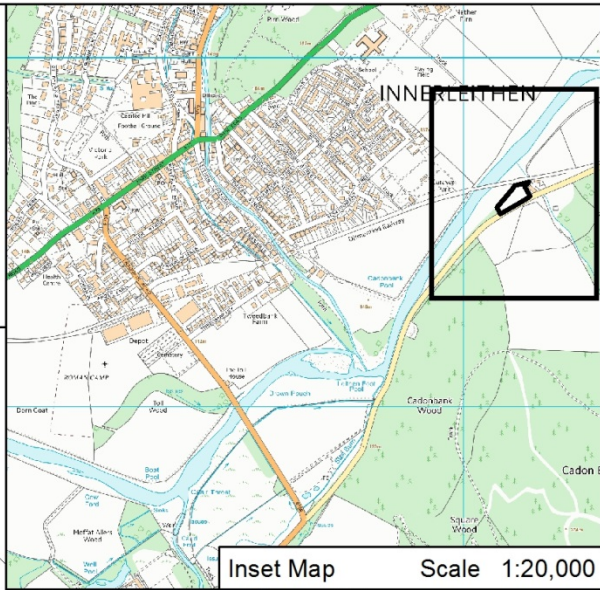
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Craig Miller	Lead Planning Officer



15/00741/FUL
Land West Of
Haughhead Farmhouse
Innerleithen



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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

7th December 2015

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

- 3.1 Planning Applications

Nil

- 3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

- 4.1 There remained 3 appeals previously reported on which decisions were still awaited when this report was prepared on 19th November 2015. This relates to sites at:

<ul style="list-style-type: none"> Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge 	<ul style="list-style-type: none"> Land West of Muircleugh Farmhouse, Lauder
<ul style="list-style-type: none"> Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick 	<ul style="list-style-type: none">

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 15/00662/FUL
Proposal: Installation of 2 No rooflights
Site: Caroline Villa, Main Street, West Linton
Appellant: Mr Mark Hepworth

Condition Imposed: Notwithstanding the details of the proposed rooflights submitted with the application, the approved rooflights to be permanently fixed closed and to have obscure glazing, to be retained in perpetuity. Before any development commences on site details of the rooflights, the method of fixing and the type of obscure glazing to be submitted to and approved by the Planning Authority. The development then to be completed in accordance with the approved details. Reason: To protect the residential amenity of nearby properties from overlooking.

6 REVIEWS DETERMINED

Nil

7 REVIEWS OUTSTANDING

- 7.1 There remained 5 reviews previously reported on which decisions were still awaited when this report was prepared on 19th November 2015. This relates to sites at:

• Plot A Chirside Station, Chirside	• Land South West of Northburn Caravan Park, Pocklaw Slap, Eyemouth
• Tushielaw Inn, Ettrick Valley, Selkirk	• Land North West of Spruce House, Romano Bridge, West Linton
• Land East of Park Lane, Croft Park, Croft Road, Kelso	•

Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant 01835 824000 Ext 5409

Background Papers: None.

Previous Minute Reference: None.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel. No. 01835 825431 Fax No. 01835 825071
Email: PLACEtransrequest@scotborders.gov.uk

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INDEPENDENT REVIEW OF PLANNING

INFORMATION NOTE BY CHIEF PLANNING OFFICER

PLANNING & BUILDING STANDARDS COMMITTEE

7TH DECEMBER 2015

INTRODUCTION

The Scottish Government announced its intention to review the planning system in its programme for government 2015/16. The review is being undertaken by an independent panel, chaired by Crawford Beveridge (Chair of Council of Economic Advisors), and also including Petra Biberbach (Planning Aid Scotland) and John Hamilton (Scottish Property Federation). The Panel's brief is to take a strategic perspective of planning and to be open to 'game changing' views and ideas.

The review will focus on 6 key issues.

- Development planning;
- Housing delivery;
- Planning for infrastructure;
- Further improvements to development management;
- Leadership, resourcing and skills; and
- Community engagement.

A series of questions have been set by the Review Panel to stimulate discussion and these are set out in Paper 1 below. All written submissions were required by 1 December and in order to meet that tight deadline officers prepared and submitted the response set out in Paper 2 below.

The Panel will also be inviting oral evidence from certain stakeholders. However, oral evidence will be by invitation only and there is no guarantee that SBC will be able to make further representations. Invitations will be issued in late November for the oral hearings.

The Review Panel aims conclude taking evidence by the end of January 2016 with the final report published by the end of March. The timescale for the review is set out in Paper 3 below.

Ian L Aikman
Chief Planning Officer

PAPER 1 - REVIEW QUESTIONS

The following questions were provided by the Review Panel to prompt thinking and discussion during the review.

1. Development planning

The aspirations for development planning reflected in the 2006 Act have proved difficult to meet in practice. The time is right to hear views on whether a different, more radical and fit-for-purpose system of plans might work better. It is also an opportunity to have an open and honest debate about their value within the system, and to constructively challenge long-held assumptions about their role.

- Do we need development plans?
- Is the current system of development plans fit for purpose or do we need to simplify or redesign it?
- Should the primacy of the development plan be retained as a fundamental principle of the Scottish planning system?
- Should we have a multi-tiered approach to development planning?
- How can relationships between tiers of plans work better?
- Could a different approach to development plans be quicker and more effective?
- Can development plans provide greater certainty for communities and investors?
- Can we improve development plan examinations?
- Can development plans be more flexible?
- How can we ensure development plans have a stronger focus on delivery and quality of place?

2. Housing delivery

Planning has an important role to play in facilitating housing delivery. Whilst there have been overall improvements in performance, planning decision times for major housing applications remain lengthy, particularly where a legal agreement is used. Although planning is not the only factor, house completion rates are still low across the country. There are signs that the situation is improving, but there remains much to be done to meet the housing needs of current and future generations. Planning for housing is often viewed as too complex, inconsistent, caught up in debating numbers and detached from the needs of developers and communities. In some places there is insufficient land available, whilst in others the land supply does not match development aspirations.

- How can planning improve the quality and scale of housing delivery?
- Are there continuing barriers to housing delivery from the planning system?
- How can planning ensure that the land needed is identified quickly and effectively?
- Should there be a Housing Needs and Demands Assessment to inform the approach to planning for housing?
- Should housing numbers be defined centrally rather than locally?

- What measures are needed to expose the scale and quality of land available for housing?
- How can housing land requirements be more actively, consistently and effectively audited / monitored?
- Are there other planning mechanisms which can be used to get housing sites moving?
- Should there be a different process for housing applications?
- What innovative approaches can be used to secure the delivery of more high quality homes on the ground?

3. Planning for infrastructure

Recently published research on infrastructure has shown that planning is not realising its potential to identify, co-ordinate and deliver infrastructure required to enable development. There has been considerable debate about the extent to which new approaches to infrastructure planning and investment could be deployed to unlock development land. Ideas vary from targeted interventions (for example to improve Section 75 timescales) to more fundamental changes such as more powers for land assembly.

- How can we better equip planning to scope out, co-ordinate and deliver infrastructure?
- How can planning be more active in delivering infrastructure – what models might work best?
- Should we look at mechanisms to capture increased land value to support infrastructure and place-making priorities?
- Should we retain Section 75 planning obligations and if so how can we improve them to reduce timescales and better support infrastructure delivery?
- If we abolish Section 75, what needs to be put in its place?
- Should we establish an infrastructure levy or similar area based approach to secure collective contributions?
- Is there scope for dedicated infrastructure funding (or improved links to existing funding sources) to support planning delivery?
- How can infrastructure investment be better aligned to support housing delivery?

4. Development management

Since previous modernisation, there has been improvement in the performance of the development management system as a whole. However, there is scope to consider whether more radical interventions could further improve the efficiency of the process. The review is exploring how planning can be empowered to enable development, including by identifying where unnecessary procedure is acting as a drain on limited resources. We have significantly increased permitted development rights but the time is right to consider whether this, or other streamlining mechanisms, can be taken further.

- What are the barriers to timely decision making within the development management service and how can they be overcome?
- Which aspects of the development management process need to change?
- Should we extend permitted development rights further? If so, what for?

- Is there scope to strengthen development plans to streamline decision making?
- Should authorities share development management expertise?
- How well is the development hierarchy working? Can / should it be taken further?
- Should opportunities for repeat planning applications (i.e. for substantially the same development on the same site) be limited?
- Are there issues with planning enforcement that need to be addressed?
- Should we revisit notification and call-in arrangements?
- Should Historic Environment Scotland policies and procedures for listing buildings be reviewed and listed building consents be speeded up?
- Is there a need to change the role of key agencies in development management?

5. Leadership, Resourcing and Skills

Resourcing the planning system will remain a challenge for the foreseeable future, given public sector spending constraints. There have been ongoing debates about planning fees and calls for a move towards full cost recovery. At the same time, there remain challenges around performance and concerns about skills and resources within planning authorities. This is a useful time to take stock on whether there is a lack of specific types of expertise, as well as the skills we will need in the future. The corporate profile of planning within local authorities is also a key consideration.

- Are planners equipped to provide strong and skilled leadership within planning authorities?
- Should planning fees be increased to better resource the planning system?
- Should we make provision for better resourcing of the pre-application stages, particularly for larger projects?
- What is the role of the penalty clause in the Regulatory Reform Act?
- What skills and resources are currently lacking?
- What skills will be in most demand in the future?
- Is there a case for more shared services or exchange of expertise?
- Is there a need for more training of elected members?
- Can planning authorities be better equipped to actively enable development?
- How might local government support planning delivery across service areas?
- How can spatial planning be better integrated with Community Planning and corporate priorities?
- What are the long term prospects for the planning profession in Scotland?

6. Community engagement

The modernised planning system was designed to frontload engagement in the process. There has been growing evidence of innovation and good practice in engagement in planning, but the approach to this varies in practice. The public's perception of planning remains mixed, with its regulatory role often being a focus, and involvement is often reactive. There is scope to explore new ideas, to move the debate on planning onto more positive ground, where planning is seen as an enabler, a place delivery agent, an innovator and a leader of positive change. Engagement through active citizenship with young people is a key opportunity.

- Are the provisions for front loaded engagement in development plans working?
- How can we build on existing models of engagement (such as participatory design including `charrettes`) to encourage active participation in planning?
- Do we need to change the system to ensure everyone has a fair hearing in plan and decision making?
- Does mediation have a role to play in resolving conflict in the system?
- Should the statutory role of community councils be extended – for example to development planning?
- How can development plans be more explicitly linked with community planning?
- How can we involve more young people in planning?
- Is it possible to improve public perceptions of the planning system?

PAPER 2 - RESPONSE BY CHIEF PLANNING OFFICER ON BEHALF OF SCOTTISH BORDERS COUNCIL

Independent Review of Planning October 2015

The Planning Review provides a real opportunity to make substantive change to the planning system in Scotland; to make it more effective, responsive and focussed on delivering sustainable economic development, improving and protecting the quality of our built and natural heritage and creating better places.

The review must deliver a properly funded and skilled planning service with simplified processes and reduced bureaucracy, so that planners have the capacity to focus on pro-active action to deliver these objectives.

In our response we set out a number of options that could be “game changing” for planning in Scotland.

Ian L Aikman
Chief Planning Officer
26th November 2015

Response by Chief Planning Officer on behalf of Scottish Borders Council

1. Development planning

Development Plans are valuable as they provide confidence to the general public and businesses on those development proposals that would be acceptable and should be retained, albeit in a modified form. Confidence in the planning system relies upon plans being seen to have primacy, and this should also be retained. Proposals should continue to be scrutinised firstly against the Development Plan and then balanced against the materiality test within Section 25 of the Act.

The current Development Planning system has too many tiers in relation to a relatively small country such as Scotland and results in a large degree of overlap or duplication. The national and strategic levels of planning could be brought together to provide a clearer focus on the delivery of infrastructure, and to set high level supply targets on matters such as housing land. This could be delivered through an enhanced National Planning Framework (NPF). The revised NPF should concentrate on national/strategic matters and allow local development plans the scope for greater innovation and flexibility to deliver those objectives. The NPF, as a longer term strategic plan, could be reviewed at periods greater than 5 years.

Development plans do not currently have flexibility to deal with emerging matters. Any review requires the entire Plan to be reviewed as there is no scope for amendments. The system should be amended to make it more agile and responsive to change. The need to review Plans at least every 5 years is sound in theory, but is impractical due to the scale of bureaucratic processes and the related requirements including HNDA, HST, SEA, EqIA and HRA. Plan monitoring,

which could be a requirement for submission to the Government on an annual basis, should dictate when plans should be updated either in part or in full. The scope of and need for supporting assessments, such as SEA, could be better defined and made fit for purpose.

There is merit in reducing the stages and processes required in producing a Development Plan. Timescales could be reduced by moving directly to the Proposed Plan and omitting the Main Issues Report stage. This would be particularly relevant if we move to an annual monitoring regime. It is also suggested that neighbour notification, at this stage, be focused on the early stage of plan development to be effective, and to provide opportunity for input by those potentially affected by Plan proposals. The current requirement to list all land owned by councils that relates to proposals within the Plan is time consuming and provides little value, and could be removed from the process.

Development plan examinations have quickly become unwieldy and time consuming. Equally, they have become more distant from the general public and businesses, leading to a greater sense of dislocation. The examination should only deal with national or strategic matters of concern, leaving the local planning authority to deal with local matters.

The automatic grant of planning permission in principle should be introduced for allocated sites for the period of the Local Development Plan avoiding the need for unnecessary applications. This should be aligned with a "use it or lose it" clause that rescinds permission if development has not commenced with the LDP period.

2. Housing delivery

A significant amount of time, effort and money is expended by all parties arguing about housing land requirements. This is wasteful and unnecessary.

Housing is a UK national issue in that the key issues relate to national financial measures. Planning has a facilitative role in seeking to ensure that there is a supply of land that can be developed.

The HNDA/HST numbers game currently applied to housing is meaningless, but expensive and disruptive in that it diverts resources from positive planning. National/regional targets could be set for each planning authority which would then allow time to be spent on place making in association with setting out the detailed supply provisions.

Plans should meet the national/regional targets, and be monitored to ensure that prospective demand continues to be met through the plan period. As noted above, there could be a requirement to submit an annual monitoring report to Government.

There is the need to re-focus resources on delivery of housing and development within town centres and on brown field sites in accordance with the placemaking agenda. This can be achieved through masterplanning, area re-development initiatives and pro-active site assembly. This is particularly important in areas with weak housing market conditions.

3. Planning for infrastructure

Planning authorities currently have little control over major infrastructure provision. Trunk roads are Government, water and waste water are dealt with by a body responsible to the Government, with only education infrastructure still dealt with by the local education authority.

Therefore, as noted above, major infrastructure should be dealt with at the national/strategic level where the majority budget resource lies. The enhanced NPF could be backed by an infrastructure fund + action programme directed by central government. If this were done there would be limited need for authorities negotiate development contributions, freeing up officer time and scarce resources and reducing timescales to determine planning applications.

Planning obligations are becoming increasingly difficult to implement, and can be challenged over time. Although an infrastructure levy has some attraction it is focused on the house builder, whereas all sections of the economy will benefit from improved infrastructure. Additionally, higher levies on the house builder generally tend to result in higher house prices and this is counter to the need to provide housing for the population as a whole. Ultimately, there is a political decision to be made in relation to the national procurement of land from landowners in order to promote development.

4. Development management

There are a myriad of different consents required for development through the planning process. This is unnecessary and confusing for all parties. The introduction of a single consent regime is suggested to address this. This would involve merging planning permission, listed building consent, advert consent and the other "planning related" consents under the requirement for planning permission only. A provision to amend planning consent (like an amendment to warrant) that does not introduce a new permission as per Section 42 is also recommended.

The removal of Prior Notification procedures is also recommended. This process is a complicated middle ground that causes confusion for applicants and planning authorities alike. You should either need planning permission or not.

A wide ranging increase in permitted development rights across a broad range of development types would remove applications from the system for developments that are generally permitted anyway, freeing up capacity to consider the more complex and important applications.

The fee regime must cover the cost of the whole planning system from the production of development plans and supplementary guidance to pre-applications enquiries, screening and scoping responses, applications, condition monitoring and enforcement. Parity with fees charged in England would help towards achieving this objective. Planning authorities should get the full fee for Section 36 applications as they carry out the majority of the assessment of the application.

The ability, as in England, for applications to be "finally disposed of" should be introduced, so that legacy cases can be removed from the system where there has been inactivity through no fault of the planning authority.

There is a need to simplify and standardise registration and validation requirements. This will reduce delays in waiting for information, ensure that information requests are proportionate and that all information required to determine applications is lodged when an application is submitted.

There is the need to support, enhance and invest in the e-delivery of planning services ensuring that systems are up to the job and provide ease of use for customers and practitioners alike.

A review of “meaningful start” in terms of keeping a planning consent ‘live’ is necessary. The ability to keep consents live with no intention to develop has the potential to block infrastructure capacity, causing other proposals to be resisted and gives rise to uncertainty for communities.

In terms of enforcement, there is merit in introducing charging orders in respect of direct action works, so that important interventions are made in the public interest but that the risk of non-recovery of costs for local authorities is minimised.

5 Leadership, Resourcing and Skills

As stated already, resources are a key requirement, and this could be assisted by the suggested increase in planning fees, but they should be allied with a careful review of the need for different planning tiers and other ancillary planning processes.

Whilst there are linkages with Community Planning, some effort should be made to more clearly focus Community Planning (a change in name would help) on community service delivery.

There is a need to invest in skills development and for authorities to share resources through introduction of a skills bank and more joint working. There is also the need for planners to have greater commercial awareness. This should involve training provided by the private sector and greater interaction with the development industry on matters such development finance, project management and implementation. There is the need for planners to be confident in their role and to have the skills to influence development outcomes in a positive way.

6 Community engagement

The front loading of engagement on plans has not been altogether successful. Examinations have resulted in key changes that have not been subject to public involvement. Resources are not currently available to develop community engagement, and it might be questioned how much of the population would be actively interested in matters that don’t directly affect them.

It is proposed to remove Proposal of Application Consultation (PAC) processes. This has added little value and led to delays in applications being submitted. A best practice advice and voluntary code would be more appropriate.

Remove the need for newspaper adverts. This is costly and not effective in engaging communities with the planning system or informing them of development proposals. Information can be provided electronically and

engagement delivered using a more innovative range of engagement tools, including web sites, social media and targeted public events, such as charrette's and Planning for Real.

Activity	5/10/15	12/10/15	19/10/15	26/10/15	2/11/15	9/11/15	16/11/15	23/11/15	30/11/15	7/12/15	14/12/15	21/12/15	28/12/15	4/1/16	11/1/16	18/1/16	25/1/16	1/2/16	8/2/16	15/2/16	22/2/16	29/2/16	7/3/16	14/3/16	21/3/16	28/3/16	
Planning Review Timetable October 2015																											
1st meeting of the panel																											
• Explore issues																											
• Agree detailed programme of work																											
• Agree call for evidence																											
• Look ahead to outputs																											
Call for written evidence open																											
2nd meeting of the panel																											
• Consider written evidence received to date																											
• Agree approach to oral evidence sessions																											
• Agree invitations to oral evidence sessions																											
Invitations to give oral evidence issued																											
Analysis of written evidence and outline of draft analysis provided																											
Oral evidence session 1																											
Oral evidence session 2																											
Oral evidence session 3																											
3rd meeting of the panel																											
• Consider oral evidence sessions																											
Report drafting																											
4th meeting of the panel																											
Report final drafting																											
Report finalised																											
Report submitted to Scottish Ministers																											
Publication																											

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