

LIST OF POLICIES

Local Review Reference: 16/00021/RREF

Planning Application Reference: 16/00162/PPP

Development Proposal: Erection of dwellinghouse and garage

Location: Garden Ground Of Lindisfarne, The Loan, Gattonside

Applicant: Mr H Armstrong

****New LDP 2016****

Policy PMD5: Infill Development

Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on proposal maps will be approved where the following criteria are satisfied:

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

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.

Key Policies to which this policy should be cross-referenced:

Policy PMD2 Quality Standards

Policy PMD3 Land Use Allocations

Policy ED1 Protection of Business and Industrial Land

Policy HD3 Protection of Residential Amenity

Policy EP3 Local Biodiversity

Policy EP11 Protection of Greenspace

Policy IS5 Protection of Access Routes

Environmental Promotion and Protection policies EP7-EP10

In cases of any part intrusion into the open countryside, other policies will apply including Policy PMD4 – Development Outwith Development Boundaries, Policies ED7, HD2, Environmental Promotion and Protection policies.

Policy PMD2: Quality Standards

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the

development that will help integration with its surroundings,
n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

Key policies to which this policy should be cross-referenced:

This policy is relevant to most policies within the Plan.

The following Supplementary Planning Guidance may be relevant to this policy:

Designing out Crime in the Scottish Borders
Green Space
Landscape and Development
Placemaking and Design
Privacy and Sunlight Guide
Replacement Windows and Doors
Use of Timber in Sustainable Construction

The following proposed Supplementary Guidance may be relevant to this policy:

Greenspace
Housing
Landscape and Development
Placemaking and Design (incorporating Privacy and Sunlight)
Sustainable Urban Drainage
Use of Timber in Sustainable Construction
Waste Management

Policy IS2: Developer Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies.

Contributions may be required for one or more of the following:

- a) treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
- b) provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
- c) off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways, bridges and associated studies and other access routes, subsidy to public transport operators; all in accordance with the relevant standards and the provisions of any Travel Plan;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be

considered. A planning obligation will only be necessary where successors in title need to be bound by its terms. Where appropriate, the council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments.

Key Policies to which this policy should be cross-referenced:

Policy PMD2 Quality Standards
Policy PMD4 Development Outwith Development Boundaries
Policy PMD5 Infill Development
Policy HD5 Care and Retirement Homes
Infrastructure and Standards policies particularly IS4-IS7 and IS9

The following Supplementary Planning Guidance may be relevant to this policy:

Development Contributions

The following proposed Supplementary Guidance may be relevant to this policy:

Development Contributions

Policy IS3: Developer Contributions related to the Borders Railway

In accordance with the provisions of the Waverley Railway (Scotland) Act 2006, the Council will seek developer contributions towards the cost of providing the Borders railway from any developments that may be considered to benefit from, or be enhanced by, the re-instatement of the rail link.

Key Policies to which this policy should be cross-referenced:

Policy IS2 Developer Contributions
Policy IS4 Transport Development and Infrastructure

The following Supplementary Planning Guidance may be relevant to this policy:

Development Contributions

The following proposed Supplementary Guidance may be relevant to this policy:

Development Contributions

Policy IS7 – Parking Provision and Standards

Development proposals should provide for car and cycle parking in accordance

with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

Key policies to which this Policy should be cross-referenced:

Policy PMD2 Quality Standards for New Development

Policy IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage

Waste Water Treatment Standards

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
- c). agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly seweraged areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private sewage treatment system will normally be refused unless exceptional circumstances prevail and the conditions in criteria d above can be satisfied,

Development will be refused if:

- a) it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
- b) it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

Sustainable Urban Drainage

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

Key policies to which this Policy should be cross-referenced:

Policy PMD2 Quality Standards for New Development
Policy EP1 International and Nature Conservation Sites and Protected Species
Policy EP2 National Nature Conservation Sites and Protected Species
Policy EP15 Development Affecting the Water Environment
Policy IS8 Flooding

The following proposed Supplementary Guidance may be relevant to this policy:

Sustainable Urban Drainage

Policy EP3: Local Biodiversity

Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

Any development that could impact on local biodiversity through impacts on habitats and species should:

- a) aim to avoid fragmentation or isolation of habitats; and
- b) be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; and
- c) compensate to ensure no net loss of biodiversity through use of biodiversity offsets as appropriate; and
- d) aim to enhance the biodiversity value of the site, through use of an ecosystems approach, with the aim of creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance

Key policies to which this policy should be cross-referenced:

Policy PMD4 Development Outwith Development Boundaries
Policy ED7 Business, Tourism and Leisure Development in the Countryside

Policy ED9 Renewable Energy Development
Policy HD2 Housing in the Countryside
Policy EP6 Countryside Around Towns
Policy EP12 Green Networks
Policy EP13 Trees, Woodlands and Hedgerows
Policy EP14 Coastline
Policy EP15 Development Affecting the Water Environment
Policy IS2 Developer Contributions
Policy IS15 Radio Telecommunications

Scottish Planning Policy

The following Supplementary Planning Guidance may be relevant to this policy:

Biodiversity
Development Contributions
Green Space

The following proposed Supplementary Guidance may be relevant to this policy:

Development Contributions
Greenspace
Green Networks

Policy EP4: National Scenic Areas

Development that may affect National Scenic Areas will only be permitted where:

- a) the objectives of designation and the overall landscape value of the site and its surrounds will not be compromised, or
- b) any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance

Key policies to which this policy should be cross-referenced:

Policy PMD4 Development Outwith Development Boundaries
Policy ED7 Business, Tourism and Leisure Development in the Countryside
Policy ED9 Renewable Energy Development
Policy ED12 Mineral and Coal Extraction
Policy HD2 Housing in the Countryside
Policy EP5 Special Landscape Areas
Policy EP6 Countryside Around Towns
Policy EP8 Archaeology
Policy EP10 Gardens and Designed Landscape
Policy EP14 Coastline

Policy EP12 Green Networks
Policy EP13 Trees, Woodlands and Hedgerows
Policy EP11 Protection of Greenspace
Policy IS15 Radio Communications

Scottish Planning Policy
SNH Special Qualities of NSAs (Borders)

The following Supplementary Planning Guidance may be relevant to this policy:

Countryside Around Towns
Green Space
Landscape and Development
Local Landscape Designations
New Housing in the Borders Countryside
Placemaking and Design

The following proposed Supplementary Guidance may be relevant to this policy:

Countryside Around Towns
Greenspace
Green Networks
Landscape and Development
New Housing in the Borders Countryside
Placemaking and Design

Policy EP13: Trees, Woodlands and Hedgerows

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource

Key policies to which this policy should be cross-referenced:

Policy PMD4 Development Outwith Development Boundaries
Policy ED7 Business, Tourism and Leisure Development in the Countryside

Policy ED9 Renewable Energy Development
Policy HD2 Housing in the Countryside
Policy EP4 National Scenic Areas
Policy EP5 Special Landscape Areas
Policy EP6 Countryside Around Towns
Policy EP8 Archaeology
Policy EP10 Gardens and Designed Landscape
Policy EP12 Green Networks
Policy EP11 Protection of Greenspace
Policy EP15 Development Affecting the Water Environment
Policy IS2 Developer Contributions
Policy IS15 Radio Communications

The following Supplementary Planning Guidance may be relevant to this policy:

Green Space
Scottish Borders Woodland Strategy
Trees and Development

The following proposed Supplementary Guidance may be relevant to this policy:

Greenspace
Green Networks
Trees and Development

Policy HD3 – Protection of Residential Amenity

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

Key policies to which this Policy should be cross-referenced:

Policy PMD2 Quality Standards

Policy PMD5 Infill Development
Policy EP11 Protection of Greenspace
Environmental Promotion and Protection policies EP7-EP10

The following Supplementary Planning Guidance may be relevant to this policy:

Privacy and Sunlight Guide

The following proposed Supplementary Guidance may be relevant to this policy:

Placemaking and Design (incorporating Privacy and Sunlight)

Other Considerations-

SPG on Householder Development 2006

SPG on Placemaking and Design 2010

SPG on Trees and Development 2008

SPG on Landscape and Development 2008

SPG on Biodiversity 2005

SPG on Developer Contributions 2015

Designing Streets