

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 DECEMBER 2016

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/00869/FUL
OFFICER:	Carlos Clarke
WARD:	Galashiels and District
PROPOSAL:	Erection of sixty dwellinghouses with associated works
SITE:	Coopersknowe Phase 4 And 5, Coopersknowe Crescent, Galashiels
APPLICANT:	Eildon Housing Association
AGENT:	Collective Architecture

SITE DESCRIPTION

The site is an undulating area of land sited alongside Coopersknowe Crescent, located at the easterly end of Galashiels. Coopersknowe Crescent is a residential development of 30 houses, comprising the first three phases of an incomplete development, of which this site has been intended to form part. The existing houses are served by a road network which has a junction with the C77 to the north, sweeps through Coopersknowe Crescent, incorporating a number of cul-de-sacs, and extends through the centre of the application site, before leading back to the C77 to the east. The road is incomplete in its construction as it passes through the application site. The site bounds the existing houses at Coopersknowe Crescent to the west and north, the gardens of a grouping of houses to the north-east, a commercial/industrial estate to the south-west and south, and the C77 public road to the east, the other side of which is an emerging housing development which will eventually comprise over 500 residential units.

PROPOSED DEVELOPMENT

This application seeks consent for sixty residential units, of which twenty would be flatted dwellings. The layout comprises detached, semi-detached and terraced units, and three blocks of flats. They include single-storey, 1 ½ and two-storey houses, with the flatted blocks being 2½ storey. The dwellings would be served by a new access road linking Coopersknowe Crescent to the C77, via a small square. A range of in-curtilage and communal parking spaces are proposed, and the layout includes a play area close to the centre, swale to the southern boundary for surface water drainage and proposals for boundary treatments and planting.

The application layout and design was amended during the application in response to matters raised by this service, consultees and objectors. New notification of neighbours and reconsultation with a number of relevant consultees was undertaken in response to the revised proposals.

The application is classed as a 'Major' development under the Hierarchy of Developments (Scotland) Regulations 2009. The applicants publicised and held a public event prior to the application being submitted, as well as consultation with Galashiels Community Council and the Coopersknowe (and Easter Langlee) Residents Association. The outcome of the public consultation exercise has been reported in a Pre-Application Consultation Report submitted

with the application. The requirements of the Development Management Procedure (Scotland) Regulations 2013 have been satisfied.

PLANNING HISTORY

Planning consents for residential development of this area date back to 1990. The houses currently forming Coopersknowe Crescent were built under detailed planning permissions granted (mainly) between 2001 and 2004. Thirty houses have been built, though the overall development was never completed as the construction company went into liquidation. This application incorporates the six unbuilt plots originally forming part of the third phase of the development.

In January 2008, full planning consent (06/01838/FUL) was granted for the erection of 50 houses on the site.

In June 2014, full planning consent (12/00709/FUL) was granted for the erection of 42 houses on the site. This consent remains extant until June 2017.

REPRESENTATION SUMMARY

The application has been subject to two rounds of neighbour notifications, the first in response to the initial planning application, and the second in response to revised proposals. Full representations are available to view on *Public Access*.

In response to the initial application, seven representations were received and the main issues raised include:

- The applicants listened at pre-application meetings and adjusted their plans after sensible discussion. It is generally accepted the development should blend in and, in some measure, this has been fulfilled, except plot 59.
- Plots 59/60 should be single-storey, the current proposal for two-storey on Plot 59 will affect neighbouring privacy. These plots could be a play area which will help define line between Coopersknowe and Eildon HA's development. A single house on Plot 60 is preferred, two houses is unacceptable. If a single house, it should line with the adjacent plot, and it should be a type identical to Coopersknowe Crescent.
- As many trees as possible should be retained to maintain sound/visual barrier
- Plot 59's car parking would cover a field drain that exists here. Drainage in plots 59 and 60 should connect properly into the existing field drain
- A colour scheme like Melrose Gait and Coopersknowe Crescent is sought
- Too many houses
- Volume of traffic will cause untold problems and proximity of access to Melrose Gait's will be recipe for disaster
- Designs are not eco-friendly, and are uninspiring and unimaginative, marginally better than 'pattern book' architecture of Melrose Gait
- The development should have a different address
- Scotland Gas Networks initially objected due to proximity to a high pressure gas pipeline before later withdrawing their objection
- The application site affects land under neighbouring ownership

In response to the revised application, three representations have, so far, been received, including one from the Coopersknowe Residents' Association. The consultation period has not yet expired at the time of writing this report. Members will be updated of any further comments that are received subsequent to this report. Matters raised to date include:

- Scotland Gas Networks again objected due to proximity to a high pressure gas pipeline before, again, later withdrawing their objection
- Pleased single-storey are now proposed on plots 59/60, but only one house should be erected and this should fit with surrounding houses on Coopersknowe Crescent. This was always the intention of the planning department, otherwise a play area should be installed to provide the transition sought. Query how these properties can be addressed as they belong to Eildon HA.
- Plots 59/60 are too small to build two houses due to the field drain that runs here, as parking on plot 59 will cover it. Only one house should be built, and this bungalow should fit with surrounding houses in Coopersknowe Crescent. If the field drain is disturbed, this could lead to flooding onto the adjacent footpath
- There is already a six-foot fence adjacent plot 60 and there is no need for further tree planting
- Note the footpath stops half-way within the development, so question how prams and wheelchairs will access the C77 never mind ordinary pedestrians.
- There is no mention of speed bumps or speed limit signage.

APPLICANT'S SUPPORTING INFORMATION

In support of the application, the following were submitted:

- Geo-Environmental Investigation Report and Ground Investigation Report, with associated correspondence
- Pre-application Consultation Report
- Scottish Water correspondence
- Design and Access Statement

Images/illustrations of the development are anticipated at the time of writing and will be made available on *Public Access* if/when received.

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD2 Quality Standards
 PMD3 Land Use Allocations
 IS2 Developer Contributions
 IS3 Developer Contributions Related to the Borders Railway
 IS4 Transport Development and Infrastructure
 IS6 Road Adoption Standards
 IS7 Parking Provision and Standards
 IS8 Flooding
 IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
 IS13 Contaminated Land
 EP1 International Nature Conservation Sites and Protected Species
 EP13 Trees, Woodlands and Hedgerows
 EP16 Air Quality
 HD1 Affordable and Special Needs Housing
 HD3 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy 2014
 PAN 44 Fitting New Housing into the Landscape 2005

PAN 61 Planning and Sustainable Urban Drainage Systems 2001
PAN 65 Planning and Open Space 2008
PAN 67 Housing Quality 2003
Designing Streets 2010
SPG Affordable Housing 2015
SPG Developer Contributions 2016
SPG Trees and Development 2008
SPG Landscape and Development 2008
SPG Green Space 2009
SPG Placemaking and Design 2010
SPG Guidance on Householder Development 2006

CONSULTATION RESPONSES:

NB. The Council's Roads Planning Service, Galashiels Community Council and SEPA were consulted both on the original application submission and amended proposals.

Scottish Borders Council Consultees

Roads Planning Service: In response to the initial application, the RPS raised a number of issues regarding the detailed design and specification of the road, footpaths and parking infrastructure within the original development. The RPS was subsequently consulted during the processing of the application and the final revised proposal was redesigned to address issues that had been originally raised.

In response to formal reconsultation on the revised proposal (which was supported by a swept path analysis), the RPS advises that the coloured asphalt area for the road is still in the wrong location; the build out to plot 6 needs altered slightly; the central island in the square needs moved 1.5m southwards to ensure the swept path works; a separate footpath is required in the southern corner, adjacent the swale (noting that this would be on the same line as the foul sewer). Also notes that the foul and surface water drainage systems appear to be acceptable, and the off-site outlets also appear to be fine. Any minor alterations can be dealt with at the RCC stage.

Environmental Health Service: Regarding noise/odour/air quality, these proposals indicate low carbon/carbon neutral heating systems will be used. These have the potential to create noise or air quality problems. A condition is recommended.

Regarding land contamination, the land was previously in agricultural use and included sheep wash infrastructure. This land use is potentially contaminative. Recommend a condition requiring site verification and assessment, remediation and verification.

Also recommend conditions requiring a construction method statement to protect the amenity of neighbouring occupiers.

Education and Lifelong Learning: No reply

Landscape Service: Have some concern about the number of units proposed on the site given that the previous application was for lesser numbers of units. They do not think that the high density is necessarily inappropriate but it does reduce the amount of external environment and unless this is compensated for by the use of better detailing and the use of a range of materials, this external environment can suffer.

The boundary treatments to site and individual plots and site entrance features (i.e. curved entrance wall feature as seen at entrance to earlier phases off Langshaws Road to north)

agreed for earlier phases should be adopted for these phases i.e. low fencing along front garden boundaries to give occupiers more identified front garden ground. This is the detail adopted in earlier phases and should continue in these phases for continuity and overall unity of treatments. Low garden fences have the advantage of giving residents the opportunity to plant up their front garden – this has benefitted the earlier phases where these front gardens are showing a good degree of maturity. Also, a wall entrance feature to the site entrance – although this does not slavishly have to copy the entrance feature but there should ideally be wall detail to both sides of the entrance.

To avoid an over dominance of high timber fences they would want the applicants to produce both an overall site and individual plot boundary treatment drawing with consideration given to including some walls at strategic locations to reflect earlier phases and to provide variety. A planting plan should then be drawn up to complement the boundary treatment plan and giving consideration to all planting to the site, be it informal shrub planting or hedge planting to the outside to help reduce the impact of the required high fences. This may in some places require the fences to be moved back to accommodate a hedge/ planting in front of it.

The surfaces within the site are important and it is seen from the design statement that has been given consideration. Clarity on the range and location of all proposed surface treatments is required.

They are confident there is the basis for a good scheme but further details of the above issues should be submitted for discussion and approval, in order that the best setting for the housing proposed for this highly visible and highly desirable site can be achieved.

Housing Strategy: Is supportive of the development of this site as proposed by Eildon HA. It has been identified and prioritised as such, and is included within the Council's current Strategic Housing Investment Plan 2015-20. The Scottish Government are also aware of this project and have indicated a willingness to financially assist Eildon HA to develop this site, and have begun to programme funding allocations accordingly. Anticipated development of this site will count towards meeting annual affordable housing targets set by the Council, and in turn will also count towards meeting the 50,000 units affordable housing delivery target set by Scottish Ministers over the life of the current Scottish Parliament.

Statutory Consultees

Galashiels Community Council: No reply to the original submission and, at the time of writing, no reply to the revised scheme

Scottish Water: No reply

Scottish Environment Protection Agency: Have raised no objection, but note the site may be at risk of flooding from a small watercourse. Had commented as part of the Local Development Plan that the site was adjacent a small watercourse and run off from the steep topography should be considered further at detailed design stage. The lowest part of the site, adjacent to the small watercourse, is identified as containing the SUDs pond. It is not clear whether floor levels will be elevated above ground levels, but recommend this be considered. Surface water flowpaths through the site should also be considered to ensure no flood risk elsewhere as a result of any ground level alterations.

They also confirm the historic presence of a watercourse and pond to the west. No further information has been provided in the Design and Access Statement. It is assumed to have been infilled and diverted. There may also be a Scottish Water asset through the site which should be investigated further. Should any culverted watercourses be encountered during

site works no development should take place on top or immediately adjacent and a condition assessment should be undertaken. Also recommend contact with the Council's Flood Prevention Authority.

As regards foul drainage, note the applicant's intention to discharge via the public sewer, and that it will be for Scottish Water to ensure capacity exists to accommodate it. It will be for SW to ensure no detrimental on the water quality of the river. On-site drainage should be constructed to SW's adoptable standards, with sewage treated via the public treatment works. Early engagement with SW is recommended.

With respect to surface water, SEPA originally advised they were satisfied that the applicants were proposing the required level of SUDs treatment to meet Controlled Activity Regulations. In response to the revised scheme, they advise that they have assessed the revised arrangements and have no concerns regarding the proposed amendments. They offer no objection.

They also note that the development is approximately 200 metres from an aggregate processing plant and 400 metres away from a landfill site.

KEY PLANNING ISSUES:

The key issues are whether the proposed development complies with development plan policies and planning policy guidance regarding the provision of a housing development on an allocated site, particularly accounting for matters of design, layout, land use compatibility, traffic and parking and, if not, whether material considerations would justify a departure from development plan policies

ASSESSMENT OF APPLICATION:

Principle

The site is allocated in the Local Development Plan 2016 for housing, with an indicative capacity of fifty units. The density of the site, and detailed LDP considerations, are assessed further into this report.

The site currently has Planning Permission for 42 houses, and that consent remains extant. This is a material consideration that further establishes the principle of development.

The revised plan has adjusted the site boundary since the original application submission, in response to neighbours' concerns regarding land ownership. It is understood now that this confirms the applicant's ownership of the site and no neighbouring land is directly affected.

Land use

SEPA's reference to the nearby aggregate recycling plant and landfill site are noted, however, the site is allocated for housing and has live and previous planning consents for housing. The landfill site is, in any case, scheduled for closure.

The site is also adjacent an industrial/commercial estate. Maintaining the tree belt within the estate that acts as a buffer between it and this development is desirable, as is planting alongside it to infill any gaps. Though the trees were not specifically safeguarded under previous permissions, the current application now includes a higher number of residential units than previously, almost a third higher than the most recently approved development. For that reason, the applicants were asked to identify the root protection area of those trees, and account for gaps by providing additional planting within their site. In response, they have

recently included a protection area on the site layout plan, which it is understood is designed to comply with BS5837:12, albeit no arboriculturist's advice has been provided to confirm this. No buildings are proposed within the specified protection area, though works such as hardstandings and fencing are proposed. This will require control over these operations. A condition should secure a detailed protection scheme.

Protecting these trees will not wholly maintain a buffer with the estate. There are gaps at Plot 56 and 52/53. Though there is scope to plant on the boundary of Plot 56, there is little scope to do the same at Plots 52/53. Planting south of Plot 56 will also increase potential overshadowing of that plot. In mitigation, it is noted that there is a level difference between the estate and the houses; garden fencing proposed; the housing will not be immediately adjacent the boundary; the building west of plots 52/53 is occupied by vets and backs onto the site (so amenity impacts should not be considerable); and, adjacent plot 56 is a builder's unit with a parking area between it and the building itself. Overall, it is in the applicant's own interests to account for these relationships, and this service has directed them to the issue as part of the processing of the application. In the absence of any representations suggesting otherwise, however, there is ultimately no specific reason to suggest the weakness of the boundary will likely lead to future conflict. A condition can secure whatever planting is achievable here.

Density and layout

The overall layout is similar to the previous consent for the site, incorporating varied main street line; square; and rear lanes. Though the number of units is greater, the increase is largely attributable to the incorporation of flats within the scheme, which would occupy three 2 ½ storey flatted blocks. These blocks would be sited at the lower end of the site, and would not be out of keeping with the prevailing townscape, bearing in mind that the housing development to the east also includes 2 ½ storey buildings. The remainder of the layout incorporates detached, semi-detached and terraced housing (one, 1 ½ and 2 storey) and this variety will provide a reasonable transition between the detached houses in Coopersknowe Crescent, and varied density, including terracing, that exists in the Easter Langlee housing development. The applicants have also addressed some key issues during the application, including:

- Changing plot 4 and 59 to single-storey, so achieving a cluster of single-storey, a house type residents generally seem keen to have adjacent the existing properties, in preference to taller houses
- Better frontages to the square
- Tighter frontages to the lane entrances
- Better use of L-shaped blocks to front street corners/features
- Better frontage to the C77
- Efforts made to minimise the visual exposure of car parking as far as practicable
- Improvements to townscape flow between houses, according to sections and levels provided so far. A drop to plots 1 and 2 is recommended (to visually reduce the roof over this pair), and a condition is required to secure a detailed level scheme (as the information is not conclusive overall)
- Better relationships between houses - some obscure glazing is still recommended on windows to two plots. In relation to this, it is accepted that there is the potential to use householder Permitted Development rights to make future changes, thus altering the approved relationships between houses. However, it is not considered justifiable to remove these rights throughout the development.
- Less conspicuously sited bin stores and washing lines for flats
- Removal of long pathway behind plots 7-12, and more substantial planting behind

- Deletion of poorly designed SUDs area and its replacement with a swale on the southern boundary

Following the revisions, the design and layout generally scores well against Placemaking and Design and Designing Streets guidance. Policy PMD2 of the Local Development Plan, however, requires that developments create a sense of place based on a clear understanding of the context. A key issue here is the link to Coopersknowe Crescent. Though the building line is not critical (given the existing variation within the estate) any development alongside it needs to comfortably relate to it, to achieve a reasonable flow between new and existing, particularly since Coopersknowe Crescent was abruptly curtailed part-way through a cul-de-sac. The most recently approved scheme achieved it by using house types on the adjacent plots that broadly reflected the existing (albeit they were semi-detached); planting to create visual breaks and, siting a play area on what is now plots 59/60. This service sought to achieve a similar result here. It is to be noted, though, that how the properties are addressed is not a matter for this application.

However, the applicants wish to site the play area further within their development and have particular requirements as regards house types and sizes that means reflecting Coopersknowe Crescent in style and scale has not been agreed. They have applied a simplistic design approach, one which will contrast with the existing houses.

That said, a deeper planted break is included west of plot 60 (albeit the objection from the neighbour is acknowledged) which contains a smaller house type than originally proposed. Timber panelling within the houses also provides some visual connection. Also, incorporating all single-storey house types means a decisive break is achieved. Of particular note too is that, despite the likely visual awkwardness of placing this development alongside Coopersknowe Crescent, it will comprise 60 units against Coopersknowe Crescent's thirty houses, and will be seen as an infill development between it and the housing development to the east. In any case, placing one house on plot 59/60 will achieve little unless it is of precisely the same design as those within Coopersknowe Crescent and that is just not practical for this or likely any other developer.

Placing the play area on Plots 59/60 would certainly be the easiest way to avoid an awkward visual link between the existing and proposed developments. Also, the absence of any real design nod to Coopersknowe Crescent within these and other adjacent plots is disappointing, albeit understandable to an extent. The current arrangement is not an ideal one. Ultimately, however, it is not considered that significant visual harm will result to the public realm given the overall scale of the development as a whole and when viewed in the wider context. Some mitigation can, however, be achieved by a good quality planting scheme, better boundary treatment scheme and, care over colour treatments for external finishes.

Traffic and parking

The RPS has no concerns with the number of units or proximity of the access on the C77 to that to the access to the housing development to the east. The layout has been designed to suit a swept path for refuse and standard vehicles satisfactorily to suit the RPS, and the latest plan includes relocation of the central island in the square. Visibility onto the C77 should be achievable, albeit a condition is imposed to ensure this is the case.

The layout has been adjusted during the application to address the RPS's initial concerns. The most recent site layout plan includes an arrangement of shared surfacing (using coloured asphalt) within the main road, with standard surfacing/design linking to Coopersknowe Crescent and the CC at either end. Block paving will be used for rear 'lanes', with permeable paving for parking areas. The arrangement (as shown on the ground floor

site plan PL (01)) is now agreeable. It effectively reduces the road specification down from the standard approach in Coopersknowe Crescent, to a more pedestrian friendly arrangement.

This layout also incorporates a pedestrian connection from Coopersknowe Crescent via a footpath to the centre of the site, which leads behind Plots 17-23 and in front of Plot 16. This is not such a circuitous route as a path following the road would be, and takes pedestrians away from the main road through the site. Other footpaths include one in the south-eastern corner, and retention of the footpath to the industrial estate.

In terms of traffic speed, there is no need for speed humps. The layout has been designed to slow cars down, incorporating tighter corners and a square (like the previously approved scheme). Plot 5 (adjacent Coopersknowe Crescent) also has a build out. This could be refined further, as the RPS says, and a condition is imposed. Ultimately, the street layout and pedestrian arrangements are designed to reduce the influence of the car.

Parking provision meets RPS requirements, and comprises a range of in-curtilage and communal spaces. The layout incorporates parking courts within 'lanes' to the north and south of the square, to reduce the visual impact of the spaces on the main route through the scheme. Lanes and parking areas are overlooked, though a gable window on plot 16 would be welcomed, and can be sought by condition.

Flats have cycle storage incorporated within the layout, and a condition will require details to ensure these are visually agreeable, and incorporate one space per flat.

Design and materials

As above, this development is significantly different from Coopersknowe Crescent, with a more simplistic, crisper design approach, albeit one largely based on traditional forms. Improvements were made during the application to window proportions, and deep gabled house types were removed. Better townscape flow was achieved by changes to the placing of buildings, though the variety of storey heights, and some narrow gables, do still make this a little clunky in places. Ultimately, though, the scheme is large enough to absorb the variations, and will provide a reasonable visual connection between Coopersknowe Crescent (aside from the houses most directly adjacent, taken in isolation, as noted above) and the development to the east.

That said, the flatted blocks are largely devoid of visual interest, and retain poorly proportioned dormers. Dormers are also an issue with the H5 house type, being generally square in overall form, rather than vertically proportioned. Officers are aware of the applicant's agent's concern about adjusting elevational treatments, however, it remains the view that more interest and better proportions need to be applied to the flats and H5's dormers, and consider it reasonable to require this by condition.

The Design and Access Statement refers to off-white dry dash render, timber panelling and fibre cement slate. This combination of materials is appropriate in principle, however, it is considered that a variety to render and timber cladding colours is necessary. A single colour would depart significantly from the variety that exists within the surrounding area. A condition is recommended to require details of all finishes, including an appropriate colour/finish palette for all.

Boundary treatments

The proposals include 0.6m, 1.2m and 1.8m high fencing, hedging and walls. Specifications for all would be needed by condition. Generally, however, the 1.8m high fencing is kept away

from exposed frontages, set back alongside the industrial estate and within one of the rear lanes. Walls and hedging are used in selected locations, with the latter used to mark the southern boundary and C77 frontage. Overall, though, there is no real flow to Coopersknowe Crescent; no account for existing boundary fencing; there are some small areas where both 1.2m high and 1.8m high fencing are required to screen windows or car parking from existing neighbours and proposed houses; and where walls could be used more. This matter requires a little more consideration and, therefore, a condition is imposed to this effect.

Landscaping is incorporated within the layout and is fundamentally agreeable in terms of structure. A detailed scheme is, however, required, specifying species etc. and to account for the lack of detail (and ambiguity in places) of the current scheme, including treatment of the swale.

Neighbouring amenity

The EHS recommend a condition for assessment of zero/low carbon technologies. However, this application contains no specific proposals in this regard, the provision of them may be a matter required to meet Building Regulations and, in any case, future householders would have Permitted Development rights to subsequently install such works that meet statutory limitations. If the applicants wish to install measures on the approved units that comprise material changes to the approved drawings, such works may require Planning Permission in their own right. An informative can be noted to this effect.

The EHS also recommend a construction method statement. Given the site is subject to previous consents, one of which is extant, there will be construction activity on this site in any case. The site is accessible from the C77 without requiring access via Coopersknowe Crescent. Nuisance arising from construction works is a matter that the EHS can control under separate legislation and construction works should be carried out in compliance with British Standards to minimise effects on the amenity of neighbouring property. An informative note is recommended.

There should be no impacts on neighbouring properties by way of daylight, sunlight or outlook loss that would be unacceptable when assessed against Policy HD3. Privacy should also be safeguarded, albeit some side and rear garden screen fencing is required. The current plan for boundary treatments needs adjustment to ensure this is the case, and a condition is recommended to require a final scheme.

Energy efficiency

Compliance with Building Standards will cover the principal energy efficiency requirements of the LDP. That said, the Design and Access Statement refers to minimising water usage, using responsibly sourced timber, low emission boilers and other such measures. Photovoltaics and heat recovery systems are also being considered. Implementation of such measures can be addressed via the Building Warrant. Any visual changes that result may require separate application, as noted above.

In terms of the layout, solar gain has been accounted for as far as is practicable, having accounted for other considerations as regards the layout. The layout was adjusted during the application to place houses further away from the south-west corner so they were not overshadowed so significantly by trees. Plot 56 is relatively close to its southern boundary, where overshadowing may occur from trees (new and/or proposed), though it also has an open frontage to the south-east. Overall, however, accounting for various other constraints, including townscape and parking, the layout has reasonably accounted for solar gain.

Open Space/Play area

Previous consents have applied a requirement for play area provision here, and the most recent consent for this site included an area to be developed for this purpose (now plots 59/60). The original three phases have never been provided with the play area required under previous consents. Applying current policy guidance, and accounting for the history of this site, as well as the lack of other facilities, and the potential risk of children crossing the C77 to access the facilities to be provided in the Easter Langlee housing development, suggests that a play area on site is justified.

The location now proposed is more centrally within the site than the previous consent. This leaves the former play area site now subject to housing proposals (plots 59/60). The implications of this are considered elsewhere in this report. On its own merits, the proposed site is appropriate as regards size and proximity to neighbouring properties (subject to detailed design), and will be directly accessible by public footpath. A condition will be necessary to secure details, implementation (as part of a phasing scheme) and future maintenance. It is expected that the applicant will maintain the play area. If the Council is to adopt it, this would require a financial contribution to the Council, notwithstanding that the play area would serve affordable housing.

Other open space includes land around the flatted blocks, alongside parking areas and planting strips. Though additional planting will be required in some areas, the open space will otherwise provide meaningful complement to the built townscape. A detailed planting scheme and future maintenance will be required. The open space is expected to be maintained by the applicants, and if the Council were to adopt it, this would also require an agreement for financial contributions to do so.

Trees

The previous consent accounted for one particular tree as being of sufficient value to merit protection. The tree is sited near the proposed entrance onto the C77. The tree has been surveyed and judged to be in good health, and this plan includes a protection area for it. Works within it, including pathway, will need to comply with BS5837:12, and a condition is imposed to this effect.

There are no other trees that were safeguarded under previous consents. However, for amenity reasons, trees along the boundary with the industrial estate would benefit from retention and augmentation, as noted above.

Ecology

The site is not designated and there are no nearby designations likely to be affected. There are no buildings to be removed, albeit there will be removal of some vegetation/trees (particularly as the site has become overgrown of late) and disturbance of the ground. However, bearing in mind the previous planning permission remains extant and has no requirement to mitigate any potential ecological impacts, an 'informative' is considered sufficient to advise the applicants of their obligations under protected species licensing.

Infrastructure and contributions

In order to comply with development plan policies and guidance, development of this site is ordinarily liable for the provision of affordable housing, and contributions to schools and the Waverley Line. However, as this particular development is proposed as affordable housing by a Registered Social Landlord, this overcomes any requirement to contribute financially

towards the railway line or local schools. A condition can secure the affordable housing status of the development.

A phasing condition will be necessary to ensure delivery of all supporting works e.g. paths, roads, open space, water and drainage.

Services

Mains water and drainage is proposed. A planning condition will be required to ensure that connections to these services will be achieved. Scottish Water have made no representation on this application, though it is understood that foul drainage capacity exists. Ultimately, it will be up to the applicants to demonstrate that Scottish Water have granted consents to connect and service the proposed number of dwellinghouses.

Surface water drainage is proposed by underground storage, permeable paving (parking spaces) and swale along the southern boundary. A scheme had originally been submitted that incorporated a SUDs pond, but due to site constraints, this was changed to the swale arrangement. The most recent plan has been endorsed by SEPA and the RPS, though it has since been superseded by minor changes on the site layout. Details of the swale, in any case, will be needed, to ensure that it will be an attractive feature that can incorporate acceptable planting. Confirmation on porous paving within the site will be needed. The full details of the drainage scheme are not wholly a matter for the planning consent, but assurance is needed that the layout can support a final detailed scheme based on the approach now proposed, and which maintains greenfield run-off levels. Floor levels can be set above ground levels where required/appropriate. SEPA's advice regarding existing water features is noted, though our Flood Protection Team do not have any information to suggest a particular flood risk. Future maintenance will also need confirmed by condition. Interference with existing field drainage is a matter for the applicants to address.

The site layout includes bin storage, albeit the details of these are for the Building Standards. Details of the screening of flatted block bins should, however, be agreed by condition.

Pipeline

Scotland Gas Networks have identified a major pipeline nearby, though they advise that this will not be affected by the development. The pipeline is too distant to fall within Health and Safety Executive consultation requirements. Other pipes and infrastructure within the site that may be affected are a matter for the applicants to address.

Contaminated land

It is noted that the site's previous agricultural use may have potentially led to some contamination. An 'informative', rather than a condition, was imposed on the most recent consent for this site given that the requirement for remediation was not imposed on previous consents. Despite that, the application has been supported by assessments which have sought to address any potential contamination of the site. These include consideration of potential contamination from the nearby landfill site, former mill pond and sheep wash. They don't appear to raise any areas of concern, however, the EHS has not confirmed agreement to a final report. A standard condition is recommended, in order to ensure the issue is now concluded satisfactorily.

CONCLUSION

Following the submission of amended proposals, and subject to compliance with the proposed schedule of conditions, the development is considered acceptable when assessed against the Local Development Plan 2016, and having accounted for the extant planning consent for the site. There remain elements within the development that are not wholly satisfactory, in particular, the immediate visual relationship with Coopersknowe Crescent. Ultimately, however, the visual impact of the development must also be viewed within the wider context and, provided suitable mitigation can be achieved by way of planting; materials; colours; and boundary treatments, the overall visual effect of the development is considered to be acceptable.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

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

1. All approved residential units shall meet the definition of “affordable housing” as set out in the adopted Local Development Plan 2016 and Supplementary Planning Guidance “Affordable Housing” 2015 and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority prior to development commencing.

Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools and the reinstatement of the Waverley Railway.

2. The development shall be carried out in accordance with the plans and drawings approved under this consent, including floor plan layouts specified on the approved plans, unless otherwise agreed with the Planning Authority, or requiring to be amended by this or other conditions in this schedule. If floor plans are inconsistent with elevation drawings, a remedial scheme for the same shall be submitted to and approved by the Planning Authority and the development shall be completed in accordance with the approved scheme.

Reason: To ensure the development is carried out in accordance with the approved plans and drawings unless amendments are specified by or agreed by the Planning Authority

3. No development shall commence on flatted blocks on plots 17-22;26-31; and 32-39 or H5 house types, notwithstanding plans and drawings approved under this consent, until revised elevation drawings and supporting floor plans have been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the approved plans and drawings

Reason: To achieve design improvements to these aspects of the development

4. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme

Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved residential development

5. No development shall commence until a phasing programme for the development has been submitted to and approved by the Planning Authority. This shall include all buildings, roads, paths, parking areas, cycle storage, water, foul and surface water drainage services. Development shall only be carried out in accordance with the approved phasing programme. All flatted blocks shall be provided with cycle storage (one per unit) in the locations identified on the approved site plan (Plan PL(01) Revision T) and in accordance with details of the visual appearance of the cycle storage units which shall be submitted to and approved by the Planning Authority prior to their installation
Reason: To ensure the development is carried out in a manner which ensures that occupied residential units are provided with necessary infrastructure and services.
6. No development shall commence until a) written evidence on behalf of Scottish Water that the development will be serviced by mains foul drainage and water supply and b) until a final surface water drainage scheme, based on the approved site layout (Plan PL(01) Revision T) have been submitted to and approved by the Planning Authority. The surface water drainage scheme shall specify permeable paving/surfacing for all parking spaces, underground storage and swale; shall demonstrate that this shall maintain greenfield run-off levels; shall include full details of the swale (sufficient to establish its visual appearance); and, shall specify future maintenance of the scheme. The approved services shall be installed in accordance with the approved phasing scheme (Condition 5)
Reason: To ensure the development can be adequately serviced and minimise risk of off-site surface water run-off
7. No development shall commence until a scheme of details for the children's play area has been submitted to and approved by the Planning Authority. Details shall include the layout, levels, specification, implementation date(s) and future maintenance of the play area. The play area shall be installed and maintained in accordance with the approved scheme of details.
Reason: To ensure the development is provided with adequate children's play space.
8. No development shall commence, (notwithstanding the details provided in the approved drawings), until a revised and augmented scheme of landscaping and boundary planting (incorporating layout, location, species, schedule, implementation date(s) and future maintenance of all new planting and communal open space within the site) has been submitted to and approved by the Planning Authority. The development shall only be carried out in accordance with implementation and maintenance of the approved scheme.
Reason: Further information is required to achieve an acceptable landscape scheme for the site.
9. No development shall commence, (notwithstanding the details provided in the approved drawings), until a revised and augmented scheme of boundary treatments (walls and fencing and bin store enclosures) has been submitted to and approved by the Planning Authority. The scheme shall include the layout/route of all existing and proposed walls and fencing, and their detailed design, height and materials. All boundary treatments within the application site shall accord with the approved scheme.
Reason: Further information is required to achieve an acceptable boundary treatment scheme for the site.
10. No development shall commence until a scheme of external materials (including specifications and samples of materials and colours) for all buildings within the development, and of all roads, paths and parking areas, has been submitted to and

approved by the Planning Authority. The road surfacing layout shall accord with Plan PL(01) Revision T. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area, and that the road layout accords with the approved layout, in the interests of road and pedestrian safety

11. No development shall commence until further details of proposed levels within the site have been submitted to and approved by the Planning Authority. These details shall include existing and proposed ground, road and other hardstanding levels; proposed house and flat floor levels (incorporating a variation in level between plots 1 and 2); and retaining wall height and specifications. The levels shall relate to a fixed, off-site datum. The development shall be carried out in accordance with the approved details

Reason: To ensure levels and retaining walls within the site achieve a sympathetic visual appearance

12. No development shall commence on the roadway until a revised specification for the 'build-out' at Plot 5 has been submitted to and approved by the Planning Authority. The development shall be implemented in accordance with the approved specification

Reason: A minor adjustment is required to achieve a better visual interruption to the road at this point, in the interests of safeguarding road and pedestrian safety

13. The driver visibility splay for the proposed junction onto the C77 (illustrated by the perforated green line on the approved plan PL (01) Revision T) shall be provided free of obstruction prior to occupancy of the first dwellinghouse/flatted dwelling within the development and maintained free from obstruction thereafter (with the exception of the tree to be retained).

Reason: In the interests of road and pedestrian safety.

14. The existing tree within the site adjacent the proposed C77 junction, and trees adjacent the boundary of the site with the industrial estate alongside plots 48-60 shall be safeguarded during the construction of the development in accordance with a Tree Protection Plan that shall be submitted to and approved by the Planning Authority prior to development commencing. The Tree Protection Plan shall apply BS5837:12. The development shall only be implemented in accordance with the approved plan. The existing tree adjacent the C77 shall be retained following completion of the development and shall not be lopped, felled or otherwise disturbed without the prior written approval of the Planning Authority

Reason: To safeguard a tree of value within the site and minimise risk to trees on land adjacent the site, in the interests of the visual amenity of the surrounding area and the amenity of future residents

15. A window shall be installed within the western gable of Plot 16 prior to occupancy of the dwellinghouse in accordance with a scheme of details submitted to and approved by the Planning Authority prior to works commencing on this plot

Reason: To provide overlooking of the adjacent lane in the interests of visual amenity

16. First floor window openings on the westerly facing elevation of Plot 15 and south-facing elevation of Plot 50 shall be fitted with fixed, obscure glazing prior to occupancy of the dwellinghouse in accordance with a specification agreed with the Planning Authority. The windows shall not be later altered or replaced with a different specification, notwithstanding the General Permitted Development (Scotland) Order 1992 as amended 2011 or any subsequent amendment or replacement Order

Reason: To maintain privacy between dwellings and gardens within the development

17. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

- i. Development at (Note 1)
- ii. Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.
- iii. The development comprises (Note 5)
- iv. Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

Informatives

1. If future maintenance of the play area and communal open space planting/landscaping is to be adopted by the Council, this shall require a legal agreement to cover financial contributions for this arrangement.
2. Colours and finishes for external materials shall be expected to be sympathetic to the varied palette evident within adjacent and nearby housing areas, in particular Coopersknowe Crescent
3. Roads Construction Consent will be required. The applicant should discuss this separately with the Council's Roads Planning Service to establish the scope and requirements of Council adoption.
4. Field drains (understood to be potentially affected by Plot 59), pipelines and other infrastructure are matters the applicants must account directly for prior to commencing work on site. It is also understood from previous application correspondence for this site that that a tail drain for a septic tank (Rowallan) is believed to fall within the site. The applicants/developers should address these matters directly with the owners and utility companies
5. Where alterations to the buildings are required to incorporate zero/low carbon technologies, such works may require separate Planning Permission, unless these do not materially alter the approved development. Amenity implications for neighbouring properties and other residents within the development (in particular, air quality and noise) should, in any event, be accounted for when designing and locating such works.
6. Development should be carried out in a manner consistent with British Standard guidance on constriction works, to maintain neighbouring amenity, in particular BS5228.

7. Any unauthorised disturbance to protective species habitats is an offence under European and UK habitat legislation. The applicants/developers should ensure precautions are taken before commencing work on site (including vegetation clearance) and the advice of an ecologist is recommended.
8. The Notes required of Condition 17 should be completed as follows:
 - Note 1: Insert address or describe the location of the development
 - Note 2: Delete "subject to conditions" if the planning permission is not subject to any conditions
 - Note 3: Insert the name and address of the developer
 - Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)
 - Note 5: Insert the description of the development.
 - Note 6: Insert the application reference number.

DRAWING NUMBERS

Ex (02) - Location Plan
 PL(01) Revision T - Site Plan
 PL(02) Revision A - Site Plan
 PL(05) Revision C – Sections
 PL(06) Revision C – Sections
 PL(07) Revision B – Sections
 (PL) 22 Revision B – Elevations
 (PL) 26 Revision B – Elevations
 (PL) 29 Revision B – Elevations
 (PL) 35 Revision D – Floor Plans
 (PL) 36 Revision B – Floor Plans
 (PL) 40 Revision E – Elevations
 (PL) 41 Revision D – Elevations
 PL (50) Revision C – Elevations
 PL (51) Revision B – Elevations
 PL (52) Revision C – Elevations
 PL (53) Revision C – Elevations
 PL (54) Revision D – Elevations
 PL (55) Revision B – Elevations
 PL (56) Revision B – Elevations
 PL (57) Revision B – Elevations
 PL (58) Revision B – Elevations
 PL (59) Revision B – Elevations
 PL (60) Revision B – Elevations
 PL (61) Revision B – Elevations

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
Carlos Clarke	Lead Planning Officer

