

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

27 MARCH 2017

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/01360/PPP
OFFICER:	Stuart Herkes
WARD:	Mid Berwickshire
PROPOSAL:	Residential development comprising 38 dwelling units with associated access, landscaping and open space
SITE:	Poultry Farm, Marchmont Road, Greenlaw, Duns
APPLICANT:	Amber Real Estates Investments Ltd
AGENT:	Turley Associates

SITE DESCRIPTION

The site is a disused poultry farm and associated agricultural land, which extends to 2.3 hectares. It lies immediately beyond the Development Boundary at the eastern end of Greenlaw; to the south of Marchmont Road; and to the north of the sewage works and Blackadder Water. The southern and western areas of the site lie within the 1 in 200 year flood risk envelope of the Blackadder Water, and are at medium to high risk of flooding.

The site's boundaries are defined by roads on its northern ('Marchmont Road') and eastern (sewage works access road) sides. The western boundary is Greenlaw's Development Boundary. This is itself defined by the boundaries of the nearest residential properties in Marchmont Road. The southern boundary lies at the foot of the embankment of the former railway. The main site entrance is at the northeast corner.

Four sizeable poultry sheds, along with some related but smaller ancillary structures and installations dominate the eastern part of the site, occupying the highest and most level area of land within its boundaries. While these structures appear serviceable, they are also older timber-built buildings that would be liable to require significant alteration, if not replacement, were the site to continue in operation as a modern poultry farm. Mature trees within the site and between the sheds and the public road, interrupt and soften views of the buildings from Marchmont Road. Some new tree planting has taken place within the site, including on the southern and western slopes which lie below the sheds.

Excepting new tree planting, the western section of the site is by contrast open and undulating, with the land sloping perceptibly downwards to both the south and west from the farm buildings, such that the southwest corner of the site has the lowest relief.

To the west, outwith the site and within the gardens of the nearest residential properties, the land rises again, such that the western part of the site is characterised by a

noticeable dip in levels, which prevails in the area between the boundary to the west and the poultry sheds to the east.

Across the entire site, there is a pronounced downward slope to the south as the land descends towards the watercourse of the Blackadder Water. This descent is truncated along the southern boundary of the site by the embankment of the former railway. The line of the railway separates the site from the sewage works and flood plain, which lie to the south again. The Blackadder Water is part of the River Tweed SAC and SSSI.

Away from the residential properties within Marchmont Road to the north and west, and the sewage works to the southeast, the surrounding area is otherwise predominantly open agricultural fields defined by hedging and occasional shelter belts.

PROPOSED DEVELOPMENT

This application seeks planning permission in principle for the development of the site for residential use, specifically 38 dwellings. This encompasses both the proposed redevelopment of the poultry farm itself, and the development of the open land within the west of the site.

The proposal is a Major Development, on account of the size of the site, and therefore requires referral to Members for decision.

As required in the case of a Major Application, the Applicant has carried out a Pre-Application Consultation exercise, which is detailed in a supporting report.

The proposal has been screened, and it is considered that the proposal raises no issues that would have required a full Environmental Impact Assessment.

PLANNING HISTORY

The site has no previous planning application history.

The Council's Forward Planning Section has advised that the site has previously been proposed as an allocated housing site within the Local Development Plan process which concluded in May last year with the adoption of the Scottish Borders Council Local Development Plan 2016.

As part of the 2016 LDP Examination, the Reporter examined the overall housing land supply position within Greenlaw and stated with regard to the Applicant's proposed inclusion of this site as a new housing allocation at Greenlaw, that: *"(t)he 3 currently proposed housing allocations could provide between them something in the order of 100 units. I consider that to be commensurate with the size and facilities of the settlement and that to further add to that supply would be inappropriate"*.

More recently, the site was again submitted for consideration by the Applicant as a proposed allocated housing site in response to the 'call for sites' issued by Forward Planning subsequent to the adoption of the Local Development Plan. This 'call for sites' resulted from the requirement to identify additional housing land sites to provide for a further 916 units during the current plan period within a supplementary guidance (SG) note on housing. This SG is currently out for consultation in a draft form. However, the

site has not been taken forward within the Housing Supplementary Guidance process, as a proposed allocated housing site. This is for the same reasons as were identified by the Reporter who examined the Local Development Plan, only a year ago.

REPRESENTATION SUMMARY

None

APPLICANTS' SUPPORTING INFORMATION

The Applicants' supporting details include:

- a planning statement;
- a pre-application consultation report;
- an indicative site plan;
- a design and access statement;
- a transport statement;
- an ecological assessment report;
- a flood risk assessment; and
- additional details subsequently supplied to augment the flood risk assessment and address specific concerns raised by SEPA within the latter's consultation response.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Section: no objections in principle. However, any subsequent detailed design for this site should follow the principles of 'Designing Streets' and those of the Council's own 'Placemaking and Design' Supplementary Planning Guidance document; and should further incorporate the following points:

- Multiple access points for pedestrians, cyclists and vehicles;
- Marchmont Road along the boundary of the site to be widened to accommodate two-way traffic flow;
- The existing footway and street lighting infrastructure to be extended to serve this site;
- Proposed SUDS provision to be shown as part of any detailed proposal;
- Improvements to pedestrian provision along the existing Marchmont Road, by way of four pedestrian dropped kerbs; and
- Parking provision in accordance with the Council's standards.

Environmental Health Section (Amenity and Pollution): Confirmation from Scottish Water is required to ensure that there would be an adequate water supply for the proposed development. Further information on this point is requested for review prior to determination.

Environmental Health Section (Contaminated Land): The poultry farm land use is potentially contaminative, and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. It is therefore recommended that if

planning permission is granted, this should be on condition that development is not permitted to start until a site investigation and risk assessment dealing with the potential for historic land contamination has been carried out, submitted and agreed by the Planning Authority. A planning condition capable of addressing this concern is proposed for imposition upon any PPP consent issued.

Housing Strategy Section: Anticipates a requirement for on-site delivery of affordable housing units in order to address the Council's Affordable Housing Policy requirements, which are advised to be liable at a rate of 25% affordable properties from the total of 38 proposed units.

Archaeology Officer: There are potential archaeological implications for this proposal, but these are judged to be low on account of the sloping nature of the land within the site, and the relatively compact nature expected of any works associated with the nearby Tenantry House site, which is thought unlikely to relate to any larger complex that might otherwise have been liable to have extended into the area of the site. In light of this, it is recommended that the Applicant be advised within an informative of the low potential for encountering archaeology during ground works. However, the same proposed informative also advises that further investigation secured by the development may be required if significant archaeology is discovered.

Education and Lifelong Learning: Identifies the need for contributions towards the new Berwickshire High School.

Flood Prevention Section: A small section at the south of the proposed site lies within the 1 in 200 year flood risk envelope of the Blackadder Water and is at medium to high risk of flooding. There is also a small watercourse at the eastern boundary of the site which may be an additional source of flood risk. The Applicant's Flood Risk Assessment confirms that the southwest area of the site is within the 1 in 200 year plus climate change flood extent and recommends that development remain outwith this area. Should this recommendation be taken forward, there would be no objections on the grounds of flood risk. The Applicant's recommendations that finished flood levels include 600mm freeboard and be 138.099mAOD – 142.62mAOD (as recommended by Chapter 8.0 of the Blackadder Water Flood Modelling Assessment) are supported. With respect to drainage, surface water management would have to be taken into consideration, and any plans would need to be submitted to the Council for approval.

Outdoor Access Section: There are no claimed rights of way/ core paths on this area of land. However, there is a permissive/ customary path immediately adjacent to the east of the site. The following recommendations are made in order to maintain and improve public access at the site and within the surrounding area: (i) a footway should be constructed along the roadside on the north side of the site to link the existing footway at the northwest corner of the site; (ii) a path should be created along the western boundary of the site to allow access from the roadside to the disused railway; (iii) should the Planning Authority seek to approve the application, Outdoor Access would seek a contribution (a nominal sum of £15,200 (£400 per dwelling)) from the developer for the development, for the continued maintenance and promotion of a path network within the western part of Berwickshire. This contribution would be used to fund the production of promotional literature as well as to carry out drainage works, bridge maintenance, path surfacing and annual maintenance work on the wider Core and Promoted Paths

Network, which would thus be strengthened through such a contribution from this development.

Ecology Section: Notes that the Applicant's Ecological Assessment (November 2015) identified no evidence of otters or badgers on site, and that there was considered to be limited potential for nesting birds in habitats on site. However, and although surveys are typically considered valid for 18 months, it is considered that since the Ecological Assessment was carried out 12 months ago, at a time when conditions for otter survey were unfavourable; given the close proximity of the site to the River Tweed SAC; and given the Ecology Section's own observations of evidence of badgers and birds in November 2016, it is considered that the advice of the Applicant's Ecological Assessment may now be out-of-date. It is accepted that there is negligible hibernation potential for bats within the structures on site and negligible potential tree roost features. There is considered to be low suitability for non-breeding summer roosts of individual crevice-dwelling species in the structures on site. However, moderately suitable commuting and foraging habitat for bats is present on and adjacent to the site (including grassland, scrub, trees and aquatic habitats that link to the wider landscape) and to this end, more information would be required with respect to this matter. Accordingly, the Ecology Section requests that prior to determination, the Applicant submit a proportionate Ecological Impact Assessment to consider potential impacts on European Protected Species (bats, otter), as well as badger and breeding birds.

Forward Planning Section: Advises that since the application site lies outwith the settlement boundary, and is not an allocated site within the Local Development Plan (LDP), the principle must be assessed against Local Development Plan Policy PMD4 (Development Outwith Development Boundaries). This policy aims to ensure that any development proposals outwith the development boundary would have to comply with the rigorous exceptions criteria contained within this same policy. In respect of these criteria, the proposal would not be for a job generating development, is not solely for affordable housing and would not offer significant community benefits.

With respect to the potential for the proposal to address an identified housing land shortage, it is advised that in accordance with Local Development Plan Policy HD4, the Draft Supplementary Guidance on Housing has recently been produced to address the shortfall in housing land identified at the Examination of the LDP. Accordingly, the Applicant's contention that the proposal might be justified under criterion c. of Policy PMD4 as meeting that particular identified housing land shortfall does not therefore follow, because the shortfall is being regulated under a different policy (HD4). As such, the proposal does not therefore meet the criteria contained within Policy PMD4.

The Forward Planning section also provide a summary of the history of the presentation and assessment of the site as a proposed allocated housing land site, noting that it was not previously included by the Reporter at the recent Examination of the LDP and that given that there are already allocated housing sites, and even a longer-term housing site in Greenlaw, the development of which has not been progressed to date, there is no current requirement for any new or additional proposed allocated housing sites.

It is further advised that during Forward Planning's more recent identification of sites with potential to address the 916 units shortfall, the indicative capacity of this particular site was not considered to make a significant contribution towards the housing shortfall and notes that there is no developer/house builder associated with the proposal.

Given the existing housing, mixed use and longer term housing sites in Greenlaw, it is not considered that there is capacity for a further housing allocation within the plan period within Greenlaw, as well as those identified within the LDP. Overall, taking the above into consideration, it was not considered that the site should be included within the Draft Housing SG.

In summary, it is advised that the proposal is contrary to the plans and policies of the Adopted Local Development Plan, chiefly Policy PMD4 that might otherwise have allowed for an exceptional approval, and therefore concluded that the proposal should not be supported.

Statutory Consultees

Greenlaw and Hume Community Council: unanimously considers that the site should be an area for commercial or residential development, and that such a development would: (i) provide a significant economic stimulus; create jobs; and generate trade for local businesses; (ii) benefit the community by bringing in a younger generation, who in turn would support the local school and community groups, and make the village more attractive to commuters; and (iii) make positive use of a site that has become dilapidated and an eyesore within the area, and possible health and safety risk.

The Community Council considers that the Planning Authority has overlooked the potential of the site to help address the shortfall in housing land and considers that the site offers greater potential for more immediate development than some of the existing allocated housing sites at Greenlaw. It does not anticipate at least one such site to offer any prospects of development in the short-term, whereas the Community Council understands that the current site is a more realistic prospect for development in that it understands the Applicant (Amber Real Estates Investments Ltd) to be a developer with an active interest in progressing the proposed development. It also considers that Forward Planning's identification of the site's potential contribution towards addressing the housing shortfall of 916 units as "insignificant" is misinformed, in that 38 units would equate to 4% of the shortfall.

It clarifies that first and foremost, it wishes to see the site added to, rather than substituted for, existing allocated housing sites within Greenlaw, but adds that it considers that a proposal supported by an active interest in its development should be preferred to one where there is no such interest.

The Community Council requested, and its representatives duly attended, a meeting with the Planning Authority on 15 February to discuss Forward Planning's consultation response (already summarised above).

Scottish Natural Heritage: advises that there are likely to be significant effects on the qualifying interests of internationally important natural heritage interests, chiefly the River Tweed SAC. However, it advises that at present, there is insufficient information available for it to determine if there would be an adverse impact upon site integrity. To this end, it identifies the need for particular information to be supplied at the detailed application stage in order for it to carry out an appraisal of these effects.

This would more specifically include: (i) measures to be taken to prevent silt, building material, chemical pollutants or any other debris from entering the watercourse during the construction phase (which it considers might usefully be provided in the form of a Construction Method Statement); and (ii) details of the infiltration-based SUDS feature(s) which have been indicated as the proposed surface water treatment system that would serve the residential re-development of the site.

Additionally, SNH advises that the Applicant's protected species surveys were conducted in November 2015 and in unfavourable circumstances. It considers that it may be advisable to have the surveys updated prior to any further application being submitted, since survey results are generally only valid for 18 months.

Scottish Water: has been consulted but has not responded to the public consultation.

SEPA: initially responded to object to the proposals on the basis of a lack of information with respect to potential flood risk impacts; and particular areas within the modelling of flood risk impacts were identified as being deficient.

Further to this (and a second additional request for further information), SEPA has, on its third most recent review of the proposals, responded to advise that notwithstanding continued concerns with respect to the quality of the information provided to describe flood risk, it would now remove its objection subject to planning conditions being imposed upon any consent issued, to address its stated concerns.

The first of these proposed conditions is that there should be no built development or land-raising within the existing 1:200 year flood extent as detailed within a version of the Applicant's Flood Risk Assessment (FRA) that itself should first be revised to address SEPA's advice of 8 March 2017. The revised FRA is required to demonstrate that the development would be entirely sited out with the 1 in 200 year flood extent. SEPA anticipates objecting at any detailed planning application stage if this concern is not met within the detailed proposal, and in such a way that would accord with the principles of Scottish Planning Policy.

The second planning condition would require the prior agreement with the Planning Authority and SEPA of a scheme of details outlining proposals for sustainable drainage (SUDS) surface water treatment for the site. Again, detailed requirements as to what these details should address is given within SEPA's consultation response of the 8 March.

It is additionally advised that Scottish Water should be consulted with respect to the potential for Scottish Water's infrastructure to be used to remove the site's foul drainage

Other Consultees

None

DEVELOPMENT PLAN POLICIES:

SESPlan

Policy 5
Policy 6
Policy 7
Policy 8

Scottish Borders Local Development Plan 2016

Policy PMD1 Sustainability
Policy PMD2 Quality Standards
Policy PMD4 Development Outwith Development Boundaries
Policy PMD5 Infill Development
Policy HD1 Affordable Housing and Special Needs Housing
Policy HD3 Protection of Residential Amenity
Policy HD4 Meeting the Housing Land Requirement/Further Housing Land Safeguarding
Policy EP1 International Nature Conservation Sites and Protected Species
Policy EP2 National Nature Conservation Sites and Protected Species
Policy EP3 Local Biodiversity
Policy EP7 Listed Buildings
Policy EP8 Archaeology
Policy EP12 Green Networks
Policy EP13 Trees, Woodlands and Hedgerows
Policy EP15 Development Affecting the Water Environment
Policy IS2 Developer Contributions
Policy IS5 Protection of Access Routes
Policy IS6 Road Adoption Standards
Policy IS7 Parking Provisions and Standards
Policy IS8 Flooding
Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
Policy IS13 Contaminated Land

OTHER PLANNING CONSIDERATIONS

National Planning Framework 3 (2014)
SPP (2014)

'Designing Streets'

SESPlan Supplementary Guidance on Housing Land (2014)

"Trees and Development" SPG
"Privacy and Sunlight" SPG
"Placemaking and Design" SPG

Draft Housing SG
Proposed Strategic Development Plan 2 (SDP2)

SBC 2015 Housing Land Audit (2016)

Planning and Building Standards Committee

KEY PLANNING ISSUES:

- Whether or not the proposal justifies being made the subject of an exceptional approval under the terms allowed for this by Adopted Local Development Plan Policy PMD4: Development Outwith Development Boundaries.

ASSESSMENT OF APPLICATION:

Planning Policy

The site lies outwith the Development Boundary at Greenlaw and is not a site that is allocated for housing within the Adopted Scottish Borders Council Local Development Plan 2016. Accordingly, the proposal does not comply in principle with the proposals of the statutory development plan.

Where a planning application is submitted for a non-allocated site adjoining the development boundary, Adopted Scottish Borders Council Local Development Plan 2016 Policy PMD4 (Development Outwith Development Boundaries) is to be applied.

Policy PMD4 advises that where development boundaries are defined on Proposals Maps, these indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. As such, proposals for new development outwith the development boundary and not on allocated sites, should normally be refused. However, the same policy does allow that approvals might be granted exceptionally, where strong reasons can be given that:

- a) It is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2, OR
- b) It is an affordable development that can be justified under in terms of Policy HD1, OR
- c) There is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
- d) It is a development that it is considered would offer significant community benefits that outweigh the need to protect the Development Boundary AND the development of the site meets the general criteria contained within the policy.

The proposal would not be for a job-generating development; is not solely for affordable housing; and would not offer any significant community benefits. From amongst the above noted criteria, and based on the type of development alone, the only criterion that the proposal might be potentially capable of meeting would be criterion 'c'.

Housing Land Shortfall

Adopted Local Development Plan Policy PMD4 criterion (c), allows that exceptional approvals may be granted for housing, provided strong reasons can be given that: "*there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply*".

There is presently a shortfall of housing land sufficient to accommodate an additional 916 units within Scottish Borders Council's Local Authority Area. However, the need and the mechanism to address this shortfall are explicitly identified within Adopted Local Development Plan Policy HD4 (Meeting the Housing Land Requirement/Further Housing Land Safeguarding) of the Adopted Local Development Plan. This policy requires specifically that: *"(a) s the plan does not adequately address the housing land requirement set out in SESplan and its Supplementary Guidance on Housing Land, the Council will prepare and adopt supplementary guidance in order to identify additional sites to provide for a further 916 units during the plan period"*.

It is the Applicant's contention that the site would be appropriate to accommodate a component of the additional 916 housing units that the Council is required under Policy HD4 of the Local Development Plan, to identify new sites to accommodate. However, the requirement for, and regulation of, the delivery of the 916 additional units to meet the housing shortfall identified within the Adopted Local Development Plan, must be progressed in accordance with the stated requirements of Policy HD4. This clearly charges the Council (and not any third party) directly with the responsibility of identifying new housing sites that might be appropriate to accommodate the shortfall.

Policy HD4 is the appropriate vehicle for addressing the identification and assessment of sites that might be proposed to address the 916 units shortfall. It is not a matter that is addressed under criterion (c) of Policy PMD4, as the Applicant maintains. In accordance with the requirements of Policy HD4, the Council's Forward Planning Section has already issued a call for sites, and a draft document, the Draft Supplementary Guidance on Housing document, has already been produced to identify sites that are collectively capable of addressing the 916 units' shortfall in housing land that was identified at the Examination of the Local Development Plan. Accordingly, it is not considered that there is any reason to consider that the Council might not be fulfilling its responsibilities under Policy HD4 appropriately, or that there is any need for any further sites beyond those identified within the Draft Housing SG.

It is understood that the Applicant has made the Forward Planning Section aware of the site as a candidate proposed allocated housing site through the Housing SG process. This process, and not the planning application process, is the most appropriate route for progressing large scale sites such as this. However, the site is not amongst the proposed new housing sites being proposed within the Draft Housing SG document for the reason already noted above in 'Planning History'.

The assessment conducted by Forward Planning within its identification of proposed allocated housing sites for the Draft Housing SG, concluded that Greenlaw is located outwith any Strategic Development Area and that there are already a number of existing allocations (housing and mixed use) within the settlement, with a total capacity in excess of 100 units. There is also a longer-term housing site identified within Greenlaw. The Local Development Plan states that the preferred area for expansion within the village is the longer-term housing site identified within the Local Development Plan (SGREE003). Given the existing allocated housing, mixed use and longer term housing sites identified within the Adopted Local Development Plan, it is not considered that there is capacity for any further housing allocation within the current plan period within Greenlaw.

Therefore the current proposal is not required to meet, or contribute towards meeting, any housing land shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply.

In conclusion, the proposal does not meet the circumstances for an exceptional approval as might otherwise have been allowed under criterion (c) of Policy PMD4. The proposal is therefore contrary to Policy PMD4. There is no basis of support for the principle of this proposal, even under exceptional circumstances, within the policies or proposals of the Local Development Plan. It therefore remains only to consider whether or not there are any other material considerations that would be sufficiently significant as to outweigh the need to determine this application in strict accordance with the plans and policies of the statutory development plan.

Other Material Considerations

In addition to the principle, Policy PMD4 also requires that any development located outwith the Development Boundary, should additionally address two sets of other specific criteria which seek to ensure that the development would have no unacceptable impacts upon the amenity and environment of the site and surrounding area. The Applicant in its supporting statement seeks to demonstrate that these criteria are additionally met by the proposal. These matters are considered below, but regardless of whether or not it is considered that the proposal might be capable of meeting these additional criteria, this in itself is not sufficient to override any failure of the proposal to comply in principle with Policy PMD4.

Amongst their identified reasons for support, the Applicant advises that the proposal is required as an alternative to other sites that have been allocated in the long-term within the Adopted Local Development Plan. In particular, it advises that only 15 housing units are deliverable in Greenlaw within the next five years based on the Housing Land Audit (April 2016). However, Forward Planning has advised that the test for the effective housing land supply in this instance is based upon a calculation that does not relate solely to Greenlaw, but rather to the wider Berwickshire HMA.

Based perhaps on this misconception, there is also a suggestion within the Planning Statement that the current site would be more readily available for uptake than existing allocated housing sites at Greenlaw. However, the supporting details do not indicate that there is any house-builder behind this proposal. Moreover, the reasons for a lack of progress with the existing allocated sites, is not necessarily attributable to the circumstances of these sites themselves, so much as to the housing market, which has been sluggish across the region in recent years. Accordingly, it is not considered that the Applicant has demonstrated any overriding issues with respect to the delivery of the existing allocated sites or demonstrated that there is any greater ability to progress house-building on this particular site relative to these others.

Notwithstanding national and strategic level encouragement of new development towards brownfield sites, the potential for the existing poultry farm site to be redeveloped, is not in itself a consideration which in policy terms would outweigh the need to determine this application in accordance with the policies and proposals of the statutory development plan.

In summary, there are no material considerations that would justify support for this proposal contrary to the policies and proposals of the Local Development Plan and, as such an approval would conflict with the basic principle that the LDP is the appropriate mechanism for guiding new housing development, particularly in relation to larger sites.

Density and Composition

The Applicants have provided an indicative site layout plan for the site. There is no requirement to assess this layout in detail. However, what is indicated would have a density that is significantly higher than the surrounding area, and would be above any level that the site would reasonably be expected to contain. It would not be consistent with Greenlaw, or Marchmont Road, where properties tend to be either detached or semi-detached properties. There are also no flats within the surrounding area. It is considered that what is shown, even if only illustratively, would not be in keeping with the pattern of development in Marchmont Road or Greenlaw more generally.

Owing to the constraints of the site, including relationship with the flood plain and the need to provide structural landscaping, it is anticipated that significantly less than thirty eight units could be appropriately accommodated on the site. Further details establishing the exact parameters and level of constraints acting upon the site, would be required to inform the detailed layout of any proposed scheme for the site.

Even if the principle of development were to be accepted here, it would be appropriate to set aside the illustrative layout, and then to seek a density that is more in keeping with the surrounding area; secondly, it would be appropriate to ensure that any reference to thirty eight units is omitted from the proposal description, with the Applicant being required to take account of the issues outlined above within a Design and Access Statement to show how these issues have been addressed and negotiated within any detailed proposal.

Flood Risk

The southern and western extremities of the site are known to be at risk of a 1:200 years flood event. Notwithstanding that both the Council's Flood Protection team and SEPA have advised that they do not have any objections in principle to the site's development both have expressed concerns that the land within the flood risk area should be excluded from the developable area of the site, and both have recommended that finished floor levels within the remainder of the site should be raised to reduce the risk of flooding from other sources. SEPA further requires that its flood risk concerns should be met within a revised and updated Flood Risk Assessment, which is needed to provide clarity with respect to the detail of the flood risk impacts liable to affect the detailed proposals for the development of the site and also with respect to all mitigation measures required to protect the same development.

While the Applicant advises that its indicative layout addresses the potential flood risk, SEPA in particular is concerned that the information it has reviewed to date has not properly established the extent of the flood risk to the site, and it requires any future scheme for the site to be informed by a revised and updated Flood Risk Assessment, which it is content could be provided at the time of the detailed application. This appears to suggest that there will be some need for adjustment to the actual area of the site which could be developed.

It is possible for the matter to be addressed along the lines SEPA anticipates (that is, within a layout informed by a revised and updated FRA) but again, in the absence of the extent of these constraints first having first been properly ascertained, it would be inappropriate to pre-judge precisely how the detailed scheme would be impacted, including laid out and composed.

Road Safety, Access and Parking

The Roads Planning Section does not object to the proposals, but has identified particular concerns that it would wish to see incorporated into any detailed design for the site that may be brought forward at the detailed application stage. The Outdoor Access Section for its part, has also advised of its concern to see particular access requirements met within the detailed scheme.

Had the scheme been considered acceptable, these matters could be drawn to the Applicants' attention within an informative.

Drainage and Infrastructure

With respect to drainage, both Flood Prevention Authorities require that the details of surface water management at the site should be taken into consideration at the detailed application stage.

Environmental Health has sought confirmation that the proposal would be capable of being served by Scottish Water's infrastructure. However, Scottish Water has not responded to the consultation.

Scottish Water would normally seek documentary evidence of planning consent from any would-be developer as part of any application made to it to use its infrastructure. It routinely advises that the award of planning permission does not in itself, entitle any development to service from Scottish Water's infrastructure and this remains a matter for the developer to resolve directly.

Residential Amenity

Given the proximity of residential properties to the north (at a lower level) and to the west (at a higher level) there would be a concern to ensure that any new-builds are accommodated sensitively in relation to these existing properties, so as not to give rise to unacceptable levels of overlooking or overshadowing. However, it would be for the detailed scheme to have addressed such matters appropriately.

Cultural Heritage and Archaeology

The Archaeology Officer has indicated that there is low potential for archaeology being encountered on the site during the course of ground works. However, he also maintains a concern that an archaeological investigation secured by the development would be required, if significant archaeology were in fact to be discovered. A planning condition

requiring an archaeological watching brief would have been appropriate to address this issue.

Natural Heritage and Ecology

The concerns noted by both SNH and the Ecology Section with respect to the demolition of the existing buildings are capable of being addressed by planning condition, whereby an Ecological Impact Assessment could be provided in support of the first detailed application. SNH's concerns with respect to ensuring an appropriate level of protection of the designated natural heritage sites within the vicinity is capable, as SNH advises, of being addressed by planning condition in the event of approval.

Other Concerns

There is potential for historic land contamination to have occurred on the site of the poultry farm. However, this matter is capable of being addressed by a planning condition along the lines identified by the Environmental Health Section.

Developer Contributions

The collection of developer contributions towards local education provision, affordable housing and local recreational access, are capable of being addressed under a Section 75 or Section 69 legal agreement.

CONCLUSION

The current planning application does not comply with any of the exceptions criteria contained within Policy PMD4: Development Outwith Development Boundaries and there are no material considerations which outweigh the need to determine this application in accordance with the plans and policies of the Adopted Local Development Plan. Therefore the proposal should not be supported.

The illustrative drawings submitted with the application suggest a scale and density of development that would not be appropriately accommodated on this site, particularly given the strong likelihood that the developable area of the site would ultimately require to be reduced further, to take account of the landscaping, residential amenity, flood risk and access considerations noted above.

The Council's development plan process is effective and provides the most appropriate mechanism for identifying the most appropriate sites to come forward to accommodate larger housing proposals, and that it is not appropriate to seek to make exceptions to planning policy, especially at such an early stage after the adoption of the Local Development Plan.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend that the application is refused for the following reason:

The proposed development is contrary to Policy PMD4 (Development Outwith Development Boundaries) of the Scottish Borders Council Local Development Plan 2016 in that:

- (i) the application site lies outwith the Development Boundary at Greenlaw;
- (ii) the application site is not an existing allocated housing site; and
- (iii) there are no strong reasons substantiating any view that it should be made the subject of any exceptional approval.

The identification and release of additional housing land to respond to any housing land shortfall in the Borders is specifically addressed in Policy HD4 (Meeting the Housing Land Requirement/Further Housing land Safeguarding) and therefore the release of unallocated land for housing development on the scale proposed would undermine the Council's planned approach to housing development set out in its Local Development Plan and would result in an unjustified and piecemeal development at a Local Planning Authority level.

DRAWING NUMBERS

Location Plan

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.

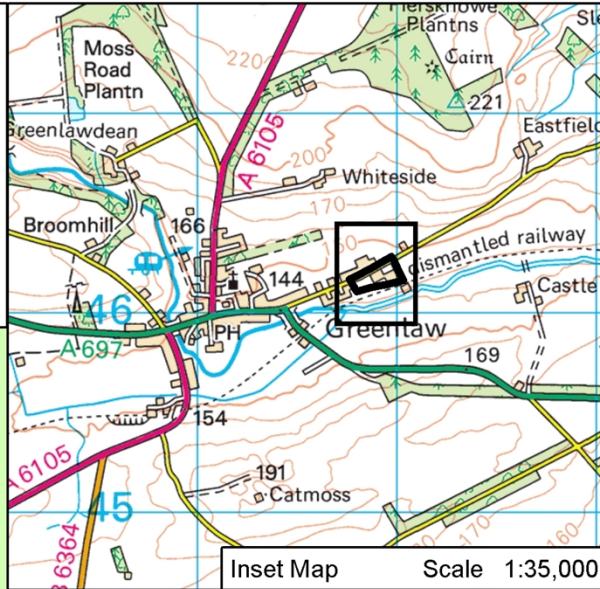
Author(s)

Name	Designation
Stuart Herkes	Planning Officer



16/01360/PPP

Poultry Farm
Marchmont Road
Greenlaw



Inset Map Scale 1:35,000



Scale 1:2,500

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