

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 FEBRUARY 2018

APPLICATIONS FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBERS: 17/00993/FUL and 17/00994/FUL
OFFICER:	Andrew Evans
WARD:	Mid Berwickshire
PROPOSAL:	17/00993/FUL - Erection of 41 dwellinghouses and associated works 17/00994/FUL - Erection of 34 dwellinghouses and associated works
SITE:	Land North West of Springfield Avenue
APPLICANT:	Springfield Properties Ltd.
AGENT:	Springfield Properties Ltd.

SITE DESCRIPTION

The application sites are on the eastern side of Duns. They are accessed via existing access points on Springfield Drive and Springfield Avenue. The sites are generally level, though there is a slight rise towards the South of the site, towards existing housing. To the north of the site is located "The Common Myres" an area of open grassland, with further housing beyond, to the North. The application sites both feature existing road and drainage infrastructure, and a retaining wall runs through the centre of the sites.

PROPOSED DEVELOPMENT

This combined report relates to two neighbouring planning applications for residential development on land North West of Springfield Avenue, Duns.

Application 17/00993/FUL proposes the erection of 41 No dwelling houses and associated works. This application includes three modest terraces. To the north of the site is the existing SUDS pond (approved under 06/01064/FUL) with the housing forming a series of streets centrally in the site, with a connecting footpath through a landscaped area,

Application 17/00994/FUL proposes the erection of 34 houses. These are semi-detached and 4 in a block 2 storey dwellings.

In total therefore, 75 dwellings are proposed. This would be comprised as follows:

- two storey, one and two bedroom cottage flats;
- 2-3 bedroom bungalows;
- terraces;
- Semi-detached houses.

PLANNING HISTORY

The site has been subject to previous applications as follows:

Reference	Proposal and Details	Decision
06/01064/FUL	Border Homes, Erection of sixty two dwelling houses	Approved subject to conditions and informative, 08/10/2007

REPRESENTATION SUMMARY

Members are reminded that all comments received in connection with both applications are available to view in full on the Public Access website. At the time of writing this report, a total of 15 separate pro-forma objections had been received, from residents at 1, 3, 4, 5, 8, 10, 12, 16, 18, 20, 22 Springfield Avenue; and 1, 3, 4, 6 Springfield Close.

A further combined objection with the names, addresses and signatures of 14 Households resident at numbers 1, 2, 3, 4, 5, 7, 8, 9, 11, 13, 15 and 17 Springfield Drive was also submitted.

The principal points of the objection can be summarised as follows:

- Access – Will a temporary construction access be formed?
- Will previously dumped topsoil be removed from the site of application 17/00993/FUL?
- The number of houses / properties on the site is 85 and at c. 1.5 cars per house, the likelihood of over 100 cars on top of the ones already on site. Considered this is too much traffic given the number of families at play
- If built to current plan the development will not be able to provide a second road.
- The road is not wide enough to park on both sides.
- Contended that if no pedestrian access to Bridgend provided, parents would have to walk 1 and ¼ miles to new school, and 1 and ¼ miles back, a total of 2 and ½ miles twice a day (5 miles in total).
- Contended that *“in today’s ageing population would it not be more beneficial to build more 2 bedroom bungalows so older people could move out of ¾ bedroom houses and downsize, freeing up larger houses. As all surrounding towns and villages are all building the same type as proposed in this planning application?”*
- If Springfield Road was blocked there would be no access for emergency vehicles.
- Contended that any housing above the height of a bungalow on the top (southern) road would block light to the housing to the top (northern road) particularly in winter.
- The traffic numbers for a cul-de-sac are considered by objectors to be too high.

APPLICANTS’ SUPPORTING INFORMATION

The applicant submitted a design and access statement in support of the application which sets out in depth the applicant’s consideration of the site. A copy of this supporting statement is available for members to view in full on Public Access.

Additionally, further information submitted in support of these planning applications includes:

- SUDS background information
- Landscape Design Statement
- Energy Statement
- Technical details for the proposed Air Source Heat Pumps

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: First response: This response relates to both applications. The roads infrastructure associated with this development has largely been constructed with the roads already up to base course level. Had this been an entirely 'greenfield' site Roads Planning would have requested a layout more in line with the principles of 'Designing Streets'. The current applications however are effectively for a change of house type and slight increase in numbers. The previously approved road layout is capable of accepting the increase in vehicular movements associated with this proposal and so Roads Planning will not object to this proposal provided the following points are suitably addressed:

- Parking provision should be at a rate of 200% for curtilage parking with a further 25% adoptable visitor parking provided. Communal parking should be provided at a rate of not less than 150% and must relate well to the housing it is associated with.
- Plots 9-14 only have one curtilage space each, this should be increased to 2 per dwelling or 100% communal parking be provided in addition to the single private spaces
- Plot 25 also only has one curtilage space.
- The number of communal spaces associated with the flatted properties 72-75, 42-45 and 54-61 is insufficient.
- Surface treatments must be agreed prior to work commencing on site.
- It is recommended that the junction area in front of plot 27 and 26 is given a different surface treatment in order to help calm traffic when entering and exiting the site.
- A condition or legal agreement re the provision of a footway link to either Bridgend or Curry Street as per the previous approval for the site is also required.

It should be noted that the existing Roads Construction Consent for the site has expired and an application will be required from the developer to have the consent extended.

Second Response: Following the submission of an updated layout / parking drawing, the RPS engineer confirmed that for Plot 9, a second parking bay should be provided here, though he did not have the same concerns with regards to its location next to a junction. This happens on almost every housing site in the borders and is no different to plots 26 and 27. Apart from this matter, the RPS engineer is now satisfied with the parking level proposed.

Education & Lifelong Learning: The proposed development is within the catchment area for Duns Primary School and Berwickshire High School. A contribution of £119,225 is sought for the Primary School and £91,192 is sought for the High School, making a total contribution of £210,417. Rolls over 90% place

strain on the schools teaching provision, infrastructure and facilities and reduce flexibility in timetabling, potentially negatively affecting quality standards within the school environment. Contributions are sought to raise capital to extend or improve schools or where deemed necessary to provide new schools in order to ensure that over capacity issues are managed and no reduction in standards is attributed to this within the Borders Area. This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Housing Section: The Housing Section understands that Springfield Homes have acquired this stalled allocated housing site with a view towards developing a 100% affordable housing development for Berwickshire HA on a phased basis.

Berwickshire HA have brought forward this site for consideration and prioritising for inclusion in the new Strategic Housing Investment Plan 2018/23, which is currently being developed for anticipated sign off by Council prior to submission to Scottish Government in October 2017. The Housing Section is supportive of this proposal in as much as if it goes ahead it will contribute towards completion of a stalled housing site and deliver new supply affordable housing to Duns.

Environmental Health: Confirm consideration given in terms of Noise, Nuisance, and Water Supply. Comment and request conditions as noted:

Construction Method Statement

At least 6 weeks prior to the development commencing operations the applicant must prepare and submit a construction method statement for approval by the Planning Authority. Once approved this document will form the operational parameters under which the development will be operated and managed. The plan must address the following:

- Hours of operation
- Vehicle movement
- Protection and monitoring of private water supplies
- Noise mitigation/ equipment maintenance
- Dust - mitigation and management
- Lighting - prevention of nuisance
- Complaints procedure/ communication of noisy works to receptors

Reason: To protect the amenity of nearby residential properties.

Drainage

No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.

Reason: To ensure that the development does not have a detrimental effect on public health.

Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water drainage network.

Reason: To ensure that the development does not have a detrimental effect on public health.

Water Supply

No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available

and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

No water supply other than the public mains shall be used to supply the Development without the written agreement of the Planning Authority.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

Air Source Heat Pumps

Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason: To protect the residential amenity of nearby properties.

All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason: To protect the residential amenity of nearby properties.

NB - The EHO has been forwarded the additional ASHP details submitted to SEPA, to confirm if above conditions are still necessary, or if wording would require adjustment.

Scottish Water: No reply received.

Flood Protection Officer: Review of the application shows that a small portion of the proposed site is located within SEPA's 1 in 200 year (0.5% annual probability) flood extent and is at risk of surface water flooding.

With respect to drainage a Drainage Layout Plan and details of proposed SUDS have been provided. The calculations provided show that the pond has been designed to contain the 1:200 year storm event. Drawing 'Existing Site Contours - 2878061' shows the site to slope down to the SUDS pond so no properties should be at risk of flooding should the pond over top. Given the vulnerability of the site to surface water flooding we are also required to consider surface water runoff and the risk of overland flow reaching proposed properties. SEPA's response is noted and it is requested that drawings showing routed pathway of surface water through the site are submitted to show the risk to properties and also consider if surface water flow will collect in the depression adjacent to the proposed pond. It is recommended that the applicant consider mitigation measures to intercept overland flow and ensure the SUDS pond only receive water from the site.

Landscape Architect: Description of the Site - The site is an area of gently sloping, north facing land on the eastern outskirts of Duns. It is allocated for development in the Local Development Plan (Site BD20 B). Consent has previously been granted for development (06/01064/FUL) and a road layout exists based on that consent.

Nature of the Proposal - It is proposed to construct 41 new houses as indicated on various drawings including the Landscape Plan (DU09_LP_004 Revision B dated 17.07.17.)

Implications of the Proposal for the Landscape including any mitigation - The principal of development is already approved and commenced and the site layout is largely fixed by the existing road infrastructure. One observation is that the site has begun to be colonised by various trees and shrubs during the 10 year period of inactivity since development commenced. Some of this natural colonisation has the potential to become a greenspace asset and, where possible, should be retained. In terms of the above landscape plan, the area marked for 'amenity grass seeding' should be reduced e.g. in proximity to the SUDS pond and perhaps also in the area north east of plots 1-8. All new 'selected standard' tree planting as shown on the Planting Schedule should use root balled tree stock as per our Landscape Guidance Note 7. The applicant should respond to these points on a revised landscape plan.

Recommendation - Subject to the above qualifications, there are no landscape objections to the proposal.

Access Officer: The Land Reform (Scotland) Act 2003 (LRA) introduced a right of responsible public access to most areas of land and inland water in Scotland. Scottish Borders Council has a statutory duty to uphold these rights on paths, tracks and areas of open ground. There are, of course, certain exceptions where access rights are not exercisable. In addition, s.3 and 14 introduced a reciprocal obligation for land managers to manage land and water responsibly for access. A brief outline of land managers' responsibilities includes;

- 1) Respect access rights in managing your land or water;
- 2) Act reasonably when asking people to avoid land management operations;
- 3) Work with your local authority and other bodies to help integrate access and land management; and
- 4) Take account of access rights if you manage contiguous land or water.

Public rights of way and core paths - According to the records held by Scottish Borders Council (SBC) there are no claimed rights of way on this area of land - see map below. Please note that SBC does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, the community council and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC. Rights of Way are protected by law under the Countryside (Scotland) Act 1967 sec. 46 'It shall be the duty of a planning authority to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.'

Recommendation - The developers should ensure that there is access for pedestrians and cyclists leading on to Bridgend from the southern corner of the site, if practicable.

Statutory Consultees

Community Council: No reply received.

SEPA: Object on the grounds of lack of information. Substantial developments should ensure that their heat demand is met from district heating, subject to the outcome of a feasibility statement. This will be reviewed when relevant information has been submitted.

The sites appear to lie outwith the SEPA flood maps but are located adjacent to a location within the surface water flood envelope. SEPA do not object on flooding grounds but would expect Scottish Borders Council to undertake their responsibilities as the Flood Prevention Authority.

SEPA note that foul water drainage will be connected to the public sewer and refer the Planning Authority to their standing advice regarding surface water drainage.

Supplementary information in relation to district heating has been provided by applicant. SEPA subsequently confirmed that they welcome the submission by the applicant of an energy statement and district heating feasibility study and withdraw their previous objection with regards this issue as the information has now been submitted.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

PMD3: Land Use Allocations

HD1: Affordable and Special Needs Housing

HD3: Protection of Residential Amenity

EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions

IS5: Protection of Access Routes

IS6: Road Adoption Standards

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and Sustainable Urban Drainage

Other considerations:

Supplementary Planning Guidance

- Affordable Housing (2015)
- Development Contributions (2011) updated January 2018
- Placemaking and Design (2010)
- Trees and Development (2008)
- Designing out Crime in the Scottish Borders (2007)
- Householder Development (incorporating Privacy and Sunlight Guide) (2006)

KEY PLANNING ISSUES:

Whether the proposals would represent a suitable development on an allocated housing site within the Duns settlement boundary and whether the proposed development would be acceptable in terms of road safety, residential amenity and drainage and water supply. Whether the matters raised in opposition to the application are of sufficient weight to outweigh the requirement for the application to be determined in line with prevailing policy.

ASSESSMENT OF APPLICATION:

Principle

The applications require to be assessed principally in terms of policy PMD3 of the Local Development Plan 2016 (LDP) on land use allocations. The sites are both allocated for Housing in the Local Development Plan (BD20B).

Policy PMD3 sets out that for sites allocated for housing development, housing is an acceptable use. Supplementary Planning Guidance on Placemaking and Design and on Householder Development is also relevant to the consideration and determination of this application.

In the case of these applications, the proposals are considered compatible with the surrounding land use which is primarily residential in nature. The revised proposals are considered to be acceptable in terms of their fit with the character and amenity of surrounding area. The proposals are also of acceptable scale, form, design, materials and density. The proposed development would therefore meet the principle aims of Policy PMD3 which seeks to ensure that allocated sites are developed for their intended use.

The LDP sets out that the site requirements for these specific sites are as follows:

- *Development should respect the amenity of both neighbouring residential properties and properties already on the site.*
- *Development should allow for pedestrian and vehicular access from Springfield Drive through the site.*
- *Provide for intermittent planting on the norther eastern edge of the site to screen the development from views on the approach to Duns from the A6105 and provide a settlement edge; and on the north western edge again to provide a settlement edge and soften the boundary when viewed from the north-west.*
- *Take advantage of the southerly aspect of the site.*

The sites have previously benefited from a grant of planning permission for residential development. Permission was granted for the erection of 62 dwellings and this consent was implemented. Members should be aware that whilst the development was not completed, the previous permission remains extant, and could continue to be implemented on site.

Tenure

The proposed housing in both applications would comprise fully affordable housing development. Berwickshire Housing Association would ultimately own and operate the housing, and this has been confirmed by SBC's Housing Strategy team.

Placemaking and Design

Policy PMD1 of the LDP sets out relevant sustainability criteria applicable to all development proposals. In determining planning applications and preparing development briefs, the Council will have regard to the sustainability principles in Policy PMD1 which underpin all the Plan's policies.

In addition, Policy PMD2 sets out the Council's position in terms of quality standards for all new development and sets out specific criteria on Placemaking & Design.

Layout

The proposed site layout is based upon the original layout approved on the site. Given that roads and drainage works were carried out on the site, this is considered to be a sensible and pragmatic approach. A layout consistent with Designing Streets would be desirable but it is acknowledged that the current layout has been previously accepted and the earlier permission implemented.

The agents supporting statement sets out a general assessment diagram showing the previous level of development approved for the site, in comparison to the current proposals. This demonstrates that whilst the total number of residential units has increased, the proposed level of development (in terms of building numbers) remains very similar to that of the approved and implemented scheme.

A minor criticism of the resultant proposal however is the range of housing along the northern most street is somewhat limited. Variation in the external finish and re-positioning, or micro-siting of some of the houses along this street is desirable in Placemaking terms. This will introduce an element of variation along this street frontage helping to break up what could be perceived as a monotonous street scene. This can be achieved through the submission of revised drawings controlled via planning condition.

Members will be aware from the current proposals that the proposed development has been revised, following submission of consultation comments from RPS and negotiation with the developer to include adjustments to on-site parking arrangements. RPS has confirmed their acceptance of the revised scheme.

House designs

The proposed house designs are considered to be acceptable in architectural terms. They are generally modest dwelling units commensurate with other affordable housing schemes throughout the borders. The dwellings are consistent in their architectural language and whilst they differ from the dwellings constructed in the earlier phases of development at Springfield, it is considered that they will sit comfortably on the site and would be compatible with the scale, massing and density of the surrounding residential area.

The proposed developments would respect the character of the surrounding area and neighbouring built form and can be satisfactorily accommodated within the site. The dwellings have a simple, yet traditional form, albeit with modern interventions and material choices. As noted above the proposed housing along the northern street would benefit from some variation in external finishes and precise locations within plots to provide interest and an element of relief from what would otherwise detract from the overall appearance of the scheme. A suitable condition to achieve these changes is set out following this report.

Materials

The drawings and Design and access statement for the applications sets out that the proposed external materials are as follows;

Walls:

- Wet dash smooth white colour K-render external render
- Grey colour facing brick

- Dark grey colour composite cladding boarding

Windows:

- UPVC double glazed, dark grey colour
- Precast window cill, grey colour finish
- Powder coated aluminium cill (cladding situations)

Roof:

- Concrete smooth charcoal colour roof tiles
- UPVC fascia and soffits, dark grey colour
- UPVC rainwater goods, black colour

The proposed pallet of materials is considered to be acceptable and appropriate for this location. It will not detract from the character or appearance of the area or the neighbouring dwellings.

It is contended that the layout creates a sense of place compatible with the character of the surrounding area and neighbouring built form and would not result in any significant conflict with the principal requirements of policy PMD2. In terms of criteria (j) which relates specifically to external materials, it would be appropriate to add a condition to any consent requiring the submission and agreement of the proposed external materials and surfaces of the proposed dwellings to ensure compatibility with the immediate surrounding area.

Subject to the undernoted planning conditions, it is considered that the proposed development would not result in any significant conflict with the requirements of policy PMD2 of the LDP. Furthermore, the proposed development is considered to represent an acceptable form and scale of development, in keeping with adopted policy and guidance in relation to placemaking and design.

Some minor adjustments to introduce further variation in a number of key houses on the main northern street will be achieved via planning condition. This will break up the grouping of semi-detached housing and introduce some variation to this street scene. Some minor adjustments in plot positioning along the north western street will also be achieved via planning condition.

Impact on Residential and Neighbouring Amenity

Policy

Policy HD3 of the Local Development Plan sets out that residential amenity of existing established residential areas and proposed new housing developments will be afforded protection. The Council has adopted supplementary planning guidance on Householder Development which sets out standards for privacy and amenity.

The impact of development on neighbouring amenity is a material planning consideration. The Scottish Government's Scottish Planning Policy (SPP) states the need for high quality layout in housing developments in order to protect residential amenity.

Policy HD3 sets out that development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against: a) the principle of the development, including where relevant, any open

space that would be lost; and b) the details of the development itself particularly in terms of: (i) the scale, form and type of development in terms of its fit within a residential area, (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sun lighting provisions. These considerations apply especially in relation to garden ground or 'back land' development, (iii) the generation of traffic or noise, (iv) the level of visual impact. In the case of this application, the proposed relationships with the adjoining dwellings are considered acceptable.

The Council's supplementary guidance on householder developments sets out criteria in relation to privacy, sunlight and residential amenity to ensure that any overshadowing or overlooking is to an acceptable level. Existing neighbours as well as proposed dwellings are entitled to a degree of protection of amenity and privacy. Taking into consideration the extant permission and the location, orientation, height and density of the current proposals it is considered that the proposed layout is acceptable in terms of protecting existing established residential areas and the proposed residential development. The proposals are considered acceptable and in accordance with the qualifying criteria of Policy HD3 and supplementary planning guidance.

Impacts on neighbouring housing

The relationship of the proposed development to all existing housing has been considered. The nearest existing dwellings are sufficiently distant from the site that the proposed dwellings would not have an unacceptable adverse impact on the residential amenities of occupants of these properties. There are no other properties in the surrounding area that would be adversely affected to an unacceptable level by the proposal that would warrant a revision or amendment to the submitted layout.

Relationships within the sites

Consideration must also be given to the relationships between the dwellings proposed in the development and the potential for window to window overlooking. Suitable relationships are shown between the windows of the proposed dwellings and the existing dwellings on the neighbouring housing surrounding the sites to the point where the 18m window to window distance prescribed in the supplementary guidance is met. The nearest dwellings are sufficiently distant from the site and it is considered that the proposed dwellings would not affect the residential amenities of occupants of these existing dwellings.

Objection comments in relation to the aspect and shadow on the site are acknowledged. However the site has historic approval for housing development, and is allocated for housing development in the Local Development Plan. The principle of housing on this site cannot reasonably be opposed. Furthermore, accounting for the infrastructure in place, previously agreed relationships within the site and outwith the site and the North West facing aspect the site, the levels of anticipated levels of overshadowing are not considered to be above tolerable standards. The extent of overlooking and overshadowing that residents enjoy will be dependent on a range of factors including the proximity, height and orientation of other properties, visibility from public spaces and the existence of intervening boundaries and screens. Therefore, the level of privacy and amenity that exists will vary according to location. Applying SPG standards rigidly could prevent developments from proceeding when all other matters are considered acceptable, therefore some relaxation may be necessary. It is considered that the proposed layout and house types are acceptable

and will not result in unacceptable levels over overlooking, loss or privacy or over shadowing.

Garden / Amenity Space

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

Air Source Heat Pumps

Air source heat pumps (ASHP) are proposed to enable the houses to achieve the required levels of energy performance and generation to meet the requirements of the Building Standards Regulations. The Environmental Health Officer initially commented on the proposed ASHP equipment. A condition is set out following this report, which will ensure that suitable noise standards are met. Further details were lodged during the processing of the applications in terms of the proposed ASHP and these are considered acceptable.

Landscaping

The principal locations of hard and soft landscaping are indicated on the proposed site layout. Soft landscaping is covered in more detail and specified further within the Landscaping layout.

The Council's Landscape Architect was consulted on the application, and observed that the site has begun to be colonised by various trees and shrubs during the 10 year period of inactivity since the original development was commenced. Some of this natural colonisation has the potential to become a greenspace asset and, where possible, should be retained. In terms of the submitted landscape plan, the Council's landscape architect would therefore like to see the areas adjacent to the SUDS pond and to the North East of Plots 1-9 reduced in size.

The subsequently submitted landscaping drawing DU09_LP_004 rev E suitably accommodates the comments of the Council Landscape Architect. It shows the landscaping around the area adjacent to the SUDS pond is to comprise minimal intervention to allow natural regeneration to wildflower meadow standard.

The submitted landscape plans shows shrub, hedge and tree planting proposals for the wider site, and this is considered acceptable in principle. All new selected standard tree planting shown on the Planting Schedule attached to landscape drawing DU09_LP_004 rev E should use root balled tree stock as per SBC Landscape Guidance Note 7. This can be covered by condition.

Impact on traffic and road safety

Policy IS6 of the Local Development Plan sets out Road Adoption Standards. New roads, footpaths and cycle ways within developments must be provided and constructed in accordance with the Council's adopted standards to secure Road Construction Consent, with the exception of development which can be served by a private access.

Policy IS7 on Parking Provision and Standards sets out that the development proposals should provide for car and cycle parking in accordance with approved standards.

Policy PMD2 of the LDP sets out (amongst other matters) criteria on accessibility. Criteria (o) requires that street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths. Criteria (q) requires that development ensures there is no adverse impact on road safety, including but not limited to the site access, Criteria (r) requires that development provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycle ways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns, Criteria (s) requires that development incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Road Access, Parking and Safety considerations

In the case of the current proposals, the site plan indicates that the dwellings would be served off the existing vehicular access onto Springfield Avenue. The amended site layout indicates that parking spaces would be provided to the satisfaction of RPS subject to a condition requiring an additional parking space to be provided within Plot 9. It is acknowledged that third party representations have been lodged concerned with an anticipated increase in traffic using the existing roadside network serving the sites, however, bearing in mind that the site benefits from an extant planning permission for residential development, the RPS advise that the existing road network has been designed to cope with the increase in traffic and accordingly there is no road safety objection to the proposed development.

Members will note from the comments submitted by the Roads Planning Service that the applications can be supported, subject to clarification and agreement of the road construction details. Roads infrastructure was constructed on the site, as per the previous planning permission and roads construction consent. There is a complete pedestrian loop round the site as well as another connection through a linear open space through the centre of the site linking the two access roads. The pedestrian routes throughout the development connect to the existing path network serving the site although the non-provision of a footpath link to Bridgend is discussed later in the report.

Members will also note from the consultation replies that the Roads Planning Service had concerns over the proposed level of parking for both residents and visitors. However, following the submission of revised plans, the RPS has confirmed their acceptance of the revised layout and level of parking and offers no objections.

In summary, the proposed access and parking arrangements are considered acceptable. Subject to conditions relating to the fine detail of the arrangements, the application is considered to comply with the requirements of policies IS7 (Parking Provision and Standards) and PMD2 (Quality Standards) of the Local Development Plan.

Footpath connection to town centre / Bridgend

In terms of designing streets and connectivity with existing streets, a footpath link was previously identified linking the development site to the town centre via

Bridgend. This was previously secured through a legal agreement as the desired footpath link was outwith the application site boundary, on land outwith the control of the applicant and could not reasonably be secured through planning condition. This footpath link has never been provided.

The applicant has confirmed that the land required to provide this link continues to be outwith their control and would involve land in third party ownership. However, it remains desirable to provide this link in order to improve connectivity and permeability between new and existing residential areas and for the proper planning of the town.

The original Section 75 Agreement required the previous developer to lodge with the Planning Authority a sum of money for a prescribed period to allow the Council to implement this footpath link which would connect with either Bridgend or Currie Street. The applicant anticipates that a similar arrangement would be the only satisfactory way in which a pedestrian link from the development site to the town centre could be achieved.

Members will be aware from the background papers that the Council's Access Officer and our RPS are both keen to see this footpath link provided. Members will also beware from the third party representations that Objectors have raised the provision of this footpath link as an issue and also raised concerns over travel distances to school. It is worth noting however that the connecting footpath link through to Bridgend is not identified as a site requirement in the LDP. The LDP requires that the development should allow for pedestrian and vehicular access from Springfield Drive through the site only and does not insist on a link to Bridgend.

Consideration should therefore be given by Members to the reasonableness of the desired footpath link; given that it is not identified as being essential in the site requirements. Connectivity with proposed developments and existing residential areas is a key tenant of placemaking and design principles as adopted by the Council.

Members should also be mindful of compulsory purchase powers which are available to the Council and could be an option for use in circumstances where land holdings require to be assembled to enable development. That is not a decision before Members under this report, but it should be noted that Planning Authorities have power to compulsorily acquire land:

- a) Suitable for and required in order to secure the carrying out of development, redevelopment or improvement;
- b) Required for a purpose which is necessary for the proper planning of an area in which the land is situated.

It is contended that the provision of this footpath link is desirable and should be provided. The development could be accepted in the absence of a connecting footpath through to Bridgend, however this would not be consistent with National Policy (Designing Streets) or our approved SPG on Placemaking and Design. A legal agreement, similar to that agreed under the extant permission is recommended.

Play Space

The need for play space provision is raised within the objections and submissions made to the Planning Authority. An area of land has been identified on the submitted layout drawings for an equipped play area. An indicative layout for the proposed

range of equipment is also shown on drawing DU09_LP_006. A planning condition would be appropriate to ensure provision of the play equipment and for future maintenance.

Access

Policy IS5 of the LDP seeks to protect Access Routes and sets out that development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route can be provided by the developer. According to the records held by the Council there are no claimed rights of way on this area of land.

The Council's Access Officer does however advise that it would be desirable if an access for pedestrians and cyclists was provided from the site to Bridgend from the Southern Corner of the site. This would be consistent with the views expressed by RPS.

Water Supply and Drainage

Policy IS9 of the LDP covers waste water treatment standards and sustainable urban drainage. Water and drainage services would require confirmation in due course, and this could be ensured via standard planning condition.

The application form specifies that the means of water supply will be via connection to public water supply.

The proposed means of dealing with drainage is set out in the Design and Access Statement. Foul drainage will be to the public sewers with surface water dealt with by sustainable urban drainage systems (SUDS) tied into the existing approved facilities.

Plans for the SUDS System, and technical details accompanied the applications. Subject to suitable water and drainage conditions, it is considered that these matters can be suitably dealt with and the site suitably serviced however precise details can be secured through planning condition.

Waste

The Council has draft supplementary planning guidance on Waste. The agent confirms all new houses will be provided with a hardstanding area suitable and sufficient for bin storage. Rear access for terraced properties has been provided. These arrangements are generally acceptable. A suitably worded planning condition will ensure that provision is made for waste storage and collection within the development.

Renewable Energy

Members will note from the consultation replies from SEPA (correspondence ref no PCS/154142 and PCS/154134) that an Energy Statement informed by a District Heating Feasibility Study would be required. The Energy Statement and District Heating Feasibility Study (Part 2) will corroborate how the development can contribute towards Scotland's Climate Change targets.

Members will note from the papers that the applications were subsequently supported by a separate energy statement.

The applicants desk top feasibility study concludes that a District Heating Network is not appropriate for the development. The proposals are for a low density residential development and coupled with the lack of proximity to major energy loads (heat), lead to the conclusion that the utilisation of a District Heating scheme is not the most appropriate solution at this particular location.

The design statement sets out that every dwelling will be constructed to full Silver Sustainability as set out in Section 7 of Scottish Building Regulations. The houses will be built with an enhanced fabric; be powered by low carbon air source heat pumps; achieve low air tightness to minimise heat loss through the fabric; enhanced natural daylight to lounge with enlarged windows; continuous running low cost ventilation fans to control air quality.

SEPA subsequently withdrew their objection to the application. Suitable conditions in terms of the operation of the air source heat pump equipment are set out following this report in the schedule of conditions.

Affordable Housing

Policy HD1 of the LDP aims to ensure that all new housing developments provide an appropriate range and choice of 'affordable' units as well as mainstream market housing. The current proposals seek consent for the erection of 75 dwellinghouses however these units will be developed on a phased basis in association with Berwickshire Housing Association with a view to providing 100% affordable housing.

The Housing Strategy Team advises that Berwickshire HA have brought forward this site for consideration and prioritising for inclusion in the new Strategic Housing Investment Plan 2018/23. Members will note from the consultation replies that our Housing Section is supportive of this proposal in that will contribute towards the completion of a stalled housing site and deliver new supply affordable housing to Duns.

As the site will provide 100% affordable housing there is no requirement for the provision of development contributions, typically education and lifelong learning. Suitably worded planning conditions are recommended in order to restrict the dwellings to the Council's definition of an affordable unit. This will ensure that the dwellings remain as affordable units in perpetuity.

Development Contributions

Policy IS2 of the LDP is relevant and is supported by SBC's approved SPG on development contributions. Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies.

Members will note that development contributions have been identified towards Duns Primary School and Berwickshire High School. However, as the proposed dwellings would satisfy our definition of affordable housing, they are exempt from development contributions. In this case, contributions towards Education will not be required.

CONCLUSIONS

Taking all matters into account as set out on the papers above, it is considered that the proposed developments would represent an acceptable form of housing development consistent with local development plan policies and supporting planning guidance covering, but not limited to, placemaking and design, the protection of residential amenity and affordable housing. Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend that both applications are approved, subject to conclusion of the required legal agreement and subject to the undernoted conditions and informative.

17/0993/FUL

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The residential units hereby approved shall meet the definition of "affordable housing" as set out in the Scottish Borders Local Development Plan 2016 and Scottish Borders Council approved supplementary planning guidance on Affordable Housing (January 2015) and shall not be used for any other purpose.
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 development outwith the Development Boundary.
- 3 No development shall commence until full details of all external materials for the approved dwellings, and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.
Reason: To maintain effective control over the development.
- 4 No development shall commence until full details of the road construction, makeup, material and road surfaces are submitted to and approved in writing by the planning authority. A scheme of further refinements to the detail of the parking bays shown on the approved site layout plan shall also be submitted to and approved in writing by the planning authority before commencement of development. Thereafter the development is to be completed in accordance with the approved details.
Reason: To maintain effective control over the development.
- 5 A second parking bay is to be provided for plot 9, in accordance with a scheme of details first submitted to and approved in writing with the planning

authority. In all other regards, the development is to be completed in accordance with the approved road and parking layout.

Reason: In the interests of Road Safety.

- 6 At least 6 weeks prior to the development commencing operations the applicant must prepare and submit a construction method statement for approval by the Planning Authority. Once approved this document will form the operational parameters under which the development will be operated and managed. The plan must address the following:

- Hours of operation
- Vehicle movement
- Protection and monitoring of private water supplies
- Noise mitigation/ equipment maintenance
- Dust - mitigation and management
- Lighting - prevention of nuisance
- Complaints procedure/ communication of noisy works to receptors

Reason: To protect the amenity of nearby residential properties.

- 7 No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.

Reason: To ensure adequate provision is made for the disposal of foul water drainage and that the development does not have a detrimental effect on public health.

- 8 Prior to occupation of the first dwellinghouse hereby approved written evidence shall be supplied to the planning Authority that the development has been connected to the public water drainage network.

Reason: To ensure that the development does not have a detrimental effect on public health.

- 9 No development shall commence until a detailed report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

- 10 No water supply other than the public mains shall be used to supply the Development hereby approved without the written agreement of the Planning Authority.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

- 11 The Air Source Heat Pump equipment shown on the drawings hereby approved shall be installed in accordance with the details approved with this application, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential amenity within and adjoining the site.

- 12 Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR

30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason: To protect the residential amenity of nearby properties.

- 13 All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason: To protect the residential amenity of nearby properties.

- 14 An equipped play area shall be provided on site within 6 months of the occupation of the first dwellinghouse, the precise details of which shall first be submitted to and agreed in writing by the planning authority. Details shall include a scheme for ongoing future maintenance of the equipped play area.

Reason: To ensure provision of suitable recreation space within the development.

- 15 All landscaping shown on drawing DU09_LP-004 Rev E shall be completed within 12 months of the occupation of the first dwellinghouse hereby approved, unless a subsequent phasing scheme has been submitted to and agreed in writing with the planning authority.

Reason: To ensure the development is suitably landscaped and integrated with its surroundings.

- 16 Prior to commencement of development, a scheme for future maintenance of all landscaped areas shall be submitted to and approved in writing with the planning authority. Thereafter the landscaping will be maintained in accordance with the approved details.

Reason: To ensure suitable maintenance of all landscaped areas.

- 17 All new selected standard tree planting as shown on the Planting Schedule attached to approved drawing DU09_LP-004 Rev E should use root balled tree stock as per SBC Landscape Guidance Note 7.

Reason: To ensure the development is suitably landscaped and integrated with its surroundings.

- 18 No development shall commence until a scheme of details setting out arrangements and locations for domestic waste and recycling storage and collection are submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.

Informative

It should be noted that the existing Roads Construction Consent for the site has expired and an application will be required from the developer to have the consent extended.

17/00994/FUL

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The residential units hereby approved shall meet the definition of "affordable housing" as set out in the Scottish Borders Local Development Plan 2016 and Scottish Borders Council approved supplementary planning guidance on Affordable Housing (January 2015) and shall not be used for any other purpose.
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 development outwith the Development Boundary.
- 3 No development shall commence until full details of all external materials for the approved dwellings, and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.
Reason: To maintain effective control over the development.
- 4 No development shall commence until full details of the road construction, makeup, material and road surfaces are submitted to and approved in writing by the planning authority. A scheme of further refinements to the detail of the parking bays shown on the approved site layout plan shall also be submitted to and approved in writing by the planning authority before commencement of development. Thereafter the development is to be completed in accordance with the approved details.
Reason: To maintain effective control over the development.
- 5 A second parking bay is to be provided for plot 9, in accordance with a scheme of details first submitted to and approved in writing with the planning authority. In all other regards, the development is to be completed in accordance with the approved road and parking layout.
Reason: In the interests of Road Safety.
- 6 At least 6 weeks prior to the development commencing operations the applicant must prepare and submit a construction method statement for approval by the Planning Authority. Once approved this document will form the operational parameters under which the development will be operated and managed. The plan must address the following:

 - Hours of operation
 - Vehicle movement
 - Protection and monitoring of private water supplies
 - Noise mitigation/ equipment maintenance
 - Dust - mitigation and management
 - Lighting - prevention of nuisance
 - Complaints procedure/ communication of noisy works to receptors

Reason: To protect the amenity of nearby residential properties.

- 7 No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.
Reason: To ensure adequate provision is made for the disposal of foul water drainage and that the development does not have a detrimental effect on public health.
- 8 Prior to occupation of the first dwellinghouse hereby approved written evidence shall be supplied to the planning Authority that the development has been connected to the public water drainage network.
Reason: To ensure that the development does not have a detrimental effect on public health.
- 9 No development shall commence until a detailed report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 10 No water supply other than the public mains shall be used to supply the Development hereby approved without the written agreement of the Planning Authority.
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 11 The Air Source Heat Pump equipment shown on the drawings hereby approved shall be installed in accordance with the details approved with this application, unless otherwise agreed in writing with the planning authority.
Reason: In the interests of residential amenity within and adjoining the site.
- 12 Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2
Reason: To protect the residential amenity of nearby properties.
- 13 All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.
Reason: To protect the residential amenity of nearby properties.
- 14 An equipped play area shall be provided on site within 6 months of the occupation of the first dwellinghouse, the precise details of which shall first be submitted to and agreed in writing by the planning authority. Details shall include a scheme for ongoing future maintenance of the equipped play area.
Reason: To ensure provision of suitable recreation space within the development.

- 15 All landscaping shown on drawing DU09_LP-004 Rev E shall be completed within 12 months of the occupation of the first dwellinghouse hereby approved, unless a subsequent phasing scheme has been submitted to and agreed in writing with the planning authority.
Reason: To ensure the development is suitably landscaped and integrated with its surroundings.
- 16 Prior to commencement of development, a scheme for future maintenance of all landscaped areas shall be submitted to and approved in writing with the planning authority. Thereafter the landscaping will be maintained in accordance with the approved details.
Reason: To ensure suitable maintenance of all landscaped areas.
- 17 All new selected standard tree planting as shown on the Planting Schedule attached to approved drawing DU09_LP-004 Rev E should use root balled tree stock as per SBC Landscape Guidance Note 7.
Reason: To ensure the development is suitably landscaped and integrated with its surroundings.
- 18 No development shall commence until a scheme of details setting out arrangements and locations for domestic waste and recycling storage and collection are submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.
- 19 Prior to the commencement of development, a scheme of amendments to house designs and exterior finishes, for plots 44, 45, 46, 47, 48, 49, 51, 52, 53, 64, 65, 66, 67, 68, 69, 70 and 71 is to be submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved revised arrangements unless otherwise agreed to in writing with the planning authority.
Reason: Further variation in the external appearance of these selected dwellings is required, to achieve a suitable placemaking and design standard.
- 20 Prior to the commencement of development, a scheme of amendments to house positions, for plots 44, 45, 46, 47, 48, 49, 51, 52, 53, 64, 65, 66, 67, 68, 69, 70 and 71 is to be submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved revised arrangements unless otherwise agreed to in writing with the planning authority.
Reason: Further variation in the positioning of these dwellings within the proposed plots of these selected dwellings is required, to achieve a suitable placemaking and design standard.

Informative

It should be noted that the existing Roads Construction Consent for the site has expired and an application will be required from the developer to have the consent extended.

DRAWING NUMBERS

Reference	Plan Type	Received
DU09_LP01	Site Location Plan	12.07.2017
DU09_LP02 Rev A	Existing Site Contours	12.07.2017
DU09_LP03 Rev E	Site Layout Showing Housing Mix	25.10.2017
DU09_LP04 Rev E	Landscape Plan	25.10.2017
DU09_LP06 Rev B	Site Layout Plan	25.10.2017
SAD-001	Cross Sections / Drainage Layout	12.07.2017
2016 AA_901	House Type A	12.07.2017
2016 BBB_901	House Type B	12.07.2017
2016 BBE_901	House Type B - End Terrace	12.07.2017
2016 DD_901	House Type D	12.07.2017
2016 DDDH_901	House Type D - End Terrace	12.07.2017
2016 GG_901	House Type G	12.07.2017
2016 HH_901	House Type H	12.07.2017
DU09_LP_12	Proposed Play Park Layout	08.09.2017
DU09_LP_10	ASHP Locations	08.09.2017

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.

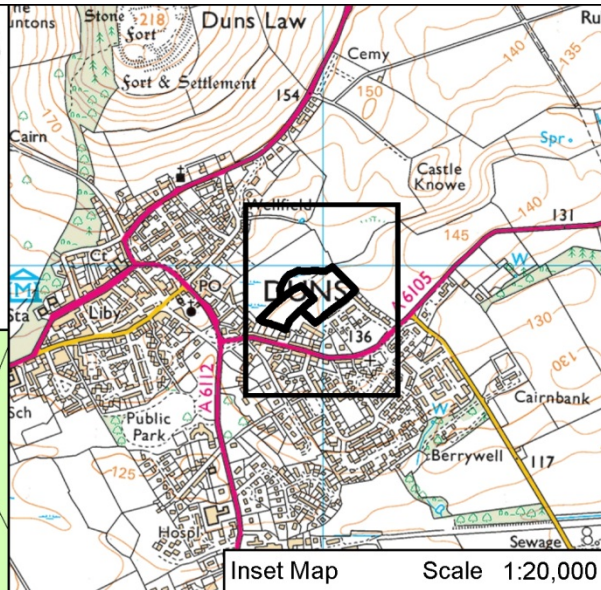
Author

Name	Designation
Andrew Evans	Planning Officer



17/00993/FUL & 17/00994/FUL

Springfield
Duns



Inset Map

Scale 1:20,000

