

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

26 MARCH 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 17/00767/PPP
OFFICER:	Ranald Dods
WARD:	Tweeddale West
PROPOSAL:	Residential development
SITE:	Land south west and south east of Bowbank Cottages, Bellfield Road, Eddleston
APPLICANT:	Mr Alistair Wilson
AGENT:	Savills

SITE DESCRIPTION

The site is approximately 1.35 hectares, located on the eastern edge of Eddleston. The site lies within the settlement envelope and outwith the conservation area, although part of the western edge of the site adjoins the kirkyard of Eddleston Parish Church, which is within the conservation area. The church is category B listed.

The site comprises two distinct areas separated by a path (reference EDDL/1/1) which connects a section of private road with Eddleston Primary School and Burnside. The area to the south west of the path is to the side and rear of the property known as Weltevreden. That property was the subject of planning permission 10/01505/FUL, dated 6 April 2011. The land currently has no use and is overgrown although it was formerly a horticultural nursery. Mature trees grow alongside the public path to the north east. The south eastern half of this parcel of land is wooded with mature trees.

The parcel of land lying to the north east of the path is also within the settlement envelope and is rough grazing land. In the north west corner are two properties known as Bowbank Cottages, dating from the late 20th century.

Topographically, the land is generally flat to the north west, sloping uphill to the north east. The land slopes gently from north west to south east although there is a pronounced fall away to southern edge of the site. The private road known as Calderbank runs from the parish church at Bellfield Road (D19-1), along the north western boundary of the site and behind Calderbank and along the southern boundaries of six late 20th century properties on the south west side of Bellfield Crescent. The road gives access to Weltevreden, Bowbank Cottages and the farmland lying to the north east of the settlement. The road lies on the route of core path EDDL/154/1.

PROPOSED DEVELOPMENT

This application is made for planning permission in principle for a residential development on the site. The application is accompanied by a suite of documents including cultural heritage impact assessments, tree surveys and ecological surveys. Within the documents is an indicative site plan illustrating a layout of 15 houses over the two development areas. That layout, although illustrative, is not acceptable in terms of the council's guidance on

Placemaking and Design. A detailed layout would be subject of assessment in further applications.

The site would be accessed from Bellfield Road and the section of private road which currently serves Weltevreden and Bowbank Cottages.

PLANNING HISTORY

In addition to the development for the houses which abut the application site, noted above, there is recent planning history relating to the north western section of the site. 17/00236/MOD75 was granted in April 2017 and discharged the planning obligation which related to planning permission T199-88. That permission was granted in 1989 for the erection of a dwellinghouse and granny flat. The associated section 50 agreement (under the Town and Country Planning (Scotland) Act 1972) prohibited any further dwellinghouse being constructed on the entire 2 acres of land to which the permission related.

The decision to grant application T199-88 was based on exceptional circumstances, as the land was at that point outwith the settlement envelope and the house was related to a horticultural business. The section 50 agreement prevented further housing development on this land. The agreement did not bind the house and land to be held as one unit; it did not necessitate any employment occupancy restriction on the dwelling approved nor did it prohibit disposal of whole or part of the land.

The land now falls within the settlement envelope of Eddleston, as defined in the Local Development Plan 2016. In determining application 17/00236/MOD75, it was concluded that the requirement for a legal agreement based on commercial need was no longer relevant given the lack of horticultural business. The section 50 agreement was subsequently discharged, thus enabling the submission of applications for residential development on the site.

There is no planning history relating to the parcel of land to the north east of the path.

REPRESENTATION SUMMARY

The application was advertised in the local press, a site notice was posted and neighbours were notified. As a result of the notification processes, 19 representations were received. The material grounds contained in those representations are summarised below. Copies of all representations can be viewed in full on *Public Access*.

- Site not allocated for housing in LDP;
- two sites in Eddleston already allocated in the LDP;
- contrary to policy PMD5;
- conflicts with Settlement Strategy in LDP;
- development not in keeping with the area;
- density;
- access and road safety
- increased traffic;
- suitability of road;
- pedestrian safety;
- impact on parking;
- loss of amenity;
- loss of privacy;

- loss of light;
- noise nuisance;
- impact on wildlife;
- impact on trees;
- adverse topography;
- water supply;
- drainage;
- impact on services;
- impact on historic asset.

APPLICANT'S SUPPORTING INFORMATION

The following have been submitted in support of the planning application:

- Supporting statement;
- design statement;
- tree survey;
- bat survey;
- cultural heritage impact assessment.

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD2 - Quality standards

PMD3 - Land use allocations

PMD5 – Infill development

ED5 - Regeneration

IS2 - Developer contributions

IS4 - Transport development and infrastructure

IS5 - Protection of access routes

IS6 - Road adoption standards

IS7 - Parking provision and standards

IS8 - Flooding

IS9 - Waste water treatment standards and sustainable urban drainage

EP1 - International nature conservation sites and protected species

EP13 - Trees, woodlands and hedgerows

HD1 - Affordable and special needs housing

HD3 - Protection of residential amenity

The site is not strategic, therefore the policies contained within SESplan are not considered.

OTHER PLANNING CONSIDERATIONS:

The following are material considerations:

Scottish Planning Policy 2014;

PAN 44 - Fitting new housing into the landscape 2005;

PAN 61 - Planning and sustainable urban drainage systems 2001;

PAN 65 - Planning and open space 2008;

PAN 67 - Housing quality 2003;

Designing Streets 2010;

SPG - Affordable Housing 2015;

SPG – Biodiversity 2005;
SPG – Contaminated land inspection strategy 2001;
SPG - Development contributions 2016;
SPG - Green space 2009;
SPG - Landscape and development 2008;
SPG - Placemaking and design 2010;
SPG - Privacy and sunlight guide 2006;
SPG - Trees and development 2008.

CONSULTATION RESPONSES:

The following were consulted on the application. Their comments are summarised below.

Scottish Borders Council Consultees

Roads Planning Service: The RPS initially recommend refusal on the basis of road safety, particularly in relation to the A703 junction with Bellfield Road. The applicant submitted further information and, that having been assessed, the RPS indicated that the issue of visibility at the junction with the A703 can be addressed by altering the existing junction arrangement. They also noted that the gradient of Bellfield Road, the main access route to the site, is steep and that could be problematic in wet or wintry conditions. There is, however, an alternative, if longer and less direct, route to the A703 via Bellfield Crescent.

Support was not given for the indicative layout submitted with the application. RPS requires a more informal layout which creates natural traffic calming and creates a sense of place. The availability of parking for the church could be negatively affected by the creation of a public road and should be mitigated. The proposed access to the site is not fully under the control of the applicant and the Transportation Standards in the Local Development Plan confirm that a private access can serve a maximum of 4 dwellinghouses. There are already 3 dwellinghouses served off the end of the public road network so the RPS would not be opposed to one additional house as infill development between 'Weltevreden' and 'Bowbank Cottages' if the road was not brought up to adoptable standards.

If the issues raised by the RPS can be resolved, they may be able to support a limited amount of development on the site.

Ecology Officer: The site is situated within Eddleston village, adjacent to fields of improved and amenity grassland, in a semi-urban setting. The site itself comprises mixed woodland, semi-improved grassland and tall ruderal vegetation. The Eddleston Water, a tributary of the River Tweed SAC, flows 207m to the west of the site, distanced from the site by roads and residential properties. Given the nature of the works and the distance from the designated site, in the opinion of the Ecology Officer, it is unlikely there will be any impact on the qualifying interests or the conservation objectives of the SAC. No other designated sites are in close proximity (within 1km) of the site. Protected and notable species recorded within 1km of the site include pine marten, badger and barn owl. However records of these are more than ten years old. Passerine birds have been recorded and are likely to nest in the mature woodland and shrub habitat on site. Mitigation for breeding birds will be required if any development is to take place during the breeding bird season (March-August).

An initial assessment of the application indicated that the bat surveys which had been submitted were 15 months old whereas such surveys have a limited validity of 18 months. The Ecology Officer stated that further surveys would be required. These were subsequently undertaken by the applicant. The Ecology Officer was satisfied with the result and stated that a licence would not be required. An informative was suggested. A condition was suggested relating to the bird breeding season.

Archaeology Officer: A review was undertaken of the submitted Cultural Heritage Statement and other information. Given the site's location and the background of prehistoric evidence in the wider landscape surrounding Eddleston, there is a low potential for encountering prehistoric to medieval archaeology within the site. There is some potential in the western part of the site for encountering human burials. The exact layout of the medieval church and churchyard at Eddleston Parish Church is unknown. As pointed out in the cultural heritage statement, General Roy's map suggests a square churchyard with a centrally placed cruciform church. Whether this reflects the actual arrangement or is conjectural or convention is unknown. It is worth pointing out, however, that the current church is not central within the churchyard and this raises the potential that the original medieval church was on a different footprint or the churchyard was formerly a different size or shape. This same assessment led to a condition for archaeological evaluation on a previous adjacent application 10/01505/FUL. That evaluation failed to identify archaeological features or human remains. There remains a low potential for encountering evidence for an earlier churchyard within the proposed development area. The overall potential, while low, may contain significant archaeological features or deposits. As such a suspensive condition requiring an archaeological evaluation is recommended.

Heritage and Design Officer: The applicant has submitted a Cultural Heritage Impact Assessment which includes identification and assessment of the impact of development on the "assets". This is in line with the "Managing Change in the Historic Environment; Setting" produced by HES. The assessment comments that there will be a "low" impact on both the adjacent listed church and the wider conservation area and the Heritage and Design Officer is minded to agree with this based on the scheme illustrated and taking account of the fact that the entrance elevation is to the north. The submitted layout is, however, only PPP at this stage and, whilst the assessment might be reasonable based on the indicative scheme submitted, a further assessment will need to be made in due course if either a full application or an AMC is submitted. It would be helpful in due course if a photomontage or similar was produced showing the church from agreed viewpoint(s) with the new development included.

The indicative layout which has been submitted looks very rigid. A more organic response taking account of the contours etc. would be more appropriate.

No objection is raised to this application for the site. Whilst the Heritage and Design Officer does not consider that such a development will necessarily have a significantly adverse impact on the setting of the B listed church that assessment will need to be reviewed following the submission of a detailed scheme.

Landscape Architect: The Landscape Architect expressed some concerns regarding the steepness of the slope, potential low winter light levels to properties east of the footpath and potential visibility of the top of the site from higher ground. The upper area of this site (east of the footpath) is partly contained by the rising ground of the hills to the east, a conifer plantation to the north and the tree belt and broadleaf woodland to the west and south. However the eastern part of the site on higher ground may be visible from local Rights of Way, Core Paths and permissive footpaths particularly from the east and south of the site and the Longcote Burn valley. It may also be visible in views across the valley from and footpaths in the policies of the Black Barony Designed Landscape (a local designation). There is no information to show whether the site is likely to impact on the visual amenity of views towards Eddleston from the surrounding area although it is recognised that the application is for planning permission in principle and proposals within it are only indicative. Further detail will be required to support further applications. Those could include visualisations for the key views and planting proposals to mitigate the development and integrate it into its surroundings. The Landscape Architect would like to see more planting on the boundary to the east of the site to provide a future backdrop to the development and connection with the remnants of the Bellfield Wood to the north of the site.

The lower part of the site is partly contained by woodland, stone walls, adjacent buildings, and boundary trees. There is the potential for housing on this part of the site to be visible in the backdrop of views of Eddleston Parish Church which sits in a prominent position in front of the site. Although the existing tree band running north south along the footpath will assist in mitigating both parts of the development the new housing on the lower ground will be partly visible in the backdrop of the church and risks being intrusive in the view.

It is unlikely that there will be significant adverse impact on the landscape and visual amenity of the area. With careful design and appropriate planting to mitigate the development the site should integrate into the village and surrounding landscape, assisted by the existing trees and woodland containing the site. A full assessment will be required to determine this following the submission of further applications. The Landscape Architect has suggested that a simple Landscape and Visual Impact Analysis from a number of viewpoints and a detailed planting plan would be helpful in assessing such applications. No objection is made to the application for planning permission in principle.

Outdoor Access Officer: No objection. From the records held by Planning and Economic Development, there are no claimed rights of way through the site. Core paths 154 and 152, with a connecting permissive path, run adjacent to the site and these should remain open and free from obstruction.

Education and Lifelong Learning: No objection was raised. Developer contributions will be required for Eddleston Primary School, Halyrude Primary School and Peebles High School.

Flood Risk Officer: No objection. Surface water management strategy and details of SUDS to be included in further applications.

Environmental Health Service: No objection. The applicant should satisfy themselves that there is sufficient capacity in the public water and drainage systems to serve the proposed development. Any renewable technologies should be assessed for possible unacceptable impacts on the amenity of existing occupiers (biomass emissions, air-source heat pump noise, solid fuel heating etc.).

Contaminated Land Officer: No objection. The site includes a former quarry which has been infilled. There also appears to have been a large glasshouse, site was previously used as a nursery (Abbotsknowe Nursery) and the site could be considered as brownfield. A condition is therefore recommended requiring a site investigation and risk assessment.

Statutory Consultees

SEPA: No objection on flood grounds. General advice on flood risk given and consideration should be given by the developer to surface water run-off at the design stage. There may be a risk to the site from surface water sheet flows from the hillslopes to the east. SEPA advises that there may be a need to intercept any flows from entering the site which may impact directly on the development and could also overwhelm the Sustainable Drainage Systems (SUDS) to treat and attenuate on-site surface waters.

Eddleston Community Council: The Community Council objected to the application. The material grounds were: The area does not feature in the LDP; the proposed development is too dense; layout does not include affordable housing; loss of amenity, privacy, light; the possibility of overshadowing; loss of trees; the widening of the access road will result in a loss of amenity and there is no room to widen the road; impact on parking and access; road

safety and pedestrian safety; need for improved traffic management; loss of footpath to the school.

KEY PLANNING ISSUES:

Whether or not the development would comply with planning policies and guidance with respect to residential development within an existing settlement, particularly having had regard to landscape and visual impacts, road safety matters in particular, whether the access road (Bellfield Road) is capable of servicing adequately the development and; the relationship to adjoining developments and whether or not the development would significantly adversely affect the amenity of neighbouring properties. If not, whether there are material considerations that would justify a departure from the provisions of the development plan and material considerations.

ASSESSMENT OF APPLICATION:

Principle

The site is within the settlement envelope of Eddleston as defined by the Scottish Borders Local Development Plan 2016 (LDP). It is not allocated for a particular use, nor is it safeguarded from development. Whilst the land has not been allocated for housing or any other use, the lack of a specific allocation does not preclude development of the site. The provisions of policy PMD5, principally, will guide infill development on the site. The broad principle of residential development on this site does not conflict with the terms of the LDP.

Land use conflict

The site does not comprise open space of recreational value and, though the north eastern section is currently agricultural ground, it is not defined as prime quality agricultural land and it is within the settlement envelope. There is no allocation given to the land in the LDP. Residential developments lie to the south, north and west of the application site. No land use conflict would result from the development of this site for residential use.

Landscape, density and layout

The site has a number of trees within its boundaries. Those are of high visual amenity to the area. The majority of the trees which are on the site are of high amenity value and, although they are not covered by a tree preservation order (TPO), they are worthy of retention. The application includes an arboricultural survey. Although it does not cover the entire site, it concentrates on the area which is, due to the topography in the south west of the site, likely to be developed. The survey identifies 31 trees, comprising: 10 trees – located mostly adjacent to the central footpath, are considered of high value; 13 trees – located principally at the top of the slope above Burnside – are of medium value and; 8 trees which are of lower value. The submitted indicative layout indicates that the majority of the trees would be retained. Given the high value of the trees in the centre of the site in particular, it is recommended that a TPO is promoted to ensure that the wider character of the site and its setting is maintained, even if it were to be agreed at a later stage that some of the trees could be removed. It is also recommended that submissions of further applications include an up to date tree survey.

The location of the trees and the topography of the site can lead to what could be referred to as “developable areas” within the site plan. Those are: to east of the central path and; to the west of the trees adjacent to the path and to the north of the trees at the top of the slope

above Burnside. It is important to note, however, that identifying developable areas is to account purely for tree constraints. Further applications will have to take account of the trees on the site and their value to the amenity of the area. It seems unlikely that tree removal would extend beyond those which have been identified for removal due to their condition in the submitted report. It should be borne in mind, however, that the submitted layout plan is indicative and, as stated above, the layout is not acceptable as a design approach. Any future layout could propose a different connection between the two site developable areas which may affect the trees on the site. Those proposals would be subject to separate assessment in the consideration of further applications.

The distinct eastern and western parts occupy an elevated position above the land to their south and south west; residential development is located to the south and north of the site. The western developable area is flat in nature whilst the eastern area is more undulating. To the south west lies the listed Eddleston Parish Church and to the south east lies Eddleston Primary School, which is connected to Bellfield Road by a connecting permissive path. These aspects must be considered when designing a road layout and siting houses. The indicative layout submitted with the application does not appear to account for topographical changes or the likely prominence of higher level houses. In addition, the Roads Planning Service states that a more informal layout which creates natural traffic calming and creates a sense of place is required. That analysis is accepted and thus, the indicative layout is not supported. A revised site plan will need to be developed further in terms of topographical information to support a detailed development layout for the site and should also take account of the likely impact of the development on the setting of the listed building.

The indicative layout does appear to propose retention of the trees which are deemed to be of high and medium value and also of the footpath which runs through the centre of the site. It is acknowledged that the location of the trees limits connection between the two development areas and this will require careful consideration in further applications. Other aspects, including topographical information and landscape exposure, as well as neighbouring amenity, require to be accounted for before support can be given to a layout, even in indicative form. An informative confirming that the submitted layout is not approved is therefore proposed for the avoidance of doubt and to guide the developer.

Whilst the submitted indicative layout cannot be supported, it is clear however that the site can accommodate a sympathetically designed housing development.

Services

Mains water and foul drainage are proposed and this is agreeable in principle but will need to be confirmed by condition. A surface water drainage scheme, based on SUDs principles will be required for the detailed layout. Surface water drainage will be an issue requiring particular care for this site, given its topography of the site. A condition can secure a surface water drainage scheme, for both the construction and operational phase, which confirms that greenfield run-off levels will be maintained.

Contributions

Contributions are required for education provision, play equipment provision and also for affordable housing in accordance with policies HD1 and IS2. A legal agreement will be necessary to secure these contributions before permission (if it is to be granted) is issued.

Contamination

A former quarry, now infilled, is located in the south west corner of the site. That area is steeply sloped. Due to the topography in this location, it is unlikely that development will occur in the vicinity of the quarry. Nonetheless, further applications should take account of its presence. Glasshouses were frequently heated by solid fuel and later, oil fired boilers. The residue from the combustion chamber or spillage of oil fuel is a source of potential contamination. There is, therefore, a potential risk of contamination from the previous horticultural use and presence of an associated glasshouse on the site. A condition can be imposed to ensure any such risk is investigated and addressed, as recommended by the Contaminated Land Officer.

Archaeology

As noted by the Archaeology Officer, there is a low potential for encountering evidence for an earlier churchyard within the proposed development area. The overall potential, whilst low, may contain significant archaeological features or deposits. As such, a suspensive condition requiring an archaeological evaluation is recommended.

Ecology

This site is not covered by any ecological designation. The Eddleston Water, which is a tributary of the River Tweed SAC, flows 207m to the west of the site, distanced from the site by roads and residential properties. The Ecology Officer does not consider that there is likely to be an impact on the qualifying interests or the conservation objectives of the SAC and I have no reason to disagree with that assessment. There are no other designated sites located within 1km of the site. The presence of trees within the site indicates that nesting is likely to occur within its boundaries. As a result, a condition relating to works within the bird breeding season (March – August) is recommended.

The Ecology Officer was satisfied with the result and stated that a licence would not be required. Since bat surveys have a limited lifespan of 18 months, further applications should be accompanied by up to date surveys. An informative is recommended in that regard.

Access and parking

There appears to be sufficient space within the site to make provision for parking for the proposed residential development.

The fundamental issue with this application is the access to the site beyond the parish kirk. The road is a private road which currently serves three properties. Those are: Weltevreden; 1 Bowbank Cottage and; 2 Bowbank Cottage. Current Transportation Standards in the LDP confirm that a private access can serve a maximum of 4 dwellinghouses. The fact that there are three dwellinghouses accessed from a private road indicates that, unless that road can be brought up to adoptable standards, the site is capable of accepting only one more house. Whilst the submitted drawings indicate that part of the road is within the site boundary, the applicant has, to date, been unable to prove that they have control over the entire road width, which would then allow them to bring the road up to adoptable standards and develop the site for more than one house. The issue of ownership is a matter of private law and outwith the remit of planning but, the fact that the road would need to be brought up to adoptable standards in order to facilitate the development of more than one house is a significant material consideration.

The matter for consideration is limited to whether the upgrade of the road is necessary to allow the development of more than one house to progress. Where it is considered that

development should not be permitted to proceed until off-site factors - such as the upgrading of the access road - occurs or is implemented, it is a common practice to impose suspensive conditions.

As has been stated previously, the site is appropriate for residential development. In order to enable development to proceed beyond one house, the use of such a suspensive condition relating to the upgrading of the access is appropriate in this instance. The effect will be that, in the event that the private road leading to the site from Bellfield Road is not upgraded to adoptable standards, the proposals envisaged in this application cannot be implemented, regardless of the grant of permission.

The Roads Planning Service (RPS) initially raised concerns about the visibility at the junction of Bellfield Road and the A703. The applicant subsequently submitted additional information which, subject to the imposition of a condition, allayed the concerns of the RPS in that regard. An improvement to the junction with the A703 will be of benefit to all those accessing that road from Bellfield Road. A suspensive condition is recommended.

Concerns were expressed by the community about the suitability of Bellfield Road to serve the proposed development due to its gradient. The RPS noted that the gradient of the road was not one that could easily be resolved and might be problematic in certain conditions. However, they also noted that there is an alternative route via Bellfield Crescent which could be used to gain access to the A703. That route would continue to be available for use by the proposed development and also by the residents of the properties which are currently on Bellfield Road.

It is noted that there are currently parking constraints associated with the church which could be exacerbated by the improvements to the access road. The availability of parking for the church could be negatively affected by the creation of a public road and should be mitigated. There exists the opportunity for future applications to include some additional car parking provision on the north western edge of the site.

Waste

As the application is for planning permission in principle, the submitted indicative layout plan does not show dedicated bin stances for each property. There is, however, ample room to achieve this away from the front of any properties. Ideally those would be located within the rear gardens. This matter can be addressed by a condition.

Placemaking and Design

As noted, the application contains an indicative layout plan. That layout is too regular and a more informal layout which creates natural traffic calming and a sense of place is required.

Topographical information and a detailed layout have not been included with the application. It is not possible to assess the degree of any cutting and filling required to accommodate the proposed development. Similarly, there is no detail of the proposed boundary treatments. The use of sympathetic treatments - such as drystone dykes and hedging - and a detailed planting scheme and proposals for the protection and retention of the existing trees on the site will aid the integration of the development with the site. Future applications should identify root protection areas for the trees on the site and include details for protective fencing. The eastern boundary of the site is open to the countryside beyond. Matters of the layout of the road, houses and boundary treatment of the site – particularly its north eastern boundary - are particularly important in integrating the development into the wider area. Provided those details are carefully thought out and specified, the overall landscape impact of the development will not be unsympathetic.

The prevailing “townscape” is characterised largely by 20th century housing. The indicative house designs submitted with the application show houses of one and a half storeys in height. Properties of this type could be successfully integrated with the existing properties. There exists the possibility for future applications to include those indicative or other designs. Such proposals will be assessed in full on the submission of detailed proposals.

With regard to indicative external materials, the roof is shown as grey tile. Walls are shown as natural coloured harling with some rubble walling to accentuate entrances. Natural stone margins are stated for around windows. The windows and doors are stated as being dark in colour. That suite of materials is acceptable but would be approval in further applications. Overall, subject to final finishes and colours being agreed by condition, the proposed palette of materials will be sympathetic to the context.

Ultimately, with care over landscaping, boundaries and final finishes, this proposal will contribute positively to the area, adding sympathetically to the existing mix of house types within the village.

Neighbouring Amenity

As the application is for planning in principle, the impacts on neighbouring amenity (such as potential daylight, outlook, privacy and light loss) is difficult to assess fully. The indicative layout is not acceptable but what it does show is that housing could be located on the site without causing adverse detriment to the amenity of neighbours. There is sufficient space to safeguard privacy and overlooking to existing properties. Careful layout and siting of houses would ensure that the properties within the development do not suffer a loss of amenity from the same factors as considered for neighbouring properties. If any privacy issues do arise, appropriate mitigation could be put in place to resolve such issues. Again, the full impact on all properties can be considered fully only on the submission of detailed plans.

CONCLUSION

The applicant has demonstrated that a development of up to 15 houses can be accommodated on the site but further details relating to design, layout, landscaping, drainage, archaeological investigation and any contamination mitigation are required to be submitted for consideration at a detailed planning stage. In addition, no development can commence until the private road, which currently accesses the site, has been brought up to adoptable standards and improvements have been carried out at the junction of Bellfield Road and the A703. Subject to a legal agreement and compliance with the schedule of conditions, the development accords 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 the applications are approved subject to the following conditions and informatives and the completion of a legal agreement for development contributions:

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto including two parking spaces (excluding garages) per house, refuse and recycling bin storage and the landscaping of the site have been submitted to and approved in writing by the planning authority.

Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the planning authority. Thereafter the development shall only take place except in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

- 3 The subsequent application for the approval of matters specified in conditions application shall be accompanied by:
- i. a site layout plan at a scale of 1:500 showing the position of all buildings, roads, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), walls and fences and landscaping;
 - ii. plans and elevations of each house and garage type showing their dimensions and type and colour of external materials;
 - iii. a landscaping plan at a scale of 1:200 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
 - iv. details of any proposed phasing of the development;
 - vi. details of existing and finished ground level, and finished floor levels, in relation to a fixed datum, preferably ordnance datum.
 - vii. a design statement setting out the rationale for the proposed design and layout.
- Reason: To ensure a satisfactory form of development.

- 4 No development shall commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- a) location and design, including materials and detailed specifications, of all boundary treatments;
- b) indication of existing trees, shrubs and hedges to be retained, those to be removed and, in the case of damage, proposals for their restoration;
- c) location of new trees, shrubs, hedges and grassed areas;
- d) schedule of plants to comprise species, plant sizes and proposed numbers/density;
- c) a programme for completion and subsequent maintenance;
- d) bin storage measures;

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings

- 5 No development shall commence until the existing private road is upgraded to adoptable standards from a point where the private road meets the D19-1 Bellfield Road adjacent to the church.

Reason: To achieve a satisfactory form of development and in the interest of road safety.

- 6 No development shall commence until a scheme of details has been submitted to and approved by the planning authority, showing the improvement works to the junction of the A703 and the D19-1 Bellfield Road. The scheme of details shall include engineering details of the altered kerbing and any associated alterations to the roadside drainage, along with the required visibility splays. All works to be carried out prior to works commencing on site by a contractor first approved by the council. Thereafter, they shall be retained in perpetuity.

Reason: In the interest of road safety.

- 7 No development shall take place until the applicant has secured and implemented an approved programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining an archaeological field evaluation. Development and archaeological investigation shall proceed only in accordance with the WSI.

The requirements of this are:

- a) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the planning authority;
- b) if significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the council;
- c) limited intervention of features, or expansion of trenches will only take place if approved by the council's Archaeology Officer;
- d) initial results shall be submitted to the planning authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion;
- e) further development work shall not take place until the planning authority has determined the potential for further archaeological impacts and, if required, a further requirement for mitigation;
- f) development should aim to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan;
- g) if avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation and a Post-Excavation Research Design (PERD).

The results of additional excavations and an appropriately resourced post-excavation research design shall be submitted to the council for approval within 1 year of the final archaeological works and published in an appropriate publication within 3 years.
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 8 No development shall commence until a scheme has been submitted by the developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to and approved by the planning authority and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of and/or supplement(s) to, these documents. That scheme should contain details of proposals to investigate and remediate potential contamination and must include:

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the planning authority prior to addressing parts b, c, d and, e of this condition and thereafter;

- b) where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents;
- c) remedial strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works and proposed validation plan);
- d) submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works;
- e) submission, if necessary, of monitoring statements at periods to be agreed with the planning authority;

Written confirmation from the planning authority that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the developer before any development commences.

Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the planning authority.

Reason: To ensure that the potential risks to human health, the water environment, property and ecological systems arising from any identified land contamination have been adequately addressed.

- 9 No development shall commence until precise details of water supply and a surface water and foul drainage scheme have been submitted to and approved by the planning authority which demonstrates that surface water run-off from the site will be maintained at pre-development levels using sustainable drainage methods during construction of the development and subsequent occupancy. Thereafter no development shall take place except in strict accordance with the approved scheme.
Reason: To ensure the development can be adequately serviced and to safeguard the public road and neighbouring properties from potential run-off.
- 10 A detailed drawing to be submitted with the first approval of matters specified in conditions application for the site showing the position, species and root protection area of the trees and hedges within the site and overhanging the site, those to be retained, those to be felled and replanting proposals. Once approved in writing by the planning authority, the development then to be completed in accordance with the approved details.
Reason: In the interest of protecting the trees on site which are worthy of retention and contribute to the visual amenity of the area.
- 11 No development shall commence until the trees to be retained on the site shall be protected by means of protective fence (compliant with BS5837:12) which shall be erected along the root protection areas for trees. No works shall be permitted within the fenced area unless agreed with the planning authority as being compliant with BS5837:12. The fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the hedges so retained shall not be altered. No trees or hedges within the application site or on the site boundary shall be felled, removed, lopped, lifted or disturbed in any way without the prior consent of the planning authority.
Reason: In the interest of preserving the trees which contribute to the visual amenity of the area.
- 12 No development shall be carried out during the breeding bird season (March-August) unless the development is implemented wholly in accordance with a Species Protection Plan for breeding birds, which shall be submitted to and approved by the

planning authority. The SPP shall include provision for a pre-development supplementary survey and a mitigation plan.

Reason: In order to give full consideration to those details yet to be submitted, in the interest of protecting wildlife

Informatives

It should be noted that:

- 1 The illustrative layout plan submitted is not approved as part of this permission and significant changes to the proposed design and layout will be required as the basis for any detailed application(s). The layout will be expected to accord with the Council's supplementary planning guidance, "Placemaking & Design" and with national guidance, "Designing Streets". It is recommended that the first application for approval of matters specified in conditions should be accompanied by a design statement to support the design rationale for the development.
- 2 In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at: http://www.bats.org.uk/pages/bats_and_buildings.html
http://www.bats.org.uk/pages/existing_buildings.html
http://www.bats.org.uk/publications_download.php/1404/Bats_Trees.pdf
- 3 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website or from the local SEPA office at: Burnbrae, Mossilee Road, Galashiels, TD1 1NF. Tel: 01896 754797

DRAWING NUMBERS

Promap Location plan
NEN02.16.1286 rev A Existing site 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
Ranald Dods	Planning Officer



17/00767/PPP

Land South West And South East Of
Bowbank Cottages
Bellfield Road
Eddleston

