

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**1 OCTOBER 2018**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 18/00147/FUL
<b>OFFICER:</b>	Scott Shearer
<b>WARD:</b>	East Berwickshire
<b>PROPOSAL:</b>	Erection of 57 No dwellinghouses and associated infrastructure works
<b>SITE:</b>	Land West Of Borlorac Main Street East End Chirnside
<b>APPLICANT:</b>	Springfield Properties Plc
<b>AGENT:</b>	Springfield Properties Plc

**SITE DESCRIPTION**

The application occupies 1.5ha of arable farm land to the north of Chirnside. The site slopes from north to south. The south eastern corner of the site extends down to Main Street where this land was formally used to provide access to the now redundant Viewfield Garage. The vacated garage and its former petrol pumps still occupy this ground with stone retaining walls used to support the existing access and garage site. A dwelling known as "Janretta" is located to the east of this access point with another dwelling called "Borlorac" positioned behind it along the site's eastern boundary. A mature hedge and stone wall separates the site from "Borlorac". The southern boundary of the site adjoins the rear of the residential properties on Northfield Terrace which is enclosed by a post and wire fence. Comrades Park lies to the west of the site.

**PROPOSED DEVELOPMENT**

The application seeks consent for the erection of 57 residential properties. A range of house types are proposed and consist of 2-3 bedroom dwelling units and 2 bedroom cottage flats. All of the buildings are two storey in height and they are arranged as terraced rows or semi-detached units. The palette of materials consists of charcoal coloured concrete roof tiles, with a combination of white render, reconstituted stone and dark grey composite clad wall finishes. The windows are to be finished with dark grey uPVC frames. The site is to be accessed from Main Street to the south east corner of the site where the former Viewfield Garage and its associated infrastructure will be removed. A SUDS basin is included within the development and there are some areas of site landscaping as well as structural landscaping proposed to the north of the site.

**PLANNING HISTORY**

The site has no planning history.

## **REPRESENTATION SUMMARY**

Five objection comments from four different third parties have been received. The grounds of objection are summarised as follows;

- Contrary to Local Plan
- Density of Site
- Detrimental to environment
- Detrimental to residential amenity
- Inadequate access
- Site inaccessible in periods of bad weather (snow fall)
- Gradient of access is too steep
- Inadequate drainage
- Increased traffic
- Insufficient parking space
- Poor design
- Privacy of neighbouring properties
- Road safety
- Subsidence
- The development should be located to the east of the site allow access from the B6437 as indicated in the LDP.
- Overprovision of housing in the area which no local employers to support new residents.
- Flooding.
- Developing this part of the site for housing will lead to the retail part of the allocation having to go to the east which is poorly located to the Main Street.
- Value of property

It was identified that five notifiable properties were omitted from the neighbour notification process on registration of the planning application. These properties were formally notified on the 22<sup>nd</sup> of August 2018 and were provided with a 21 day period for response in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. This notification period expired on the 12<sup>th</sup> of September and I can report that no further observations were received from the neighbours notified.

## **APPLICANTS' SUPPORTING INFORMATION**

The applicant submitted a Design and Access Statement and a Planning Statement in support of the application. These documents are available on Public Access.

Additionally, further information submitted in support of this planning application includes:

- PAC Report
- Drainage Assessment
- Site Investigation
- Energy Statement
- Technical details for the proposed Air Source Heat Pumps
- Ecological Reports

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Access Ranger:** No objection. There are no claimed rights of way or Core Paths on this area of Land. Core Path 87 runs along the north side of Main Street at the entrance to the site and should remain open and accessible at all times.

**Ecology Officer:** The development does not impact on any designated sites. SEPAs guidelines should be followed to prevent pollution during construction. Bat surveys have been provided for the buildings and habitats on site. The overall potential for the site to support bats is low so a site licence is not required, however, given the bat activity was found close to the site an informative is recommended to follow best practice procedures if bats are discovered. There is potential for the site to support breeding birds therefore any works to hedgerows, tall vegetation and ground works should be undertaken outwith the breeding season. Opportunities exist to enhance the habitat network through appropriate planting and the careful design of the SUDS feature.

**Environmental Health (Amenity and Pollution):** Request that further information is provided to assess the noise impact of the air source heating pumps and a construction method statement.

**Environmental Health (Contaminated Land Officer):** No objection.

**Flood Risk and Coastal Management:** No objection. The site is not at risk of fluvial or pluvial flood risk. The addition of the SUDS pond is welcomed. This should be designed to comply with CIRA C753 SuDS Manual to avoid increased flood risk elsewhere. The pond is located above properties at Northfield Terrace so there is a risk of it overtopping if built to a low standard which would cause a flood risk to these properties. To avoid this it is recommended that the pond is designed to a 1 in 200 with climate change allowance of 33% year level standard so as not to increase flood risk downstream.

**Forward Planning:** No objection. The site is allocated for mixed used development. The principle of housing on this site is acceptable and complies with Policy PMD3: Land Use Allocation. The site has an indicative capacity of 60 units, the scale of the development is appropriate to the site. The allocation states that the mixed use should incorporate 3 hectares for housing and 3 hectares for a retail opportunity. The proposal ensures that this criterion is satisfied and there is land remaining for a retail opportunity in the future.

The landscaping is located outwith the settlement boundary. Any landscaping scheme must ensure that it can be implemented by the developer and that they have control over the land required for landscaping.

The proposed housing is 100% affordable housing so it will be exempt from paying any developer contributions towards education or affordable housing, in accordance with Policy HD1: Affordable and Special Needs Housing and the Supplementary Guidance on Developer Contributions and Policy IS2: Developer Contributions.

The garage/pump site may have potential contamination, however any remedial works required would be considered by the Environmental Health Officer, in accordance with Policy IS13: Contaminated Land.

Given the rising nature of the slope from the south to the north, the housing proposed will sit at a higher level in comparison to the existing houses along the Main Street. Consideration must be given to any landscape/visual/residential amenity impacts which the proposal may give rise to, in accordance with Policy HD3: Residential Amenity. All proposals must take into consideration the principles contained above and in a number of other LDP policies, including Policy PMD1: Sustainability, Policy PMD2: Quality Standards and Policy EP3: Local Biodiversity.

**Housing Strategy:** The site is not identified in the SHIP. On site affordable housing delivery will have to satisfy SBCs Affordable Housing policy requirements.

**Landscape Architect:** The setting of the development occupies an open and exposed location, its proposed development needs to comply with the site requirements in the LDP. The principle of the development is established but because the site is smaller than the allocated area there is a mismatch between the setting and LDP site requirements. The woodland boundary to the north of the site was not adequately sized or specified in the original proposal to meet the LDP site requirements. The precise detail for all 'non domestic' areas within the site, particularly boundary treatments should be provided, ideally before the application is determined. These details should include species, specification, number, density etc. and details of future maintenance responsibility and timing commitments.

On the 28<sup>th</sup> of June an updated response was provided which confirmed that structural planting with a depth of at least 25m is required for the woodland strip to the north of the site. Ideally, this land should be included in the red line application boundary; however, there is no issue with the strip being delivered under a Section 75. It is recommended that the structure planting should be implemented at the start of the development of the site with a timetable, detailed specification, maintenance and defects liability cover. Preferably the planting should be done prior to the development of the houses so that the woodland is establishing as the site is being developed. The buffer will require fencing and access to permit future management. The pedestrian link within the planting should link to the housing at each end so the planting provides greenspace for the applicants.

**Roads Planning:** No objection in principle. During the consideration of the LDP it was suggested that the main access would be from the B6437 to the east with a secondary access taken from Main Street. This was largely due to no part of the site bounding Main Street and it is still the intention that when the remainder of the site is developed, access from the B6437 will be provided. The Transport Statement confirms that the access road, including its gradient is acceptable but it is envisaged that some retaining walls will be required. The proposed layout is well connected and offers good possibilities for future connections. Some minor points are raised;

- The nature of the site means that the proposed access is a long straight drag up the hill and this goes against current guidance, however, this is relatively unavoidable on this site. To help reduce vehicle speeds Plot 40 should form a feature to highlight a stop point at the end of the straight.
- The junction of the main access road and the road serving plots 1 -14 should be fully block paved in order to create a feature.
- The roads serving plot 1-14 and 16-18 should be a shared surface. The exact surface finishes can be agreed via a suitably worded condition.

The original layout included an over provision of parking spaces and while extra numbers are welcomed to cater for the displacement of vehicles on Main Street East

End, a further reduction is possible. The need for 6 spaces on the north side of the square are questionable and a spread of 3-4 disabled spaces should be provided.

On the 31<sup>st</sup> of July, Roads Planning Officers confirmed that the revised proposals addressed the observations they originally raised.

**Waste Strategy (Neighbourhood Services):** No objection.

### **Statutory Consultees**

**Community Council:** No objection to the principle of the development and the layout is welcomed. Concerns are raised about;

- accessing the site from Main Street
- gradient of the access is not suitable for all users
- parking displacement
- SUDS proposals may increase flood risk
- Sewage capacity

**Scottish Environmental Protection Society (SEPA):** Provided Scottish Water accepts the new loading of the foul drainage into their system and the SUDS basin is designed and constructed with the current CIRIA C753 manual, SEPA do not object. Regulatory advice is provided for the applicant in relation to surface water, soil management and good practice.

### **Other Consultees**

None.

## **DEVELOPMENT PLAN POLICIES:**

### **Scottish Borders Local Development Plan 2016**

**Mixed Use Allocation Site Reference: MCHIR001:** Comrades Park East

### **Policies**

**PMD1:** Sustainability

**PMD2:** Quality Standards

**PMD3:** Land Use Allocations

**HD1:** Affordable and Special Needs Housing

**HD3:** Protection of Residential Amenity

**EP1:** International Nature Conservation Sites and Protected Species

**EP2:** National Nature Conservation Sites and Protected Species

**EP3:** Local Biodiversity

**IS2:** Developer Contributions

**IS5:** Protection of Access Routes

**IS6:** Road Adoption Standards

**IS7:** Parking Provision and Standards

**IS8:** Flooding

**IS9:** Waste Water Treatment and Sustainable Urban Drainage

**Other considerations:**Supplementary Planning Guidance

- Affordable Housing (2015)
- Biodiversity (2005)
- Development Contributions (2011) updated January 2018
- Landscape and Development (2008)
- Placemaking and Design (2010)
- Privacy and Sunlight Guide (2006)

Designing Streets 2010

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

**KEY PLANNING ISSUES:**

The following key planning issues for this proposed development are;

- Whether the proposal represents a suitable development on an allocated mixed use site within the Chirnside settlement boundary
- Whether the proposed is acceptable in terms of design, road safety, residential amenity and site services.
- 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 application requires to be assessed principally against Policy PMD3 Land Use Allocations of the Local Development Plan 2016 (LDP). The site falls within a larger allocation which extends to 13.2ha, Site Reference MCHIR001 in the LDP. The site is allocated for Mixed Used development with provision for Structure Planting/Landscaping along the northern third of this allocation. The Site Requirements for the allocation listed in the LDP requires that mixed used development incorporates 3 hectares for housing and 3ha for a retail opportunity close to the village centre. The indicative site capacity for the residential development of this allocation is noted as 60 units.

The principle for a residential development at this allocated site represents a land use which is supported by Policy PMD3. The site falls within the area of land which is proposed for development in the LDP and does not stray into the area required for structure planting. The size of the site which extends to 1.5ha falls within the 3ha of land within this allocation identified for residential development and leaves sufficient ground for a retail opportunity. The proposed development of 57 residential units falls within the sites indicative capacity of 60 units. The number of units proposed would take up the vast majority of the indicative housing capacity within only half the area identified for housing. The number of units proposed in this site compared to the capacity of the LDP suggests that the density of this proposal is high; however the LDP lists indicative capacities for the number of residential units as a guide and not a

limit. The merits of the proposed layout will establish if this site has the capacity to accommodate the scale of the proposed development.

One of the key LDP requirements for the development of this site is that the proposals should provide a substantial new woodland boundary along the north of the allocation to contain the development. This area of ground is identified in the Chirnside Settlement Map. The planting directly associated with this site will integrate with other planting along the northern edge of the remaining allocated site, once this neighbouring land is developed. A footpath should also be provided within this area of structural landscaping.

The 10m depth of structural planting proposed within the original submission was not considered sufficient. However, having discussed the depth of planting illustrated on MCHIR001 in the Chirnside Settlement Map with the Councils Landscape Architect and Forward Planning team it was agreed that the size of this area of planting was excessive in relation to the depth of the developable site. In addition the limited public interest from the rising land to the north would not necessitate such a deep area of planting. The landowner was reluctant to provide a deeper area of landscaping as this would result in the loss of productive agricultural land. A compromise has now been reached and the revised Site Plan has increased the depth of this landscaping to approximately 26m. This is judged to contain and shelter the site while also providing sufficient ground to form a connecting path within this woodland area. In the event that this application is approved, the issue regarding the depth of the structure planting illustrated for MCHIR001 in the LDP can, where suitable, be reassessed and addressed in future development plans.

The Site Requirements for the allocation list that the creation of an access from the B6437 to the east is sought. Due to the location of the particular development away from this access it would not be appropriate to pursue the formation of this access as part of the development of this site. Otherwise the site does provide direct vehicular as well as cycle and pedestrian access to Main Street.

In principle, the proposal is considered to represent the development of an allocated site in a manner which complies with its intended use and satisfies the requirements for the site noted within the LDP. The merits of the proposed design, access and other material planning matters will be considered below.

### Tenure

The proposed housing would comprise of 100% affordable housing development. The applicants have confirmed that the scheme will be taken over by a local affordable housing provider who will ultimately own and operate the development. The Councils Housing Strategy team are not aware of an agreement already being in place for an affordable housing provider and the site is not included in the current Strategic Housing Investment Plan 2018/23.

Given that there are no firm agreements in place regarding the delivery of this scheme at this juncture; it is recommended that a planning condition to control the occupancy of the development for affordable housing tenures which comply with the Councils definition of affordable housing listed in the SPG is required. This condition will provide suitable control of the development to ensure it is occupied in accordance with its intended use and avoid the accommodation being available on the open market.

## Placemaking and Design

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*

Within this part of Chirnside the pattern of development follows a linear arrangement on an east to west axis which is centred on Main Street.

The proposals are laid out on a grid pattern with the rows of terraced or semi-detached buildings arranged to follow the topography of the site. This arrangement creates a simple layout which integrates with the linear street pattern of the surrounding area. The positioning of the buildings allows the street to be well overlooked which in particular is aided by buildings on corners having a dual frontage so that they address roads which wrap around these plots. The layout of plots within the site maximises the sites southern aspect. Each of the dwellings includes a private rear garden. Some of the gardens of the buildings contained within the terraced rows are small but still acceptable. The site provides areas of public landscaping which help to compensate for the scale of some private spaces. Overall, the density of the proposals is not considered to represent overdevelopment of this site with the plot ratios being in keeping with other developments in the village.

The positioning of the site within the wider allocation only provides it with the possibility of being accessed from Main Street and the nature of the site means that the formation of a long straight road up the hill is unavoidable. The provision of landscaping and the SUDS feature together with the square immediately off this road will provide some interest upon arrival. Nevertheless, this layout channels views towards Plot 40. While the original layout had the front elevation of plot 40 facing south, its positioning did not provide any termination to this view. The latest revision to this layout, has repositioned this block so that it is now able to address this street and act as a feature on arrival, improving road safety by slowing traffic speeds. Additionally, the revised positioning of this block integrates more suitably with the topography of the site it allows the cottage flat which is a dual aspect unit to be positioned so that it provides a frontage to the west as well as the south. Elsewhere, there have been some minor modifications to the positioning of plots 25 – 32 to provide some relief from what was previously a long uninterrupted building line.

The grid pattern arrangement has created a rigid road layout. Through some subtle changes in road widths, surfacing materials and a square, there is now improved visual interest in the road design which will also help create a safe road network. The layout is judged to comply with principles promoted by Designing Streets. There have also been some revisions to the parking courts through the addition of landscaping to help give these areas some more visual interest. There was potentially a dominance of long rows of parking, due to an over-provision of parking spaces. Some bays have now been removed which has allowed landscaping to be introduced adding extra visual relief. Importantly, the layout of the development provides future access into the allocated land to both the east and west which can be utilised as part of the development of the adjoining land. A path is also provided through the northern row of properties to connect into the planted area.

The existing site access is retained by low stone walls on both sides and in order to form the long access road further retaining walls of up to 1m in height will be required. The visual impact of retaining walls of this scale will not be adverse



provided the walling is finished appropriately. A planning condition can seek to agree these details.

### *House design*

Within Chirnside there is a mixture of built forms and architectural styles including traditional dwellinghouses on Main Street mixed with more suburban architecture. Away from Main Street, a modern housing development is under construction at Erskine Place.

The proposals are generally modestly scaled residential units. All of the proposed house types are two storeys with pitched roofs. The buildings are of a similar scale but modest changes in height and depths are included in the range of building types. The proportions of the buildings are not out of keeping within others within the townscape. The openings on the public elevations of the buildings have a vertical emphasis which aligns with the Councils design recommendations contained within our Placemaking and Design SPG.

It is notable that on determining two applications made by this developer within Duns (application references 17/00993/FUL and 17/00994/FUL) that the P&BS Committee imposed conditions to seek to improve the design response of the house types. Each planning application has to be considered on its own merits, paying particular attention to its context. These house types are similar to those proposed in Duns except that these proposals have included eyebrow eaves, entrance canopies, bands of different material finishes and the stepped positioning of the buildings in their plots.

Overall, the proposals are consistent in their architectural language and are generally modest dwelling units commensurate with other affordable housing schemes throughout the Borders. The design response of this developer has been improved since the determination of a similar scheme in Duns. The architectural appearance of the proposals through the use of the design details identified above and the changes in building heights provide sufficient variation within this scheme. The proposed house designs are considered to be acceptable in architectural terms and scale and the design of the proposals does not conflict with the character and appearance of the surrounding area.

### *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-rend external render*
- *Reconstituted sandstone (amended from Grey 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 use of a grey facing brick is not a material which was identified to be used locally so it was judged to be incongruous with the palette of materials within this area. Provided that it is of a suitable quality, the use of reconstituted sandstone would better integrate with some of the stone finishes elsewhere in Chirnside as well as the use of this material within the residential development to the south west of the village. Otherwise, the proposed palette 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 was questioned if the developer would be willing to add another render and cladding colour to the palette of materials but this has been resisted. Within Chirnside, the majority of the larger residential developments have a single palette of materials. As a result of this context and suitable variation being provided within the design of these proposals, a single palette of colour finishes is acceptable. It is, however, recommended that precise details of the external roof and wall finishes is agreed by way of condition to ensure that their specification is acceptable and compatible with the surrounding area.

The road surfaces and parking areas are a combination of black top and block pavements. Visually, the use of this combination of materials is acceptable, provided the colours of the block pavements are suitable. The precise details of these material finishes can be agreed as a condition of this consent.

In response to Policy PMD2, the proposals represent an acceptable form and scale of development. The design of this residential scheme does not conflict with the character and appearance of the surrounding townscape and is in keeping with adopted policy and guidance in relation to placemaking and design.

### Landscape

The site is not located within or will impact on the setting of any designated landscape areas. Policy PMD2 seeks to ensure that proposals incorporate appropriate landscaping works including structural planting where necessary to ensure that a development integrates with its surroundings.

Despite the site occupying rising ground along the northern edge of Chirnside, the site is relatively inconspicuous within the wider landscape area with limited views from public roads and paths. An appropriate extent of woodland structure planting has now been proposed on the updated site plan which is judged to satisfy the requirements of the LDP by containing and also sheltering this development. This planting is deep enough to readily allow the future screening provided to the allocated land to the east and west to integrate into this planted area once that land is developed. Until that happens, this site will remain relatively open from the east and west but the visual impact will be acceptable as a result of the layout of the proposals and the limited visual receptors from the wider surrounding area.

The structure planting is being provided on land which is out with the application site boundary. This land is under the control of the landowner. Under these circumstances, a Section 75 Agreement can be used to agree the precise details of the area of off-site structural planning to include its specification, implementation and maintenance. This agreement will also seek to ensure that the design of the landscape area includes a footpath which will link into a path included within structural planting along the remaining allocated land to provide access to Comrades Park. The Landscape Architect has recommended that this off site landscaping should be implemented before site construction works commence so that the planting can become established early in the development process.

Within the site, the main area of public landscaping is located adjacent to the access road. This landscaping helps to soften the visual impact of a long access road and adds to the sense of place of the proposals. No other significant areas of landscaping are provided within the layout. The development will, however, eventually link to the protected green space at Comrades Park and the structural landscaping along the top of the site will provide the development with a suitable landscaped backdrop. The other areas of landscaping spread around the development are limited to small pockets of planting and boundary hedging. Although small, their incorporation does help to break up the hard surfaces and also provide some containment to the parking courts at Plot 11 -14 and 33 – 40.

Apart from the plot boundary hedging, no details of the proposed means of enclosure are provided. There is no visual issue with the location of boundaries but it would be prudent to avoid tall fences in public areas e.g. outer boundary of Plot 17-20 walls are preferred in these locations. Ultimately, the principle of the landscape proposals is considered to be acceptable and it is recommended that a detailed landscape plan which includes precise details of the boundary can be agreed by a suitably worded planning condition.

Subject to the combination of planning conditions and a legal agreement it is recommended that the development will provided suitable landscaping within the development site and structural planting along its northern edge to enable the development to appropriately integrate within the sites surroundings on the rural edge of the settlement. The proposals are judged to comply with criterion f) of Policy PMD2.

### Access and Parking

As previously noted the proposal provides access on to Main Street which satisfies a site requirement for the development of this allocated site. The location of this development within the allocation does not necessitate the formation of a new access on to the B6437 but the proposed layout of the development favourably lends itself to tie in with future access from the east.

Concerns have been raised by third parties over the means of access and, particularly, the gradient of this access. Whilst steep, this is not uncommon for streets on the north side of Main Street to be accessed using access roads with steep gradients. The proposals have been accompanied by a Transport Statement (TS) which confirms that the gradient of the access road is appropriate for a road of this specification. Following the consultation response from the RPS it has been confirmed that the site's access will require retaining walls. However, as noted above, the scale of this walling is not excessive. The TS also confirms that the new junction will provide sufficient visibility in both directions. The development is judged to have adequately demonstrated that the means of access will not adversely impact on road safety.

It has been accepted that the development of this site will lead to some displacement of parking from Main Street. The extra layby spaces provided towards the junction and away from the dwelling houses will help to mitigate some of the parking pressure on Main Street as a result of this development. The original layout included an overprovision of parking spaces. To improve the visual impact of the development, some of these spaces have been removed and replaced with planting. An acceptable number of parking spaces is now provided across the development to serve the volume of houses proposed and includes four disabled spaces.

The site access does not raise any road safety objection from the Council's Road Planning Service and the parking provision complies with Council standards for a residential development in this location. The proposal is judged to comply with access criteria listed in Policy PMD2 and parking requirements provided under Policy IS7.

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 advises that core path 87 runs along the northern side of Main Street which is at the entrance of this site. This route should therefore remain open and accessible at all times and this can be controlled by a planning condition.

#### Impact on Residential and Neighbouring Amenity

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.

#### *Impacts on neighbouring housing*

The relationship of the proposed development to all existing housing has been considered. The nearest existing dwellings to the proposed residential properties are those to the south on Northfield Terrace and The Old Bakery on Gladstone Terrace to the south western corner. Despite the proposals occupying higher ground than these existing houses, the proposals are sufficiently distant from these neighbours that the development will not cause loss of light or sunlight to these neighbours.

On privacy, the distance between existing and proposed properties on the southern edge of the site maintains a suitable level of privacy for the existing buildings. The structure which Plot 13/14 faces towards is an outbuilding with intervening planting providing screening. The rear gardens of properties on Northfield Terrace will adjoin the gardens of Plots 5 to 16 of the proposed development. Limited information has been provided about the boundary details of these gardens, but provided that these gardens are suitably enclosed, the privacy of these gardens will not be detrimentally affected by the proposed development. Agreement of the means of boundary enclosure can be addressed by a suitably worded planning condition.

Towards the east, the amenity of properties known as "Borlorac" and "Janretta" are not affected by the proposed layout. 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.

Construction works associated with the development of a large residential development may cause some local disruption. Because the site bounds existing properties it is important to ensure that construction activities are appropriately controlled to ensure the operations do not detract from the residential amenity of the neighbouring properties. A Construction Method Statement (CMS) can ensure that the site is being developed in a controlled and suitable manner. The agreement of a CMS is requested by the EHO. If Members are minded to approve this application it

is recommended that this mitigation can be agreed as a suspensive planning condition.

#### *Relationships within the site*

Within the site itself, the positioning of the dwellings have been well designed to avoid causing residential amenity conflicts.

#### *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. These installations can lead to noise nuisances. Further details of the ASHP were lodged. An updated comment from the Council's EHO has not been provided at the time of writing but the same specification of ASHP was proposed by the developer in Duns which had a similar residential context. These details were acceptable provided the noise emitted from the equipment does 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. Controlling noise emissions from ASHP in this manner and to this noise level is fairly standard. It is recommended that it would be appropriate to set the same noise level for the ASHP installations in this location and also ensure that the equipment is maintained and serviced in accordance with the manufacturer's instructions to stay in compliance with the aforementioned noise limits. Suitably worded standard planning conditions can impose these restrictions to ensure that the installations do not harm the amenity of neighbouring properties.

Having considered the proposals against Policy HD3, the development would not unreasonably affect the residential amenity of new houses within the development and existing houses outwith the site.

#### Garage Demolition

The removal of the now dilapidated Viewfield Garage and its associated petrol pumps to unlock the development potential of this site will not pose any detrimental visual impacts.

The Council's Land Contamination Officer has not identified that the former use of the site has resulted in any contamination of the land so no further land contamination mitigation is required.

#### Ecology

Policies EP1 to EP3 seeks to protect sites and species afforded international and national protection from adverse forms of development and also aim to safeguard and enhance local biodiversity.

The application site is not located within or has been identified to impact on any designated nature conservation sites. The former garage building on the site was judged to have low bat roost potential. A bat survey was undertaken which confirmed that no evidence of bats existed in this structure and neither was there any planting in the surrounding area that would support bats. There is potential for the site to support breeding birds which this development could disrupt through ground works or works close to the bounding hedge row. To mitigate this impact, a planning condition is recommended that no development should commence in the breeding bird season

(March – August) unless a Species Protection Plan is agreed. The submitted surveys have not found evidence of any other protected species or their habitat within the site.

Policy EP3 aims to enhance the biodiversity value of development sites. The development includes proposals for planting which can enhance the local habitat network via the planting of native tree and hedge species and the suitable design of the SUDS feature to maximise its wildlife potential. An informative note can seek that the planting schedules within this site includes suitable species which will positively contribute to the biodiversity value of the area.

### 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. Confirmation that the development is being served by an appropriate supply of water before the dwelling houses are occupied can be agreed by a planning condition.

Foul water is to be disposed of via Scottish Water's combined sewer network within Main Street. This system connects to Chirnside Waste Water Treatment Works (WWTW). Presently this WWTW does not have the capacity to serve any further developments. SEPA have supported this development provided that Scottish Water accepts the loading of the foul drainage from this development into their system. Scottish Water have not responded to a consultation request for this application but the allocation of the site in the LDP for residential development confirms that the principle of the development is acceptable and at the stage of allocation there were no insurmountable site service issues. The developers have provided evidence of correspondence between themselves and Scottish Water and there has been no communication from Scottish Water which objects to this development connecting to their system. It is understood that to enable the relevant upgrade works to be carried out, planning permission must first be obtained. Under these circumstances it is recommended that a suspensive planning condition is attached which requires confirmation that Scottish Water's foul drainage system has the capacity to accept drainage from this development. The condition will specify that the dwellinghouses shall not be occupied until the relevant upgrades to Chirnside WWTW have been carried out to ensure that adequate foul drainage provision is provided.

Turning to surface water drainage, due to the lack of a receiving watercourse in the area, surface water is to be ultimately disposed of using Scottish Water's combined sewer. The predicted volumes of discharge, even allowing for the increase of the capacity at Chirnside WWTW, require that attenuation is provided on site. This is to ensure that the volume of water entering Scottish Water's system can be controlled to a suitable level. It is proposed that surface water will be treated and attenuated in a SUDS basin, illustrated on the site plan. Both SEPA and SBC Flood Risk and Coastal Management Officers are satisfied that this proposal is being designed to comply with SUDS principles. Given the absence of any confirmation from Scottish Water at this stage, it is considered appropriate to attach a planning condition which confirms that the drainage system is properly connected to the public drainage network.

Precise details relating to water supply and drainage remain to be agreed but it is considered that these matters can be secured through planning conditions to ensure that the site is adequately serviced.

### Waste

Policy PMD2 requires that developments provide space for waste storage and that waste collection vehicles can adequate access the site.

The Council's Waste and Recycling advisor in Neighbourhood Services has confirmed that the site access and layout does not raise any refuse collection issues. Rear access for terraced properties has been provided so it will be possible for residents to take their waste bins to the street for collection. The proposals have not, however, identified a hard standing within each plot for bin storage. There appears adequate space in each plot to achieve this; therefore, it is recommended that a suitably worded planning condition is attached to ensure that that provision is made for waste storage and collection within the development.

### Flooding

Policy IS8 seeks to discourage development taking place at areas of flood risk or lead to flood risks arising to properties elsewhere.

Objection comments have suggested that neighbouring properties and the road network, which occupy a lower ground level than this site, have been flooded previously and the development of this ground would exacerbate local flood risk problems. The Councils Flood Risk and Coastal Management Engineers have advised that the site is not at risk from fluvial or pluvial flood risk and this development will not lead to flood risk from these sources occurring elsewhere.

Evidence has been provided from third parties that in periods of heavy rainfall there may be a localised problem with how water is drained as it has been seen to pool on Main Street. This development has included a SUDS basin which will store surface water so that it can be disposed of in a controlled manner. SUDS criteria will require that the design of the SUDS system is informed by up-to-date rainfall data to ensure that it has sufficient capacity to cater for surface water runoff. SBC Flood Engineers have acknowledged that the location of the pond on higher ground than properties on Northfield Terrace could mean that if the SUDS basin is only built to a low level then it could have the potential to overtop in periods of high rainfall and increase the flood risk to these neighbouring properties. To mitigate this, it is recommended that the SUDS basin is designed to a higher specification which allows for a 1 in 200 with a climate change allowance of 33% year level standard so as not to increase the flood risk downstream. If Members are minded to approve this development, it is recommended that a planning condition is attached to agree the final details of the SUDS pond to ensure it caters for the higher level of design to avoid it leading to any flood risk.

Subject to the inclusion of an appropriate planning condition, the development can be considered to be in compliance with Policy IS8 of the Local Development Plan.

### Developer Contributions

Policy IS2 of the LDP is relevant and is supported by SBC's approved SPG on Development Contributions. A residential development in this location would normally trigger financial developer contributions towards both Chirnside Primary School and

Berwickshire High School. However, as the proposed dwellings represent an affordable housing scheme and it is the intention to control this occupation via a suitably worded planning condition, this development is exempt from developer contributions towards Education.

The number of dwelling units proposed requires a contribution towards Play Space. A financial contribution towards off site play facilities is preferred at a rate of £500 per dwelling unit. I can report that the developer has agreed to meet this requirement which can be secured through a legal agreement should Members decide to support this application. Subject to the conclusion of a legal agreement for play space, the proposed development will comply with the requirements of Policy IS2.

## **CONCLUSION**

It is considered that the proposals represent the suitable development of part of an allocated site, addressing the site requirements for this allocation listed in the LDP and not preventing the remaining allocated land from being developed. The siting, scale and design of the proposed residential development integrates appropriately with the character of the surrounding area. The proposals are, therefore, judged to be consistent with Local Development Plan policies and supporting planning guidance covering, but not limited to, placemaking and design, accessibility, 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 the application is approved, subject to conclusion of the required legal agreement covering the implementation and maintenance of structural planting to the north of the site and developer contributions towards play space and subject to the undernoted conditions and informative.

### Conditions

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 proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Consolidated Local Plan 2016 and any accompanying supplementary planning guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.  
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would attract contributions to infrastructure and services, including local schools.
3. No development shall commence until precise details (including samples where requested by the Planning Authority) of all external wall and roof



finishes 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 ensure the material finishes respect the character and appearance of the surrounding area.

4. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. precise details of all soft landscaping works which includes the location of new trees, shrubs, hedges and grassed areas and the schedule of plants to comprise species, plant sizes and proposed numbers/density
- iii. precise details of all proposed means of enclosure
- iv. location and design, including materials, of all retaining walls
- v. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

5. Core Path 87 which runs along the northern side of Main Street should remain open and accessible at all times unless proposals for any temporary closure which shall include a suitable diversion are submitted to and agreed in writing with the Planning Authority.

Reason: To protect access adjacent to the development site.

6. 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.

7. 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.

8. At least 6 weeks prior to the development commencing operations the applicant must prepare and submit a Construction Method Statement (CMS) 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.

9. No development shall commence during the breeding bird season (March-August) unless in strict accordance with a Species Protection Plan (SPP) for breeding birds that 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: To ensure that species and habitats affected by the development are afforded suitable protection for the construction and operation of the development.

10. 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.

11. No development shall commence until written confirmation has been provided by Scottish Water for the prior written approval of the planning authority, that the public mains water supply is available to serve the development hereby approved. Prior to the occupation of the first dwellinghouse(s), written confirmation shall be provided for 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.

12. No development shall commence until written confirmation has been provided by Scottish Water for the prior written approval of the Planning Authority that the public drainage system has capacity to accommodate the development hereby approved or that works will be undertaken to ensure that the existing drainage infrastructure will have the capacity to serve this development before the first dwellinghouse is occupied. Thereafter and prior to the occupation of the first dwellinghouse(s), written confirmation shall be provided for the approval of the Planning Authority that the development has been connected to the public drainage network.

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

13. No development shall commence until precise details of the design of the SuDS scheme have been submitted to and approved in writing by the Planning Authority. The sustainable urban drainage system shall comply with CIRA C753 SuDS Manual and the SuDS basin shall be designed to allow for a 1 in 200 flood event with 33% climate change allowance so as not to increase flood risk elsewhere, unless otherwise agreed in writing. Thereafter, the development shall be carried out in strict accordance with the agreed details. 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.

## Informatives

1. Opportunities exist to enhance the habitat network and promote biodiversity through native tree and hedgerow planting and through careful design of SUDS features, in accordance with the advice outlined in the Ecological Walkover Survey (Tweed Ecology, October 2017. These species should be included within the planting details sought in response to Condition 3 section ii. and structural planting to be secured by the Section 75 legal agreement.
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](http://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/bats_and_buildings.html)  
[http://www.bats.org.uk/pages/existing\\_buildings.html](http://www.bats.org.uk/pages/existing_buildings.html)  
[http://www.bats.org.uk/publications\\_download.php/1404/Bats\\_Trees.pdf](http://www.bats.org.uk/publications_download.php/1404/Bats_Trees.pdf)
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. If nesting birds are discovered after works commence, such works must stop and a competent ecologist must be contacted for advice.

## DRAWING NUMBERS

Reference	Plan Type	Date Received
Chirnside	Location Plan	12.02.2018
CH01_SL02	Location Plan	12.02.2018
CH01_SL301	Site Sections	12.02.2018
2016_BB_901	Elevations	12.02.2018
2016_BBB_902	Elevations	12.02.2018
2016_BBE_901	Elevations	12.02.2018
2016_DD_901	Elevations	12.02.2018
2016_DD_902	Elevations	12.02.2018
2016_DDH_902	Elevations	12.02.2018
2016_DH_901	Elevations	12.02.2018
2016_EBB_901	Elevations	12.02.2018
2016_FF_902	Elevations	12.02.2018
2016_HH_902	Elevations	12.02.2018
2016_HDD_902	Elevations	12.02.2018
Chirn-Eng-007	Site Levels	23.05.2018
CH01_SL04 C	Site Lay Out	31.07.2018
2016_GGGG_902	Elevations	31.07.2018
2016_HGGG_901	Elevations	31.07.2018

### **Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

**Author(s)**

Name	Designation
Scott Shearer	Peripatetic Planning Officer



18/00147/FUL

Land West Of Borlorac  
Main Street East End  
Chirnside

