APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 18/00486/FUL
OFFICER: Mr Scott Shearer
WARD: Selkirkshire
PROPOSAL: Erection of 64 dwellinghouses and associated works
SITE: Land North Of 24 Sergeants Park, Newtown St Boswells
APPLICANT: Hart Builders
AGENT: Aitken Turnbull Architects Ltd

SITE DESCRIPTION

The application site measures 2.5ha and is located towards the north western edge of Newtown St Boswells. The site straddles part of two larger agricultural fields. The land slopes gently in a west to east direction. An embankment runs along the eastern boundary of the site with the Sergeants Park Phase 1 development located at the foot of the embankment. The original Sergeants Park cul-de-sac development is situated to the south east. The boundary between the two fields is marked by a hedge and Core Path (BE180) which runs through the application site. A wooded area which contains the Glenburnine Burn encloses the north of the site with the remainder of the agricultural land lying to the west.

The site is located within the development boundary and the Eildon and Leaderfoot National Scenic Area.

PROPOSED DEVELOPMENT

The application seeks consent for a residential development of 63 units. The proposal has been amended through the course of the application and consists of eleven different house types and a cottage flat. The development takes a linear form with access provided from the original Sergeants Park development and also from Sergeants Park Phase 1. The buildings are two storeys and the site layout is arranged within a combination of semi-detached and terraced blocks. The palate of building materials includes dry dash rendered walls with some vertical timber features, grey concrete roof tiles and timber framed windows. A combination of coloured tarmac and block paving road, path and parking surfaces are to be used. A SUDS pond is to be provided towards the south eastern side of the site with the existing footpath diverted around the detention basin. The outer boundaries of the site are to be enclosed by a hedge. Planting is proposed to take place on the embankment within the site and on small pockets of land throughout the site.

CONSIDERATION BY PLANNING AND BUILDING STANDARDS COMMITTEE

The application was considered by the Planning and Building Standards Committee at its meeting on 10 December 2018. Following a majority vote, the application was continued to the next available committee to allow officers to provide Members with further information on the following matters;
• School capacity
• Scottish Water infrastructure capacity
• Wider infrastructure capacity including health care
• How the proposed development would sit within the wider master plan for the Newtown St Boswells Expansion Area.

These matters are addressed below:

1. School Capacity

The proposed development falls within the catchment area of Newtown St Boswells Primary School and Earlston High School. Members will be aware that the Councils Estates Service monitor the capacity of all local schools. Estates have calculated that (based on the amount of dwellings proposed) the total number of pupils likely to be generated by this development - in addition to the projected futures capacities at both of these schools - would the increase the number of pupils at both schools to near their full capacities. This response is available to view on Public Access (dated 17 December 2018).

While this development may not leave either of these schools with much additional future capacity, importantly the schools currently have the capacity to accommodate the number of pupils predicted by this development. Members will be aware that this affordable housing development is exempt from development contributions towards addressing infrastructure deficiencies, including local school capacities. If this development is consented it would then be incumbent on the Council as part of its annual review of development contributions to ensure that suitable contribution requirements are set for any applicable proposed developments within the catchment areas of these schools to address projected capacity issues.

2. Scottish Water

Members will recall from the December meeting that supporting correspondence was provided by the agent confirming discussions had commenced with Scottish Water regarding off site drainage works to the combined network downstream of the application site. These works are required as the existing public drainage system does not have spare capacity to accommodate this development. Subsequently, Scottish Water have now confirmed in writing (see correspondence dated 18 December 2018 on Public Access) that this partnership is in place and works to increase drainage capacity to accommodate the proposed development (as well as improve capacity issues generally for the town) will be undertaken before development commences on site. These are off site works which do not require the benefit of planning permission.

Scottish Water has not raised any concerns about the connection to the main water supply.

Members are reminded that suspensive planning conditions form part of the recommendation to ensure that both the public drainage system and the public mains water supply have spare capacity to serve this development. The conditions seek to retain sufficient control so that the proposed drainage works are completed before the development becomes operational ensuring existing users are not compromised. If Members are minded to approve this application it is recommended that these conditions continue to be added to any grant of consent.
3. Wider Infrastructure Capacity

Health Care

The prospect of the closure of the local Doctors Surgery been raised through the course of this planning application. The allocated housing site (ANEWT005) was allocated in 2008 through the Local Plan process and the National Health Service (NHS) were consulted at that time. This process allows consultees to submit comments in relation to the proposed allocations but also allows third parties to plan for the future, firmly in the knowledge that additional dwellings may be erected on these sites.

Members will recall from the meeting in December that there is the prospect that the local surgery will close and this will undoubtedly have an impact on healthcare provision locally. However, this site has been allocated in the LDP for residential development for a number of years and the NHS are well aware of the potential for additional dwellings on this site. It is therefore a commercial decision (outwith planning process) for the Surgery and the NHS to close the surgery.

It is however pertinent to note that should this application be approved it would increase the population of the local community which may increase the business case for the retention of the Eildon Surgery and/or for an increase in the number of doctors available at the practice. Again, this is a commercial decision for the Surgery and the NHS, outwith the planning process.

Trunk Roads

Members are reminded that it has previously been reported within this recommendation that Transport Scotland have confirmed that the A68 has the capacity to safely accommodation the increased vehicle movements associated with this development without the need for any further improvements to the trunk road.

Other Infrastructure

If approved, the development will provide financial contributions towards the enhancement of play facilities. Otherwise the development is not considered to have a detrimental impact on any other local services or infrastructure assets which are material to the determination of this planning application.

4. How the proposed development would sit within the wider master plan for the Newtown St Boswells Expansion Area

Members are directed to planning application 09/01005/OUT which sought outline permission for residential development (900 units) and associated works for housing allocation ANEWT005. A recommendation to approve this application was accepted by the PBS Committee in February 2010 however formal consent has not yet been issued as the associated legal agreement has not been concluded. An outline master plan for the entire allocation was submitted in support that application and is available to view on Public access.

As the application sought outline planning permission, this master plan was for indicative purposes only (see drawing no 8903/1-10 title Outline Masterplan Block Plan). Despite being indicative, the master plan has been comprehensively considered and established the broad physical parameters and concepts that would provide the development framework for the overall expansion of Newtown St
Boswells. Ultimately this master plan was accepted by the Planning & Building Standards Committee as being an acceptable approach to development.

Nevertheless, it must be acknowledged that that earlier application and the current proposal are standalone proposals which need to be considered on their own merits. It is, however, helpful to ensure that the current proposals do not prejudice the larger scale proposals, as and when they come forward.

Comparison of the layout of the current proposals (drawing no; L(01)02 Rev G) with the approved master plan confirms this latest proposal follows the indicative layout for this part of the western expansion. It takes advantage of existing links from the east, avoids development along its eastern boundary and incorporates a SUDS basin and landscaping. The proposed layout includes multiple linkages to the adjoining land to the west and the south towards Bowden Road which will assist with its development and connectivity to the wider allocation. These links are being provided in similar locations to those identified within the 09/01005/OUT master plan. Taking a step back and viewing the master plan for the whole of the expansion area, the part of the site proposed for development within application 18/00486/FUL has not been identified for any key ‘Focus Spaces’ or corridors of strategic importance which could contain anything other than residential development (which is proposed in this application).

By comparing the merits of application 18/00486/FUL with the earlier master plan exercise it has clearly demonstrated that this proposal will suitably integrate within the wider development of allocation ANEWTOCOL. This proposal will not compromise the future development of the allocated land including the ability to undertake any future master planning associated with further applications.

The proposed development is considered to assist with meeting the aspirations of the Newtown St Boswells Development Framework by helping to create a desirable place to live and work which enhances the character of the settlement. There are no infrastructure capacity issues identified (that cannot be mitigated) as a result of this development and the development represents a good fit within the wider allocation. The realistic expectation has always been that the housing expansion would happen in phases and a 25% proportion of those houses would have required to be affordable.

The adopted Framework has a broader remit and is concerned as much with the regeneration of the village centre and its services as with the expectations for the housing expansion areas. Section 4 of the Framework is concerned more specifically with housing and design and sets out general principles for these topic areas. These are as follows:

- housing developments should meet site requirements set out in the Local Plan
- housing developments must achieve high quality design standards and demonstrate that the design process set out in the Placemaking & Design SPG has been followed
- affordable housing should be provided in line with Council policy and guidance
- design and location of the affordable housing should not be distinguishable from mainstream housing
The proposals have been considered against these principles as part of the assessment already considered by Members and it is not considered that the current proposals are inconsistent with these general requirements. While the Framework also places wider requirements on infrastructure and community provision as the larger development progresses, these are relate to the more significant private sector expansion and would not have, in any event, been requirements that would have been expected to be met by the affordable housing element.

PLANNING HISTORY

09/01005/OUT - Erection of 900 dwellinghouses including associated infrastructure, highway works, ancillary works and landscaping. Highway works to include formation of new roundabout on A68 trunk road and realignment of Whitelee Road. Approved subject to conditions, informative and legal agreement. Pending conclusion of legal agreement.

15/01155/FUL and 15/01156/FUL - Erection of 53 residential units on land immediately to the east of the current application site. This development (Sergeants Park Phase 1) is 100% affordable housing managed by Eildon Housing Association and is nearing completion.

REPRESENTATION SUMMARY

One representation has been received citing the following grounds of objection:

- Density of site
- Detrimental to residential amenity
- Flood plain risk
- Inadequate access
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Legal issues
- Loss of light
- Noise nuisance
- Poor design
- Privacy of neighbouring properties affected
- Road safety
- Insufficient play space
- No capacity at local primary school to accommodate extra pupils
- SUDS ponds generate insect nuisance
- Village does not have infrastructure (shops, doctors surgery) to accommodate increased population
- Fails to address local demand for larger dwellinghouse

APPLICANTS’ SUPPORTING INFORMATION

The application is supported by the following documents;

- Design and Access Statement
- Drainage Strategy
- Ecological Appraisal
- Tree Survey and Arboricultural Constraints Report
CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Ecology Officer: No objection. Satisfied with the Preliminary Ecological Appraisal which has been submitted. The site is viewed to have a local habitat value however there is potential connectivity to the River Tweed SAC via drainage to the adjacent Glenburnie and Sprouston burns. No protected species were recorded inside the site, however bat and badger activity was found outwith the site. Provided that mitigation is adopted in accordance with the recommendation of the Preliminary Ecological Appraisal, there will be no significant impact on ecological interest. To achieve this, conditions covering a Construction Environmental Management Plan, a Species Protection Plan and a Landscape and Habitat Management Plan are recommended.

Environmental Health (Amenity and Pollution): No objection. To limit noise during development works, recommend that construction works are limited to between 0700-1900 between Mondays and Fridays and 0900-1300 on Saturdays. No works should take place on Sundays or during public holidays unless agreed with the Council. Contractors are expected to uphold noise controls set by the British Standard. Recommend that a condition which requires the agreement of a Construction Method Statement is attached to any approval to mitigate the impact of noise and nuisances from the development include temporary lighting, dust suppression and precautions to minimise noisy works from affecting neighbouring properties.

Flood and Coastal Management: (1st response 1st August): The site is not indicated to be at risk of flooding on SEPA's mapping, however there has been a history of surface water runoff from this hillside causing serious flooding in recent years downstream at the playing fields, bowling club and around the primary school. A drain installed as part of the Phase 1 development is understood to have resulted in flooding. Further information was requested to ensure that suitable surface water mitigation can be provided.

(2nd response 22nd November): Updated drawings confirm surface water mitigation in the form of an enlarged boundary drain and small bunds are proposed. This mitigation is satisfactory. Further information confirms that surface water is being routed away from buildings towards the detention basin and this is adequately designed and includes overflow mechanisms so that it has capacity to cater for extreme events. An assumed error on levels Drawing 120981/2030 shows the ground levels higher than the FFL’s. Confirmation of the correct levels is sought. Otherwise the proposal is not opposed on grounds of Flood Risk.

Housing Strategy: No objections. The site is identified as a priority affordable housing project which has been included in the Council’s current Strategic Housing Investment Plan 2018/23. The proposal is a 100% affordable housing development which will contribute towards meeting the Scottish Governments affordable housing target of 50,000 new affordable homes. Advise that the Scottish Government have programmed grant provision to assist Eildon Housing Association with the delivery of the development.

Landscape Architect 1st response (8th June 2018): The site is located within the Eildon and Leaderfoot NSA and the Lower Tweed Landscape Character Area which is characterised as Lowland Valley with Farmland within the Borders Landscape
Assessment. The original section drawings were insufficient and did not appear to illustrate a true representation of the existing site levels. If the levels are correct concerns are raised about the visibility of the development. It would appear that an embankment is being formed outwith the western boundary; this may be appropriate however it is not being guided by a masterplan to address the need for a landscape framework to guide Newtown St Boswells expansion. Should an embankment be formed, the proposed hedge will provide little containment.

The indicative landscape scheme on the Site Plan shows hedging stepping in an out where it would be more logical to follow the boundary. The treatment of space between plots 37-42 is not clear. It is recommended that a detailed landscape scheme is agreed to achieve the best landscape fit.

2nd response (8th November 2018): The amended proposals more accurately reflect the level change between Phase 1 and 2. No existing level survey has been submitted and it does appear in the revised sections that the eastern part of the site is being raised which may exacerbate the prominence of houses in the landscape. An annotated plan has been provided by the Landscape Architect to illustrate the species and planted areas required to achieve a suitable structure and screen planting on the embankment and to also strengthen and planting along the top of the embankment to suitably define the parking area. It is recommended that walls should be used instead of high fences and planting in association with lower fences set back from the street to help soften the street scape. Conditions covering soft landscaping, boundary details, commencement and completion of landscaping are recommended.

Outdoor Access Ranger: No objection. Identify one claimed Right of Way/Core Path on the land (ref BE180/CP209). It is recommended that;
- The realigned route of Core Path 209/ Right of Way BE180 is completed to an adoptable standard and to minimise the use of steps it should contour around the SUDS basin.
- The access road from Sergeants Park should have a tarmac pavement on both sides of the road.
- 1.5m wide gaps should be left in the boundary fence or pedestrian gates should be installed at each of the 4 points of access to future phases and similarly where the realigned Core Path 209 crosses the western perimeter.
- Both during and after construction, Core Path 209 should remain open and unobstructed.
- A short link path should be created along the western boundary between the realigned path and its existing line along the hedge/ field boundary.

Roads Planning Service: 1st response (1st August 2018): No objection in principle to the development however a range of amendments were required to provide suitable; road width, parking, footpaths and surface water drainage.

2nd Response: Following the submission of revised layout drawing AT2948 L(01)02 Rev. G, Roads Planning Service commented;
- In general the parking numbers are greater than normally required so there is room to remove approximately 10 spaces. Spaces opposite Plot 26 and 21/22 are identified for removal.
- The dispersion of parking fails to provide visitor parking at the south of the site (close to Plots 37 – 42)
- No dedicated disabled parking bays are provided these are required at a ratio of 1 to 20 across the development
- No details of the width of in-curtilage parking bays are provided
• A 500mm surface edge is required around parking bays
• Confirmation of the boundary treatment of the parking spaces along the embankment is required.
• The three roads which may provide access to future development of adjoining allocated land should be competed to the site boundary.
• A Traffic Management Plan similar to that required as part of Phase 1 and should include upgrading the existing surface water system.
• Roads Construction Consent is required and Scottish Water should adopt the drainage system

Statutory Consultees

Community Council: Object, siting the following grounds;
• The development will provide no developer contributions which will positively enhance local facilities other than play equipment.
• Fails to comply with the villages Development Frameworks which were intended to consist of 75% private housing and 25% affordable housing.
• No housing priorities are guaranteed for existing residents
• Mains sewage does not have capacity with current network overflowing during heavy rain.
• Existing road network is congested and cannot cater for extra 150-200 cars
• No certainty of the development providing an access on to Bowden Road
• Concerns are raised about the construction of Phase 1, in particular; closed pedestrian access routes and surface water issues.

Scottish Environment Protection Agency (SEPA): No objection, the submission of an Energy Statement to demonstrate that the heat demand of the development is being provided in a sustainable way has enabled SEPA to remove their original objection. The site lies out with the flood map and SEPA hold no further information to indicate it is at flood risk and have no objection to the proposed development.

Site drainage is to be split to the existing SUDS pond within the neighbouring site and to a new SUDS pond within this site. Both ponds discharge to the Scottish Water sewer network. SBC and Scottish Water should satisfy themselves that the drainage arrangements are appropriate for the site and agree discharge rates. The new SUDS proposals should accord with the SUDS Manual (C753) and the importance of preventing runoff from the site for the majority of small rainfall events (interception) is promoted.

Waste water is to be connected to public sewer is acceptable. The applicant should consult with Scottish Water (SW) to ensure a connection to the public sewer is available and whether restrictions at the local sewage treatment works will constrain the development.

Scottish Natural Heritage (SNH): Advice is provided on the impact of the development on the Eildon and Leaderfoot National Scenic Area (NSA) and the River Tweed Special Area of Conservation (NSA)

The site is located within the Eildon and Leaderfoot NSA which is of national interest as one of Scotland’s finest landscapes. It is recommended the importance of creating an effective landscape framework for the housing to sit within and a co-ordinated and well-designed urban edge that integrates the proposal into is rural context. SNH support the proposed layout which connects to Phase 1 and the wider settlement. The development should maximise its connections to the development of future
green networks along the Sprouston Burn which is likely to be important to supporting a larger population. The retention, protection and enhancement of the mature woodland to the north of the site are noted and new hedgerow planting will soften the development edges and reduce its impact on the NSA.

To ensure that the development is sympathetic, it is delegated to the Council to secure detailed design information on matters including building colour, night-time lighting, landscape planting (including its long term maintenance) and settlement edge design.

The site is connected to the SAC via the Glenburnie and Sprouston burns. Having appraised the proposed drainage strategy and the inclusion of a hedging to provide a buffer to the Sprouston it is recommended that the development will not directly or indirectly affect the qualifying interest of the SAC. A further appropriate assessment is not required.

**Transport Scotland:** No objection. It is noted that it was the intention of the LDP to undertake a masterplan exercise for this wider allocated site. While the development numbers proposed are unlikely to pose any adverse implications for the trunk road, Transport Scotland wish to avoid the future piecemeal development of the allocated site leading to cumulatively impinging on the capacity of the A68.

**DEVELOPMENT PLAN POLICIES:**

**Scottish Borders Local Development Plan 2016**

**Site References;**

**ENT15B:** Sergeants Park II

**ANEWT005:** Newtown Expansion Area

**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
EP4: National Scenic Areas
EP13: Trees, Woodlands and Hedgerows
EP15: Development Affecting the Water Environment
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 PLANNING CONSIDERATIONS:**

SBC Approved Planning Brief
• Newtown St Boswells Development Framework
• Sergeants Park II, Newtown St Boswells

Supplementary Guidance

• Housing (2017)
• Affordable Housing (2015)
• Biodiversity (2005)
• Development Contributions (2011) updated January 2018
• Landscape and Development (2008)
• Trees and Development (2008)
• Placemaking and Design (2010)
• Privacy and Sunlight Guide (2006)

Strategic Housing Investment Plan (SHIP) 2018 - 2023

KEY PLANNING ISSUES:

The principal planning issues with this application can be summarised as follows:

• Whether the proposals would represent a suitable development on an allocated housing site within the Newtown St Boswells settlement boundary
• Whether the proposal would have an adverse impact on the National Scenic Area, landscape or visual amenities of the area.
• Whether the proposal would harm the residential amenity of neighbouring dwellings or conflict with the established land use of the area.
• Whether the proposals are acceptable in terms of parking, access and impacts on road safety.
• Whether adequate drainage and servicing can be achieved.

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 north eastern corner of the site falls within the remaining undeveloped section of LDP allocation, ENT15B: Sergeants Park II. The remainder of the site falls within the larger Newtown St Boswells Expansion Area, Site Reference ANEWT005. Both of these sites are allocated for housing. The principle of residential development represents a land use which is supported by Policy PMD3 for the development of these sites.

Allocation ENT15B has an indicative capacity of 30 units however this has already been exceeded by Sergeants Park Phase 1. Members will be aware that the indicative site capacities for allocated sites within the LDP should be seen as a guide, not a limit. The current application would involve the erection of 4 dwellings within allocation ENT15B with the remainder of the development falling within the larger Newtown Expansion Site ANWT005. The proposed level of development can be easily accommodated within the remainder of the allocation without conflicting with the site requirements and the Sergeants Park II Planning Brief.

Allocation ANEWT005 extends to some 58ha with an indicative capacity for 900 units. It was the aspiration of the LDP and the Newtown St Boswells Development
Framework SPG that the development of site AWE005 should ideally follow a master planning exercise. This proposal only seeks the development of a small proportion of this allocation and it is appropriately sited as an extension to the existing settlement. The density of the proposal is commensurate with that of Sergeants Park Phase 1. The development will contribute to meeting the housing capacity for the wider allocation which is identified within the LDP. Members are advised that if this application is approved it will not prohibit undertaking any master planning exercise for the remainder of the Newtown St Boswells allocated expansion area.

An extensive list of Site Requirements is noted for the development of allocation ANEWT005, which should stem from the aforementioned masterplan exercise. As a result of this application only proposing a limited development of its allocation, some of the requirements are not proportionate for a development of this scale. These include:

- Access from the A68
- Provision of a new school and nursery
- Provision of sport facilities
- Regeneration of the village centre

The remaining Site Requirements are still relevant and will be covered within the detailed assessment under specific sections of this report below. Nevertheless, the principle of this proposal is considered to represent the development of allocated sites in a manner which complies with the requirements of Policy HD3.

**Tenure**

The proposed development would comprise 100% affordable housing and the Councils Housing Strategy Officer has confirmed that the site has been identified as a priority affordable housing project, confirmed by its inclusion in the Council’s current Strategic Housing Investment Plan 2018/23. Once completed, it is understood that the development will be managed by Eildon Housing Association who will ultimately own and operate the housing stock.

If Members are minded to agree the recommendation, it is advised that a planning condition to control the occupancy of the development for affordable housing tenures only (which comply with the Councils definition of affordable housing listed in the SPG) is required. This control will ensure that the development is delivered in accordance with its proposed tenure avoiding the accommodation being available on the open market and being liable for developer contributions which affordable housing proposals are currently exempt from.

**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 and Design.

**Layout**

The layout of the approved Sergeants Park Phase 1 delivered a positive design response which was consistent with principles promoted by Designing Streets and the Councils Placemaking and Design SPG. These local and national policy mandates to deliver good design are still material considerations which this latest proposal will be assessed against.
The layout of this proposal has followed the design principles which were established within the street design of Sergeants Park Phase 1. This has been created by having buildings which address the street and utilise road geometry to break up views as well as naturally slow traffic.

Through the course of the application, the applicants have sought to amend the proposals, to address issues arising from the level changes between the application site (which is located on elevated land) and the development to the east. In particular, the level changes caused neighbouring amenity issues for residents of Sergeants Park Phase 1. This has led to the removal of housing from the top of the slope from the central area of the site. The amended layout does weaken the street design from this part of the site as it is no longer framed by houses on both sides. Instead, to accommodate the parking requirements for this site, these areas have been given over to nose-in parking. The volume of parking along the top of the embankment could lead to parked cars dominating this part of the development. To mitigate this, the gables of Plots 26, 52 and 53 which face onto this section of development have been redesigned to provide an active frontage on to the street, the geometry of the road has been altered and landscaping will be provided between and behind the parking spaces. The boundary treatments within this part of the site become very important as the plot boundaries which enclose rear gardens face directly onto the street. In these locations, boundary walls instead of fences would contribute more positively to the streetscene.

Normally, the lack of building frontage on to a street and the potential for the dominance of parked cars would not be advocated. The visual impact of this particular part of the layout will be limited as it is contained within a central area of the site which will eventually form part of a much wider expansion of Newtown St Boswells. Amenity issues aside, the original layout which positioned houses along the top of the embankment may have accentuated the level change between the two phases which would have posed its own visual problems. The applicants have sought to make the amended layout at this part of the site as interesting as possible. Further improvements can be made by substituting boundary fences for walls for units which face on to the road within this central part of the site (i.e. Plots 26, 52, 53, 55 and 49/50). Additionally, the RPS has confirmed some of the non-allocated parking spaces could be removed from this part of the site as there is an over provision of spaces. This would enable an improved landscape scheme to be provided to further soften this edge of the development. The scope to provide these further enhancements to the layout will ensure that parked cars do not detrimentally dominate this part of the development and this section of the proposal will integrate with the character of the wider development.

Elsewhere within the layout, the changes have enabled the introduction of more terraced properties. These terraced rows enhance the wider layout as Terrace 3 (see Drawing No L(01)02) provides clearer visual termination on approach from the north and Terrace 4 creates a better frontage for a street which will provide an access for future development to the west. The development continues a long straight road into the site from Sergeants Park however the location of the square will help act as an arrival point.

Overall, the proposed layout is judged to positively respond to the constraints of the application site in a manner which integrates with the existing street network and sense of place created by the development of Sergeants Park Phase 1. Provided that the correct specification of landscaping and boundary treatments can be agreed the development is considered to comply with placemaking and design requirements of the LDP. Ultimately, these details can be agreed via planning conditions.
House design

Newtown St Boswells has a mixture of house designs with more traditional dwellings found within the village’s historic core and on Sprouston Road. Elsewhere a more modern design approach has been followed and this was reflected in the house types approved as part of Sergeants Park Phase 1. The house types proposed in this latest application match house types which were approved in Sergeants Park Phase 1. From a broad policy perspective, the Councils Placemaking and Design SPG remains in place and the design of the proposed units would continue to satisfy the principal design guidance against which the earlier designs were assessed.

In total eleven different house designs are proposed however these are slight variations of three set house types (Type A, B and C previously approved) in addition to a cottage flat (Type G). While the changes within the particular house type are very minor and often only relate to the handing of the front elevation, these small changes provide variation to the streetscape. Arguably there is an overreliance of two storey houses in this proposal. In reality, this blanket two storey scale is mitigated as the buildings follow the sloping nature of the site so that naturally gives them different heights. In addition the incorporation of wall head dormers and front gable projections interrupt the roof design.

Following changes to the site layout, the gable design of Plots 26, 52 and 53 has been improved to include timber sections with small window openings to enable the building design to add greater visual interest to the street. Additionally the layout changes also enable two different house types to form terraced rows which add further richness to the scheme.

The consistency of house types within Phase 1 and Phase 2 will enable these developments to eventually read as a single development however there is sufficient subtle variation within the house design to avoid a monotonous building appearance in combination with Phase 1. The house designs are considered to be acceptable in architectural terms and scale and 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 application sets out that the proposed external materials are as follows;

Walls:
- Dry dash smooth external render colour to be agreed
- Artificial Stone base course, buff colour
- Vertical timber lining boards

Windows:
- Timber

Roof:
- Concrete roof tiles colour grey
- Treated redwood fascia and bargeboards, black or dark brown colour
- UPVC rainwater goods, black colour

Porch:
- Vertical timber lining boards (colour black or dark brown)
The proposed material finishes match those which have been used on Phase 1. Due to the consistency used within the building design, this approach is sensible to provide unity. The render and colour of the timber wall finishes remain to be agreed, the plans show the render as a buff tone and timber as brown. In principle these colourings are not objectionable, however similar to Phase 1 the use of two render colours would be beneficial to provide some variation within the streetscape. Ultimately the precise details of these finishes can be agreed via a suitably worded planning condition.

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

In response to Policy PMD2, it is considered that 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 occupies a sensitive location within the landscape on rising ground which is located within the Eildon and Leaderfoot NSA. Policy EP4 seeks to ensure that development within NSA’s maintains or enhances the qualities of the NSA. Policy PMD2, criteria (f) seeks to ensure that developments incorporates appropriate landscaping works which integrate with its surroundings and in particular the Site Requirements seek to ensure that appropriate landscape buffers are provided to create a strong settlement boundary.

Through the LDP process, the allocation of this site has established the principle of the residential expansion of the settlement into the NSA. The layout of the proposal follows the design rational which was established within the NSA under the approvals for Phase 1. Owing to the site occupying rising land, this development will have a more significant visual impact within the wider landscape than Phase 1. Through the course of the application it has been established that to enable the appropriate integration of the development, that the northern and southern parts of the development have to be cut into the site. Following meetings with the applicants we understand that the cost of transporting the excess earth from the site is prohibitive for this affordable housing development, additionally the transportation of the earth off this site would pose amenity issues for neighbouring residents. The excess earth is therefore to be spread within the central part of the site, this is shown on Drawing No; 120981/1200 Rev C (ref; Earthworks Cut and Fill). These works result in a rise in the ground levels from north and southern ends towards the middle of the site.

Up-filling a site which already occupies rising ground is not an approach which would often be encouraged. In this case, the section drawings confirm that the rise towards the middle of the site is gradual and importantly the development still lies in with the wider topography by descending in a west to east direction. The areas of cut enable a seamless tie in with the adjoining streetscapes. The relocation of the proposed housing which will occupy the up-filled area is far enough away from Phase 1 so that these buildings will not adversely dominate views from the east. When viewing from Bowden Road, there will be a steady rise in ridge heights. Importantly, the existing planting to the north and rising ground towards the Eildon Hills will remain to contain the development so these proposals will not appear overly stark on the skyline.
Finally, it is important to note that once the remainder of the allocated site is developed the appearance of this development will be diluted further within the wider landscape.

By way of site landscaping, the inclusion of further planting to the north of the site will enhance the landscaped edge of the development – this is a specific requirement of the Newtown St Boswells Development Framework. A planning condition will ensure that the existing planting is protected during development works as noted on the site plan.

The hedge planting around the western and southern boundary of the site is judged to provide suitable enclosure for the development of this initial part of the allocated site. The embankment which has been formed along the eastern boundary of the site will be required to be planted with suitable species so that this ground offers some structure planting and screening between the two phases. Also the planting in between the parking spaces along the top of the embankment can enrich this part of the site. There is now capacity to remove some parking spaces from this central area which will positively provide the potential to secure additional landscaping within this part of the site.

As noted previously, the inclusion of boundary walls in locations where the rear areas bound the street would improve the streetscape. A barrier is required along the top of the embankment; use of a simple timber post barrier as opposed to a short boarded fence would be more visually appealing and allow for hedge planting behind to soften this edge of the development. Otherwise the use of low fences to public areas and taller fences around rear gardens are suitable.

The development will be required to have street lighting. No details of these proposals are provided but given the site location within the NSA, it would be incumbent on this development to ensure that lighting proposals are sensitive to ensure that they do not have an adverse landscape impact. It is recommended that a scheme of lighting details can be agreed by way of a planning condition.

The amended layout is judged to integrate with the overriding sloping nature of the wider landform. The layout avoids the need for any dominating retaining walls and the siting of the proposals is not judged to detract from the landscape value or qualities of the Eildon and Leaderfoot NSA. A soft planting plan has been presented however given that there is now the potential to provide additional planting along the top of the embankment it is recommended that the landscape treatment of the site is revised and agreed by way of a planning condition. This should include the need for suitable maintenance of these public landscape areas and some revised boundary details. Subject to the agreement of precise landscape details it is recommended that the development will enhance the landscape contribution of the wider Sergeants Park development and integrate with its wider landscape surroundings. The proposals are judged to comply with criterion (f) of Policy PMD2 and EP4.

Access and Parking

The site successfully utilises the two access points from the adjoining land to provide the development with its means of access. The layout provides four future access points to the adjoining allocated land which will assist with its future development. Some of these roads should however extend to the end of the site to avoid any ambiguity with the provision of access into any future development.
As mentioned previously, because this site does extend into the larger allocation ANEW'T005, it was the intention that the Newtown St Boswells expansion would necessitate improvement to the A68. Transport Scotland has however confirmed that the trunk road will have the capacity to safely access the additional vehicle movements associated with this development.

It is observed that Sprouston Road is often used for on street parking which makes negotiating this route more difficult. The Councils Roads Planning Service (RPS) has not raised any concerns that the existing road network in Newtown St Boswells will fail to cater for this development. As a result of the volume of parked cars on this road it can restrict movements, particularly for larger vehicles which will be an issue during the construction phase and was part of the reason why the developer has sought to minimise the volume of soil which would need to be transported from the site. Provided that construction vehicle movements are managed sensibly, it is not considered that there movements should adversely impact on road safety. This mitigation can be controlled within a Construction Method Statement.

The development poses a range of parking provision through a combination of in-curtilage, on street parking, parking courts and layby spaces. The amended site layout illustrated on Drawing No L (01) 02 Rev G required the repositioning of parking within the central part of the site. From a roads planning perspective there are no objections to this. The Councils RPS has advised that there is now a surplus of non-allocated parking of approximately 10 spaces however Plots 37 – 42 currently lack any visitor spaces. There would be merit in reducing parking provision within development, primarily from the central area which is well served by parking spaces to enable an improved landscaping scheme along this edge of the site and some of these spaces can be redistributed to provide layby visitor spaces to the south of the SUDS basin to serve Plots 37 – 42. Additionally dedicated disabled bays are recommended to be provided from the outset. The width of in-curtilage spaces and need for a small hardstanding around bays are also required. Ultimately, these changes are of a minor nature and the site has the capacity to satisfy these requirements. If Members are minded to approve this application it is recommended that a suspensive planning condition can be used to agree a revised parking scheme.

The site access has not been found to raise any road safety objection from the Councils Road Planning Officers 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, provided suspensive conditions are attached to address parking provision, the extension of access roads to the edge of the development site and mitigation of construction vehicle movements.

Protection of Access Routes

Policy IS5 seeks to protect existing access routes, however a Core Path/Right of Way which runs along the field boundary is proposed to be removed.

The site layout does not enable this route to remain within the development site in its existing form; however the proposal does seek to divert this route through the site to enable its continued use. On leaving the site, users would be diverted through an agricultural field before re-joining the original route. A short link (off-site) back to the existing route would facilitate this short diversion. Alternatively there would be scope to alter the rear of Plot 33 to provide this link so the route re-emerges alongside the field boundary hedge.
The Councils Access Ranger has sought if the diversion could be contoured around the SUDS basis to minimise the use of steps. Due to the change in gradient at this part of the site contouring the path around the SUDS basin would be very onerous and likely require an engineering solution which would erode the soft landscaping at this part of the site. Whilst it is accepted that there is a long length of steps required, in the wider context of the development this is the most practical solution to divert the identified path. During the phasing of the development provision will need to be made to ensure that the existing route is not permanently closed.

In accordance with the criteria of Policy IS5, is it recommended that a planning condition can be used to ensure that Core Path 209/ Right of Way BE180 remain suitably open and usable both during and after constriction works and that a short link is provided behind Plots 33 and 34 to ensure a suitable diversion is formed.

**Impacts on Residential and Neighbouring Amenity**

**Impacts on neighbouring housing**

The original layout illustrated on Drawing No; L(01)02 positioned Plots 49 - 56 at the top the steep embankment which runs along the eastern side of the site. This resulted in these units causing a loss of light and overlooking of Plots 8 – 15 of Sergeants Park Phase 1. These impacts resulted in the proposal failing to satisfy the Councils standards on residential amenity which are contained within the SPG on Privacy and Sunlight.

These impacts triggered the amendments to the layout of the central portion of the proposed development (Drawing No; L(01)10). The proposed units have been pulled back from the embankment. The revised siting of the units within the central area of the site has resolved the detrimental residential amenity impacts. Elsewhere within the site the positioning of the remaining housing, most notably Plots 1, 42, 43 and 63 which are the nearest to neighbouring housing are arranged so that they do not cause any overlooking from principle rooms. In terms of impact on light and sunlight Plot 42 will be positioned behind No 2 and 4 Stewart Place however the rear of these dwellings are already enclosed by boundary hedging which will shade these dwellings. The inclusion of Plot 63 within the north eastern corner of the site following the revised layout has the potential to cast some shadow across the rear of Plots 19 – 21 (Phase 1) in the evening. These impacts are not judged to be significant to the detriment of residential amenity and are commensurate with other relationships in Phase 1.

Construction works associated with the development of a large residential development such as this will likely 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.

In summary, the revised siting of the proposed development now complies with the Councils guidance on privacy and sunlight. Provided that a CMS is secured via a planning condition of any consent it is recommended that the proposed development satisfies the requirements of Policy HD3 of the LDP and does not adversely impact on the amenity of neighbouring housing.
Relationships within the site

Within the site itself, the positioning of the dwellings have been well thought out to avoid causing residential amenity conflicts. The proposed layout is considered to comply with the guidance set out in our SPG on Privacy and Sunlight.

Phasing

A phasing plan has been provided, see Drawing No L(01)11. The proposed construction of the two access roads within the first two phases and completion of the development from the north towards the south is sensible. The detention basin is shown as being provided during Phase 1. While the site plan has not been updated the changes to the layout would not affect the proposed phasing of the development.

Ecology

Policies EP1 to EP3 seek 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 the international or nationally protected ecological sites. The Glenburnie and Sprouston Burns are located immediately to the north of the site and these watercourses are tributaries of the River Tweed which is protected as a Special Area of Conservation (SAC). One of the surface water outfall points is proposed to connect to the Glenburnie Burn. The development will therefore impact to a degree on the River Tweed SAC which is protected by LDP Policy EP1 from any harmful form of development which would have an adverse effect on the natural resource.

Pollution arising from construction activities is most likely to be the stage where adverse impacts on the SAC and other habitats occur. It is proposed that the construction works will follow best practice guidance for pollution prevention for works near water courses. The agreement of a precise pollution prevention strategy can be agreed via a Construction Environmental Management Plan which shall measures to protect watercourses and boundary habitats.

SNH have appraised the drainage strategy and confirm that they are satisfied that the surface water discharge will not compromise the qualifying status of the SAC.

No protected species have been recorded within the site; however activity of international and national protected species were recorded outside of the site. There is also potential for the site to support breeding birds which could disrupt ground works or works close to existing vegetation. To ensure suitable measures are in place to safeguard protected species as well as other species which the site may support which are identified within the Preliminary Ecological Appraisal, a species protected plan should be agreed which also avoids works commencing during the breeding bird season.

Specifically, Policy EP3 aims to enhance the biodiversity value of development sites. The development includes proposals for planting and a SUDS feature. The agreement of a Landscape and Habitat Management Plan can ensure that proposal has a positive impact on local biodiversity through the use of suitable of native tree and hedge species and the suitable design of the SUDS feature to maximise its wildlife potential.
While it has been identified that the development will impact to varying degrees on the River Tweed SAC, a range of protected species and habitats it is recommended that through the use of appropriately worded planning conditions, suitable mitigation measures can be imposed to ensure that the development is not adversely affect the ecological status of the site.

**Heat Demand**

Policy PMD2 criteria (a) suggests that developments should maximise efficient energy use and include the use of resources such as District Heating Schemes. SEPA originally objected to the proposal on grounds that insufficient information had been submitted to demonstrate how the heat demand for the development will be met. Subsequently an Energy Statement has been submitted. The potential for the development to use a District Heating Statement has been investigated through the use of the government’s heat mapping online tool. This assessment confirmed that the density of the development is not high enough and it location is too remote from significant energy sources to make the use of a District Heating system to be feasible for this development. The development is however seeking to utilise the use of other technologies to maximise the use of energy and resources via:

- High standard of insulation
- Siting of solar PV panels on each dwelling
- High efficient gas boilers
- Low energy lighting

Against the requirements of criteria (a) of Policy PMD2, it is considered that the proposed development is taking a proportionate level of measures to maximise the use of energy to an extent which satisfies this policy requirement. The elevation drawings of the dwellings do not show solar PV panels however the agent has confirmed it is their intention to use solar panels and agreement of their siting on each unit can be agreed by way of a planning condition.

**Flooding**

The application site is not located within a flood plain nor is at risk of flooding from fluvial flooding. There is however a history of surface water runoff from the hillside, causing serious flooding issues downstream. It is understood that silt contained in runoff from this source resulted in a storm drain installed as part of Sergeants Park Phase 1 being blocked and leading to local flooding issues. Policy IS8, seeks to ensure that proposed developments address flood risk from any source, including surface water. Therefore it is incumbent on this latest development to ensure that it can manage surface water from the hillside and its surface water system will not result in or cause flooding elsewhere.

Additional surface water information has now been provided and the Councils Flood and Coastal Management Officer is satisfied that a suitably sized drain is located along the western boundary of the site and two 300mm bunds will provide sufficient defences against water flowing towards the site from the hillside. It has been qualified that the detention basin has sufficient capacity including an overflow mechanism which will mitigate additional flood risk in extreme events. The levels on the Surface Water Flow Path (Drawing 120981/2022) suitably illustrates that the water is being routed away from buildings, however the drawing does show some of the units occupying a lower FFL that the level of the road. This would appear that this is only a discrepancy and can be corrected as part of an updated levels plan.
In response to Policy IS8 the additional information has demonstrated that the proposed development includes suitable defences to mitigate the site from being flooded and its surface water proposals should not lead to any flooding occurring elsewhere. Planning conditions to sure that the agreed surface water mitigation measures are installed before occupation of the first dwellinghouse and confirmation of the FFL’s are recommended.

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 Scottish Waters existing public sewer network and ultimately Scottish Water would adopt the drainage system. Scottish Water have not responded to the consultation request for this application, however 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 Community Council have expressed that there is local concerns about sewage capacity and to ensure that the development is suitably serviced, it is recommended that confirmation from Scottish Water is required to ensure that their drainage system has the capacity to accept foul drainage from the development. This can be achieved via a suitably worded planning condition.

Turning to surface water, this is to be disposed of by way of sustainable urban drainage to an outfall on the Sprouston Burn (to the north of the site), with the remainder of the site handled by an outfall to Scottish Waters existing surface water sewer on Sergeants Park (after treatment and detention in a new SUDS basin). The Councils Flood and Coastal Management Engineers are satisfied that the proposed surface water treatments comply with SUDS principles and importantly do not cause any flood risk. However, because the means of disposal is reliant on connection into Scottish Waters system, it is imperative that they are satisfied that their infrastructure has the capacity to suitable service this latest development. 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

Waste

Policy PMD2 requires that developments provide space for waste storage and that waste collection vehicles can adequately access the site. No response from the waste team has been provided but the Roads Planning Service is satisfied that the site access and layout does not raise any refuse collection issues.

There does however appear to be minor anomalies with Plots 39, 38, 37, 36 which do not show the provision of bin stands within the rear gardens – they are shown within the street. Each of these properties is served by an accessible rear garden so it would appear possible for these bin stores to be re-located. Plot 41 has no bin
stance with two stances being provided at Plot 40. It is recommended that these matters can be readily addressed by a simple planning condition so seek the appropriate repositioning of these bin stands.

Development 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 development contributions towards both Newtown St Boswells Primary School and Earlston 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 place facilities is preferred at a rate of £500 per dwelling unit. The developer has agreed to meet this requirement which can be secured through a legal agreement should Members resolve to support this application. Subject to the conclusion of a legal agreement for space contributions, the proposed development will comply with the requirements of Policy IS2.

CONCLUSION

It is considered that the proposals represent the suitable development of land which is allocated for residential purposes in a manner which addresses relevant site requirements for the allocations listed in the LDP and does not prevent 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 and does not adversely affect the landscape value of the Eildon and Leaderfoot National Scenic 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.

1. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Consolidated Local Plan 2016 and 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.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications including Drainage Strategies hereby approved by the Planning Authority, unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.

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 commence until a protective barrier in accordance with BS5837:2012 has been erected in the location identified on Drawing No L(01)02 Rev G. Once erected all development works shall comply with BS5837:2012. The protective barrier shall only be removed when the development has been completed and thereafter the trees shall be retained unless otherwise agreed in writing with the Planning Authority.  
Reason: To protect and retain trees which enhance the visual amenity of the surrounding area.

5. 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. 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
   ii. Precise details of all proposed means of enclosure, which include the introduction of boundary walls where the boundaries of Plots 26, 52, 53, 55 and 49/50 face on to the road
   iii. Specification of the barrier to be installed behind the parking area along the top of the embankment
   iv. A programme for completion and subsequent maintenance.  
Reason: To ensure the satisfactory form, layout and assimilation of the development.

6. Notwithstanding the details illustrated on Drawing No L(01)02 Rev G, no development shall commence until the following access and parking mitigation measures have been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:
   a) Revised parking proposals which include a reduction in non-allocated parking spaces, inclusion of visitor spaces opposite Plots 39-42 and provision of dedicated disable parking spaces.
   b) A plan which shows that the access points which will provide links into the adjoining sites will be constructed to the boundary of the application site.  
Reason: Further details are required to ensure that adequate information is provided to ensure that suitable parking provision and access is provided within the development site.
7. Prior to occupation of the first dwellinghouse a scheme of street lighting details shall be submitted to and agreed in writing by the Planning Authority and thereafter the lighting shall be installed as per the approved details.  
Reason: In the interests of road and pedestrian safety and to safeguard residential amenities and limit light pollution.

8. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority.  As a minimum this should outline how the site will comply with the British Standard 5228:2009 Code of Practice for noise and vibration control on construction and open sites and should include the hours of construction, vehicle movements, protection and monitoring of private water supplies, noise mitigation, equipment maintenance, dust mitigation and management and a complaints procedure/communication of noisy works to receptors.  The development then to be carried out in accordance with the approved Construction Method Statement.  
Reason: To safeguard residential amenities.

9. No development shall commence until a scheme of details for the temporary diversion of Core Path 209 during development works (to include provision of a short link path from the re-aligned route illustrated on Drawing No Drawing No L (01)02 Rev G to the existing path adjacent to the hedge to the west of the site) has first been submitted to and approved in writing by the planning authority.  The development shall be completed wholly in accordance with the approved details.  
Reason: Further details are required to ensure the right of way remains open and free from obstruction.

10. No development shall commence until precise details of the siting of solar PV panels has been submitted to and agreeing in writing with the Planning Authority and thereafter the development shall be completed in accordance with the approved details.  
Reason: To ensure a sustainable form of development which maximises the use of renewable energy resources.

11. Notwithstanding the details shown on Drawing No 120981/2022, no development shall take place until a revised site plan showing all existing and proposed ground levels, as well as finished floor levels of the dwellings hereby approved, has been submitted to and approved in writing by the planning authority.  Thereafter the development shall be completed in accordance with the approved plan.  The revised plan should ensure that the finished floor levels of all residential properties are satisfactorily above the adjoining finished ground levels.  
Reason: To mitigate surface water flood risk.

12. No development shall commence until a detailed report confirming that the public mains water supply is available and can be provided for the development has first been submitted to and approved in writing by the Planning Authority.  Prior to the occupation of the first dwellinghouse(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.  
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
13. No development shall commence until written confirmation has been provided from Scottish Water that the public drainage system can accept the loading of foul and surface water drainage from the development 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 prior to the occupation of the first dwellinghouse(s), written confirmation shall be proved for the approval of the Planning Authority that the development has been connected to the public drainage network.

Reason: To ensure that site drainage is adequately handled without impinging on existing users.

14. No development shall commence until a Construction Environmental Management Plan, including measures to protect watercourses and boundary habitats in accordance with the Preliminary Ecological Appraisal (Tweed Ecology, November 2017), shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.

15. No development shall commence until a Species Protection Plan (SPP) including measures for bats, badger, red squirrel and breeding birds in accordance with the Preliminary Ecological Appraisal (Tweed Ecology, November 2017) shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme. No development shall commence during the breeding bird season (March to August), unless in accordance with the SPP. The SPP shall include provision for mitigation including supplementary surveys for badger and birds and no development areas if breeding birds are found.

Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.

16. No development shall commence until a Landscape and Habitat Management Plan, including measures to enhance boundary hedgerow habitats, create new native broad-leaved scrub and wildflower habitat and an enhanced SUDs pond in accordance with the Preliminary Ecological Appraisal (Tweed Ecology, November 2017), shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.

17. Notwithstanding the details illustrated on Drawing No L(01)02 Rev G, no development shall commence until a revised site plan which relocates the refuse/recycling bin stances serving Plots 36 - 39 are relocated within the rear curtilage of these plots and provision is made for a refuse/recycling bin stance for Plot 41 is provided. Thereafter no development shall take place except in strict accordance with the approved drawing.

Reason: To satisfy waste collection requirements and ensure that bin stances are sited in appropriate locations which maintain the character and appearance of the development.
## DRAWING NUMBERS

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### Approved by

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<tr>
<td>Ian Aikman</td>
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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)

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