

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**1 JULY 2019**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 18/01804/FUL
<b>OFFICER:</b>	Mr C Miller
<b>WARD:</b>	East Berwickshire
<b>PROPOSAL:</b>	Erection of 50 No dwellinghouses with associated infrastructure
<b>SITE:</b>	Land South West and South of Ayton Primary School, Beanburn, Ayton
<b>APPLICANT:</b>	Berwickshire Housing Association
<b>AGENT:</b>	Smith Scott Mullan Associates

**PLANNING PROCESSING AGREEMENT**

A Planning Processing Agreement had been agreed for Committee presentation by 3 June and issuance of the decision notice by 14 July, should the application be approved and a legal agreement then concluded.

**CONTINUATION FROM JUNE COMMITTEE**

The application was continued from the June Committee as Members required further investigation of potential improvement to the provision of vehicular and pedestrian access to the site and requested Officers to discuss this further with the applicant. A meeting has now taken place with the applicant and Roads Planning Officers to discuss the following:

- A permanent alternative access from the High Street via farmland to the north
- A temporary construction access from the High Street via farmland to the north or via an existing farm track further north
- Any additional information or improvements to the existing access proposals including construction traffic management
- Access to the school and the loop road suggestion from the Community Council

Following these discussions, the agent submitted a Report and Plan examining the above options which is included in full on Public Access for Members to view. In summary, the Report outlines the issues with alternative access suggestions and explains reasons why such solutions may render the project unviable, including cost of road, ownership agreement and power line clearance. These issues also pertain to a possible existing farm road route further north. The report states that if such solutions render the project unviable, then the Traffic Management Plan will incorporate measures to minimise construction impacts including avoidance of school drop-off/pick-up times, use of a banksman to supervise offloading operations, appropriate barriers and gates. Commitment is also maintained to widen Beanburn in the three

locations identified by the Council. The Report also maintains the preference for access to the school via the proposed footpath link, giving reasons why a loop road through the school may increase traffic and increase safety risks.

Members will also note a further response from Housing Strategy who considers that a new access road from the High Street would be likely to make the site unviable for affordable housing delivery without significant additional grant funding. This funding is heavily committed and highly unlikely to be available.

Members should also note additional responses from Ayton Community Council on the issues relation to use of the Beanburn, the arrangement for pick-up/drop-off at the school and the potential revised access from the High Street. The revised responses include an additional photograph of lorry blockage and an acceptance that a permanent alternative access via farmland is unrealistic but that a temporary construction access should be investigated. The Community Council also make further points about impacts being greater in the Beanburn at peak school times and the Council Policy regarding one-way loops within school grounds.

While there are certainly shortcomings with the Beanburn approach, it is considered that with the mitigation proposed, this approach is not unacceptable in planning terms. Indeed, the requirement of the local development plan allocation is that the site is approached by this route and it would therefore be unreasonable to object to the development on the grounds of principle or means of access which complies with the requirements of the allocation. Furthermore, the proposed affordable housing makes a significant contribution to the Strategic Housing Investment Plan programme and this is an important consideration in the determination of the application. It would not be reasonable, through any permission, to require an access across land over which the developer has no control, when there is no clear prospect that it could be delivered. Adding in the cost of such a road when the allocation requires access along Beanburn may also be considered unreasonable.

## **SITE DESCRIPTION**

The site is located to the south-western edge of Ayton and consists of 2.3 hectares of grazing and open land, generally level but with a slight rise to the west and north. There is a sycamore tree on the south-western boundary of the site and an area of hawthorn and goat willow bushes along the boundary between the two allocated sites. This area also contains a fenced off drainage pond. Beech hedges also exist to the north-east and south-western boundaries and a high conifer hedge also borders the northern corner.

The site lies immediately south-west of an existing housing area in Lawfield Drive which contains single and predominantly two storey housing of modern design. Ayton Primary School also borders the site to its north-eastern edge. Along the south-eastern edge lies the Beanburn public road and more recent houses of contemporary design, with an access leading to the site, Summerhill Park. The remaining boundaries to the south-west and north-west border open agricultural land. A small area of allotment gardens exists to the south-eastern boundary of the site.

The site is not within Ayton Conservation Area but immediately adjoins properties within it on Beanburn. The site comprises of two separate allocations for housing development in the Local Development Plan 2016 (LDP) as AY1A and AAYTO003 with a combined indicative site capacity of 44 units. Four houses have already been individually constructed within the allocation AY1A fronting Beanburn and from the

main access off Beanburn, Summerhill Park. This leaves a residual combined indicative site capacity of 40 dwellinghouses.

## **PROPOSED DEVELOPMENT**

The application is submitted in full for the development of dwellinghouses for affordable rent by Berwickshire Housing Association. It will consist of 50 dwellinghouses comprising a mixture of 40 two storey houses and 10 single storey cottages for the elderly. The two storey houses will offer 2-4 bedrooms and the cottages 1-3 bedrooms. The houses have been designed and laid out to maximise aspect to the south for solar gain purposes.

The layout has a main access from Beanburn and Summerhill Park to the south-east of the site. A secondary vehicular access is also proposed to Lawfield Drive to the north-eastern boundary of the site. Footpath links are also proposed to the aforementioned roadways and the adjoining Primary School. A rear access path is also proposed for Lawfield Drive residents. A potential future vehicular link is provided to the north-western field boundary.

There is a loop road system within the site with a mixture of curtilage and communal parking spaces. The road system contains various focal point squares at junctions. Centrally, the site will contain a landscaped open space area incorporating the existing sycamore tree and proposed SUDs attenuation basin. This area will be planted and have footpaths to its edges, bordered by the single storey cottages on a NE/SW alignment. Elsewhere, the two storey housing will be aligned to maximise solar gain, generally arranged in semi-detached form facing south but with some terracing to the north-eastern boundary.

The two storey houses will be designed with asymmetrical roof pitches, the longer roof slopes designed to accommodate solar panels. The single storey cottages will have symmetrical roof pitches. Roofs will be covered in grey concrete tiles and wall materials, initially incorporating red brick, will now be wholly a mixture of white and red render with light grey fibre-cement shiplap cladding feature panels. Windows will be dark grey uPVC.

Whilst some shrub planting will be removed within the centre of the site, other boundary hedges, trees and shrubs will be retained and augmented with new planting throughout the interior of the site. Boundary treatments between plots also vary with a mixture of metal trip rails and higher walls and fences.

The surface water drainage system is based upon permeable and SUDs principles with a central detention basin and overflow discharge to the public system. Foul drainage will also be to the public sewer in Beanburn.

The application is classed as a 'Major' development under the Hierarchy of Developments (Scotland) Regulations 2009. The applicants publicised and held a public event prior to the application being submitted, as well as consultation with Ayton Community Council. The outcome of the public consultation exercise has been reported in a Pre-Application Consultation Report submitted with the application. The requirements of the Development Management Procedure (Scotland) Regulations 2013 have been satisfied. The applicant has held further discussions with the Community Council during the application process.

In addition to the submitted plans and drawings, there are also statements and reports in support of the application, as follows:

- Pre-Application Consultation Report
- Design Statement
- Transport Statement
- Flood Risk Assessment
- Ecology Feasibility Report
- Ecological Impact Assessment
- Tree Survey
- Drainage and SUDs Strategy Report
- Geotechnical Interpretative Report
- Geo-Environmental Desk Study Report
- Cultural Heritage Desk Based Assessment
- Archaeological Data Structure Report
- Landscape Design Statement

## **PLANNING HISTORY**

The current allocation for housing on the site has been through full public consultation during the Local Development Plan process, leading to designation as allocations AY1A and AAYTO003 with a combined indicative site capacity of 44 units. Four houses have been separately applied for, permitted and built within the southern area of the allocation, alongside Beanburn, dating from 2007-2011.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Roads Planning:** No objections to the application subject to conditions. Notes the development is above the LDP indicative capacity but considers the site can accommodate the higher number of units through the “Designing Streets” compliant layout. Comments on the nature of Beanburn as the main access to the development, the narrow section at Summerhill Cottage, the existing and proposed traffic counts and the current use of the road by large vehicles and agricultural related traffic. Acknowledges the local concerns but feels that with conditions regarding localised widening, pre and post construction surveys of Beanburn/Lawfield and a traffic management plan for the construction period, there can be no objection to the use of Beanburn as the main access. Also seeks a condition to secure a pedestrian link to the school from the site to provide a safer pick-up/drop-off alternative.

Accepts additional connection to the Lawfield housing scheme and generally considers the internal layout to have good connectivity and pedestrian access. Some adjustments to surfacing may be needed at the Roads Construction Consent stage and the internal link road between Plots 34 and 47 should have passing opportunities.

Responds to further submissions by accepting the footpath link to the school, subject to agreement on timing and the passing zone on the internal link within Phase 2. However, the submitted drawing for the Beanburn widening remains too indicative and consider there are several locations within public road verge where the Beanburn could be widened. Content this can be addressed by suspensive condition seeking more precise details.

**Education Officer:** Within the catchment of Eyemouth High School and Ayton Primary School but no contributions are sought.

**Landscape Architect:** No objections, noting that there are surface water issues on the site; that the existing sycamore tree is being retained but that also more scrub and tree cover could have been retained. Welcomes the open space SUDs treatment within the centre as a focal point within the site. Requests revised plans to seek a variety of changes including hedging and fencing instead of trip rails, tree planting at gable ends, hedges to northern boundaries, tree planting to existing boundaries with 1.5m maximum height fencing, tree-friendly construction including preservation of Root Protection Areas, omission of red brick, careful selection of tree/hedge species and clarification on the long term maintenance of landscaped areas.

**Housing Strategy:** Supports application, noting the site is within the current SHIP and the RSL will be providing affordable housing in two phases, the first phase delivering 29 units in 2020/21. The Scottish Government is willing to grant aid the development and the units will contribute towards their 50,000 unit target by March 2021. After noting concerns from the community over scale of housing need, sought additional information from BHA who had commissioned a survey on housing needs in 2018 revealing a scarcity of lets in Ayton, each property resulting in an average of 25 bids. Assessment of this over last two years in Ayton reveals 112 bids for six properties, indicating local need. The Right to Buy loss to the housing stock is also a factor. Notes that BHA will only build Phase 1 (30 units) and will not move onto Phase 2 until future needs and funding justify it.

**Flood Protection:** Initially felt that the proposals were unsuitable, especially due to evident standing water in the area of Plots 47-50 and the need for the source of the water to be investigated. They also requested confirmation that the SUDs basin can accommodate a 1 in 200 year run-off, pre and post-development flow paths and the adequacy of the drainage pipe at the Lawfield Drive boundary.

Following submission of additional information, notes that the drainage pipe at Lawfield Drive will be increased in size from 150mm to 450mm, there will be intercepting drainage on the perimeter of the site, the existing drainage ditch filled in, the proposed SUDs basin will accommodate 1 in 200 year storm events and satisfactory pre and post development flow paths have been provided. Raises no objections on the basis of the additional information.

**Archaeology Officer:** No objections but there have been investigations carried out on two cropmarks in the south-eastern part of the site including site trenches and ten metre buffer zones. One of the cropmarks revealed features and work has been ongoing. Whilst no further ground investigation is required, there is still a need to impose a planning condition to seek a Written Scheme of Investigation for post excavation analysis and publication. An Informative should also be added to cover any other archaeology encountered during development.

**Ecology Officer:** Initially requested an Ecological Impact Assessment. Once received, no objections subject to conditions. There are no impacts on designated sites and any habitat loss is at a local level and can be compensated with suitable planting in a Landscape Habitat Management Plan, required by condition. In terms of fauna, the bat survey is accepted subject to a condition on appropriate lighting. Mammals do not raise any issues but there will still need to be Species Protection Plans for badger, breeding birds and amphibia. The Management Plan should also provide for bat boxes and nest boxes.

**Access Officer:** No issues with public access as there are no rights of way or core paths within the site.

**Forward Planning:** No objections. The site is allocated for housing in the Local Development Plan via two allocations with a combined indicative capacity of 44 units, albeit four units have already been constructed along the southern boundary. The site complies with Policy PMD3 on development of allocated sites for the zoned purpose. The development should be assessed against Policy HD1 on affordable housing, including need, current supply and characteristics of the site. The southern allocation is included within the current SHIP. Lists other Policies to be complied with and various site requirements in the LDP, including pedestrian links, structure planting, archaeological investigation and flood risk assessment.

**Neighbourhood Services:** Response awaited.

**Waste Services:** Three areas involve reversing so waste collection points should be on the main loop road.

### **Statutory Consultees**

**Transport Scotland:** No objections.

**Scottish Water:** Response awaited

**SEPA:** Initially supported the comments of SBC Flood Risk Officer regarding the pre and post development overland flows and source of the water-filled ditch on the site. Also question the source of the sump and open channel. Upon receipt of additional information, objects on the grounds of flood risk. In particular, the lack of groundwater investigation, the size of the culvert the upsized Lawfield Drive pipe is being connected to, clarification of ownership agreement, SUDs details relating to attenuating the larger catchment and information on the sump protecting existing houses in storm conditions. Following receipt of further information, withdraws objection especially after being reassured over the potential flood risk impacts on existing property.

**Ayton Community Council:** Supports the principle of affordable housing in the village but objects to the scale of the development which is not based upon actual demand, quoting the housing needs survey in Ayton in 2018 revealing only 9 households looking to move to Ayton and BHA own figures of every rental house attracting only 18 applicants. Also objects to the impacts on local infrastructure, particularly the capacity of the Beanburn where a school drop-off loop road and alternative access to the north of the site have not been adequately investigated. Further objections to impacts of the increase in population on the school and health care.

### **REPRESENTATION SUMMARY**

Objections and representations have been received to the application from 26 properties. These can be viewed in full on the Public Access website and the main grounds of objection include the following:

- Inadequacy of Beanburn to safely accommodate the development in that the road is currently overloaded, is used by large agricultural-related vehicles and school traffic, is too narrow, has an inadequate footpath on one side, is in poor condition, contains blind accesses and on-street parking, impacts of construction traffic etc.
- The Transport Statement is inaccurate and provides low traffic generation estimates.
- Use of Beanburn would be contrary to Local Development Plan Policies PMD2 and HD3.

- Road widening may involve private property.
- Safety concerns over traffic generation impacts on children and pedestrians.
- Lawfield Drive is also unsuitable for additional traffic with on-street parking problems.
- A better and alternative access should be investigated from the High Street to the north of the site.
- The large scale of the population increase, overdevelopment, lack of justified need and contrary to LDP Policies including PMD3, HD1 and the indicative capacity in the allocation,
- Strain on the local primary school and health care, contrary to LDP Policy PMD1
- Concerns over drainage problems and ponding on the site, risks of Beanburn overflow and flood risk, inadequacy of existing sewerage and surface water system and insufficient new drainage proposals.
- Detrimental impact on wildlife
- Inappropriate design, materials and colours not in keeping with the area.
- Poor transport links and facilities for new tenants.
- Overprovision of car parking.
- Impacts on existing surface water soakaway to south of site.

Some of the letters were prefaced by general support to additional population supporting local services and meeting affordable housing need in the area.

#### **DEVELOPMENT PLAN POLICIES:**

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

PMD1 Sustainability  
 PMD2 Quality Standards  
 PMD3 Land Use Allocations  
 IS2 Developer Contributions  
 IS4 Transport Development and Infrastructure  
 IS6 Road Adoption Standards  
 IS7 Parking Provision and Standards  
 IS8 Flooding  
 IS9 Waste Water Treatment Standards and Sustainable Urban Drainage  
 EP3 Local Biodiversity  
 EP9 Conservation Areas  
 EP13 Trees, Woodlands and Hedgerows  
 EP15 Development Affecting the Water Environment  
 HD1 Affordable and Special Needs Housing  
 HD3 Protection of Residential Amenity

#### **OTHER PLANNING CONSIDERATIONS**

SESplan Strategic Development Plan 2013  
 Scottish Planning Policy 2014  
 PAN 44 Fitting New Housing into the Landscape 2005  
 PAN 61 Planning and Sustainable Urban Drainage Systems 2001  
 PAN 65 Planning and Open Space 2008  
 PAN 67 Housing Quality 2003  
 PAN 75 Planning for Transport 2005  
 Designing Streets 2010

SPG Affordable Housing 2015

SPG Developer Contributions 2016  
SPG Trees and Development 2008  
SPG Landscape and Development 2008  
SPG Green Space 2009  
SPG Placemaking and Design 2010  
SPG Guidance on Householder Development 2006  
SPG Waste Management 2015  
SPG Biodiversity 2005

## **KEY PLANNING ISSUES**

The main determining issues with this application are compliance with Local Development Plan Policies and Supplementary Planning Guidance on development on allocated sites, traffic impacts, density, design, landscaping, flood risk, drainage and development contributions

## **ASSESSMENT OF APPLICATION**

### Planning Policy

The site is allocated in the Local Development Plan 2016 for housing in two separate allocations – AY1A with an indicative site capacity of 24 units and AAYTO003 for 20 units. This reflects the SESPlan housing land requirements for periods to 2019 and a further five years beyond. The density of the site, and detailed LDP criteria are assessed further in this report. The allocation lists a number of site requirements including the need for Flood Risk Assessment, access from the existing access onto the Beanburn, utilisation of south-facing aspect, archaeological and biodiversity provision and pedestrian links to the school and Lawfield Drive. The allocation on the Proposals Maps also shows landscaping requirements to the north-east and north-west in the form of structure planting.

Although there is no site specific requirement relating to transport listed in the Local Development Plan, Appendix A clearly states that a Transport Assessment will always be sought for any development above 50 units and that the developer would be expected to pay for any off-site roadworks required as a result of their development. A Transport Statement has been provided and some off-site works are proposed as part of the application.

In terms of the principle of a housing development on this site, the Policy background is one of full support. The proposal is for housing development in compliance with the intended use in Policy PMD3. The site provides a contribution towards the housing land targets identified in SESPlan and in line with “Key Outcomes 1 and 2” in the Local Development Plan i.e. effective housing land supply and opportunities for affordable housing. The principle of the development should be assessed primarily against the provisions of the Development Plan in the first instance, as required by Section 25 of The Town and Country Planning (Scotland) Act 1997. It is only if there are material factors of sufficient significance that outweigh the provisions of the Development Plan, then determination could be against the provisions of the Plan. Much assessment from respondents and in this report will correctly focus on those material factors and, in particular, the impacts and consequences of the increased number of housing units above the indicative capacity. This report will contend that those material factors are not demonstrating sufficient adverse effects to the extent that refusal of development of 100% affordable housing on an allocated housing site would be justified.



The twin allocations in the Local Development Plan provide a total indicative capacity of 44 houses, of which four houses have already been constructed since 2007 along and within the southern edge of the allocation AY1A. The residual indicative capacity is, therefore, exceeded by 10 houses with this development. However, as discussed with other developments on allocated sites recently that have been presented to Committee, indicative capacity figures should not be seen as absolute maximum figures or caps. They are designed to ensure that the Council meet their five year housing land supply obligations set by the Government and are included within SESPlan and the Local Development Plan to ensure sufficient effective housing land for the period of the Plan and beyond. The figures are not derived from an exhaustive analysis of the potential layout of every site but on general size and density parameters. Although there may be consequential impacts, the fact that a proposed development exceeds the indicative capacity is not, in itself, justification *per se* for rejection of an application.

It is possible that, once detailed assessment has been carried out and layouts have been designed, development could prove to be acceptable in excess of the indicative capacity. This has happened on a number of sites throughout the Borders where developments in excess of the stated capacity have still been considered to be acceptable. It is very often the case that a higher density can lead to a better form and layout of development. The issue is whether the additional number of units causes significant and demonstrable harm that cannot be addressed or mitigated satisfactorily. In the case of a 100% affordable housing development, higher densities are likely as a result of economies of scale and the generally smaller house sizes. Whilst there are some criticisms of the size of the development and overdevelopment of the site, this report will accept that, through design and some amendments to the scheme, the impacts are not sufficiently adverse from the increased number of units that refusal of the application would be justified. Impacts can be satisfactorily accommodated and mitigated where necessary.

More significant concern has been expressed regarding the scale of the development in relation to the level of actual local housing need for Ayton, the concerns not relating to the fact that there is a need but to the provision of 50 houses across the site and the scale of addition this represents to the village. The Community Council has objected for this reason. Policy HD1, whilst more specifically relating to the need for a proportion of affordable housing, does require to be partly informed by local housing needs assessment work. This issue has been raised with the applicant and with the Council's Housing Strategy Officer and the responses have been to demonstrate the latent demand for affordable housing for rent in Ayton, informed by ongoing housing needs assessment. When existing properties do become available, the applicant has stated that they result in bids from an average of 25 persons or households. There has also been an impact on housing stock with losses in the village through the Right to Buy legislation. These figures are disputed by the Community Council and objectors who consider there to be significantly less latent need.

The Housing Strategy Officer, however, advises that there is the local demand to justify the proposed development, albeit there is a clear intention to complete the houses in two phases – 30 initially in Phase 1, supported by inclusion within the SHIP and by funding assistance from the Government. Whilst the applicant has stated that they intend to develop the roads and infrastructure across the whole site, they only intend to complete 30 houses in the first Phase before seeking further funding and assessing the need to complete houses in Phase 2. They envisage this would take at least four years.

Whilst a phasing condition could cover this matter, there is no specific Policy justification to divide the site up or withhold development of the full 50 houses in one stage. If this had been a private housing development, then there would be no justification to phase the development based upon local housing demand or funding position, given that the allocations are not defined as long term, dependent on other improvements releasing them for development. However, there is some logic in phasing based upon the natural progression of the development from one allocation into the other, given that the main site access must be taken from Beanburn. It would be more acceptable in townscape and access terms if the development, including the central SUDs/greenspace and road/footpath links, was to progress and be substantially completed within the indicated Phase 1 before the remaining housing was completed within Phase 2. This would be preferable in townscape terms to a long access road through an area undeveloped before reaching the 20 houses in Phase 2. An appropriate condition will be recommended.

Ultimately, the twin allocation in the Local Development Plan is not specifically for affordable housing and a private development (with affordable element) of 40 units could also have been applied for and would not be required to provide any justification of scale of need. Although this proposal is ten units above the indicative capacity, provided the additional units do not cause any layout or infrastructural issues, there is no specific requirement for the development to prove an exact match of supply and need.

### Layout

Although the application proposes ten houses above the indicative capacity, it is considered that the layout and density are in compliance with LDP Policies PMD2, HD3 and the “Placemaking and Design” SPG. The applicant submitted a Design and Access Statement which stated that the layout was based upon the principles of solar gain with alignment generally facing south, habitable rooms being positioned on the southern elevations, narrow house depths and smaller, more private gardens to the north.

In terms of the density of the development, the applicant states that the density equates to 21.7 dwellings per hectare. They state that their development involves 40 two storey units offering 2-4 bedrooms and 10 cottages with 1-3 bedrooms. Seventeen of the units are terraced and the remainder semi-detached, except for a detached cottage at Plot 20. Had the application been submitted for the indicative capacity of 40 units on a purely detached house basis, there would have been likely to have been more repetition of narrow gaps between gable walls and an impression of congestion and overdevelopment possible as a result, given that house types would have been likely to be larger in individual footprint. The use of terraced and semi-detached units makes more effective use of ground and minimises the detrimental visual effects of increased unit numbers by providing greater space in between houses.

It is not considered that the layout and density are inappropriate for the area nor would cause any demonstrable harm to the surrounding residential areas or landscape. At 50 units across 2.3 HA, this equates to 21.7 units per hectare which has parallels in recent approvals for housing developments elsewhere in the Borders. At Lauder for example, a density of 34.5 was consented for a private developer. Fully affordable developments can result in even higher densities per hectare, as consented recently at Chirnside for example.

To comply with Policies PMD2, HD3 and the “Placemaking” SPG, any layout and density have to be appropriate to their surroundings and be compatible with, and

respect the character of the surrounding area and neighbouring built form. The SPG repeatedly uses reference to the built context. However, the Policies and Guidance do not intend to seek identical or replica layouts and densities throughout a settlement, the importance of interest and variety being stressed.

The density does not represent any form of overdevelopment in relation to adjoining built context in Ayton. Whilst the site does border lower density existing development at Beanburn together with a school and playing field, it also borders terraced and semi-detached single and two storey housing at Lawfield Drive which represent a similar higher density. Generally, the garden sizes and large central area of landscaped SUDs/open space prevent rigidity of layout and improve the ratio of built development to open land.

The visual impacts of the variations in density are also assisted by the intended planting around the boundaries of the site, together with further street planting, squares and areas of communal parking. These alleviate any impression of congestion or overdevelopment and all houses comply with the buffer privacy standards set down in the "Householder" SPG, following amendment – discussed in the appropriate section of this report. Whilst some of the rear gardens are small, these back onto landscaped boundaries which further assist in visual impacts.

In terms of the overall layout, this is partly dictated by the chosen solar gain approach and the requirements of both road/path connections and surface water drainage issues. It is not a site with particularly outstanding natural features within it although it does occupy an attractive open position in Ayton on the edge of farmland and contains some trees and scrub vegetation, including a sycamore tree to the southern boundary which is being retained. Generally, the layout has been informed by Guidance such as Designing Streets and the "Placemaking" SPG and attention has been paid to creating south facing principal elevations maximising solar gain and energy efficiency – a site requirement of both allocations in the Local Development Plan as well as a requirement of other Policies such as PMD1 on sustainability.

The alignment of the houses is different to the surrounding context although, from most vantage points, any difference will be neither significant nor detrimental to amenity. The site is outwith the village Conservation Area and there are already angled alignments of modern houses nearby, along Beanburn. The central spine of single storey cottages and houses to the northern tip of the site follow a NE/SW alignment which provides a visual correlation with the alignment of some terraced blocks in Lawfield Drive. The informal and twisting nature of the road layout, paths and street landscaping also help minimise any rigidity of layout and any context comparisons, assisted by the low-key garden boundary treatments and suggestions from the Landscape Architect – see relevant section in this report.

There were some parts of the site, however, where alignment and position of proposed houses were considered to be exhibiting issues of overdevelopment. In particular, the house on Plot 51 was leaving insufficient space around it for preservation of amenity and appeared congested in relation to existing and proposed houses. The houses on Plots 6/7 and 30-34 were also considered to be potentially dominant in alignment and proximity to houses in Lawfield Drive. There were also considered to be density and proximity issues between some of the proposed single storey and two storey units in the centre of the site.

The agent has provided acceptable solutions to these issues, including removal of the house on Plot 51 and realignment of the pair of houses on Plots 6 and 7 to ensure a better gable to gable relationship. There has also been an easing of proximity between

the single storey and two storey units in the centre of the site. The houses on Plots 30-34 are retained as proposed but, as explained in the following sections, a combination of new planting and habitable room positions will minimise the impacts on existing houses to an acceptable degree. The agent also contends that these proposed houses are fewer in number than the existing terrace and are of smaller size than other proposed houses, thus matching the existing scale and height.

For the aforementioned reasons, it is not considered that the density and layout of the development are inappropriate for the area nor incompatible with character. The Policies and Guidance do not intend to seek identical layouts and density throughout a town or village but they do aim to seek compatibility and respect. Because of the similarities and variations in density within the general area which are also reflected within the application site, together with the use of terraced/semi-detached units, varied layout/building lines, central open space and full landscape treatment, it is considered that the development is compliant with Local Development Plan Policies and Guidance. The development for 100% affordable housing also contributes to local and national targets for provision and appears justified on the basis of local housing needs assessments. The development will also be phased to enable more gradual addition of housing to the village, albeit justified more properly in relation to access and natural progression of development rather than housing need.

### Design

The design of the development must comply with Local Development Plan Policy PMD2 and the "Placemaking and Design" SPG in particular. PMD2 requires developments to be of a scale, massing and height appropriate to their surroundings. As referred to in the Design, Access and Sustainability Statement, there is a clear context for two storey housing development, set by Lawfield Drive in particular. This scheme is predominantly two storey housing with some single storey units, a pattern matched within the new development. There are also two storey houses along Beanburn, some contemporary in style although the majority are older and more traditional, especially to the east within the Conservation Area. Given that the site is relatively level with little fall across it, it is considered that the predominant use of two storey housing, in terms of scale and massing, is appropriate to its surroundings as required by Policy PMD2.

The same Policy requires designs to be compatible with, and respect the character of, neighbouring built form. As mentioned under the Section in this report on density, this does not mean that the development must be identical nor would that be desirable in terms of developing interesting and varied placemaking. However, certain design principles have been used in this application which provide a connection with local architectural styles, including the use of gable end designs and dark grey tiled roofs, with no roof pitches shallower than 35 degrees. Similarly, attention has been paid to fenestration and render colours/finishes, including the initial intention to use both red facing brick and red terracotta render colouring to reflect the colours from both the field conditions and the High Street. Corner units have projecting gables to act as focal points. Fibre cement shiplap cladding on the front of the houses between the windows adds further interest to the designs.

Generally, the design approach is acceptable in terms of Policy PMD2 and the "Placemaking and Design" SPG. The site and location generally has a much closer relationship with modern housing at Lawfield and Summerhill Park than with the older and more traditional housing within Beanburn and the High Street. The contemporary approach within the design reflects the surrounding context, including eco houses at

Summerhill Park, and is justified on the basis of site location, context and the Policy support for solar gain on this site.

However, it was not considered that the use of red brick was appropriate on the site, given the lack of brick in the surrounding area. Whilst the Design Statement used the influence of the site conditions and history ("Claypots Field"), it was considered that less weight should be attached to that and that surrounding colours and materials were the greater influence. The agent has now withdrawn the use of brick but continues to propose a mix of only red and white rendered houses, whereas the surrounding context suggests that white and buff coloured render should be the predominant mix, with occasional or signature red houses at corner or nodal locations. It is not considered that there is context for 24 of the 50 houses in red but the final details of the colour mix and other materials can be reserved by suspensive planning condition.

Another concern was the use of asymmetrical roof pitches throughout all houses in the development, as it was not considered there was sufficient context or justification for this in the local area. Concerns were raised with the agent who responded with further justification based upon the longer term aim to maximise solar panel usage on the longer south-facing roofs of the development. They have quantified that there would be between 5 and 9 square metres of roof area lost equating to 0.8-1KW. This justification is now considered acceptable as they have quantified the reduced energy potential of shorter symmetrical roof pitches and, particularly, given the varied house designs in the surrounding area and the encouragement in LDP Policy PMD1 and green energy site requirements in the allocations. They have also altered the roof pitches of the central single storey cottages to symmetrical dual pitch to provide a contextual connection with the roofs in adjoining houses. As a result of the aforementioned responses, it is not considered that the asymmetrical roof pitches of the two storey houses represent sufficient reason to oppose the development on design grounds.

In summary and subject to conditions, the design of the units and the materials will allow connection and integration with the surrounding urban fabric whilst providing a sense of place and variety of townscape and design, in keeping with Local Development Plan Policies and Supplementary Planning Guidance.

#### Residential Amenity

Policies PMD2 and HD3 contain safeguards regarding residential amenity, both in terms of general use compatibility but also direct impacts such as privacy and light. In terms of PMD2, the development of the site for housing is compatible with and respects the uses that predominantly adjoin the site i.e. the housing areas at Lawfield and Beanburn. However, the amenity of the nearest existing houses to the development should be respected in accordance with the Council's "Privacy and Sunlight" SPG, as should the amenity between all proposed houses within the development.

As explained within the Design Statement, the two storey houses are designed with the principle of solar gain in mind, all habitable room windows generally facing south over their own garden spaces. Whilst most houses are at least the required 18m apart window to window, any houses that are closer do not result in habitable window overlooking due to the north-facing windows serving only bathrooms and hallways. All houses are also sufficiently spaced to ensure that daylighting angles are maintained in compliance with the Guidance.

Some areas of concern were, however, raised with the agent in relation to the impacts of Plots 30-34 on Lawfield Drive and overlooking of existing and proposed houses from

first floor bedroom windows on several gable windows within the development. The responses have been an additional daylighting section and omission of several gable end windows which have addressed the concerns satisfactorily, given that gable windows were only secondary windows to the proposed bedrooms in any case. The daylighting section shows that the nearest house relationships with Lawfield Drive still allow compliance with the 25 degree daylighting angle. There are also notes on the elevation drawings of any houses with gable end bedroom windows, omitting them on identified gables where problems were envisaged. Whilst this has addressed the issue, the matter will still need to be controlled by condition on these gables as the installation of gable windows would, otherwise, be permitted development not requiring planning permission.

There are also objections expressed over residential amenity in terms of traffic impacts and noise, this being mentioned in Policy HD3. In terms of the construction period and taking into account the comments of the Roads Planning service, there will be the requirement to submit a Traffic Management Plan. This will include HGV movements, hours of operation, use of a banksman on the High Street etc. In this way, construction impacts on residential amenity should be mitigated and minimised.

Overall, on the basis of the aforementioned comments and conditions, it is considered that the development provides acceptable residential amenity in terms of Policies PMD2, HD3 and the relevant Supplementary Planning Guidance.

### Landscape

The application was initially supported, in landscape terms, by proposals set out in the Design Statement and on the site layout drawing. Following comments by the Landscape Architect, further more detailed landscaping drawings were submitted backed with a specific Landscape Design Statement. This identifies that the sycamore tree and existing field hedgerows will be retained and restored and that the scrub woodland in the north-west of the site will be retained in the short term until Phase 2 is developed. New planting is intended throughout the site including street trees, structure trees within gardens, landscaped SUDs area and shrubs around the parking areas and within gardens. Any higher fencing will also tend to be framed by hedge planting and some gable ends will be planted with climbing plants. The communal landscaping will then be maintained by the applicant with the SUDs area by Scottish Water once adopted.

In terms of compliance with Local Development Plan Policies PMD2 and the relevant SPG on "Landscape and Development", the Design Statement and Landscape Design Statement are noted and generally accepted, in terms of their analysis and treatment of the landscape impacts of the scheme. However, although there has been no objection from the Landscape Architect, a series of issues were initially raised which have now been explored further with the developer. These related mainly to hedging and fencing instead of trip rails, tree planting at gable ends, hedges to northern boundaries, tree planting to existing boundaries with 1.5m maximum height fencing, tree-friendly construction including preservation of Root Protection Areas, omission of red brick, careful selection of tree/hedge species and clarification on the long term maintenance of landscaped areas.

The Landscape Architect has responded to the revised submissions from the applicant with general acceptance but with further requests and queries. These relate mainly to the following:

- Screening planting on existing garden boundaries with Lawfield Drive and Beanburn
- Boundary frontage definition, avoiding timber fencing
- Adjustments to the planting mix and further maintenance information in the SUDs area
- Additional planting adjoining the gable on Plot 29
- Alternative hedge and tree species to the western boundary
- Additional hard surface details
- Omission of brick as facing material for any walling

As there is no objection from the Landscape Architect, it is considered that most of the remaining matters can be addressed by agreement through suspensive planning conditions. The proposals generally protect the few existing landscape features and provide an acceptable new scheme of hard and soft landscaping, based around the central SUDs feature. Subject to these conditions, it is considered that the application is in compliance with Local Development Plan Policies and Supplementary Planning Guidance.

### Access

Policies PMD2 and IS6 require safe access to and within developments, which should also be capable of being developed to the Council's adoptable standards and in accordance with the guidance in "Designing Streets" and various other relevant Government publications and Guidance Notes. More than any other material factor with this application, objections over adequacy and safety of the access routes to the site have been lodged, relating especially to Beanburn. The various reasons for these objections have been summarised earlier in this report and Members will have had full access to all of the submissions on Public Access. In terms of compliance with relevant Policies and Guidance, it is necessary to consider the potential impacts of the development on the traffic network leading to the site, then at the actual road, footpath and parking layout of the development itself.

As previously mentioned, the site is an allocated site for housing development with an indicative remaining capacity of 40 houses. It is clear from the LDP allocation that there is in-principle acceptance of the potential traffic impacts of a development of 40 houses, subject to the submission of a Transport Statement and any mitigation measures considered necessary by the Council. One of the site requirements is that the allocations are accessed initially from the B6955 – which is interpreted as from the junction of the High Street, then along Beanburn into Summerhill Park. This should reflect tacit acceptance of the use, and capacity of both the Beanburn and Lawfield Drive, for a development of 40 houses. There is no concern over any increase in traffic on the A1, given the response from Transport Scotland.

In this case, the principal material factor is what impact the development, together with the additional 10 residential units, will have on the local road network and whether it can safely and adequately accommodate extra traffic, if any, taking into account all other relevant features of the road system, the findings of the Transport Statement and any mitigation proposed. The Transport Statement concluded that approximately 400 additional daily vehicular trips would be added, the largest increase being 29 extra trips in the peak hour in Beanburn. The Statement still considered that the two way flow of less than 100 vehicles per hour in Beanburn was quiet. Lawfield Drive, with the development, would be even quieter with only five additional vehicles in the peak hour. Local concerns over the use of the existing road system by larger farm-related vehicles was also considered. The Transport Statement concluded that the local road system

could safely cope with the traffic associated with the proposed development, subject to some new road markings at the junction with the High Street and the Primary School.

Within objections to the application, the Community Council and members of the community, however, expressed the following concerns and objections:

- Inadequacy of Beanburn to safely accommodate the development in that the road is currently overloaded, is used by large vehicles and school traffic, is too narrow, has an inadequate footpath on one side, is in poor condition, contains blind accesses and on-street parking, impacts of construction traffic etc.
- The Transport Statement is inaccurate and provides low traffic generation estimates.
- Use of Beanburn would be contrary to Local Development Plan Policies PMD2 and HD3.
- Widening may involve private property.
- Safety concerns over traffic generation impacts on children and pedestrians.
- Lawfield Drive is also unsuitable for additional traffic with on-street parking problems.
- A better and alternative access should be investigated from the Main Street to the north of the site.

The Roads Planning Service have carefully considered all submissions made both by the applicant and by objectors. In their initial response to the application, they acknowledged that the principle of development has already been established and that the remaining indicative capacity would allow for a further 40 houses. They then assess the capacity of the Beanburn, consider its nature, any constraints, the traffic generation envisaged and the objections of local residents. They conclude that accessing the site via Beanburn is acceptable and that the additional traffic generation, whilst high in percentage terms, remains low in actual numbers.

Whilst Roads Planning are sympathetic to the concerns raised, including the use of Beanburn by large agricultural vehicles, they consider that the relatively low traffic volumes, combined with some localised road widening and traffic management measures, allow the Beanburn to be used safely without unacceptable risks that could justify refusal of the development. They seek a widening at several locations to enable two vehicles to pass and consider the locations to be within public road verge, albeit this is challenged by an objector. They also acknowledge other concerns over the impacts of school and construction-related traffic and seek other measures such as a footpath link from the development into the school to enable an alternative for pick-up/drop-off and a Traffic Management Plan to minimise impacts on local residents. They have no concerns with the impacts of the secondary access link onto Lawfield Drive. The Community Council maintain that a one-way loop road for drop off at the school should still be investigated but this is not supported by Roads Planning.

Revised proposals have now been received with the footpath link to the school and localised road widening to Beanburn indicated. The Roads Planning Service has responded to these revisions by accepting the footpath link to the school, subject to agreement on timing. There is also acceptance of the passing places on the internal link within Phase 2. However, the submitted drawing for the Beanburn widening remains too indicative and Roads Planning consider there are several locations within public road verge where the Beanburn could be widened. They are content that this can be addressed by suspensive condition seeking more precise details.

Subject to these measures, imposed by conditions, Roads Planning are satisfied that the traffic impacts of the proposed development are acceptable and that the local road



network can accommodate the increased traffic safely. Although there is local reference to a possible alternative access route across farmland to the north of the site, including from the Community Council, this route is not proposed by the applicant and the application must be determined on the basis of the acceptability of the proposed route and not whether an alternative exists. A potential access link is shown through to this land but that is acceptable in terms of the proper and future planning of settlement growth and to ensure sites are not unnecessarily land-locked. Should the applicant either propose this route at a future date or, at least, for construction traffic, then such provision would be considered at the appropriate stage, albeit through any necessary planning application.

Following continuation of the application from the June Committee for an improved access arrangement to be discussed between Officers and the applicant, Members will note the responses received from the agent, Community Council and other interested parties. There are concerns expressed by the agent over project viability and the delivery of affordable housing, should alternative accesses be required, including the issues of cost of the road itself and third party land ownership. The agent, therefore, maintains the proposals on the basis of the use of a locally widened Beanburn, secondary access via Lawfield Drive, pedestrian access to the school and enhanced Traffic Management Plan measures to minimise the impacts of construction traffic. The proposals continue to be supported on this basis and subject to the listed conditions, given the continued lack of objection from Roads Planning.

In terms of the site layout, this does not generally cause any issues with the Roads Planning Service – the roads and paths requiring Roads Construction Consent. Good connectivity is achieved via two vehicular access points from Beanburn and Lawfield Drive and there remain full footpath links throughout. The in-curtilage and communal parking provision are also accepted. There are minor comments about surfacing definition of the internal footways and there is a section of single lane road within the site that needs a passing opportunity.

Subject to the aforementioned conditions, it is considered that the proposals are in compliance with the provisions of the Local Development Plan in relation to safe and acceptable access to, and within, the site. It is not considered that there are other material factors of such significance in relation to road safety and access that would outweigh the terms of the Local Development Plan in this instance.

#### Drainage and Flood Risk

Local Development Plan Policies IS8 and IS9 are the most relevant in consideration of the impacts of development of this site on the water environment. Policy IS8 relates to flood risk and IS9 to Waste Water Treatment Standards and Sustainable Urban Drainage. There are objections from local residents on these matters, especially in relation to surface water flood risk to property in the vicinity and exacerbation of current ponding on the site. There is clearly a surface water issue on the site and this is recognised in the drainage responses from the applicant and consultation replies from SEPA and the SBC Flood Risk Officer

Policy IS8 requires development not to be at risk of flooding but also not to materially increase the risk of flooding elsewhere. A requirement of the Local Development Plan allocations is the provision of a Flood Risk Assessment and this was duly provided with the initial submission of the application. The strategy was largely based upon a storm water SUDs area in the centre of the site and overflow/foul drainage connections to existing drains on the Beanburn and Lawfield Drive. The Flood Risk Officer felt the proposals were not initially suitable and raised issues of standing water at Plots 47-50,

pre and post development flow paths and the adequacy of both the SUDs area and existing drains to cope with the drainage from the development. SEPA backed these concerns and also questioned the source of the sump and open channel.

Further information was submitted by the agent including revisions to the Flood Risk Assessment, intercepting drainage along the boundaries to the site, filling in the existing ditch, increasing the size of the drainage pipe to Lawfield Drive and verification of acceptable SUDs capacity and pre/post development flow paths. After consideration, the Flood Risk Officer considers that the proposals address the flood risk issues at the site. However, SEPA then objected on the grounds of flood risk. In particular, the lack of groundwater investigation, the size of the culvert the upsized Lawfield Drive pipe is being connected to, clarification of ownership agreement, SUDs details relating to attenuating the larger catchment and information on the sump protecting existing houses in storm conditions. These questions have been raised with the applicant and additional information has now been received which has been passed back to SEPA. Any updated SEPA comments will be reported to Members at the Committee meeting.

There has been no response from Scottish Water but there are no indications that there are any significant capacity issues with either foul/surface water drainage or water supply. The agent has indicated that discussions with Scottish Water have indicated capacity. Separate consents will be needed from Scottish Water, in any case, for connections to their services and this can sometimes require contributions from applicants. It should also be accepted that the remaining indicative capacity of 40 houses on the allocated sites could have been developed with 75% being private market houses with potentially similar numbers of bedrooms and loading on the water and drainage infrastructure compared with the existing proposals.

Given the acceptance of the Council's Flood Risk Officer, it is considered that the revised proposals comply with Policies IS8 and IS9 of the Local Development Plan in relation to drainage of the site and avoidance of creating a material flood risk within the site or elsewhere. Conditions will be recommended to cover these matters and ensure Scottish Water agreement. The position of SEPA will be clarified at the Committee meeting but if they maintain objection and Members intend to approve the application, notification of the application to the Scottish Government would be necessary.

### Ecology

The application requires assessment principally against Local Development Plan Policies EP1-EP3 covering international, national and local nature conservation and protected species. The application was supported by an Ecological Impact Assessment. The Council Ecology Officer accepts the findings of the Assessment and considers that there are no impacts on designated sites and that any habitat loss can be compensated within a Landscape Habitat Management Plan. In terms of protected species, the bat survey is accepted subject to a condition on appropriate lighting. Mammals will be protected through Species Protection Plans, covering badger, breeding birds and amphibia.

Subject to appropriate conditions covering these matters, it is considered that the proposals would comply with the Local Development Plan with respect to ecology.

### Other issues

The Local Development Plan, under site requirements, makes reference to archaeological evaluation. There has already been some on-site investigation of cropmarks, features of interest being found associated with one of the cropmarks. The Council Archaeology Officer has confirmed that this matter can be fully addressed through an appropriate condition covering a scheme of further investigation.

Play Space is generally advised within the Council "Greenspace" SPG. The Council Policy, in recent years, has been to seek enhancement of existing play space facilities rather than individual small play areas where adoption and maintenance pose additional problems. In recent housing developments, commuted sums have been sought from developers towards enhancing existing play facilities locally. In the case of this development, adequate greenspace is being provided within the central part of the site. Any formal contribution to playspace off-site can be made through a Legal Agreement, the nearest play facility being at the school playing fields with two footpath links from the development through to that area.

#### Developer Contributions and local services

Local Development Plan Policy IS2 requires all housing developments to contribute to infrastructure and service provision where such contributions are considered necessary and justified, advised by the Development Contributions SPG. In the case of schemes that are 100% affordable housing, it is not the Policy of the Council to seek any developer contributions except those involving play space. The applicant has already confirmed that they will meet the £500 per unit contribution by Section 69 Agreement. To ensure the Policy on development contributions is complied with, the standard condition will be applied to ensure that all units on the site will be developed and occupied as "affordable" within the Council SPG definitions.

In terms of other financial contributions that would be demonstrated to be required by the development, impacts on schools and health facilities are mentioned by objectors. In terms of education and, whilst acknowledging the concerns that have been expressed over capacity and strain on facilities, the Council Policy is not to seek education contributions for affordable housing developments. To do so would be inconsistent with current Policy and all previous cases of affordable housing. That is the reason why no contributions are sought within the Education consultation response.

In terms of current health care provision and waiting times, such concerns frequently arise in communities across the Borders when faced with housing development and population growth. The concerns suggest that the application should either be refused for reasons of impact on health care services or that contributions be sought to support the services. The issue is regularly reviewed during the Development Planning process and the NHS are consulted when land is allocated and growth planned.

Whilst the Development Contributions SPG states that "*...Any services, infrastructure or facilities may require contributions...*" health care is not listed in the examples of the predominant types of facilities that could be supported with contributions. There has hitherto been no identified need to oppose developments or seek financial contributions on the basis of health care capacity, perhaps reflecting the variety of reasons why there currently may be capacity issues. These may not only relate to population and development growth but also to funding and resource matters which lie outwith the control of the Local Authority or developers. There is also the difficulty of not only assessing how much contribution should be sought, but also how to ensure it is diverted to local facilities that may require it when such services are centrally funded. Ultimately, it would be difficult to establish a clear causal link (and justification to seek

contributions) between a proposal to add 10 units above the residual indicative capacity in the Local Development Plan and the potential impact on health care in the area.

## **CONCLUSION**

The proposals are considered to be an acceptable development of an allocated housing site within the Local Development Plan, providing additional affordable houses to meet local need. The density, design and layout of the development comply with Policies and Guidance and the impacts on road safety and infrastructure are considered acceptable, mitigated by conditions where required.

In conclusion and subject to compliance with the proposed schedule of conditions, Informatives and Section 69 Agreement securing play space contributions, the development is considered acceptable when assessed against the Local Development Plan and other material factors.

## **RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:**

I recommend the application is approved subject to the following conditions, Informatives and Legal Agreement:

### **Conditions**

1. All approved residential units shall meet the definition of “affordable housing” as set out in the adopted Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance “Affordable Housing” 2015 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 prior to development commencing.  
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools.
2. Notwithstanding drawing 1609/A(00)051 A and the housing elevation drawings, no development shall commence until a scheme of external materials (including specifications and samples of materials and colours) for all buildings within the development, has first been submitted to and approved in writing by the Planning Authority. The materials shall not include any facing brick. The development shall be carried out in accordance with the approved scheme.  
Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area.

3. Notwithstanding the terms of Schedule 1 of The Town and Country Planning (General Permitted Development) (Scotland) Order 2011 and any subsequent amendments, there shall be no windows installed at first floor level on the side gable elevations of the houses on Plots 1, 2, 3, 5, 6, 7, 11, 12, 15, 16, 17, 19, 21, 31, 32, 34, 35, 39, 43, 47 and 48 unless application is made and subsequently granted for such windows.  
Reason: To safeguard residential amenity and privacy.
4. No development shall commence, (notwithstanding the details provided in the approved landscaping drawings), until a detailed scheme of landscaping and boundary planting (incorporating protection of existing trees and hedges, layout, location, species, schedule, implementation date(s) and future maintenance of all new planting and communal open space within the site) has first been submitted to and approved in writing by the Planning Authority. The development shall only be carried out in accordance with the approved details in implementation and maintenance of the approved scheme.  
Reason: Further information is required to achieve an acceptable landscape scheme for the site.
5. The development shall remain outwith the Root Protection Area of the tree identified on Drawing 1609-A (45)051 A, the tree to be protected in accordance with BS5837:2012 during construction work. Details of any paving within the Root Protection Area to be agreed and approved in writing by the Planning Authority.  
Reason: To safeguard an existing tree within the site.
6. No development shall commence, (notwithstanding the details provided in the approved drawings), until a detailed scheme of boundary treatments (walls and fencing) has first been submitted to and approved in writing by the Planning Authority. The scheme shall include the layout/route of all existing and proposed walls and fencing, and their detailed design, height and materials. No facing brick shall be proposed. All boundary treatments within the application site shall accord with the approved scheme.  
Reason: Further information is required to achieve an acceptable boundary treatment scheme for the site.
7. Prior to commencement of development, a Species Protection Plan for badger, breeding birds and amphibia shall be submitted to and approved in writing by the Planning Authority. The Species Protection Plan shall incorporate provision for a pre-development supplementary surveys and a mitigation plan. No development shall be undertaken except in strict accordance with the approved Species Protection Plan.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
8. Prior to commencement of development, a Landscape and Habitat Management Plan (LHMP) shall be submitted to and approved in writing by the Planning Authority. The LHMP shall incorporate provision for creation of an extended native thorn species rich hedgerow and wildflower grassland areas and include provision of a bat box and nest box scheme. No development shall be undertaken except in accordance with the approved scheme.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.

9. Prior to commencement of development, a lighting scheme for bats, in accordance with good practice, shall be submitted to and approved in writing by the Planning Authority. No development shall be undertaken except in accordance with the approved scheme.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1
10. No dwellinghouses to be erected within Phase 2 until the development within Phase 1 is completed or substantially completed. This shall include completion of all roads, footpaths, drainage, the SUDs/open space feature and all, or a substantial proportion, of the dwellinghouses within Phase 1, to be agreed in writing with the Planning Authority. The precise timing of the completion of the footpath link to the school and the road/footpath link to Lawfield Drive also to be agreed.
11. Reason: To ensure the development is carried out in a manner which ensures that occupied residential units are provided with necessary infrastructure and services and to represent appropriate addition to the village.
12. No development shall commence until further details of proposed levels within the site have first been submitted to, and approved in writing by, the Planning Authority. These details shall include existing and proposed ground, road and other hardstanding levels; proposed house and finished floor levels and surface water flow paths as demonstrated on Drawing No. 302134-C-SK117. The levels shall relate to a fixed, off-site datum point. The development shall be carried out in accordance with the approved details  
Reason: To ensure levels within the site achieve a sympathetic visual appearance and make satisfactory provision for surface water drainage.
13. Details of the surfacing materials for the proposed roads, footpaths and parking areas to be submitted to, and approved in writing by, the Planning Authority before the development commences. The development shall be completed in accordance with the approved details.  
Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and in a manner which enhances the character and visual appearance of the development.
14. The proposed roads, footpaths and parking spaces/areas indicated on the approved drawings shall be constructed to ensure that each dwellinghouse, before it is occupied, shall be served by a properly consolidated and surfaced carriageway, parking area and footpath/shared surface.  
Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and pedestrians.
15. No development to be commenced until a scheme of details for carriageway widening on Beanburn is submitted to, and approved in writing by, the Planning Authority and thereafter, implemented in accordance with the approved details unless otherwise agreed in writing. The widening to be completed before any development on the site commences.  
Reason: To ensure the impact of the proposed development on the local road network is adequately mitigated.

16. No development shall commence until a Traffic Management Plan (TMP) is submitted to, and approved in writing by, the Planning Authority. The TMP to address matters relating to the impact of construction vehicles on the public road within the vicinity of the site during the construction period. The development then to proceed fully in accordance with the approved TMP during the construction phase of the development.  
Reason: To ensure the impact of construction vehicles on the public road network is mitigated so far as reasonably practical.
17. No development shall commence until a pre-construction condition survey of Beanburn and Lawfield is undertaken and submitted to the Planning Authority for record purposes. Thereafter, monthly inspections to be undertaken and recorded. Upon completion of the construction period for the development a post-construction condition survey to be undertaken of the aforementioned roads and submitted to the Planning Authority. Any remedial works identified as a result of the condition surveys must be rectified to the satisfaction of the Planning Authority within three months from the date identified, unless otherwise agreed.  
Reason: To ensure there is no detrimental impact on the public road network during and after the construction period.
18. Any emergency remedial works identified on the public road as a result of the construction period for the development, must be rectified to the satisfaction of the Planning Authority within one week of being identified, unless otherwise agreed.  
Reason: To ensure there is no detrimental impact on public road network during the construction period.
19. No development shall commence until written evidence is provided on behalf of Scottish Water that the development will be serviced by mains foul drainage and water supply. The development then to be implemented fully in accordance with the drainage schemes shown in Drawing Nos. 302134-C-101 C as amended by 302134-C-SK118.  
Reason: To ensure the development can be adequately serviced and minimise risk of off-site surface water run-off
20. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved in writing by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.  
Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

21. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

- Development at (Note 1)
- Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.
- The development comprises (Note 5)
- Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone 0300 100 1800, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

### **Informatives**

1. All prospectively adoptable roads, pavements and associated infrastructure will require Road Construction Consent. The applicant should discuss this separately with the Council's Roads Planning Service to establish the scope and requirements of Council adoption. All works within the public road boundary must be undertaken by a contractor first approved by the Council.
2. Development should be carried out in a manner consistent with British Standard guidance on construction works, to maintain neighbouring amenity, in particular BS5228
3. The Notes required of Condition 20 should be completed as follows:
  - Note 1: Insert address or describe the location of the development
  - Note 2: Delete "subject to conditions" if the planning permission is not subject to any conditions
  - Note 3: Insert the name and address of the developer
  - Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)
  - Note 5: Insert the description of the development.
  - Note 6: Insert the application reference number.
4. There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity are discovered, please contact the planner or Council's Archaeology Officer for further discussions.

Further investigation secured by the development may be required if significant archaeology is discovered per PAN2 (2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.



DRAWING NUMBERS

Location Plan	1609-A (00)001 A
Site Plan	1609/A (00)050 F
Existing Site Sections	1609-A (00)004
Existing Site Survey	1609-A (00)002
Site Analysis Plan	1609-A (00)003 A
Landscaping Plan Phase 1	1609-A (45)051 A
Landscaping Plan Phase 2	1609-A (45)052 A
Boundary Details Sheet 1	1609/A (45)800 A
Boundary Details Sheet 2	1609/A (45)801 A
External Finishes	1609/A (00)051 A
Boundary Types	1609/A (45)050 B
Daylighting Sections	1609-SK-051
Phase 1 Drainage	302134-C-SK118 A
Drainage Layout	302134-C-101 C
Post-development Flow Paths	302134-C-SK117
Carriageway Section	301458-6-C-SK001
Refuse Vehicle Tracking	302134-C-SK109 B
Fire Truck Vehicle Tracking	302134-C-SK110 B
Street Elevations	1609-A (00)400 A
Elevations A1	1609-A (00)100 B
Elevations A2	1609-A (00)106 B
Elevations A3	1609-A (00)110 B
Elevations B1	1609-A (00)101 F
Elevations B2	1609-A (00)107 B
Elevations C1	1609-A (00)102 B
Elevations C2	1609-A (00)108 B
Elevations D	1609-A (00)103 B
Elevations E	1609-A (00)104 B
Elevations E2	1609-A (00)109 B
Elevations F	1609-A (00)105 B
3D Visuals	

**Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

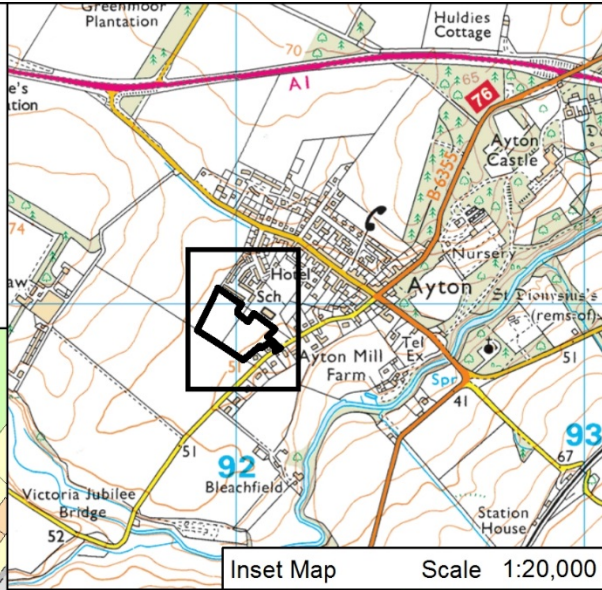
**Author(s)**

Name	Designation
Craig Miller	Principal Planning Officer



18/01804/FUL

Land South West And South Of  
Ayton Primary School  
Beanburn  
Ayton



Inset Map Scale 1:20,000



Scale 1:2,000