

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

4 NOVEMBER 2019

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 18/01540/FUL
OFFICER:	Paul Duncan
WARD:	Mid Berwickshire
PROPOSAL:	Erection of 13 No dwellinghouses and associated infrastructure
SITE:	Land South And West Of Swinton Primary School (Phase 1), Coldstream Road, Swinton
APPLICANT:	Ladykirk Estates
AGENT:	Aitken Turnbull Architects Ltd

PLANNING PROCESSING AGREEMENT: A Planning Processing Agreement is in place with a determination date of Monday 4 November or Monday 9 December if Members elect to visit the site prior to determination.

SITE DESCRIPTION

The proposed site comprises fairly flat arable land to the south-west of Swinton. It lies west of the A6112 public road, bound by hedging and a row of fine mature oaks which line and characterise the south-east entry to the village. The nearest dwellinghouse is Oak Tree Cottage which sits to the north-east of the site, on the far side of the A6112, opposite the primary school. The C listed Swinton Primary School is located to the north of the main body of the site behind a high natural stone perimeter wall. The site forms a small part of a much larger open field and there are no natural or man-made boundaries on the southern or western boundaries.

The application includes the internal road layout for a second phase of development across the remainder of a larger site allocated for mixed use within the Local Development Plan (LDP) (site reference MSWIN002). The application boundary is therefore irregular in shape, extending to the public footpath to the north which forms part of Core Path 73 and connects the village green with the primary school. A separate field further to the north is also allocated in the LDP but remains undeveloped (housing site Well Field, site reference BSW2B).

PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection of thirteen dwellinghouses, to be served by a new vehicular access from the A6112 (Swinton to Coldstream) road. This would comprise Phase 1 of the 2 phase development of the aforementioned mixed use LDP site. A second application was submitted simultaneously with this application for the erection of the remaining thirteen dwellinghouses but is not being determined at this time.

The development would be laid out around a tree lined road which seeks to echo a traditional village lane or village green. Boundary treatments for plots which would sit off the road - mainly hedging and low stone walls - would contribute to this. Six house types are proposed, varying considerably in scale and massing but sharing a similar palette of external materials and general design style.

A SUDS detention basin would be located within the far south-west corner of the field in which the proposed site sits and forms part of this application.

The Phase 1 application originally included land set aside for a potential future village hall, a potential future school extension and a future grassed play area. Following revisions, this area is no longer within the site boundary for the Phase 1 application and the accompanying uses no longer form any part of the proposals under consideration.

PLANNING HISTORY

Relevant planning application history on the site is limited to an earlier application (reference 12/01488/PPP) for planning permission in principle for a residential development comprising 25 dwellinghouses (including affordable housing), the formation of a playing field and the erection of a village hall. The application was approved following the conclusion of a legal agreement in 2018.

REPRESENTATION SUMMARY

Five members of the public objected to the application. One member of the public supported the application, but noted a number of concerns with the proposals. All the representations can be viewed in full on *Public Access*. The key matters raised are summarised below:

- The proposals exceed the indicative site capacity of 25 units by 1 unit
- No developer funded improvements to the village
- No details of parking provision or vehicular access for the village hall
- Junction with the A6112 is beyond crest of the descending hill/ in a dip
- Parking issues around the primary school are a health and safety risk
- The parking area in the outline planning site plan has been lost
- Road safety: A6112 used by large agricultural vehicles and HGVs
- Existing traffic speeds are high
- Footpath at A6112 requires a protective barrier to prevent children entering the road
- Verge at side of the school wall is not wide enough for footpath
- Berwickshire High School bus may stop at the A6112 causing road safety issues
- Surface water flood risk to the road
- Risks of objected entering the carriageway from gardens adjacent to the A6112
- Traffic management required on A6112 (e.g. electronic signs)
- This would be a car enabled private estate on the south side of the village
- Original development plans was much more integrated with the existing settlement
- The lack of village infrastructure means there will be little community engagement
- The transport survey points refers to bus stops, but these are for school services only
- Surface water flood risk
- The drainage network does not have adequate capacity/ risk of surface water flooding
- The drainage network does not have adequate capacity to take foul waste
- Main sewer will mean public footpath will have to be dug up causing inconvenience
- Path next to the school not wide enough to take a main sewer for such a development
- Capacity/ ability of the pipe carrying foul and surface water from the east of the village.
- Overland flow indicated surface water directed to land given over for community uses
- No clear provision of affordable housing
- It may also be that accessible housing or socially rented properties promised will not in fact be in Swinton affecting young local families adversely
- Lack of neighbour notification

Several members of the public provided comments solely to application 18/01541/FUL (Phase 2), but their comments would seem to apply to elements of the original Phase 1 proposals. The additional points raised in these objections are therefore provided below.

- Site for village hall inadequate in size and drainage
- House designs don't respect vernacular/ sandstone from Swinton quarry
- Negative impact on character and appearance of conservation area
- Archaeological mitigation required before approval
- The existing field access north of proposed new access requires consideration.
- Play area is vague is this for the primary school or general use by the village?
- Most houses are of 3/4 bedrooms and are outwith the general size within the village.
- This application is being pushed through by the planner in charge with inadequate time for a general consultation in the village.

APPLICANT'S SUPPORTING INFORMATION

Supporting information includes:

- Design Statement
- Transport Survey
- Archaeological Assessment
- Tree Survey
- 3D visualisations

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

- PMD1 Sustainability
- PMD2 Quality Standards
- PMD3 Land Use Allocations
- ED10 Protection of Prime Quality Agricultural Land and Carbon Rich Soils
- 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
- EP7 Listed Buildings
- EP8 Archaeology
- EP9 Conservation Areas
- EP13 Trees, Woodlands and Hedgerows
- EP16 Air Quality
- IS2 Development Contributions
- IS5 Protection of Access Routes
- IS6 Road Adoption Standards
- IS7 Parking Provision and Standards
- IS8 Flooding
- IS9 Waste Water Treatment and SUDS

OTHER PLANNING CONSIDERATIONS:

- Affordable Housing Supplementary Planning Guidance 2015
- Biodiversity Supplementary Planning Guidance 2005
- Development Contributions Supplementary Planning Guidance 2011 (Updated 2019)

Designing out Crime in the Scottish Borders Supplementary Planning Guidance 2007
Landscape and Development Supplementary Planning Guidance 2008
Privacy and Amenity Supplementary Planning Guidance 2006
Placemaking and Design Supplementary Planning Guidance 2010
Trees and Development Supplementary Planning Guidance 2008
Waste Management Supplementary Guidance 2015
Historic Environment Policy for Scotland 2019
PAN 44 Fitting New Housing into the Landscape 2005
Designing Streets 2010
SEPA Guidance Note LUPS-GU8 SEPA Standing Advice for Planning Authorities on Small Scale Local Developments

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Access: According to records there is one Core Path (no.73) on this area of land. Both during and after construction, Core Path 73 should remain open and unobstructed. Consideration should be given to extending access to the wider countryside from this and potential future development of the area e.g. by creating an informal path along the southern edge of the field and linking into right of way BB175.

Contaminated Land: No comments to make on this application from a contaminated land perspective. The land appears to have remained greenfield.

Ecology: Identified little habitat potential on or near to the site, with the exception of the mature trees and hedgerow on the eastern boundary. A pond is located 500m from the site, but there is no ecological connectivity to it, therefore impacts on it or protected species using it are unlikely. Trees felling, crowning, or limbing could impact on bats and birds. Removal of trees would require a bat survey. No impacts on designated sites are likely due to the lack of such sites in close proximity to the development, with no ecological connectivity.

Flood Protection Officer: Responding to the original proposals, the Flood Risk team sought clarification on the SuDS and drainage strategy for the site and how they propose to intercept and manage overland flow draining towards the primary school, Crofton Cottage and the A6112.

Further to the submission of additional information, the Flood Risk team confirmed general acceptance of the proposed arrangements but required two details to be addressed. Firstly, in terms of whether the SuDS pond would be implemented with the Phase 1 development. And secondly, regarding the residual surface water flooding issues in close proximity of the application site. The pre development surface water flow paths shown on drawing J3576 – SK002 confirm that overland flow from the application site drains to the north, towards the primary school and a number of private properties. While I appreciate that the post development scenario shows a reduction in the catchment area draining to the north, I would strongly urge that boundary drainage is considered along the northern perimeter of the site to intercept any overland flows and address the residual surface water issues.

Forward Planning: The site is currently allocated within the LDP (MSWIN002) for mixed use development, with an indicative site capacity for 25 units. The Reporter stated in the decision, that any development should consider the provision of community facilities including playing fields. As a result, a site requirement was attached to the allocation within the LDP, stating; 'Any proposal must present complimentary uses reflecting the mixed use nature of the allocation, this should include consideration of the provision of community facilities, including playing fields'.

It is noted that the current proposal is for the erection of 26 units, over the 2 planning application sites. Further to this there is land set aside in the north east corner for the following; a possible village hall, future grassed play area and an area for future school expansion. The site requirement above clearly sets out the requirement for a mixed use element to be provided within the site. It is acknowledged that these three proposals would form the mixed use element of the overall development. However, there are no details contained within the submission as to how the three areas of mixed use would be delivered. Therefore, the applicant should provide details as to how the mixed use element of the proposal would be delivered. Otherwise, it is unclear how the mixed use element of the proposal would be achieved.

Housing Strategy: The Housing Strategy team note that aggregated across Phases 1 and 2, the Council's Affordable Housing Policy would require 25% on-site affordable housing (6 units) in order to satisfy this Policy requirement.

Landscape: Responding to the original proposals, Landscape noted the dominance of garaging within the proposed development and that plots 1-5 were set back from the road edge to retain the mature hedge and boundary trees, all of which are category A or B and therefore worthy of retention. Landscape suggested pairing houses to allow for the garaging at the side of the houses to reduce the dominance of garages and make reference to the more formal streetscape of the main street in Swinton and successional avenue planting of oak in the front garden boundary of plots 2 and 3. A pedestrian path to the pavement should be included at the frontage of each property to facilitate pedestrian access to the village and create a more active frontage. Landscape noted that the LDP requirement for structure planting on the southern and western boundaries to provide a settlement boundary and enclosure of the site. Suggested timber fencing kept to the rear of properties and boundaries visible from the streetscape should be hedging or high quality stone walls.

Roads Planning Service (RPS): In response to the original proposals, the RPS noted a number of concerns with the proposed site layout and pedestrian/ vehicular access thereto. Further information was required to establish whether the access to the A6112 was in the optimum position. Pedestrian access improvements were sought. Proposals for access and parking were required for the area earmarked for a future village hall. A stronger street presence for plots 1- 5 was sought, along with a pedestrian footway on the A6112 and an indicative future access to land south of the site.

Responding to the revised proposals, the RPS noted their disappointment that the revised plan does not incorporate a strong street frontage and footway on the A6112. The existing street lighting and 30mph limit will need to be extended to at least the site entrance. Whilst no footway is to be provided the RPS consider it inevitable that pedestrians walk along the frontage of the site. The RPS are relatively comfortable that with the extension of the 30mph limit, street lighting and the existing wide verge this can be carried out without any major safety implications. A footway from the site along the school boundary on the A6112 to link with the existing system is still required. No details have been provided on how the pinch point on this footway is to be addressed as was originally requested. This is required prior to development commencing. This footway has the potential to have an impact on the existing listed wall. RPS expressed concern that the footpath within the site between plots 1, 26 and the school could be undesirable if the boundary treatments on the north-west and south west elevations of plot 1 are unrestricted. Controls are sought via condition. The revised plan now shows the vehicular access to the site at the correct location, and RPS are pleased to see the provision of two 'gate houses' at the entrance which will give a sense of place and help to influence traffic speeds upon entrance to the residential area. Vehicular connectivity will improve over time with the development of phase 2 and also the adjacent allocated site BSW2B. This site is however well connected in terms of pedestrian and cycle connectivity with links to the A6112

and to the Core Path to the north of the site. The section of Core Path between the site and the School will have to be upgraded to adoptable standards as part of this approval.

Waste Services: Commented on the original submission to advise that there is no provision for an adequate turning point for refuse collection vehicles.

Statutory Consultees

Swinton and Ladykirk Community Council (CC): The CC provided joint comments on the two applications. Before presenting concerns, the CC stated their view that the proposed development would mark a very positive and welcome step in the evolution of Swinton and its surrounding communities. The following concerns were however noted:

1. Road Safety:
 - a. The visibility splays from the proposed location for the junction with the A6112 are inadequate.
 - b. No dedicated off-road parking is proposed for the school or village hall. This will increase parking on the Berwick Road and Coldstream Road when the school and village hall are in use with resulting road safety consequences.
2. Sewage: There is no clarity in the application upon the capability of the village sewage works and piping infrastructure to cope with additional effluent produced by the proposed development. Leakages from the existing infrastructure has previously been observed previously. Planning permission should not be granted until Scottish Water provide their survey report and details are produced of all works required to be carried out to ensure village sewage works and piping infrastructure will cope with the increased demand resulting from the proposed development.
3. Flooding: Concern expressed regarding risk of surface water flooding. Prior to full planning permission being granted, the applicant should be required to provide details as to how the risk of flooding will be mitigated.
4. Core Path 73: The design statement makes multiple reference to Core Path 73 and the role it will play ensuring the development has safe pedestrian links with the village. However, there is no intention to upgrade the path, contradicting the statements made regarding its importance. Prior to planning permission being granted, the applicant should be required to commit to upgrading the Path from the boundary of the proposed development to the south-eastern corner of Swinton Green to an adoptable standard.
5. Affordable Housing: There is clear intent on the part of the applicant to provide affordable housing, however, the number, style and location of such housing, and the means by which they are to be funded, is to be the subject of negotiations between SBC Planning and Housing Depts. and the applicant. There is no indication as to when those negotiations are to take place. Prior to full planning permission being granted those negotiations should take place, with the results documented within both the planning applications under review, in order that residents of Swinton and its surrounding communities are fully aware of what is to be provided in terms of S75 affordable housing.
6. Village Hall: The plot proposed for a possible future Swinton Village Hall in relation to previous applications (a) has significantly reduced in size and (b) no longer has direct vehicular access or dedicated off-road parking with the sole proposed access being from the village Core Path. Notwithstanding the issue of heightened road safety risk above, this renders the plot unusable for a village hall.
7. Communication with the Community: There has been no communication between the applicant and the residents of Swinton and its surrounding communities aimed at providing the simplest representation of what is proposed. Whilst the proposals are available on SBC's planning portal, this is of no use to those without IT/ internet facilities and not user friendly for those who do. The result is a community in which many have no vision of what is proposed, rendering them unable to provide informed feedback as part of the formal consultation process. Given 26 houses are to be provided within the scope

of the two applications and indications are already given by the developer of future developments on the land adjacent to the western boundary of the currently proposed site we consider the overall scope of the development (current and future) should be classed as a 'Major Development'. The applicant should therefore be required to participate in a public consultation meeting with residents of Swinton and surrounding communities.

Scottish Water: No issues connecting the development to the water network and sufficient capacity at the water works. Sufficient capacity at the wastewater treatment works to take foul only connections. A Drainage Impact Assessment is required to assess the impact on SW's network and there is likely to be network reinforcement downstream of this development.

SEPA: The application is below the threshold where SEPA provide bespoke advice.

KEY PLANNING ISSUES:

Whether or not the proposed development accords with the Local Development Plan 2016 and relevant planning guidance principally in terms of satisfying site allocation and site requirements thereto; placemaking and design; road and pedestrian access; flood risk and impacts on neighbouring amenity.

ASSESSMENT OF APPLICATION:

Principle

The proposed site forms part of a larger site allocated in the Local Development Plan 2016 (site reference MSWIN002) for mixed use development with an indicative site capacity of 25 units. The principle of developing the site, which comprises prime agricultural land, is therefore well established. As the site is allocated, the proposal must be assessed against Policy PMD3: Land Use Allocations. This policy applies to all the allocated land use proposals and aims to ensure that sites allocated in the LDP are developed for their intended use and that any alternative use is subject to appropriate justification.

The policy states that development will be approved in principle for the land uses allocated on the Land Use Proposals tables and accompanying Proposals Maps. Sites proposed for redevelopment or mixed use may be developed for a variety of uses subject to other local plan policies. The LDP sets out the following site requirements:

1. Any proposal must present complimentary uses reflecting the mixed use nature of the allocation, this should include consideration of the provision of community facilities, including playing fields.
2. Ensure vehicular and pedestrian access from the A6112 (Coldstream Road) in line with advice from the Council's Road Planning team.
3. Ensure vehicular and pedestrian access through the site from the A6112 (Main Street) and the allocated housing site to the north.
4. Provide structure planting on the southern and western boundaries to screen the site from the entry to Swinton from the south; to provide a settlement boundary; and to provide enclosure to the site.
5. Orientate buildings to take advantage of the southerly aspect and views of the site.

The final four requirements are considered elsewhere in this assessment. With respect to the first requirement, the original proposals included land earmarked for a possible village hall, and areas for play and school expansion. At the outset of this application, considerable concern was expressed locally at the feasibility of the proposed village hall area, particularly at the lack of clear access and parking arrangements, and also the size of the area to be provided. The Community Council noted concern that the site could be rendered unusable as

a result of these issues. For the Planning Authority, whilst fine detail was not required at this stage, comfort was sought on the practical deliverability of what was proposed.

These matters did not reach a point of resolution. The applicant has since amended the proposals to remove these components from this application. The applicant has provided a letter explaining the reasoning for this. Circumstances have changed since the submission of the application and there is now an opportunity to take a different approach. The applicant has the option to develop land at the Well Field allocated site (LDP site reference BSW2B) to the north of the proposed site. A future village hall could be sited there instead, which would be better related to the village: Well Field is more central within the village and may be a more suitable location and appears to have the support of the Community Council. Well Field site being developed after a long period of inactivity since allocation and in principle, would be supportive of this.

In terms of the implications for this application, the Phase 1 site extends across only a portion of the allocated site. There is no compulsion for mixed uses to be provided within any particular part of it. These requirements can be met elsewhere, allowing this application to move forward with Phase 1 as a standalone housing proposal, for which the proposed site is considered to be well suited. In doing so, no decision will be made regarding the suitability or otherwise of the road layout for the previously proposed mixed uses. By removing these components from the current application, they are removed from consideration and need not be examined here further. An informative is attached to ensure this is understood.

It is acknowledged that the aggregate capacity of the Phase 1 and 2 applications (26 units) exceeds the Local Development Plan's indicative site capacity figure (25 units). The difference is minimal. The density of the proposed development is low, and the layout demonstrates that the exceedance of the 25 unit indicative capacity can be achieved in an acceptable way.

Concern has been raised that the Phase 1 and Phase 2 proposals would have been treated as a Major Development had they been submitted as a single planning application. Additional consultation and community engagement would have been required as a result. The Planning Authority has no power to control or compel how applications are submitted. The applicant was however made aware of these concerns and attended a Public Meeting within the village. More generally, the application was subject to the usual publicity processes, including an advertisement in the Berwickshire News. Neighbour notification for the application was also carried out in accordance with the relevant regulations.

Vehicular and Pedestrian Access

Initially, vehicular access would be solely from the A6112 Coldstream Road, to the east of the site. The location of the new junction was adjusted to take account of topography. The site layout safeguards scope for eventual vehicular access through the site to Main Street via the Well Field allocated site to the north. Access to land to the west is also safeguarded, should that part of the field ever come forward for development. The LDP 2016 Reporter did not anticipate further allocations in Swinton in the longer term but it is prudent to futureproof this.

The suitability of the wider transport and public road network were considered at the time of allocation and found to be capable of accommodating this level of development. An exceedance of the indicative capacity by one unit would have a minimal additional impact.

It is accepted that streets in the vicinity of the primary school can become congested at drop-off and collection times. This an existing issue which the Council seeks to manage. It is also acknowledged that the A6112 is used by large farm vehicles and HGVs (including those from the nearby haulage yard), which is fairly common for rural Berwickshire roads, including those in and around towns and villages. The erection of 13 houses would inevitably increase traffic

levels in the area, though the difference would be modest. The proximity to the school should ensure future residents walk to school. The construction of new adopted road infrastructure will also provide a more extensive network of streets which non-residents may use for drop-offs and collection. This could help distribute drop offs across a wider area, potentially helping to reduce congestion in the existing network.

Concerns regarding traffic speeds at the entry to Swinton are noted. The 30mph speed limit area will require to be extended to at least the site entrance. Streetlights will also extend down the A6112. This should help influence driver behaviour in advance of the current entrance to the village, and well before the Primary School is reached.

The precise technicalities of the road layout would be ironed out through the Road Construction Consent application. This would address issues such as the handling of surface water run-off and any need for a protective barrier at the end of the footpath to the A6112. The Waste Services team noted a potential issue with the original layout in terms of accommodating a refuse vehicle. Verbal discussion with RPS has confirmed that this should not be an issue. The siting of any new Berwickshire High School bus stop would be for relevant parties to consider and would not be a matter for this application.

In terms of pedestrian access, a level pedestrian link to the A6112 Coldstream Road is incorporated within the proposals, to the north of Plot 1. Boundary treatment at plot 1 was amended to omit high timber fencing. Coupled with the high stone boundary walling of the school, this would have produced an enclosed, undesirable route. Further changes and controls are required in this regard but can be sought by condition. The width of the road verge to the east of Swinton Primary School is narrow. The RPS sought further information from the applicant to establish how this constraint would be addressed but this has not been provided. This can however be sought by a fully suspensive planning condition.

Further pedestrian access to the site would be provided via Core Path 73 which connects the Primary School with the village green and beyond, along the northern boundary of Phase 2. The section east of the link road to Well Field will require to be upgraded to an adoptable standard, as far as the primary school boundary wall. If and when Phase 2 comes forward, the upgrade of the section west of the link road would then be sought, as far as the edge of Phase 2. The remaining length of the footpath could be upgraded progressively if the remainder of the field comes forward for development in the future. Outwith upgrade works, Core Path 73 should remain open and unobstructed.

To conclude, proposed vehicular and pedestrian access to, from and through the site will be satisfactory provided conditions are addressed. Site requirements have also been met.

Placemaking and Design

Internal street layout

Swinton is a planned village which is broadly linear in form and centres on its village green. The conservation area extends across the west and centre of the village. Building heights within the conservation area are mainly one or two storey and dwellinghouse generally front onto the street in terraces with minimal set back. This all defines the strong sense of place felt within the heart of the village.

The character of the village changes in the east end of the village, outwith the conservation area. Dwellings are set further back from the road, and are mainly detached or semi-detached, and density decreases. This is most distinct at the edge of the conservation area east of the village green at the Wellfield cul-de-sac (west of the allocated Well Field housing site and

north-west of the proposed site). Other development in the east end includes traditional cottages, Swinton Parish Church (B listed), a haulage yard and the Primary School.

The context for the proposed site is therefore mixed. The very clear development pattern within the historic core of the village does not extend to the proposed site and it is not felt necessary for it to be recreated in this part of the village. This has been accepted over several years of pre-app discussions. The proposed layout for the site has evolved over this period, around a low density, 'rural village lane' concept, particularly within the Phase 1 part of the development, which centres on its own village green area. This does deviate in many respects from the approach advocated within *Designing Streets*. Its success will rely on a very carefully considered scheme for soft landscaping. The applicant has been encouraged to lodge detail to help demonstrate how the rural lane/ village green vision would be realised, but this has not been forthcoming. Changes to the layout have however been secured to ensure the primacy of the green within the layout. Whilst further information would have helped justify the approach taken, it is felt that a suitable scheme can be secured by condition. Within Phase 2, the road layout is somewhat harder, and centres on a central square.

A key issue for this site has been the relationship to the A6112 at the entrance point to the village, which is characterised by the mature oaks that line the road. Three of these trees are within the site. A street frontage to the A6112 would ordinarily be required for a development of this kind, with dwellinghouses brought forward to front the road and the public footpath extended to the entrance to the site. This would provide a clearly defined entry to the village, encouraging speed reduction and extending activity and passive surveillance. It would avoid the appearance of houses backing onto the road and the erection of unattractive fencing along the boundary. This approach was encouraged by the Roads Planning Service and has been explored closely through the course of the application. It is accepted that the existing tree line and hedging provides a strong sense of place, and the protection of the mature oaks is paramount in this regard. To achieve a frontage to the A6112 would require the houses back onto the road within the development itself. The applicant prefers a precautionary approach to ensure no harm to the mature oaks and hedging. During the processing of the application, the layout has been improved in this area, with a substantial reconfiguration at the vehicular entrance which would now be flanked by two gate lodge type dwellinghouses, providing a strong sense of arrival at the village and at the site. The historic line of oaks can be reinstated within the site by the planting of two infill oaks at plots 2 and 3, and in addition, the existing hedgerow can be reinforced with supplementary planting. Overall, taking account of the positive changes which have been secured, this can be accepted in Placemaking terms. The Roads Planning Service also accept the lack of a street frontage, albeit with disappointment.

It shall remain crucial to prevent the erection of high fencing along the roadside, which would provide an unattractive entrance to the settlement. A condition is recommended.

House types

A mix of house types is proposed. The scale of the proposed houses is also varied and includes fairly large single storey houses. There is understood to be demand for this type of housing. The large plot sizes should ensure these houses sit comfortably. The massing of all houses within the scheme would be suitably broken up by offshoots, extensions and projections. Although varied in scale, the houses would share a singular palette of external materials (natural slate roofs, cedar cladding, artificial stone and textured render finishes to walls) helping to unify the development. It is not felt that house designs must mimic the local vernacular or use sandstone finishes, though it will be appropriate for the mix of render finishes to relate better to the prevailing finishes and stone colours within the village. A condition to control finished floor levels is also attached, with changes required to plots to the north.

Upon entering the development, a blank gable at Plot 7 will terminate the view. It is considered that this could be enhanced by decoration at the projected verge as exhibited by house types

C and J. This would help unify the development and provide a more interesting focal point. A condition to this effect is recommended.

Setting of Listed Buildings

Local Development Plan policy EP7 (Listed Buildings) states that the Council will support development proposals that conserve, protect and enhance the setting of Listed Buildings. Swinton Primary School sits adjacent to the site to the north, and is listed at category 'C'. The listing covers the school, the former schoolhouse, boundary walls, gate piers and gates. In terms of the setting of the main school, the proposed dwellinghouses would be subordinate in scale and massing and would not challenge the dominance of this building. The house types on the plots 1-5 and 24-26 would be single storey, with a resulting lower ridgeline, which is a suitable response. No adverse setting impacts will arise.

As noted further above, there is a pinch point where a pedestrian footpath would be constructed east of Swinton Primary School. The Roads Planning Service advise that the school wall could require rerouting to achieve suitable footpath width. The wall is listed with the school, but pedestrian access from the A6112 is a site requirement. The precise details can be secured by condition. The applicant will need to address this in a satisfactory way.

Landscape and Trees

The site is not within an area designated for special landscape quality or protection. It lies within an expansive, open Merse landscape on the edge of the village. The key interests on the site are three mature oak trees. A tree survey was submitted with the application and categorises the trees as having considerable amenity value (886 and 887, both category A, and 888 category B). The trees will require to be protected both during construction and thereafter. A tree protection plan was submitted with the application. The existing boundary hedge will need similar protection. Proposals for vehicular and pedestrian access would require works within the RPA of tree 888 and require adjustment. This can be controlled by condition. A further landscaping condition will secure the infilling of the oaks, the reinforcement of hedging and a robust scheme of hard and soft landscaping throughout the site. Minor adjustments are required to the precise locations of car parking and hedging thereto, for visibility reasons.

The LDP site requirements seek structure planting on the southern and western boundaries of the site. This is needed for screening at the entry to Swinton from the south; to provide a settlement boundary; and to provide enclosure to the site. A further site requirement is to orientate buildings to take advantage of the southerly aspect and views of the site. For the proposed development, which features a high quality palette of materials, it is considered that a double hedgerow interspersed with trees will achieve suitable integration of the development into the surrounding landscape. Trees will frame views of the dwellinghouses rather than conceal them. The backdrop of slated, gabled and hipped roofs should provide an appropriate edge to the settlement at the entry to the village and across longer open views.

Flood Risk

Local Development Plan policy IS8 states that development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere.

There is no known fluvial (river) flood risk associated with the proposed site or development.

With regards surface water flood risk, considerable concern was expressed through the consultation process and photographic evidence was provided of existing local flooding issues. The planning system does not require new development to resolve existing flooding

issues. Policy IS8 reflects the requirements of Scottish Planning Policy in seeking to ensure development does not *increase* the probability of flooding. Whilst it may be prudent for developers to resolve such issues when developing land, this is at the developer's discretion and is not something the Planning Authority can insist upon. The applicant lodged pre and post development surface water flow path plans. Essentially, buildings, roads, footpaths and parking runoff would be directed to the SUDS detention basin. Garden ground and communal landscaped areas broadly to the south of the access road would flow towards the applicant's field to the south in the event of flooding. Equivalent land to the north of the access road would maintain existing flow paths to the north, but would be reduced in area by 56%. The Flood Risk team note this, but strongly urge that boundary drainage is considered along the northern perimeter of the site to intercept any overland flows and address the residual surface water issues. A condition is required to control the precise details in terms of surface water drainage, and the Planning Authority can request perimeter drainage via that condition.

On the basis that the development would not increase the probability of flooding, the proposals satisfy LDP policy IS8.

Neighbouring amenity

Policy HD3 (Residential Amenity) of the Local Development Plan states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. The Council's Supplementary Planning Guidance on Householder Developments contains advice on daylight and privacy. It is also referred to as the Privacy and Amenity Guide.

The nearest dwellinghouse is Oak Tree Cottage which is located around 24m from the proposed dwellinghouse at Plot 1, satisfying the Privacy and Amenity Guide standards.

The proposed dwellinghouses will also benefit from appropriate levels of privacy, access to light, access to sunlight and garden ground. The distance between the living room windows of houses of plots 3 and 4 are notably narrow but 1.8m high timber fencing would safeguard privacy. This will be visually acceptable *between* these dwellinghouses, as opposed to in open rear garden ground. There would be an initial privacy impact from the footpath to Plot 1, but this would reduce as the boundary hedge matures. Bearing in mind the important passive surveillance role of Plot 1 windows, this is considered to be acceptable.

Ecology

There are no designations on or nearby the site. Ecological interest at the site is limited to the hedge and mature oak trees which line the public road. These shall be retained. A small portion of hedging will be lost at the vehicular access. An existing field access north of Plot 1 may be widened for pedestrian access. Such minor interventions do not require mitigation and the proposed development would therefore comply with Policy EP3.

Archaeology

There are no archaeological designations on or near to the site but there is archaeological potential in the area. Our Archaeology Officer recommends mitigation in the form of an archaeological evaluation of the site prior to development. A condition is attached to secure this.

Waste

Bin storage is provided for each property, all set fairly discretely behind or to the side of the houses. It is not necessary to control this by condition.

Services

Mains water and foul drainage services are proposed. Scottish Water responded to the consultation and identified no issues with capacity in the water supply network or local water works. Capacity is also available at the local water treatment works to take foul waste. Objectors have referred to issues in the network between the proposed site and the water treatment works. Comments from Scottish Water confirm this view. The applicant has provided a Drainage Impact Assessment (DIA) which identified the need for reinforcement work downstream from the development but does not suggest that there is any inherent issue that cannot be overcome. The applicant notes that the required network upgrades would provide a net enhancement to the existing infrastructure, to the benefit of the local community.

Surface water from road, footpaths and buildings for both Phases 1 and 2 would discharge to the new SUDS basin which forms part of this application.

Affordable Housing

The Council seeks on-site affordable houses for new developments of 17 or more dwellinghouses, at a rate of 25%. A total of 26 dwellinghouses are proposed across Phases 1 and 2. A total of 6 on-site affordable houses were therefore sought across the two phases at the outset of the application. Since then, circumstances have changed, and the applicant now proposes to provide affordable housing for Phase 1 and 2 in an overall master-planned approach together with the allocated site to the north (Well Field). The Department is supportive of the principle of this approach but a fall-back position is needed until delivery is guaranteed. Two units from the Phase 1 development will be delivered as affordable housing and secured by appropriately worded condition. If the Well Field option proceeds, and affordable housing is delivered on that site, an application can be submitted to remove or vary this related condition. The remaining requirement would need to be delivered by Phase 2 if the Well Field option falls through.

Development Contributions

A legal agreement is required to secure contributions towards education and offsite play provision.

CONCLUSION

Following amendments made during the processing of the application, and 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 AND HOUSING OFFICER:

I recommend the application is approved subject to a legal agreement covering developer contributions and the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent order amending or re-enacting that Order), no fence, gate, wall or other means of enclosure shall be erected on the

eastern boundary of Plots 1-5, on the northern boundary of Plot 1, or on the eastern boundary of Plot 26, unless an application for planning permission in that behalf is first submitted to and approved.

Reason: To control boundary treatment on plots 1-5 and plot 26 which, if unrestricted, may detract from the overall setting of the development hereby permitted.

3. No development shall commence, (notwithstanding the details provided in the approved drawings) until a revised and augmented scheme of hard and soft landscaping (incorporating details of layout, location, species, a planting schedule including planting numbers and density, 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 scheme of hard and soft landscaping shall include:
 - a) planting of two single oak trees, evenly spaced between oaks 886 and 887;
 - b) reinforcement of roadside hedging along the eastern boundaries of plots 1 to 5;
 - c) details for communal and private planting and details for tree and hedge planting along the southern boundary of the site;
 - d) reconfiguration of hedging around car parking on plots 1-3 to improve visibility;
 - e) relocation of plot 2 car parking to western corner of the plot;
 - f) widening of the footpath to the north of Plot 1 to 2.4m.
 - g) planting proposals around the SUDS detention basin.

Thereafter, the development shall be carried out and maintained wholly in accordance with the agreed scheme of hard and soft landscaping.

Reason: To achieve an acceptable landscape scheme for the development; to ensure safe parking arrangements for plots 1-3; discrete parking for plot 2; and adequate pedestrian provision for the footpath to the north of Plot 1.

4. No development shall commence, (notwithstanding the details provided in the approved drawings), until a revised and augmented scheme of boundary treatments (walls and fencing) has first been submitted to and approved in writing by the Planning Authority. The scheme shall be based on site plan AT2775 L(-1)102 Revision C and 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 and no timber fencing shall be included to the east of dwellinghouses on Plots 1-5, to the north of Plot 1, or on the eastern boundary of Plot 26. 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.

5. No development shall commence until the Tree Protection Plan AT2775 L(-1)005 has been amended to include protection for the hedge along the eastern boundary of the site. Prior to and throughout the construction period of the development hereby approved, protective fencing shall be erected in accordance with BS5837:12 and the agreed Tree and Hedge Protection Plan. No works shall be carried out within the protected areas without the written approval of the Planning Authority and any excavations within these areas shall be hand-dug.

Reason: To protect trees and hedging on or close to the site.

6. No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior written consent of the Planning Authority.

Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.

7. Prior to the commencement of development, a schedule (including samples where required by the Planning Authority) of the external materials, finishes and colours of all dwellinghouses shall be submitted to and approved in writing by the Planning Authority,

notwithstanding references to materials finishes and colours on the approved drawings. The development shall be completed in accordance with the approved schedule of materials, finishes and colours.

Reason: The materials and colours require further consideration to ensure they are visually sympathetic to the surrounding area.

8. Prior to the commencement of development, a revised east gable elevation drawing for House Type K – Plot 7 shall be submitted to the Planning Authority for written approval. Thereafter, the dwellinghouse on Plot 7 shall be erected only in complete accordance with the approved details.
Reason: To ensure suitable visual interest is achieved at the entry to the approved development.
9. 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. The levels shall relate to a fixed, off-site datum point. Thereafter, the development shall be carried out in accordance with the approved details and the dwellinghouses hereby approved shall be orientated to accord with the site plan hereby approved.
Reason: To ensure levels within the site achieve a sympathetic visual appearance and make satisfactory provision for surface water drainage, and to ensure the dwellinghouses are orientated in accordance the approved site plan.
10. No development shall commence until details of surface water drainage (including maintenance arrangements) have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with the agreed details.
Reason: to control surface water drainage and control flood risk.
11. No development shall commence until written evidence on behalf of Scottish Water to confirm that mains water and foul drainage systems shall be made available to serve the development has been submitted to the Planning Authority for written agreement. Thereafter, the development shall be serviced in accordance with the approved details.
Reason: To ensure the development can be adequately serviced.
12. No development shall commence until a scheme of details has been submitted to and approved in writing by the Planning Authority for the upgrade to an adoptable standard of the section of Core Path 73 within the application site boundary. Thereafter, unless otherwise agreed in writing with the Planning Authority, the section of Core Path within the application site boundary shall be upgraded to an adoptable standard in full accordance with the agreed details before the first dwellinghouse hereby approved is occupied.
Reason: To ensure the development benefits from adequate pedestrian connectivity.
13. Throughout the construction period of the approved development, Core Path 73 shall remain open and unobstructed, unless temporary rerouting is provided in accordance with details which have received the prior written approval of the Planning Authority.
Reason: to prevent access across Core Path 73 being obstructed during construction.
14. No development shall commence until a revised site plan and scheme of details has been submitted to and approved in writing by the Planning Authority covering:
 - a) an amended vehicular junction with the A6112 to avoid the RPA for tree 888;
 - b) the extension of street lighting and the 30mph speed limit infrastructure on the A6112 to the south of the site entrance;

- c) a new footway between the site and the school entrance from the A6112;
- d) details of surfacing materials for roads, footpaths and parking;
- e) a timescale for delivering (a) to (c).

Thereafter, the roads, streetlighting, speed limit infrastructure, footpaths and parking spaces/areas indicated on the agreed revised site plan shall be constructed or otherwise delivered in full accordance with the agreed revised site plan, the agreed surfacing materials details, and the timetable for delivery under (e), all unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and pedestrians; in the interests of visual amenity; to reduce the risk of harm to the mature oak tree (no. 888) close to the junction with the A6112; to ensure the site has adequate pedestrian and vehicular connectivity; and to ensure the existing infrastructure is extended to serve the site to provide safe access and egress.

15. No development shall commence until a phasing programme for the development has been submitted to and approved by the Planning Authority. This shall include all buildings, roads, footpaths, and water, foul and surface water drainage services. Thereafter, development shall only be carried out in accordance with the approved phasing programme.

Reason: To ensure the development is carried out in a manner which ensures that occupied residential units are provided with necessary infrastructure and services.

16. The two units hereby approved on plots 9 and 10 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 subject to the provision of two units for affordable housing.

17. 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 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.

18. No development shall commence during the breeding bird season (March to August inclusive), unless in strict compliance with a Species Protection Plan for breeding birds that shall be submitted to and approved in writing by the Planning Authority.

Reason: to protecting breeding birds.

Information for the applicant

1. Care should be taken to protect the water environment and to follow SEPA's standard regulatory advice in relation to good practice in development.
2. Opportunities exist to enhance the habitat network and support local biodiversity through planting native species of local provenance.
3. The applicant should be aware that in accepting the road layout for Phase 2, the Planning Authority does not make any determination as to its suitability for the previously proposed mixed uses on the site or the house plots and footprints shown indicatively on the site plan hereby approved.
4. The site roads and footpaths require the benefit of Road Construction Consent. The applicant is reminded that a Road Bond requires to be in place prior to any house building works commencing on site.
5. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

DRAWING NUMBERS

Type	Reference	Revision	Received Date
Location Plan	AT2774-L(-1)001	A	24 October 2019
Site Plan	AT2775 L(-1)102	C	15 October 2019
Elevations	AT2775-L 113	C	23 October 2019
Elevations	AT2775-L 114	C	23 October 2019
Elevations	AT2775-L 115	C	23 October 2019
Elevations	AT2775-L 121	C	23 October 2019
Elevations	AT2775-L 124	C	23 October 2019
Elevations	AT2775-L 125	C	23 October 2019
Elevations	AT2775-L 129	A	23 October 2019
Drainage Plan	J3576-012		5 November 2018

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
Paul Duncan	Assistant Planning Officer



18/01540/FUL

Land South And West Of
Swinton Primary School (Phase 1)
Coldstream Road
Swinton

