

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

2 MARCH 2020

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 19/01687/PPP
OFFICER:	Brett Taylor
WARD:	Selkirkshire
PROPOSAL:	Residential development with associated works and new access
SITE:	Land North East Of The Lodge, Philiphaugh Mill, Ettrickhaugh Road, Selkirk, Scottish Borders
APPLICANT:	Moyle Land & Development Ltd
AGENT:	Ferguson Planning

SITE DESCRIPTION

The application site extends to around 1.8 acres and is bounded by Ettrickhaugh Road and residential properties to the north and west with Selkirk Cricket and Rugby Club further beyond. The north boundary of the site is defined by a mature roadside hedge. The south and east of the site is bound by Ettrick Water Mill Lade which was used to serve Philiphaugh Sawmill. Beyond this is a cycle/footpath which then crosses the Mill Lade and continues along the eastern boundary. Further south and beyond the Mill Lade is the Ettrick Water.

PROPOSED DEVELOPMENT

The application is for planning permission in principle for residential development with associated works and new access. An indicative site plan shows that the site would be developed for six detached dwellings with their own driveways, gardens and garages. It also shows access arrangements in the form of four driveways which would be taken directly from Ettrickhaugh Road. An indicative streetscape elevation has also been submitted which shows the detached properties being 1 ¾ storeys in height with slight variances in design. A common palate of materials is proposed.

A design statement has been provided in support of the application.

PLANNING HISTORY

04/02026/OUT – Outline planning permission for 8 dwellinghouses was refused on 21 November 2005 for the following reason:

- The proposal would be contrary to Policy I15 of the Approved Structure Plan 2001-2011 in that there is a serious risk of flooding to the development site.

The site was previously allocated for housing in the Ettrick and Lauderdale Local Plan 1995, with an indicative site capacity of no more than 3 – 5 houses, although 1 or 2 houses with paddock areas would be the most desirable.

REPRESENTATION SUMMARY

Members are reminded that all comments are available to view in full on the Public Access website.

12 letters of objection were received from 12 separate households.

The issues raised by the objecting households and by a single member of the public who provided general comments are listed below:

- Density, siting and overdevelopment of the site
- Detrimental to the environment
- Inadequate drainage and water supply
- Increased traffic
- Poor design/height
- Privacy of neighbouring properties
- Road safety
- Impact on trees, landscape and environment
- Over provision within the area
- Flooding
- Ecology
- Overlooking/loss of privacy
- Residential amenity
- Loss of view

The application was advertised in the Southern Reporter.

APPLICANTS' SUPPORTING INFORMATION

A supporting document was submitted with the application and this is also available to inspect on the Public Access Portal. A summary of the key supporting points is listed below:

- The principle of development is acceptable and in line with Policy PMD5. It is located within the settlement boundary of Selkirk as defined by Scottish Borders Local Development Plan (LDP).
- The site is of an appropriate scale to accommodate residential development.
- The site is protected by the Selkirk Flood Protection Scheme
- The submitted indicative plan and streetscape shows the proposal which is sensitive to the area and has taken into account the related supplementary planning guidance and policies.
- The houses will be set back from the road and with appropriate boundary treatment will respect the local area.
- The proposals comply with the Council's policies in terms of residential amenity and quality standards.
- The proposal accords with Local Development Policies PMD2 Quality Standards, IS8 Flooding and IS9 Waste Water Treatment Standards and Sustainable Urban Drainage.
- No part of the development will have any potentially damaging impacts on historical assets as no part of the application site is within or contiguous with a scheduled monument designation.
- Ecology surveys have been undertaken and no evidence of protected species was found during the survey and no ecological reasons that would limit development of the site.
- Access and parking arrangements comply with the relevant policies of the local plan.

Scottish Borders Council Local Development Plan 2016

PMD1 – Sustainability
PMD2 – Quality standards
PMD5 – Infill development
ED5 – Regeneration
IS2 – Developer contributions
IS4 – Transport development and infrastructure
IS5 – Protection of access routes
IS6 – Road adoption standards
IS7 – Parking provision and standards
IS8 – Flooding
IS9 – Waste water treatment standards and sustainable urban drainage
IS13 – Contaminated land
EP1 – International nature conservation sites and protected species
EP2 – National nature conservation sites and protected species
EP3 – Local biodiversity
EP8 – Archaeology
EP13 – Trees, woodlands and hedgerows
HD1 – Affordable and special needs housing
HD3 – Protection of residential amenity

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

Other Planning Considerations

Scottish Planning Policy 2014

PAN 44 – Fitting new housing into the landscape 2005
PAN 61 – Planning and sustainable urban drainage systems 2001
PAN 65 – Planning and open space 2008
PAN 67 – Housing quality 2003

Designing Streets 2010

SPG – Affordable housing 2015
SPG – Biodiversity 2005
SPG – Contaminated land inspection strategy 2001
SPG – Development contributions 2016
SPG – Green space 2009
SPG – Landscape and development 2008
SPG – Placemaking and design 2010
SPG – Privacy and sunlight guide 2006
SPG – Trees and development 2008

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Access Officer: No response at the time of writing.

Education and Lifelong Learning: No response at the time of writing.

Ecology Officer: No objections to the proposals subject to conditions requiring a Biodiversity Enhancement Plan (BEP), Species Protection Plan (SPP) for otters/breeding birds and a Construction Environmental Management Plan (CEMP) to be submitted as part of any future FUL or AMC application.

Flood Protection Officer: In terms of information that this Council has concerning flood risk to this site, states that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the “third generation flood mapping” prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Review of the application shows that the application site is located within the 1:200 year (0.5% annual probability) flood map and is at medium to high risk of flooding from the Ettrick Water. The site is defended from the Ettrick Water by the Selkirk Flood Protection Scheme, (SFPS), completed in 2016 which offers 1:200 year + 20% standard level of protection. SEPA’s flood maps do not consider SFPS or show the area(s) defended by the scheme. Pre-Application discussions have been held with the applicant and SBC Flood & Coastal Management provided information and details of the Selkirk Flood Scheme for consideration within a Flood Risk Assessment (FRA).

A FRA undertaken by Kaya Consulting has been submitted in support of the application. The FRA considers the location of the site in relation to Selkirk Flood Protection Scheme, the level of protection offered by the scheme and discusses the policy and guidance relevant to the proposal to build a residential development behind a flood protection scheme.

SFPS was completed in 2016 and offers flood protection to the town of Selkirk from the Ettrick Water, Long Philip Burn and Shaw Burn. A Flood embankment has been constructed from Old Mill Farm to Philiphough Mill and a flood wall is in place on Ettrickhaugh Road from the Lauriston Cottage to Selkirk Bridge. The Mill Lade has to be considered as a potential flood risk and an inlet control system is in place to limit the flow. The flow is now considerably lower than the conveyance capacity of the Mill Lade and the application site is considered to be beyond the reach of the mill lade during high flows on the Ettrick Water. The risk of flooding from the Mill Lade to the application site is therefore considered to be low.

The FRA recommends that the Finished Floor Levels are raised to 118.4mAOD. As this is above the 1:200 year plus climate change flood level of the Ettrick Water and above the maximum water level in the Mill Lade (117.73mAOD) and includes a suitable allowance for freeboard the proposed finished floor levels are acceptable.

It is acknowledged within the FRA there is a residual risk of flooding to the development site in the event that the flood protection scheme overtops or fails. Should approval be granted and a full application submitted details of resilient design should be included. An evacuation plan should be developed and provided to residents of all 6 dwellings.

A drainage plan has been provided with the application. It is proposed to construct a stone filter trench at the eastern boundary of the site to maintain the Greenfield runoff rate, attenuation of surface water for the 1:200 year + 33% storm event will be provided via a

hydrobrake. Should a full application for this site be submitted, a full drainage layout and supporting calculations should be provided.

Given that the application meets all the criteria set out in the applicable guidance, that the residual risk of flooding to the site is acknowledged and proposed finished floor levels are set at an appropriate level with an allowance for freeboard, the FPO has no objection to the application on the grounds of flood risk.

Roads Planning Service: No objections in principle to this land being developed for residential units, however there will be some infrastructure improvements required in order to gain my support. Although the application is for Planning Permission in Principle, the applicant has submitted an indicative site plan. Comments are based on the principle of development on this site and the required infrastructure to support such development. Comments on the internal layout of the site will be covered at detailed planning stage, should this application be approved.

It should be noted that the infrastructure detailed below is a sum total of the overall development. Any sub-division of the site or phasing of the development will need to agree the delivery of these infrastructure improvements at the appropriate stages of the development.

Ettrickhaugh Road is generally 5.5 metres wide up to this point then narrows down to 4.5-4.8 metres in width. The existing footway is narrow and the level of on-street parking can make it difficult for pedestrians to negotiate this route. Turning provision at the end of Ettrickhaugh Road is achievable using the entrance to the former mill site, but involves using the structure over the mill lade, which is outwith the public road boundary.

The following infrastructure improvements will need to be incorporated into any future detailed design for the site, unless otherwise agreed;

- Ettrickhaugh Road to be widened to 5.5 metres along the frontage of the site, including kerbing.
- New footway to be provided along the frontage of the site.
- New surface water drainage provision to account for the widened section of road.
- A review of the current street lighting provision and any improvements identified to be incorporated into the design.
- A formal turning head at the south western end of Ettrickhaugh Road needs to be provided.
- Visibility splays of 2.4 by 43 metres in either direction from any proposed access point. This will impact directly on the existing roadside hedge.
- Parking provision to be 225% for curtilage parking or 175% for communal parking. Visitor parking to be distributed accordingly through the site and located within the public domain.

The Tweed Foundation: No response.

Statutory Consultees

Selkirk and District Community Council: No response.

Scottish Government (Battlefields): No response.

Scottish Water: No response.

SEPA: Objects. SEPA maintains its objection in principle to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy (SPP). SEPA advises that since the site (“the location of the proposed development”) is within the functional floodplain, it does not consider that it meets the requirements of SPP, and accordingly, that its position is therefore “unlikely to change”. SEPA recommends that alternative locations should be considered or that no land-raising should occur. It is pointed out that in the event that the Planning Authority were to propose to grant planning consent contrary to SEPA’s advice on flood risk, this decision would require to be referred to Scottish Ministers for their review, under the requirements of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

Other Consultees

None.

KEY PLANNING ISSUES:

Whether or not the proposed development accords with the Local Development Plan 2016 and relevant planning guidance principally in terms of infill development, landscape and visual impacts, road safety and vehicular access, the relationship to adjoining developments and impacts on the residential amenity of neighbouring properties.

ASSESSMENT OF APPLICATION:

Policy Principle

The application site is located within the settlement boundary of Selkirk. It is not allocated within the plan for any particular use. As such, the principle of development must be assessed primarily against Policy PMD5 - Infill Development of the Local Development Plan 2016 (LDP). The purpose of PMD5 is to support development on non-allocated, infill or windfall sites including the re-use of buildings within development boundaries, provided it meets certain criteria.

The policy complies with Scottish Government Scottish Planning Policy (SPP) which acknowledges the contribution of infill development to the housing land supply. The SPP also supports the principle that settlements must be able to absorb and sustain the individual and cumulative effects of infill development and care must be taken to ensure that no over development takes places.

The remaining tests of Policy PMD5 seek to ensure that the development does not conflict with the established land use of the area, does not detract from the character and amenity of the surrounding area, and does not lead to over-development or ‘town and village cramming’. Furthermore, PMD5 seeks to ensure that the development respects the scale, form, design materials and density of its surroundings, that adequate access and servicing can be achieved, and does not result in any significant loss of daylight, sunlight or privacy of adjoining properties as a result of over-looking or over shadowing. These matters will be discussed in more detail later in the report.

The proposed residential development reflects the established land use of the surrounding area and poses no conflict with that established use. As this application seeks planning permission in principle for residential development on this site it is not possible to fully assess

the likely impacts of development. However, indicative drawings submitted with the application demonstrate that the site can be developed in a manner that reflects the existing scale and pattern of development locally and would not lead to over-development of the site or the surrounding area. The precise details of layout of the site and the proposed houses will be assessed in full following the submission of a detailed application should Members resolve to approve the current submission. The principle of residential development on this site is acceptable.

Land Use Conflict

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

Landscape, Density and Layout

Policies PMD2 and PMD5 of the LDP aim to ensure that all new development is of a high quality and respects the environment and the surrounding area in which it is contained. The site is bounded by trees on the south eastern and south western boundaries and these provide a high visual amenity to the area. The submitted indicative site plan shows these trees would be retained.

Topographical information and a detailed layout have not been included with the application. The hedging along the boundary with Ettrickhaugh Road would likely be removed to facilitate the proposed access drives and visibility sprays. Whilst this is unfortunate, the applicant has indicated that compensatory planting would be provided along this boundary and a detailed planting scheme and proposals for the protection and retention of the existing trees on the site will aid the integration of the development with the site and surrounding area. Future applications should identify root protection areas for the trees on the site and include details for protective fencing. Matters of the layout of the road, houses and boundary treatment of the site - particularly its frontage onto Ettrickhaugh Road - are particularly important in integrating the development into the wider area. Providing those details are carefully thought out and specified, the overall landscape impact of the development will not be unsympathetic.

The existing townscape is characterised largely by a variety of housing types. The indicative plans and house designs submitted with the application show a low density development of one and three quarter storey houses served primarily by private drives. This layout and type of property could be successfully integrated with the existing houses locally. There exists the possibility for future applications to include those indicative or other designs as well as a higher density similar to the row of semi-detached properties on the north side of Ettrickhaugh Terrace. Such proposals will be assessed in full on the submission of detailed proposals.

With regard to indicative external materials, the roof is shown as grey tile. Walls are shown as render with the windows and doors are stated as being timber in construction. That suite of materials is acceptable but would be approved in further applications. Overall, subject to final finishes and colours being agreed by condition, the proposed palette of materials will be sympathetic to the context.

Ultimately, with care over the layout, landscaping, boundary treatments and final finishes, the proposal will contribute positively to the locality, adding sympathetically to the existing mix of house types within the immediate surrounding area.

Traffic and Road Safety

Members will note that objectors are concerned that existing road safety issues would be exacerbated by the proposal. Concerns include the loss of parking, the width of Ettrickhaugh Road, pedestrian safety and poor visibility.

The proposal has been assessed by the Roads Planning Service and several improvements to local road infrastructure and site access are required, including the widening of Ettrickhaugh Road, improvements to the footpath and turning area. The site can be adequately accessed via the existing public road network to a point north east of the application site where the road narrows, but improvements are required. Subject to a suite of conditions the Roads Planning Service is satisfied that these matters can be agreed at the detailed application stage and that the site can be developed without adverse effects on road safety, access and parking. This would ensure compliance with policies PMD2 – Quality Standards and PMD5 – Infill Development.

Neighbouring Amenity

As the application is for planning in principle only at this stage, the impacts on neighbouring amenity (such as loss of daylight, loss of privacy, overlooking and loss of light) is difficult to assess fully. The indicative layout does however show that housing could be located on the site without causing significant unacceptable adverse impacts on the residential amenity of neighbouring dwellings. There is sufficient space to safeguard privacy and overlooking to existing and proposed properties in line with our supplementary planning guidance on privacy and sunlight, even if a higher density were proposed at the detailed application stage. There is sufficient space available within the site to accommodate the proposed road improvements and to set the proposed houses back in the site to reflect the pattern of development opposite, should a higher density and alternative layout be proposed. The full impact on the residential amenity of all properties will be considered in full following the submission of detailed application.

Flooding

The potential flood risks associated of the proposed development have been considered in detail by the Council's Flood Officer and by SEPA.

Objectors have raised concerns that residential development could exacerbate poor drainage on the site, increasing surface water run-off and flood risk. The policy test is whether, in principle, residential development would be acceptable on this site without leading to unacceptable adverse impacts on existing and proposed dwellings as a result of flooding.

Review of the application by the Council's Flood Officer shows the application site is located within the 1:200 year flood map and is at medium to high risk of flooding from the Ettrick Water. The site is however defended from the Ettrick Water by the Selkirk Flood Protection Scheme, (SFPS) which was completed in 2016. This offers protection from a 1:200 year flood event plus 20%. Members will note from the consultee comments that SEPA's flood maps do not consider SFPS or show the area(s) defended by the scheme. Pre-Application discussions

were held with the applicant and your Flood Officers provided information and details of the Selkirk Flood Scheme for consideration within a Flood Risk Assessment (FRA).

As part of the Selkirk Flood Protection Scheme an inlet control system was installed on the Mill Lade between the application site and the Ettrick Water. This was considered a potential flood risk but the inlet control limits the flow entering the Mill Lade and is unlikely to back up during high flows on the Ettrick Water. The risk of flooding from the Mill Lade to the application site is therefore considered to be low.

The Flood Risk Assessment submitted with the application recommends that the finished floor levels of the proposed houses is raised to 118.4m AOD. The indicative site plan shows the proposed finished floor level of each of the dwellings to be 119.15m OAD. As this is above the 1:200 year plus climate change flood level of the Ettrick Water and above the maximum water level in the Mill Lade (117.73m AOD) and includes a suitable allowance for freeboard the Flood Risk Officer has no concerns regarding this aspect of the proposals.

Members will note that SEPA identifies the site's presence within the functional flood plain, as the basis for its objection. Whilst SEPA's position is noted, and in the event of the application being supported by Members, any approval contrary to SEPA's objection, would require the application to be referred to Scottish Ministers for their approval.

While it is understood that SEPA has a reasonable concern to be, consistent in its approach, it is also considered that they have not given sufficient weight to the extent and detail of work that has informed the assessment of the Flood Risk Officer in the specific context of this proposal. The SFPS has been designed and constructed to protect the application site and surrounding land and housing from risk of flooding and as such, it is considered that SEPA's objection is outweighed by the advice articulated within the consultation responses of the Flood Risk Officer.

Overall, the Flood Officer has no objection to the principle of development on this site, and all the matters address above can be addressed in full at the detailed application stage. There is no reason to believe that residential development could not be delivered on the site without adverse drainage or flooding impacts. It would be for the applicant to ensure that any proposal that comes forward suitably addresses these issues. The detailed application should provide details of development levels relative to existing levels so these impacts can be properly assessed. The recommended conditions have been worded accordingly.

Cultural Heritage and Archaeology

There are no known archaeology implications for this proposal and no listed buildings feature within the immediate area. However, the site is within the 'Battle of Philiphaugh' battlefield designation. Given the previous use of the site associated with the former sawmill, it is assumed that the land has been disturbed. Members will note that Scottish Government (Battlefields) made no comments in relation to this application but given the cultural designation and advice provided by our Archaeologist in relation to other applications locally it would be reasonable to attach a condition to any consent that may be granted requiring a written scheme of investigation outlining a programme of archaeological work. This will ensure compliance with Policy EP8.

Natural Heritage

Existing trees border the site and contribute its setting. The applicant has confirmed that there is no intention to remove any of these trees but it would be appropriate to ensure their

protection during construction. Indicative planting was shown on the site plan but is not considered adequate to ensure the sensitive integration of the development into the surrounding landscape and local streetscape. Planning conditions are proposed to require the agreement and implementation of a scheme for soft landscaping, and to ensure protection of trees during construction. It is not considered that any adverse landscape impact should arise so long as these requirements are met.

The proposed site is mostly an arable field with limited ecological value, however the site is adjacent to the Tweed, Etrick and Yarrow Confluences Special Landscape Area and the River Tweed Site of Special Scientific Interest. The Ecology Officer is satisfied that in terms of potential impacts on wildlife or ecological interests the proposals are acceptable. Nevertheless, given that local habitats could support protected species and could potentially be affected by the development proposals, it is recommended that a Species Protection Plan (SPP) for otters/breeding birds, a Biodiversity Enhancement Plan (BEP) and a Construction Environmental Management Plan (CEMP) are attached to this permission. Planning conditions are therefore recommended to cover these issues.

Services

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

Developer Contributions

In line with Development Contributions Policy IS2, a legal agreement will be necessary to secure contributions towards affordable housing borders railway.

Contamination

A stables including a number of buildings are located in the north east corner of the site. The indicative site plan shows a dwellinghouse to be situated in this part of the site. Nonetheless, further applications should take account a potential risk of contamination from the previous horticultural use and sawmill. A condition can be imposed to ensure any such risk is investigated and addressed.

Waste Management

The indicative drawings do not show the provision of bin stances within each plot however there is sufficient land within each plot to provide areas to store household waste and recycling bins. A condition can secure implementation and details to be provided.

Other matters

The site is located close to an established Core Path, but there would be no direct impact on it, nevertheless it would be prudent to attach a condition to maintain access during and after construction works.

Opportunities to design out energy needs and utilise sustainable resources can be addressed when detailed proposals are being considered.

CONCLUSION

The applicant has demonstrated that a development of six houses can be accommodated on the site but further details relating to design, layout, landscaping, drainage, archaeology and any contamination mitigation are required to be submitted for consideration at a detailed planning stage. The application site is located within the development boundary and the proposed development would represent a suitable infill development opportunity on a non-allocated site. Subject to a legal agreement and compliance with the schedule of conditions, the development accords with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

Owing to SEPA's outstanding objection in principle to this proposal on the grounds that the development would be at risk of, and would cause, unacceptable flooding impacts on the site and in the surrounding area, any approval of this application by Members would itself require referral to, and approval by, Scottish Ministers in accordance with the provisions of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to the approval of the Scottish Ministers, the following conditions and informatives and the completion of a legal agreement for development contributions:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto including two parking spaces (excluding garages) per house, refuse and recycling bin storage and the landscaping of the site, have first been submitted to and approved in writing by the planning authority.
Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the planning authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
3. The subsequent application for the approval of matters specified in conditions application shall be accompanied by:
 - i. a site layout plan at a scale of 1:500 showing the position of all buildings, roads, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), walls and fences and landscaping;
 - ii. plans and elevations of each house and garage type showing their dimensions and type and colour of external materials;
 - iii. a landscaping plan at a scale of 1:200 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;

iv. details of any proposed phasing of the development;
vi. details of existing and finished ground level, and finished floor levels, in relation to a fixed datum, preferably ordnance datum. The finished floor levels of the buildings shall not be below 119 AOD.

Reason: To ensure a satisfactory form of development.

4. No development shall commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- a) location and design, including materials and detailed specifications, of all boundary treatments;
 - b) indication of existing trees, shrubs and hedges to be retained (including root protection areas), those to be removed and, in the case of damage, proposals for their restoration;
 - c) location of new trees, shrubs, hedges and grassed areas;
 - d) schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - e) a programme for completion and subsequent maintenance;
 - f) bin storage measures;

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

5. No development shall commence until a scheme of details has first been submitted to and approved in writing by the Planning Authority detailing improvements required to Ettrickhaugh Road. Thereafter the approved scheme of details shall be fully implemented prior to occupation of the first dwelling hereby approved, unless otherwise agreed in writing with the Council.

Reason: To ensure appropriate road infrastructure is in place to accommodate the additional traffic movements associated with the proposed development.

6. The public path located on the access road between the north eastern boundary of the site and the property known as 'Lauriston Cottage' shall be kept open and free from obstruction, before during and after development.

Reason to allow an adequate width of public path to be kept open and free of obstruction for the use of the public exercising rights of responsible access along the public path.

7. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme.

Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.

8. No development shall commence until precise details of water supply and a surface water and foul drainage scheme have first been submitted to and approved by the planning authority which demonstrates that surface water run-off from the site will be maintained at pre-development levels using sustainable drainage methods during construction of the development and subsequent occupancy. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure the development can be adequately serviced and to safeguard the public road and neighbouring properties from potential run-off.

9. The approval of the siting and layout of the development under Condition 1 shall include an Arboricultural Impact Assessment that specifies the root protection areas of trees adjacent the site to the south east and south west of the site. No part of the development, including buildings or structures, ground level changes and services, shall be sited within the root protection areas of the trees unless the AIA specifies measures to protect the trees from damage that are compliant with BS5837:12. The development shall be carried out only in accordance with the approved AIA.

Reason: To reduce the risk of damage to trees adjacent the site that have public amenity value.

10. No development shall commence until the trees to be retained on the site shall be protected by means of protective fence (compliant with BS5837:12) which shall be erected along the root protection areas for trees. No works shall be permitted within the fenced area unless agreed with the planning authority as being compliant with BS5837:12. The fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the hedges so retained shall not be altered. No trees or hedges within the application site or on the site boundary shall be felled, removed, lopped, lifted or disturbed in any way without the prior consent of the planning authority.

Reason: In the interest of preserving the trees which contribute to the visual amenity of the area.

11. Prior to commencement of development a Construction Environmental Management Plan (CEMP) incorporating the latest good practice guidelines and statutory advice (as outlined *Guidance for Pollution Prevention, GPP5: Works and maintenance in or near water*) to protect the River Tweed SAC/SSSI shall be submitted to and approved in writing in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

12. Prior to commencement of development, a Species Protection Plan for otter and breeding birds shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

13. Prior to commencement of development a proportionate Biodiversity Enhancement Plan (BEP) including measures (as outlined in *Damside Field, Ettrickhaugh Road, Selkirk, Extended Phase 1 Habitat Survey Ellendale Environmental, 31 July 2019*) shall be submitted to and approved in writing in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

14. No development shall take place within the development site as outlined in red on the approved plan until a Written Scheme of Investigation (WSI) detailing a programme of archaeological works has been secured. 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 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 programme of archaeological works shall be fully implemented and all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results shall be undertaken as 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

Informatives

It should be noted that:

1. Improvement works to Ettrickhaugh Road may include, but shall not be limited to, the widening of the existing carriageway to 5.5 metres, new footway, surface water drainage measures and enhanced street lighting provision.

DRAWING NUMBERS

P627-PL-LOC REV A	Location plan
P627-PL-001 REV B	Indicative Site Plan
P627-PL-002	Indicative Streetscape Elevation

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.

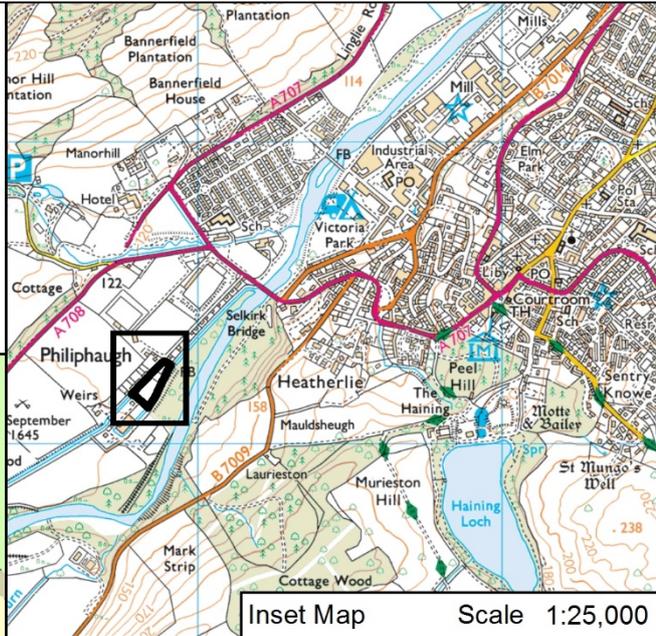
Author(s)

Name	Designation
Brett Taylor	Planning Officer

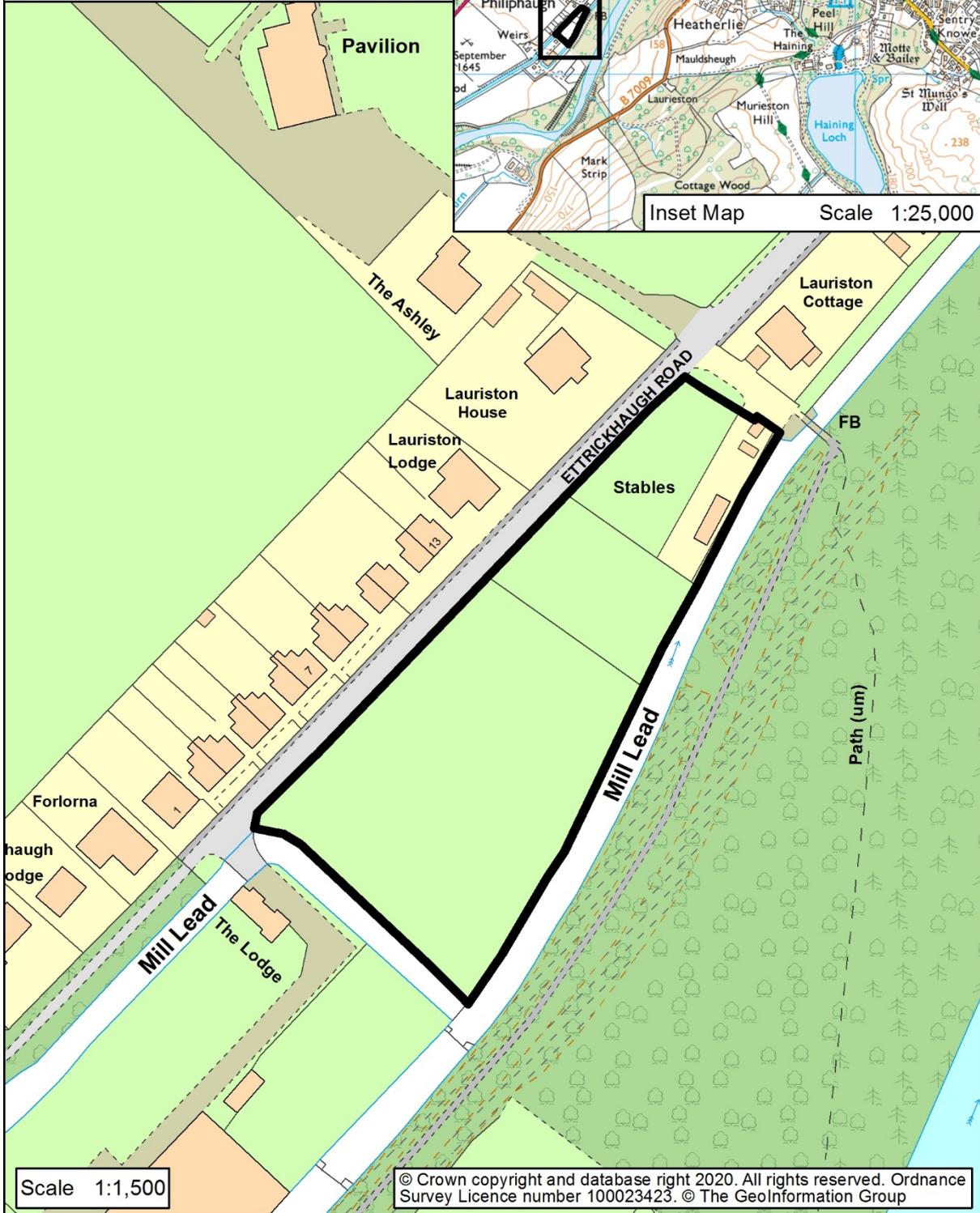


19/01687/PPP

Land North East Of The Lodge
Philiphaugh Mill
Ettrickhaugh Road
Selkirk



Inset Map Scale 1:25,000



Scale 1:1,500