

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

28 JUNE 2021

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 18/01541/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 2), 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 28 June.

SITE DESCRIPTION

The proposed site comprises flat arable land situated between the Wellfield residential street at the east end of Swinton and the C listed village Primary School. Together with Phase 1, the proposed site (Phase 2) extend across the entirety of a site which is allocated for mixed use within the Local Development Plan 2016 [Land Adjacent To Swinton Primary School; reference MSWIN002].

A public footpath which forms part of Core Path 73 and connects the village green with the primary school is located to the north of the proposed site. A separate field lies further to the north and is also allocated within the Local Development Plan but remains undeveloped [Well Field housing site; reference BSW2B]. There are no visual boundaries to the west or south of the proposed site, which forms a small portion of a much larger open arable field.

To the east lie Plots 10, 24 and 25 of the approved 13 dwellinghouse Phase 1 site [planning reference 18/01540/FUL], which is well under construction. The north-east boundary is defined by the high natural stone perimeter walls of the primary school, which form part of the C listing for the school.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection of a further thirteen dwellinghouses, to be served by a recently formed vehicular access from the A6112 (Swinton to Coldstream) road which was previously approved as part of Phase 1.

Four of the proposed new dwellinghouses would be laid out around a continuation of a new tree-lined road approved as part of Phase 1 which seeks to echo a traditional village lane or village green. The remaining units would be centred on a more formal paved square to the north of the site. Seven house types are proposed, varying considerably in scale and massing but sharing a similar palette of external materials and general design style. Boundary treatments for plots would include hedging and low stone walls.

In addition, the application proposes to set aside an area of land located between Plots 19 to 23 and Swinton Primary School for Community Amenity Use. This proposal is described in greater detail below.

PLANNING HISTORY

Relevant planning application history on the site is summarised below:

- 12/01488/PPP - 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. Approved following the conclusion of a legal agreement in 2018.
- 18/01540/FUL - the aforementioned Phase 1 application for 13 dwellinghouses. Approved following the conclusion of a legal agreement in 2020.

REPRESENTATION SUMMARY

Seven members of the public objected to the application. Thirty two members of the public (including a number who also objected to the application) signed a petition which requested that a suitable and accessible site for a village hall be provided for in the proposed development. All the representations can be viewed in full on *Public Access*. The key matters raised are summarised below:

- In combination with Phase 1, the indicative capacity of the allocated site (25 units) would be exceeded by 1 unit
- No developer funded improvements to the village
- No details of parking provision or vehicular access for the village hall
- Site for village hall inadequate in size and drainage
- Play area is vague is this for the primary school or general use by the village?
- Proposals for community facilities contrary to what was approved at outline planning
- 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
- Surface water flooding
- Capacity of drainage network
- Lack of affordable housing
- House designs don't respect vernacular
- Negative impact on character and appearance of conservation area
- Most houses are of 3/4 bedrooms and are out with the general size within the village
- Archaeological mitigation required before approval
- Inadequate time for 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
EP2	National Nature Conservation Sites and Protected Species
EP3	Local Biodiversity
EP7	Listed Buildings
EP8	Archaeology
EP9	Conservation Areas
EP13	Trees, Woodlands and Hedgerows
EP15	Development Affecting the Water Environment
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 2020)
- Privacy and Amenity Supplementary Planning Guidance 2006
- Placemaking and Design Supplementary Planning Guidance 2010
- Waste Management Supplementary Guidance 2015
- Scottish Planning Policy 2014
- Designing Streets 2010
- Designing Places 2013
- 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.

Archaeology: Fieldwork prior to Phase 1 construction works revealed several archaeological features in the various trial trenches excavated across the site. These included a field boundary, furrows of the previous rig and furrow cultivation and an undated pit. Shards of pottery were also obtained which would confirm a Medieval presence in this area.

Phase 2 was assessed as requiring archaeological investigation when applications for Phase

1 and 2 were first submitted. Results from Phase 1 investigation were modest, however the scale of Phase 2 works are also substantial in themselves. There remains the potential for further archaeological finds, features and/or deposits to be encountered in this area as well.

Evaluation of the Phase 2 area is also recommended therefore, though not so hidebound to trial trenches. There should be some flexibility so if little is found, or little different to the Phase 1 finds, then observations can quickly move onto other features and/or areas within Phase 2.

Ecology: Identified little habitat potential on or near to the site, with the exception of the mature trees and hedgerow on the eastern boundary of the Phase 1 site, well out with the Phase 2 site 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. No impacts on designated sites are likely due to the lack of such sites in close proximity to the development, with no ecological connectivity.

Education and Lifelong Learning: No response.

Environmental Health: No response.

Flood Protection: 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. The post development scenario shows a reduction in the catchment area draining to the north, however consideration of boundary drainage was urged along the northern perimeter of the site to intercept any overland flows and address the residual surface water issues. The Flood Risk team have since confirmed that these comments also apply to Phase 2.

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.

Heritage and Design: Informal verbal advice at the time of submission confirmed there was no objection on built heritage grounds.

Housing Strategy: The Housing Strategy team noted at the time of the original submission of the application that aggregated across Phases 1 and 2, the Council's Affordable Housing Policy would require 25% on-site affordable housing across the two phases, equating to 6 units.

Landscape: Responding to the original proposals, Landscape noted the LDP site requirement for structure planting on the southern and western boundaries to provide a settlement boundary and enclosure of the site. Landscape suggested houses frame and enclose open spaces within the development and requested timber fencing be kept to the rear of properties with boundaries visible from the streetscape mainly hedging or high quality stone walls.

Roads Planning Service (RPS): In response to the original proposals for Phases 1 and 2, the RPS noted a number of concerns with the proposed site layout and pedestrian/ vehicular access thereto. In particular, the safeguarding of land for future development (play area, school expansion and village hall) was noted, however confirmation of the proposals for access and parking for the future village hall were required whilst these proposals were being presented for consideration. Later, following the omission of specific reference to a village hall, RPS confirmed generally satisfaction with the proposals, but requested that the internal road be extended to the northern site boundary to enable a linkage to the adjacent allocated housing site [Well Field] as per the site requirements in the Local Development Plan. Furthermore, as the northern part of the site links to the primary school, core path, Well Field and also allows for future linkage to the land to the west, a footway between the Core Path and the footway provided as part of Phase 1 was also requested.

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

Other Consultees

Berwickshire Civic Society: No response.

Swinton and Ladykirk Community Council (CC) first response: The CC provided joint comments on the Phase 1 and Phase 2 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.

Swinton and Ladykirk Community Council (CC) second response: Object to the application. The CC response refers to the outline planning permission 12/01488/PPP as well as conditions, informatives and quote sections of the Committee Report for the application. The CC states that based on the content of that application, and the information set out, the community had good reason to believe their quest for a village hall was to be met by this development, and believe the Planning and Building Standards Committee was given a clear steer that the site must be fit for purpose and accessible.

The CC notes that later, when Phase 1 was approved, Planning Officers were informed of the possibility of developing the Well Field site to the north, which the CC state would largely have met with the approval of the community. The response continues that it is now common knowledge that this will not proceed with surface water drainage causing significant challenges. The CC note that when Phase 1 was approved, this possibility was accounted for, and refer to an informative which was attached by Members when Phase 1 was approved, which stated:

"The development of this site requires the provision of complimentary uses reflecting the mixed use nature of the allocation (MSWIN002) and should include consideration of community facilities such as playing fields and village hall. The development hereby approved does not include community facilities however there is an opportunity to provide these complementary

facilities on land to the north of the application site within Well Field (Housing Allocation BSW2B). The applicant should be aware that if the community facilities are not delivered on the land at Well Field then they must be delivered on the remainder of the mixed use allocation (MSWIN002)."

The CC conclude that it is clear that the development is yet to meet the requirements of the community in delivering a site that is usable and urge that the application be set aside until the delivery of community facilities are determined as suitable and in particular for an accessible village hall site.

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; placemaking and design; road and pedestrian access; and impacts on neighbouring amenity.

ASSESSMENT OF APPLICATION:

Principle

There are not considered to be any strategic issues arising from these proposals. The development can be assessed primarily against the provisions of the adopted Local Development Plan 2016.

Local Development Plan allocation

The proposed site forms part of a larger site allocated in the Local Development Plan (site reference MSWIN002) for mixed use development with an indicative site capacity of 25 units. The principle of developing the site 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 allocated sites are developed for their intended use and that any alternative use is subject to appropriate justification.

Policy PMD3 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.

Local Development Plan site requirements

The LDP sets out the following requirements for the development of this site:

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. The first site requirement is considered below.

Planning Permission in Principle - 12/01488/PPP

With respect to the first requirement, objectors have referred to the outline planning application 12/01488/PPP, which was submitted before the proposed site was allocated for development. This application was approved by the Planning and Building Standards Committee after the site had been allocated for development in 2016. Consent was later granted in 2018 as Planning Permission in Principle (PPP) following the conclusion of a legal agreement. It is important to note that whilst the earlier permission remains extent, the application being considered here is for full planning permission. The application does not seek approval of matters specified in conditions attached to the PPP consent. The PPP does not assert any general restriction or control over how the proposed site may be developed in the future, it only controls the details of development presented for consideration under that permission. It is therefore of limited relevance to the application being considered now, which is a wholly separate and new application. Any new application must be assessed on its own merits against the provisions of the development plan, and any other material considerations, including the first site requirement.

Meeting the First Site Requirement

The applicant originally sought to address the first site requirement by setting aside land for a possible future village hall, a future grass play area and a future school expansion. Considerable concern was expressed by objectors 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 applicant attended a public meeting in the village where these matters were discussed. Circumstances changed and an opportunity emerged to develop land at the Well Field allocated site (LDP site reference BSW2B) to the north of the proposed site. Well Field is more central and appeared to be a preferable location for any future village hall. The Planning Authority was also supportive of this approach. Around this time, Phase 1 (18/01540/FUL) was approved on the understanding that the first site requirement be addressed at a later date, either at Well Field, or within Phase 2. There is no doubt that the applicant explored the Well Field option with a genuine commitment to an outcome that would seem to have pleased all concerned. For reasons out with the applicant's control, this option later fell through.

Following the grant of consent last summer, Phase 1 has largely been built out and the applicant is keen to continue work on-site. The applicant has returned to the original option of meeting the first site requirement by providing land for use to the west of Swinton Primary School. A single parcel of land is now proposed for Community Amenity Use which would be the subject of a legal agreement and planning condition. For an interim period of up to ten years, the Community Amenity Use space would be maintained as an open grass field/ kick-about space, the details of which would be secured by planning condition. This would provide a period of up to ten years within which the community could come forward with a formal proposal to use the ground. It has been agreed with the developer that the legal agreement would establish the right for a community group to lease the ground from the Estate at a peppercorn rent for a period of up to 100 years from the grant of consent. The Council's

Education Department would however have an option to utilise the southern portion of the site for use as a school extension in the event this is required. Formal proposals would need to be assessed against prevailing planning policies at the time they were brought forward.

These proposals are considered to meet first site requirement. This states that 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 important to note that the site requirement does not require the developer to deliver a village hall, nor does it make any direct reference to such a facility. The site requirement also does not explicitly require the developer to deliver community facilities.

For the applicant, not being the end user of any potential future community facility, presenting formal proposals for consideration poses a range of practical challenges. For example, securing agreement that any particular facility reflects what the community wish to see or use. The agreement reached with the applicant addresses that issue by providing a significant length of time for the community to come forward with an appropriate use for the Community Amenity Use space. Removing direct reference to any particular proposals also addresses the issue whereby the Planning Authority requires some confidence that any such proposal will not meet practical challenges at the time of future assessment against planning policies. When land was explicitly earmarked for a village hall, it was necessary to establish whether this proposal would satisfy planning policies, including policies relating to road safety and parking. Without detailed information, which would have been speculative, it was not possible to establish this.

For the Council, there is no desire to take ownership of this land or responsibility for its maintenance. The Council's Estates and Neighbourhood Services teams have confirmed this. The Council does however wish to retain an option for school expansion should this become required in the future.

For the community, the Community Amenity Use space should provide a useful open space adjacent to the village Primary School which could be used, for example, by children and parents after school hours. It would also be available for more general use out with these periods. If no proposals for a facility such as a village hall were brought forward, the space could be leased by a local community group for potential longer term uses such as allotments or a community orchard, or seek to continue its use as an informal open space. The responsibility for maintenance would fall to the group in question at that time.

In summary, it is considered that the agreement reached with the developer meets the first site requirement. It delivers an interim facility for community use in the form of an open green space/ kick-about area. It also safeguards options for a longer-term community facility and a school extension. This is also considered to meet the requirement for complementary uses which reflect the mixed use nature of the allocation.

The proposed site plan retains a wider strip of land to the north of Plot 19 which would potentially cater for vehicular access to the Community Amenity Use space in the future, though this would need to be looked at in closer detail at that time. The developer has confirmed there would be no objection to this. In the interim, the strip is wide enough for maintenance purposes.

Indicative Site Capacity

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.

Local Application

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 carried out as a result. The Planning Authority has no power to control or compel how applications are submitted. The developer 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.

Road Safety, Vehicular and Pedestrian Access/ Connectivity

Vehicular Access

The proposed development would be served by the recently formed vehicular access at the A6112 Coldstream Road to the east. This was approved as part of Phase 1 and is now in place. The siting of the junction was altered during the handling of Phase 1 application to ensure it was located at the most suitable location for visibility, taking topography into account.

Road Safety

The suitability of the wider transport and public road network was 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.

A number of objections were received in response to Phase 1 and 2 applications raising other road safety grounds. Concerns regarding traffic speeds at the entry to Swinton are noted. The speed limit area is in the process of being relocated to the south of the new vehicular access to the site. This was secured by condition as part of Phase 1. The speed limit within the speed limit zone is now 20mph on a trial basis as part of the Spaces For People programme. Streetlights are also to extend down the A6112 to beyond the site entrance. This should influence driver behaviour in advance of the current entrance to the village, and well before the Primary School is reached.

It is acknowledged that the A6112 is used by large farm vehicles and HGVs (including those from the nearby haulage yard). This is fairly common for rural Berwickshire roads, including those in and around towns and villages. It is also accepted that streets in the vicinity of the primary school can become congested at drop-off and collection times. This an existing issue at many schools which the Council seeks to manage. The proximity to the school should encourage future residents of the development to walk to school. The construction of new adopted road infrastructure will also provide a more extensive network of streets which non-residents of the development 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.

The Waste Services team noted a potential issue with the original layout in terms of accommodating a refuse vehicle. Verbal discussion with the Roads Planning Service has confirmed that this should not be an issue – swept path analysis has been provided which demonstrates that refuse vehicles will be able to manoeuvre in and out the site.

Vehicular Connectivity

The site layout safeguards the potential for future vehicular access through the site to Main Street via the Well Field allocated site to the north. A condition is attached to ensure the required road link to Well Field in the northern portion of the site is delivered.

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. Land to the west is in the control of the applicant. It is not considered necessary to require the delivery of a fully made up vehicular access connection to the west.

Pedestrian Access and Connectivity

Core Path 73 connects the Primary School with the village green and beyond, along a public footpath between the proposed site and the Well Field site. The section west of the link road to Well Field will require to be upgraded to an adoptable standard, as far as the western boundary of Plot 18. The remaining length of the footpath to the village green could be upgraded progressively in the future should the remainder of the field come forward for development. Outwith upgrade works, Core Path 73 should remain open and unobstructed during the construction process. A condition is recommended to secure control over this point.

Within the development, footways shall connect Phases 1 and 2. Further pedestrian connectivity to the north-east of the village was secured as part of Phase 1 via a level pedestrian link to the A6112 Coldstream Road to the north of Plot 1. A new footway is under construction which shall provide a pedestrian link from Phase 1 to the Primary School. This shall also connect with existing footways to the north of the Primary School.

To conclude, proposed vehicular and pedestrian access to, from and through the site will be satisfactory provided conditions are addressed. Site requirements would also be 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 dwellinghouses generally front onto the street in terraces with minimal set back. This all defines the strong sense of place within the heart of the village.

The character of the village changes in the east end of the village, out with 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 planned 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 was accepted over several years of pre-app discussions and later, when Phase 1 was approved. Whilst the layout for Phase 1 centred around a 'rural village lane' concept, Phase 2 will have somewhat harder streetscene focused on a central paved square.

House types

A mix of house types is proposed. The scale of the proposed houses is also varied and includes several large single and two storey houses. There is understood to be demand for this type of housing. The large plot sizes should ensure these houses sit comfortably within

the wider development, and similar house types are already nearing completion as part of Phase 1. The massing of all houses within the scheme would be suitably broken up with a variety of suitably proportioned 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, and tie in with Phase 1. It is not felt that house designs must mimic the local vernacular although the design approach will ensure dwellinghouses relate acceptably to the rest of the village.

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 area given over as open space will also provide an additional separation buffer between the dwellinghouses within the development and the listed building.

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 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.

This development features a high quality palette of materials with traditional approaches to form and massing. It is not necessary to screen the development from long views in the surrounding landscape. As with Phase 1, hedging interspersed with trees should 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. A proposed landscaping scheme has been lodged but requires a number of changes to secure a suitable edge to the settlement in line with that approved for Phase 1. These revisions can be secured via condition.

A hedge runs intermittently along the northern boundary of Core Path 73, on the near side of a low stone wall. The Core Path will generally require to remain open and unobstructed during construction. A condition to require specific hedge protection is considered unnecessary.

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 approved as part of Phase 1 and now operational. Garden ground and communal landscaped areas broadly to the south of the access road (plots 11 and 12) would flow towards the Estate's arable 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, which would be significantly reduced in area compared to current levels. The Flood Risk team note this, but recommend boundary drainage is considered on 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.

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 dwellinghouses to the site, excluding those under construction as part of Phase 1, would be Nos 1 and 2 Wellfield Court. The former is located to the immediate north-west of Plot 18, which is positioned within a fairly large area of garden ground, ensuring Privacy and Amenity Guide standards will be comfortably met. There are no loss of light/ sunlight concerns.

The proposed dwellinghouses will also benefit from appropriate levels of privacy, access to light, access to sunlight and garden ground consistent with policy and supplementary guidance.

Ecology

There are no designated ecological sites on or near to the site that would be affected by the proposed development. Ecological interests on or close to the site are limited. The Ecology Officer has requested a condition to secure protection for breeding birds, subject to which, there shall be no conflict with relevant ecological protection policies EP2 or EP3.

Archaeology

There are no archaeological designations on or near to the site but there is archaeological potential in the area. Archaeological fieldwork was secured by condition when Phase 1 was approved and was carried out prior to construction starting. No significant finds were made, and accordingly, the Archaeology Service has re-assessed the need for further fieldwork. The Service consider further evaluation work to be required but there is some flexibility on the scale of this and the mechanism this takes. A planning condition can secure such mitigation, subject to which, the development would satisfy our LDP Archaeology policy EP8. A WSI was agreed at Phase 1 and the wording of the condition reflects this.

Infrastructure

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. Scottish Water subsequently reconfirmed at the time of conditions discharge for Phase 1 that capacity remains in place.

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 took account of both phases of development under the Phase 1 application. This 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 is already operational as part of Phase 1.

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 would be provided 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 two applications. Later, the developer proposed to provide affordable housing for Phase 1 and 2 on the allocated site to the north (Well Field). The Department was supportive of the principle of this approach but required a fall-back position until delivery was guaranteed. Two on-site affordable units were secured when Phase 1 was approved. As noted above, the Well Field option will no longer proceed, therefore the delivery of the remainder of the affordable housing is required to be addressed through Phase 2. Following discussions, including scrutiny of the developer's valuation for the development, it has been agreed that a further two on-site affordable units will be provided as part of Phase 2 with a commuted payment for off-site affordable housing secured by Section 75 legal agreement to cover the remainder of the affordable housing requirement.

Development Contributions

Contributions will be required towards education and offsite play provision. These can be secured by legal agreement.

CONCLUSION

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 the use of the Community Amenity Land and developer contributions, and the following conditions and informatives:

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. No development shall take until the developer has submitted an updated Written Scheme of Investigation (WSI) to detail a revised programme of archaeological works for Phase 2. Thereafter, upon the written approval from the Planning Authority of the updated WSI, 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.

3. No development shall commence until details of surface water drainage have first 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.

4. 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 protect breeding birds which may be active within the site.

5. Prior to the erection of each dwellinghouse hereby approved, notwithstanding references to materials finishes and colours on the approved drawings, a schedule of the external materials, finishes and colours of all dwellinghouses shall be submitted to and approved in writing by the Planning Authority. Thereafter, 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.

6. Within one calendar month of the commencement of development, a scheme of details for the interim Community Amenity Use space shall be submitted to the Planning Authority for written approval. The scheme of details shall include:

- a) Details of means of enclosure;
- b) Details of maintenance;
- c) Details of rights of access and use;
- d) A timeline for delivery and future maintenance.

Thereafter, the Community Amenity Use space shall be enclosed, formed, managed, operated and maintained in strict accordance with the agreed in writing scheme of details for a period of ten years from the date of this consent, unless otherwise agreed in writing by the Planning Authority.

Reason: to secure control over the interim use of the Community Amenity Use space hereby approved, and to contribute to addressing the first site requirement of the LDP site allocation.

7. Within one calendar month of the commencement of development, a timetable for the delivery of both the Core Path 73 upgrade works shown on drawing number J3576-006 and the delivery of the vehicular access link to Well Field shown on the approved site plan L(-1)104 Rev C, shall be submitted for the written agreement of the Planning Authority. Thereafter, the Core Path shall be upgraded in accordance with the details shown on drawing number J3576-006 and the vehicular access link to Well Field (L(-1)104 Rev C) shall both be delivered within the agreed in writing timetable.

Reason: To ensure the development benefits from an adequate standard of pedestrian and future vehicular access connectivity.

8. Within one calendar month of the commencement of development, notwithstanding the details provided in the approved drawings, a revised scheme of soft landscaping and future maintenance, including a timetable for implementation, shall be submitted for the written approval of the Planning Authority. Thereafter, the development shall be carried out and maintained wholly in accordance with the agreed scheme of hard and soft landscaping, and boundary treatments within the development hereby approved shall accord with the hereby approved Boundary Treatment Details drawings L(-1)103 Rev E, all unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the development assimilates acceptably into the surrounding landscape and satisfies placemaking objectives for the new development.

9. The two units hereby approved on plots 20 and 21 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 on-site affordable housing.

10. 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 first been submitted to and approved in writing by the Planning Authority.

Reason: to prevent access across Core Path 73 being obstructed during construction.

11. Public water mains and public foul sewer connections shall be functional prior to the occupancy of each dwellinghouses hereby approved, unless otherwise agreed in writing by the Planning Authority. Thereafter, no water supply or foul drainage arrangements shall be used other than the public water mains and public sewer without the written agreement of the Planning Authority.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

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. 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	Date
Plans and Elevations	L133		13 May 2021
Plans and Elevations	L132		13 May 2021
Plans and Elevations	L131		13 May 2021
Plans and Elevations	L129	B	13 May 2021
Plans and Elevations	L127	B	13 May 2021
Plans and Elevations	L126	B	13 May 2021

Plans and Elevations	L124	C	13 May 2021
Plans and Elevations	L122	B	13 May 2021
Plans and Elevations	L121	D	13 May 2021
Plans and Elevations	L120	B	13 May 2021
Plans and Elevations	L119	B	13 May 2021
Plans and Elevations	L118	B	13 May 2021
Plans and Elevations	L117	B	13 May 2021
Site Plan	L(-1)104	C	15 June 2021
Other	L(-1)103	E	13 June 2021

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.

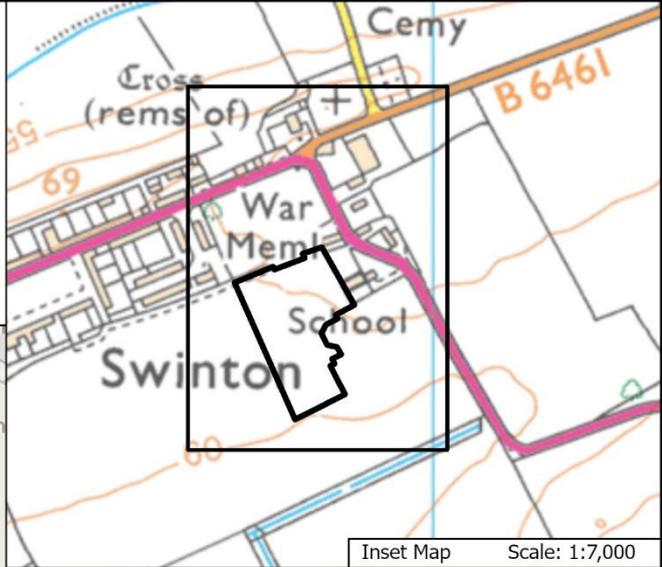
Author(s)

Name	Designation
Paul Duncan	Assistant Planning Officer

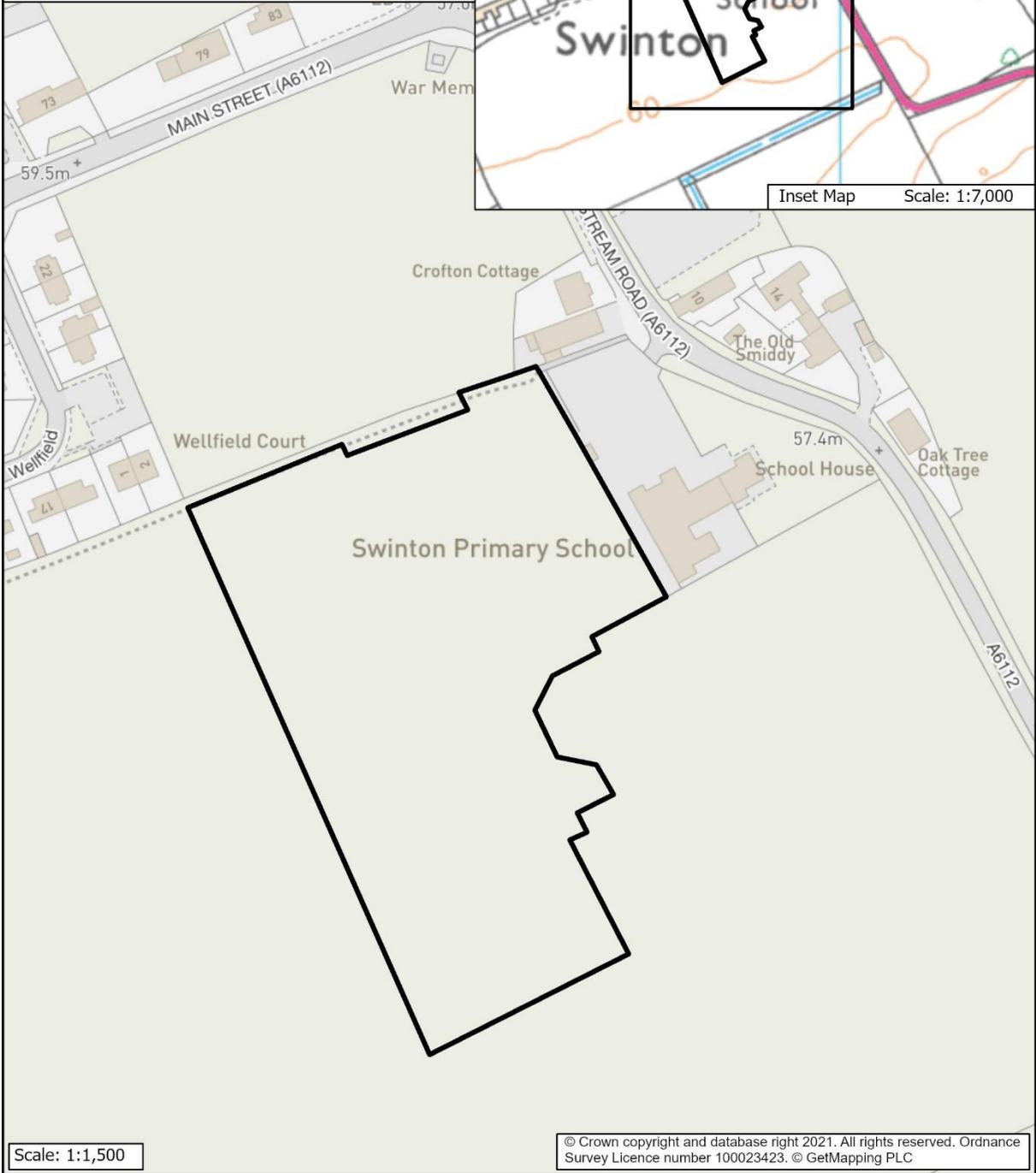


18/01541/FUL

Land South And West Of Swinton Primary School (Phase 2)
Coldstream Road
Swinton



Inset Map Scale: 1:7,000



Scale: 1:1,500

© Crown copyright and database right 2021. All rights reserved. Ordnance Survey Licence number 100023423. © GetMapping PLC