

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 20/01620/PPP

**APPLICANT :** Mr Bruce Weir

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Erection of 4 no dwellinghouse with associated infrastructure and access

**LOCATION:** Land South Of  
Crunzion Cottage  
Earlston Road  
Stow  
Galashiels  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
1279_pl_00	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 26**

**SUMMARY OF REPRESENTATIONS:**

Objections have been submitted that raise the following key issues and concerns, in summary:

- o Outwith the Local Development Plan boundary and residents have previously objected to the site being developed and it has previously been excluded from the LDP. This would not be a logical extension applying Policy PMD4 nor meet exception criteria. The application also misapplies Policy HD2
- o Other sites should first be developed, and there is no demand for this development which doesn't address affordable housing need in the village
- o Precedent would be established
- o Surface water run-off, there is a history of the burn flooding, and there is a related concern with the capacity of the culvert, and associated landslip/subsidence issues. Flood risk assessment doesn't cover risk downstream
- o Traffic and road safety concerns, including construction and residential traffic, and capacity of the road and bridge generally to take additional traffic, as well as resulting in parking congestion. The ability to achieve visibility from the junction is also questioned. The road is narrow, and development will affect access to the countryside for others including walkers, cyclists, horses and runners. The road is also worse in snow.
- o Mains foul drainage is at capacity
- o The habitat survey is questioned, and impacts on wildlife a concern
- o Liabilities for residents using the path which is onto a private road not serviced by the Council. It is also questioned whether the applicant has the legal right to take access to it. Foot traffic passed neighbours also a concern
- o Trees already removed

- o Construction traffic damage
- o Design/scale not in keeping, overbearing and out of character, effect on landscape character and village setting, with some assumption in the landscape and visual assessment questioned
- o Overlooking/privacy loss, blocking sun and loss of light from high fences, hedges and trees
- o Effects on view
- o Loss of amenity of the field
- o Noise
- o impacts of street lighting

#### Consultations

(The comments below are summaries of several of the comments provided by consultees, in order to illustrate the key issues. For full comments, please see [Idox/Public Access](#))

Roads Planning Service: The RPS previously raised concerns regarding this site through the consultation process for the Local Development Plan. They recommended against the site being included for a level of development which would require a public road, which currently limits the number of dwellings to four, although they did intimate that they could support some development within this site if the settlement boundary was amended to incorporate the site. They note that the settlement boundary has not been altered and the proposed LDP does not currently include any settlement boundary amendments either. As such, any development of this site has to be considered against PMD4. Previous concerns noted the constrained nature of Earlston Road due to gradient, parked vehicles and restricted footway widths. That said, with the proposed footpath link, the site is situated in close proximity to the village centre (approx. 400m) and the facilities it offers in terms of shops and transport links, while the railway station, health centre and school are a further 400m from the centre. Without this link, they would not be in a position to support any development on this site however with the link they could support limited development. They previously indicated that they may be able to support an extent of development not exceeding four dwelling units, preferably less, served via a private access, provided there was suitable pedestrian facilities towards the village included within any proposal and if the settlement boundary was amended to include this site. As such, the principle of housing on this site is acceptable, however it would be subject to several conditions covering matters noted below.

- o Engineering details relating to the access. These should include sections, levels and design information relating to the bridge and any retaining feature and demonstrate that a suitable layout of access off the public road can be achieved with adequate visibility and gradients/levels.
- o Visibility at the junction with the public road should ideally be 2.4m x 120m in either direction. These splays however may be reduced depending on the geometry of the road and the speed of the traffic on the public road.
- o Drainage details. Construction details will be required for the access road and the proposed footpath link.
- o Confirmation that the square proposed can accommodate service vehicles, with regards turning in particular.
- o Confirmation showing that the applicant has the appropriate powers to utilise the existing pedestrian link and the proposed link would have to be provided prior to occupation of the first dwelling and remain thereafter in perpetuity.
- o A traffic management plan to cover the construction period
- o A small level of visitor parking
- o Allowance for refuse collection.

Ideally, the above information should be provided prior to any determination being made so as to ensure what is approved can be provided. However, if suitably worded conditions would suffice from a planning perspective, they would not object to the proposal provided appropriate conditions can be attached.

Community Council: Object to the application. Access is very problematic and unsafe; the sewage system is inadequate and cannot sustain these houses; and, the area is not included for development in the LDP. The CC does not consider it should be included in future.

Education and Lifelong Learning: No reply

Ecology Officer: Notes the submitted Extended Phase 1 habitat survey. The site consists largely of habitats of low biodiversity value (improved pasture), habitats of higher value on the boundary (out with the redline boundary), notably the mixed woodland along the eastern boundary and Crunzie burn, the Crunzie burn and mature beech trees on the south-west boundary. No signs of otter were recorded along the Crunzie burn although it was noted as being suitable habitat for otter. The stables and haylage barn surveyed are out with the proposed development area. They were found to be of negligible suitability for bats. The report recommends mitigation to protect breeding birds and biodiversity enhancements through provision of nest boxes for birds. The woodland habitats on the boundary may provide suitable foraging and commuting habitat for bats. A sensitive lighting scheme may be required. Notes that an area of trees on the eastern boundary has been cleared and that Scottish Forestry has issued a re-stocking order. Is not aware of their prior ecological assessment.

The Crunzie burn is adjacent to the eastern boundary of the site and provides potential connectivity with the Gala Water (part of the River Tweed SAC). A bridge crossing of the burn has been proposed. Impacts on the River Tweed SAC may arise. The survey recommends mitigation to avoid impacts on breeding birds. No mitigation is proposed to safeguard the watercourse or River Tweed SAC. The development may result in a likely significant effect on the River Tweed SAC. The Planning Authority is required to carry out an appropriate assessment. Mitigation should follow good practice and CAR requirements. The bridge structure may require a CAR licence from SEPA. Further information on mitigation is required to protect the adjacent watercourse and River Tweed SAC, to enable a Habitat Regulations Appraisal to be concluded

Forward Planning Service: As the proposal is outwith the Stow development boundary this application must be assessed against Policy PMD4.

- o Stow is a defined settlement within the Scottish Borders Local Development Plan 2016 and has its own Development Boundary. It is most surprising that the agent suggests this proposal should be tested under the Housing in the Countryside building group policy, despite the village clearly having a development boundary as identified in the statutory LDP. This would be a major departure and precedent from longstanding and well recognised planning policy. Simply because a LDP submission has been made does not mean it should be automatically allocated.

- o The agent refers to the three allocated sites in the village as identified within the adopted LDP 2016 are constrained from development and yet has produced no evidence at all to confirm the reason why he says this. They consider that it is market interest that is the sole reason these sites have not been developed as yet.

- o The agent states that the allocations within the SPG on Housing in 2018 are highly questionable. However, these were signed off by Scottish Ministers.

- o The agent appears to suggest that the 300 houses at Lowood, Tweedbank were claimed to be built within the LDP period. It is unknown where he has obtained this information. The requirement of the SPG was to identify additional sites to provide for the housing land supply a further 916 units. It was not the case these houses, or indeed any others identified in the SPG, would be required to be built within the LDP period.

- o The agent has provided their own evaluation of the housing land supply. It should be noted that it is not considered appropriate to re-assess the effectiveness/programming for each individual housing site, or to state which sites are not likely to be progressed, as part of the planning application process. This is undertaken annually as part of the Housing Land Audit process. The Council has finalised the 2019 Housing Land Audit which concludes that the Scottish Borders has a 5 year effective housing land supply. It is considered the programming dates in the HLA are fair. As part of the Housing Land Audit process, the Council engages with Homes for Scotland and house builders for information regarding programming for development and any potential constraints on sites. This is taken into consideration in the programming of individual sites within the audit annually. HLA programming should not be altered as part of the planning application process.

- o In December 2020 the Scottish Government produced an amendment to Scottish Planning Policy (SPP) which they refer to. In the case of the Stow proposal it is not considered there are material considerations which can support the proposal which is contrary to the development plan. Consideration must be given to whether this proposal is categorised as a sustainable proposal. The submission is a PPP and there is therefore limited information provided and it is not considered the proposal meets the tests which confirm it to be sustainable development. Where a proposal for housing development is for sustainable development and the decision-maker establishes that there is a shortfall in the housing land supply the shortfall is a material consideration in favour of the proposal.

The Forward Planning team are in the process of carrying out the necessary calculations under Planning Advice Note 1/2020. This was not completed at the time of this response. However, it is noted that this proposal is only for four units and would be a minimal contribution should there appear to be an identified shortfall.

They concluded that it is not considered that this proposal meets the criteria within policy PMD4 nor the amended SPP and there are no material considerations which would allow the site to be supported. As the proposal is contrary to planning policy it cannot be supported by the Forward Planning Team.

Following the above comments, the Forward Planning Service provided an update on their position having had regard to an appeal decision that recently examined the issue of potential housing land shortfall (20/00753/FUL). FP note that the Reporter concluded that there is a shortfall in the five year effective housing land supply within the Scottish Borders. The Council acknowledge that the Reporter has applied the methodology set out in Planning Advice Note (PAN) 1/2020.

However, the Council does not agree that the use of the housing land requirement set out within SESPlan as part of the calculation is appropriate in the Borders. SPP 2020 requires a flexible and realistic approach. The housing land requirement figure contained within SESPlan is significantly higher than any annual completions achieved within the Scottish Border and is not realistic. The average completion rate within the Scottish Borders over the past 10 years is 330 units. SESPlan 2 set out housing land requirements which were informed by the Housing Need and Demand Assessment (HNDA2) which was acknowledged as 'robust and credible' by the Scottish Government in March 2015. SESPlan Local Authorities agreed when assessing development proposals for sites not allocated for development in the Development Plan they would regard to a number of documents including the Housing Need and Demand Assessment 2015. The Council considers that the housing land requirement figures set out within the HNDA are a significant material consideration.

They also note that Scottish Government required all planning authorities by 4th June 2021 to submit initial default estimated 10 year housing targets for their respective areas to feed into the draft NPF4. The Scottish Government suggested an initial figure of 175 completions per annum, and the figure agreed by the Planning and Building Standards Committee was 440 units per annum. Both these figures are significantly lower than the requirements of SESPlan (862 units per annum). Ultimately, they conclude that the Council does not consider that there is a shortfall in the five year effective housing land supply within the Scottish Borders

Archaeology Officer: No conditions or Informatives are recommended due to the low risk of encountering archaeological finds. There is nothing to indicate the potential for archaeology in this area

Flood Protection Officer: SEPA mapping indicates that the site is not at risk from either a fluvial or pluvial flood event with a return period of 1 in 200 years. However, this is due to the small catchment size of the Crunzie Burn. The submitted Flood Risk Assessment shows that, despite the steep topography of the site, the development would likely not be at risk from surface water flooding as the proposed access road would be located above the dwellinghouses and would divert surface water run-off from the top of the hill towards the Crunzie Burn. Therefore, in principle, she has no objection to this development on flooding grounds. Notes however, that the applicant proposes a 1m diameter pipe for the culvert in the Crunzie Burn with the inlet and outlet parameters for the culvert. At the Pre-app stage their service advised that clarification on the culvert and model was needed as to whether the invert level in the model account for 300mm river bed material that will be required through the SEPA requirements for construction of the new culvert. As it appears from the submitted documents that the required river bed material has not been taken into account the FPO would ask the applicant to provide clarification on the culvert design and the considerations they have given to the culvert bed material. The FPO would also require the applicant submit details of their proposed SuDS as well as a drainage proposal for the development, with a detailed planning application

Scottish Water: No objection. There is sufficient capacity at Manse Street Galashiels Water Treatment Works. SW is not able to confirm capacity at Stow Waste Water Treatment Works and requires a Pre-Development Enquiry form submitted directly to them. Capacity for either cannot be reserved. No surface water into the combined sewer system will be accepted.

Housing Strategy Officer: No reply

## **PLANNING CONSIDERATIONS AND POLICIES:**

SESPlan

Policy 7

Local Development Plan 2016

PMD2, PMD2, PMD4, HD1, HD3, HD4, EP1, EP2, EP3, EP13, EP15, IS2, IS3, IS7, IS8, IS9

SPGs Affordable Housing 2015; Development Contributions 2011 (updated 2021); Landscape and Development 2008; Placemaking and Design 2010; Guidance on Householder Development 2006; Sustainable Urban Drainage Systems 2020; Trees and Development 2008; Waste Management 2015

Scottish Planning Policy

**Recommendation by** - Carlos Clarke (Lead Planning Officer) on 25th June 2021

Site and application description

This application seeks Planning Permission in Principle for four houses on a sloping agricultural field located to the south-east of Stow, outside the settlement boundary as identified in the Local Development Plan 2016. To the north-west is an adjacent house (Crunzion Cottage) and further north and houses fronting onto Earlston Road. To the west and south is undeveloped agricultural land and, to the east, is the Crunzie Burn beyond which is the C12 public road.

The application is supported by an indicative proposal for four detached houses with an access road over the burn from the C12 to the east. During the processing of the application, two further indicative options were submitted. The initial application was also supported by submissions on flood risk, ecology, landscape/visual, transport and planning.

Principle

The development would be outwith the settlement boundary and, therefore, falls to be determined against Policy PMD4. Notwithstanding reference in the application submission, Policy HD2 does not apply because Stow is a recognised, defined settlement, and not a 'building group'. Policy PMD4 states that development outwith the settlement will normally be refused, unless it firstly meets exception criteria from (a) - (d) and then, if doing so, also meets the remaining seven requirements of the policy. I also note the application submission references Policy HD4, however, this does not support housing on this site as it is neither in supplementary guidance as housing land or promoted for expansion.

In this case, the proposal does not meet the exceptions provided by criteria a, b or d. Though four houses will have benefits of some description, they will not comprise a community benefit to meet the requirement of criterion (d). The proposal is also not for a job-generating development or justified affordable housing. This leaves criterion (c) which requires that "strong reasons" need be given that "there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective five year housing land supply". In this regard, the applicant contends (in correspondence available to view in full on Public Access) there is such a shortfall, arguing that sites allocated within the LDP (and proposed to be reallocated within the proposed LDP2) are constrained. They argue that allocated sites that are not deliverable should not be used to prevent other 'sustainable windfall' sites when it is clear these will be needed to meet the housing land shortfall. They make references to many other sites that they consider to be constrained within the LDP and argue that substantially more allocations are needed in order to meet set targets given the constraints on allocated sites.

However, the Forward Planning Service point out that other sites within Stow are not demonstrably constrained; that the Housing SPG does not require sites be developed in the LDP period; and the

assessment of other sites' effectiveness is for the Housing Land Audit, not this planning application. They contend that the 2019 Housing Land Audit shows an effective five year supply.

Recently, an appeal decision on a housing development in Peebles included the Reporter's conclusion that the Council did have a housing land shortfall, having applied the methodology in PAN 1/2020. The applicant rightly contends that the Reporter's decision is a significant material consideration and that SESPlan is the adopted plan, not SESPlan2 (in which the Council seeks to apply lower housing land requirements) which was rejected. However, the FP service have explained their position in this regard, essentially making the case that reliance on SESPlan figures adopted in 2013 does not represent the 'flexible and realistic' approach required by SPP, and that there is agreement amongst SESPlan authorities to use figures from the Housing Need and Demand Assessment 2015 as one of the factors on which to calculate housing figures. They conclude that, using this approach, the Council does not have a five year housing land shortfall.

Ultimately, whatever the baseline position on housing land figures, it is clearly not for this planning application to establish how that is calculated. That is entirely for the development plan process. What is, however, clear is that the requirement that 'strong reasons' be given that the Council has a five year shortfall have not been demonstrably provided. Had that been the case, the Forward Planning Service would not be stating otherwise. Criteria C is not satisfied.

SESPlan Policy 7 allows for development on greenfield sites if required to maintain a five year housing land supply. As noted above, it is not considered these four houses are required to maintain the effective supply and, therefore, the policy does not provide support for the development, regardless of whether it complies with its criteria a-c or not.

Even if a shortfall were identified, the proposal must also then satisfy a further seven criteria. As regards the first four of these, these require that the development represent a logical extension of the built-up area; is of appropriate scale in relation to the size of the settlement; does not prejudice the character, visual cohesion or natural built up edge; and would not cause a significant adverse effect on the landscape setting of the settlement or its natural heritage. In these regards (and as noted in further detail in this report), while landscape, natural heritage and scale issues are not of concern, the proposal is not considered to represent a logical extension to the settlement, or be appropriate to its character and visual cohesion at this location, thus conflicting with criteria a and c. This is explained further below.

The remaining three policy criteria regarding indicators for longer term development; cumulative impacts; and infrastructure and service capacity, do not alter the conclusion that the development would not be a logical expansion in terms of the character of the settlement. Longer term expansion of the village is not identified here, and the LDP discounted a site for five houses. Changing to four houses does not alter its suitability - if it were readily suitable, the site would be located within the settlement boundary.

The proposal is considered to fail Policy PMD4 for the reasons above, and explained further in this report.

Where a development is contrary to the LDP, Scottish Planning Policy allows for exceptions for sustainable development, based on criteria contained within Paragraph 29. My interpretation of this criteria is that, albeit the site location benefits from the sustainable transport options provided by the village, it would nonetheless be low density development on a countryside edge site, with significant private road infrastructure, to achieve a development which (as noted elsewhere in this report), will not contribute to the sense of place of Stow in this location, or provide economic, social or environmental benefits of overriding significance. Whatever sustainability credentials the development may have should not be considered sufficient to justify overriding the conflict with the LDP.

## Ecology

The site is not on or near designations, no trees are specified for removal and the application is supported by a Phase 1 Habitat Survey that identifies no signs of otter or evidence of other protected species. It is recommended that vegetation clearance take place outwith the bird breeding season, and that the design of the development includes nesting boxes. These can be addressed by planning condition. Our Ecology Officer did, however, seek further information regarding the development's potential impact on the River Tweed Special Area of Conservation (to which the adjacent Crunzie Burn connects). In response, an Environmental Management Plan was submitted and the EO conducted an Appropriate Assessment which

has resulting in him concluding the proposal will not have a significant adverse effect on the integrity of the Rover Tweed SAC. Planning conditions are required to cover a construction management plan, species protection plan and proportionate biodiversity enhancement plan. Though he also refers to a sensitive lighting scheme, this will only be if lighting forms part of the detailed application submission.

The access works over the burn would require approval of SEPA under the Controlled Activities Regulations. The applicant has advised that SEPA were consulted on the matter before the planning application submission and appear not to indicate there would be any issues in principle with culverting the burn to access the site. It has not been indicated whether visibility splays for the road access will require tree removal. If so, any removals will require screening for bats/birds (and assessment if required) before determination of any detailed application covering the access.

#### Flood Risk

The application is supported by an assessment of flood risk to the development from the Crunzie Burn and an assessment of culvert size for the road bridge. The Flood Protection Officer is content the site itself is not at flood risk, subject to suitable floor levels. However, the sloping ground towards neighbouring properties to the north means that surface water management will need carefully addressed. As this is a PPP application, the absence of a surface water drainage assessment is not a critical concern, and the FPO suggests that, as the site is large and the development relatively small, it should be quite feasible to achieve a suitable surface water drainage scheme. A condition can address this and require it be incorporated into the detailed layout submission.

As regards the culvert size, the FPO has queried this, though as this is a PPP application, not a detailed submission, this need not be addressed now. The culvert will be covered by CAR in any case, and the FPO has advised that there should not be any particular reason why a suitably sized culvert cannot be provided. As the sizing and flood risk caused by the culvert is covered under CAR, the FPO need not see construction details to duplicate CAR considerations, though a condition of consent should require details of the access to demonstrate no flow path across the culvert to the main road.

#### Archaeology

The site is not within or adjacent the Conservation Area, there are no archaeological sites of interest and no Listed Buildings on or nearby. As noted above, the Archaeology Officer does not recommend any mitigation.

#### Services

Scottish Water confirm there is capacity for mains water but a planning condition would be needed to secure evidence of a connection having been approved. As regards foul drainage, any concerns regarding capacity can be addressed by a planning condition that requires SW's evidence of a foul drainage connection being approved. It would be for SW to be satisfied that the mains system has capacity to accept these four houses.

As noted above, a surface water drainage scheme will be needed, including maintenance measures of the same, fundamentally to ensure a SUDs based scheme that does not lead to additional run-off onto neighbouring land, both during and after construction.

#### Access and parking

As noted above, a new access would be formed from the Earlston Road over the Crunzie Burn to serve the development. Concerns raised by residents regarding the capacity of the road, the safety of the junction and visibility splays, as well as all other noted concerns regarding road safety have been considered and, ultimately, the Roads Planning Service judge the proposal to be acceptable, in principle. This is on the basis of a footpath link being provided through the adjacent Crunzion Cottage to ensure connectivity of the site.

As regards the footpath link, the RPS do not seek this be segregated from the access and parking area for the cottage itself, but they do require it be bound, to encourage residents to use it. The applicant does not directly own the cottage, but advises that it is owned by his father. It has also not been demonstrated that access rights exist between the site, the cottage and the public road. However, the applicant has advised there will be no difficulty in that regard. Given the provision of this footpath link is essential to the RPS's

endorsement of the application, it will be imperative that, if consent were granted, a suspensive condition is imposed to require a scheme of details for the route (one that maintains the access and parking to the cottage); evidence of a binding agreement over the cottage to allow the path or the applicant confirms ownership has been obtained; and, legal confirmation that demonstrates that there will be no legal hindrance to residents accessing the path via the lane leading to the public road.

As regards the road access, the RPS originally sought 2.4 by 120m visibility splays. The application is supported by a transport statement that indicates different visibility splays. Albeit the provision of the access and visibility splays can be a suspensive condition (to cover any third party land issues that may arise), the applicant was asked to demonstrate actual achievability, since to not be able to do so would affect the principle of development. However, the RPS has since advised that, following a site visit and traffic figures and speeds provided by the applicant's traffic engineer, their recommended splays need only be 2.4m by 43m, though the RPS considers that up to 70m splays could be achieved. A suspensive condition should address their provision, if consent is granted, and include the future maintenance of the splays.

Other aspects referred to by the RPS should be covered by conditions of consent. Since this application is a PPP application only, the detailed consideration of the indicative proposals need not be accounted for since, in roads terms, they do not materially affect the principle of development, excepting only the visibility and footpath link issues referred to above. The conditions should cover the detailed layout of the site, access, culvert, road and parking layout and construction specifications (which should be to the most informal arrangement possible, to minimise visual and landscape impact), visitor parking, drainage and bin collection area. The construction period should be regulated by a traffic management plan as also recommended by the RPS.

Placemaking and design:

Trees

In terms of trees, there are no notable specimens within the site. There are trees on the northern boundary and trees over the burn on the roadside to the east had previously provided screening from the road. The access proposal appears to coincide with a gap in the tree line. The application is not supported by a tree survey to identify risks to trees, and trees on the roadside were removed before this application was submitted, resulting in Scottish Forestry issue a Restocking Direction to have them replaced. It will be for the applicant to ensure a detailed layout for the development does not undermine compliance with SF's requirements, however, it has been asserted that SF's requirements will not undermine the access visibility splays.

Ultimately, though the application lacks information on tree impacts, the site is of a size that should allow for the development to be implemented without undermining trees to any significant extent. The implications of visibility splays on trees has not been confirmed by the applicant, but the RPS advise that there are no additional trees which will require to be removed over and above those which have already been removed. A detailed application should demonstrate the site layout accounts for trees as required by EP13 and our SPG in order to minimise impacts, and a condition should be imposed to this effect, if consent were granted. The detailed layout should also include a planting scheme that includes reestablishment of the roadside screening as necessary.

Landscape and visual impacts, including placemaking and design

The site is sloping and elevated. It adjoins built development to the north though is open to the south. A supporting landscape and visual appraisal argues that, where visible, the development would be viewed as a logical extension to Stow, characteristic of development within a village. The application has been supported by an indicative layout and plans for two similar house types on four plots within a cul-de-sac. As it is indicative only, this application need not assess the indicative proposal in detail. However, what is apparent from them is that the site is very large resulting in relatively large plots; the cul-de-sac layout is relatively formal with a substantial road link; there would be no street frontage, the only connection to the existing street network being a footpath link through the adjacent cottage's garden; the access junction would be some 130m from the nearest house; and, the layout would be rather at odds with higher density housing at this end of the village. Low density suburban housing on the end of a village is not out of sorts with such a setting ordinarily, and there is sporadic low density development to the west and north-west that exists now. However, because of its size and general visual detachment (with an access road that enters

outside the village in order to come back into the site) development of four houses on it may likely appear rather divorced from the established sense of place of this end of the village, appearing somewhat as a satellite cul-de-sac.

The wider landscape consequences of four houses (which may best be reduced in scale and height, and improved in form and design from the current indicative plans) may be acceptable, subject to being designed to suit the site topography and minimise cut/fill and landscape change on what is a sloping site. However, the development will still give the impression of being rather detached from the higher density townscape that exists at this end of the village. This is particularly given the fact it will be accessed at some considerable distance from existing properties, with only a minor footpath link providing connection with the existing houses.

Since the originally submitted indicative layout, the applicant has elected to submit two alternative indicative proposals to try to demonstrate the suitability of the site. These have also not been examined in detail at this PPP stage, but comprise one option which introduces an area of open space which will reinforce the sense of detachment. The other option, however, brings the plots closer to the north, and reinforces the southern edge by adding structure planting. An approach similar to the second option is more likely to be successful as a result. However, neither option can overcome the fact the access point would be considerably divorced from the existing houses; the road is substantial to reach all four plots; and the only public realm connection is a pathway over the driveway of the adjacent cottage. It would appear, and largely function as, a rather satellite grouping of houses, and not be well integrated with the existing settlement pattern. It would not be a logical extension or a visually cohesive addition that respects the character of the settlement at this location.

Ultimately, the site itself is of such scale and general detachment from the existing settlement pattern that it will be somewhat inevitable that four detached houses in four large plots will not relate well to their immediate neighbouring properties. It is not apparent to me that this site, and the provision of four large plots, would be a 'logical extension' to the existing settlement, or provide the visual cohesion required by Policy PMD4 for out-of-settlement developments. While a carefully designed development need not have an adverse impact on the landscape setting of the settlement, and plot size and planting could be designed to allow this development to reflect the plot size and density of houses to the west, I am not convinced the resulting development would entirely relate it well to the settlement at this location for the reasons noted above. The development of this site for four houses would not comply with either Policy PMD4 or Policy PMD2 as a result.

#### Neighbouring amenity

A condition would reasonably secure a Construction Method Statement for the construction phase with a view to minimising risk of nuisance being caused by way of noise and dust during construction.

Concerns regarding the potential impacts of development on the views of, and loss of amenity from using, the fields are fully understandable, but they are not material planning considerations. Also, impacts of new planting are acknowledged, but planting is not development in itself that requires Planning Permission. Extra foot traffic to and from the site may also intrude on neighbouring amenity but not to the extent that would have an unacceptably harmful effect. The route through the cottage could be somewhat intrusive on its amenity and contributes to concerns above regarding the logic of servicing the site by this method.

As regards privacy, daylight, outlook and sunlight loss from the development itself, this is a PPP application supported only by indicative plans, so detailed assessment cannot appropriately be made. The question is whether the site is, in principle, capable of accommodating four houses in a manner not likely to unacceptably adversely affect neighbouring amenity. Clearly, the topography and the southerly position of the site will affect its capacity to accommodate a neighbourly development. However, the site is so large that it should be quite possible to achieve a suitable development in those regards. There is a balance that would need to be struck between moving the houses further away from neighbours, and protecting their amenity, and ensuring the development is close enough such that it relates visually well as an addition to the settlement. The site offers enough scope to explore this at the AMC stage. Where planting is required to mitigate privacy impacts (were there to be any that could not be addressed through design and siting), it would need to be specified to ensure it does not do more harm than good.

#### Waste storage

The road serving the development would be a private road so, as the RPS notes, a collection point will be needed only at the junction and the road itself need not cater for refuse vehicles. This can be covered by a condition and secured via the detailed AMC application, as can bin storage within curtilages. It is to be noted that our Waste Management SPG does advise that distances between bin storage and collection points be kept to an absolute minimum and be convenient. Clearly, for those houses at the northerly end of the site, it will not be entirely convenient for those householders to take bins from their gardens to the collection point. This relatively minor point does add to concerns above regarding the suitability of such a large site to privately serve just four houses.

#### Development contributions

Contributions towards the Waverley Line, Galashiels Academy and affordable housing would be required to satisfy Policies IS2 and IS3, though no affordable housing is required on site. A legal agreement would be necessary to secure these in the event planning consent were to be granted.

#### Other matters

Subsidence and property damage are not planning issues and, since no formal street lighting is required to serve what would be a private road, this is not a material concern either. As above, if lighting were to form part of the AMC application as an incidental part of the development, then its visual and amenity impacts would need considered at that time, though its use generally would be discouraged for such a small scale development.

#### **REASON FOR DECISION :**

The development would be contrary to Policy PMD4 of the Local Development Plan 2016 in that it would be located outside the settlement boundary of the village and does not meet the exceptions contained within Policy PMD4, particularly in that strong reasons have not been given to demonstrate that there is a shortfall identified by the Council through the housing land audit with regard to the provision of an effective five year housing land supply. Furthermore, it would not represent a logical extension of the built-up area and would not be sympathetic to the character of the settlement or achieve visual cohesion with it. The resulting development would have an unacceptably adverse effect on the character of the settlement at this location, thus also conflicting with Policy PMD2 of the Local Development Plan 2016. This conflict with the Local Development Plan is not overridden by other material considerations

#### **Recommendation:** Refused

- 1 The development would be contrary to Policy PMD4 of the Local Development Plan 2016 in that it would be located outside the settlement boundary of the village and does not meet the exceptions contained within Policy PMD4, particularly in that strong reasons have not been given to demonstrate that there is a shortfall identified by the Council through the housing land audit with regard to the provision of an effective five year housing land supply. Furthermore, it would not represent a logical extension of the built-up area and would not be sympathetic to the character of the settlement or achieve visual cohesion with it. The resulting development would have an unacceptably adverse effect on the character of the settlement at this location, thus also conflicting with Policy PMD2 of the Local Development Plan 2016. This conflict with the Local Development Plan is not overridden by other material considerations

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**

