

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7th DECEMBER 2015

APPLICATIONS FOR PLANNING PERMISSION AND PLANNING PERMISSION IN PRINCIPLE

ITEM:	REFERENCE NUMBER: 15/00711/FUL & 15/00712/PPP
OFFICER:	Andrew Evans
WARD:	Selkirkshire
PROPOSAL:	Residential Developments comprising a total of 16 dwellings (10 dwellings in full, 6 dwellings in principle)
SITE:	Land To East Of Muslie Drive, Lilliesleaf, Scottish Borders
APPLICANT:	Murray & Burrell Ltd
AGENT:	Camerons Architects

This combined report relates to two linked applications for residential development in Lilliesleaf. The neighbouring sites are on land allocated for housing, located in the centre of the village, and located within the settlement boundary.

SITE DESCRIPTION

The combined site is a sloping paddock of grassland located centrally on the north side of the main street in Lilliesleaf. The southern section slopes down to the road and is south facing but the northern side runs on down as part of a large field that extends to the Ale Water some 200 metres to the north. There is a large mature lime tree situated on the crown of the ridge in the centre of the field. These two sites are immediately adjacent to each other. The full planning application site occupies the frontage of the paddock with the main street through Lilliesleaf. The sites are not level. There is a pronounced series of level changes through the site. The lime tree is located on the highest part of the site. The planning permission in principle site is located adjacent to the outer edge of the existing housing on Muselie Drive.

PROPOSED DEVELOPMENT

The development has been submitted as 2 phases. Working from the Main Street through Lilliesleaf back into the sites, the first application site (15/00711/FUL) is subject to the full planning consent for the erection of 10 dwellings. These are made up of three terraced blocks:

- A terrace of three dwellings would front on to Main Street (the B6359).
- A staggered terrace of four then fronts on to the proposed site access road.
- A terrace of three then fronts on to the link road proposed to link through to Muselie Drive, west of the mature lime tree within the site.

An application for planning permission in principle (15/00712/PPP) has also been lodged for the erection of six dwellings, in a row along the outer edge of the site. These would take the form of three pairs of semi-detached dwellings along the north western edge of the site. These are positioned in line with the building line formed by the existing dwellings on the northern side of Muselie Drive.

PLANNING HISTORY

In August 1990, Murray and Burrell obtained planning permission for residential development (90/01221/FUL), which has now lapsed.

In February 2005 full planning permission reached minded to approve status, for the erection of 6 dwellings (04/01742/FUL), subject to the conclusion of a legal agreement. The consent was not issued, the application still pending the conclusion of a legal agreement in respect of identified development contributions.

REPRESENTATION SUMMARY

These applications were publicised by means of the direct postal notification of 29 neighbouring dwellings. Further publicity was carried out in the form of a notice in the Southern Reporter, and a notice on the national planning notification website. During the processing of the applications, several revisions were carried out to the plans. On the most significant set of revisions, renotification of neighbours was carried out.

In response, comment and objection was received to the applications. It is considered appropriate to deal with the proposals holistically and so to determine the two applications as one in a combined report. This allows for full consideration of the overall development, and will allow for proper decision making. Representations to these applications were received as follows:

8 objections were received, from 7 Households. 5 further comments / representations were also received, neither supporting nor objecting to the application. One letter of support was received. The principal grounds of objection and main issues raised in representations can be summarised as follows:

Housing Supply and Demand issues

- Lack of need for further housing in the village.
- There are numerous houses already for sale in the village.

Placemaking and Design

- Proposals are an over development of the site, which is out of scale with the village.
- Infilling to this extent could ruin the character of the village.
- Previous application had a wider range of vernacular features than what is currently being proposed, and a mix of different sized properties.
- Loss of view
- Poor design
- These houses seem to be aimed at lower income families and the village has neither public transport nor any shops.
- The design does not fit within the context of the village.
- Little consideration of sustainable development and siting.
- The properties bounding the road appear to cut the development off from the rest of the village.
- The houses are all very similar in appearance. More variety would be encouraged both in house style, and house size.
- Suggests use of shared ownership for these housing. Parking seems insufficient. Cost effective heating systems are recommended.

- The field which contains the proposed development had already been enclosed and hedged by the 1730s or 1740s, when the rest of the common field system of Lilliesleaf was re-organised, making it the oldest field in the village. Absence of 18th, 19th or 20th century building on the village street at this point, as confirmed by archaeological investigation, is likely to be due to local knowledge that the site is liable to flooding, as happened in January 2014, while a high water table is also suggested by the well in the adjacent and appropriately named property of Wellfield.

Private Civil and Legal issues

- The applicant's statement that they may be willing to sell an access strip to the rear of Rose Cottage. In order for the neighbour to consider the purchase a value should have been communicated to the neighbour.

Privacy and Amenity

- Detrimental impacts upon Residential Amenity
- Overlooking
- The layout of the properties closest to the road are very close to one opposite property and contradict the council approvals of the last application
- This development proposes building to building distances which do not comply with Council policy.

Drainage and Flooding

- The site is at risk of flooding, and has flooded in the past.
- The proposal does not provide a flood risk assessment arising from addition hard surfaces.
- The Sustainable Urban drainage proposal has not been communicated to residents.
- Strain on drainage, electricity supplies and sewage

Road Safety, Access and Parking

- Insufficient parking space provided
- Increased traffic volume to detriment of road safety.
- The car parking is not spread through the development
- Houses that do not have their own driveways are outdated and very much in the style of social housing developments of the last century.
- The proposal does not consider the availability of an adjacent access
- The development of this site will be reliant on car transportation to access services.
- The proposed access and traffic management to the site would appear to be completely inadequate.
- There is no capacity along the main street or Muselie Drive for further parking and therefore a development of this density would not be able to accommodate the additional traffic.
- Main street is used by tractors and lorries, and is too dangerous to accommodate this development.
- Entrance is dangerous, on a blind corner, near a single lane traffic system.
- Strongly object to the footpath linking to Muselie drive, feeling it will impact on privacy and reduce property value.

Other

- Properties will decrease in their value due to loss of outlook and privacy.
- This development is speculative and has targeted properties that would sell.
- The re-submitted plans show no repositioning of any of the houses only minimal ground work changes are shown on the new plans
- This construction will be going ahead regardless and the Council planning department has already made up its mind.
- Stoves should be being encouraged as a renewable heat source.
- Question the proposed use of concrete tiles. A green solution is now available in the form of hempcrete and environmentally friendly building materials should be mandatory on new properties and more forward thinking should be done.

Copies of all correspondence received are available for Members to view on Public Access.

APPLICANTS' SUPPORTING INFORMATION

The applicant has submitted additional information in support of the application. This includes:

- Cultural heritage desk based assessment
- Written scheme of investigation for an archaeological evaluation
- Further information on Road Drainage and construction
- Arbocultural Report by Robert Gray Forestry and Arbocultural Consultants
- Design Statement
- Swept Path Analysis

All of the above documentation is also available for Members to view in Public Access.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

- G1 Quality Standards for New Development
- G2 Flooding
- G5 Developer Contributions
- G6 Developer Contributions related to Railway Reinstatement
- G7 Infill Development
- BE2 Archaeological Sites and Ancient Monuments
- EP5 Air Quality
- NE3 Local Biodiversity
- NE4 Trees, Woodlands and Hedgerows
- H1 Affordable Housing
- H2 Protection of Residential Amenity
- H3 Land Use Allocations
- D4 Renewable Energy
- Inf2 Protection of Access Routes
- Inf3 Road Adoption Standards
- Inf4 Parking Provisions and Standards
- Inf5 Waste Water Treatment Standards
- Inf6 Sustainable Urban Drainage

Other Planning Considerations:

Proposed Local Development Plan (PLDP) 2013

PMD1 Sustainability
PMD2 Quality Standards
PMD3 Land Use Allocations
ED9 Renewable Energy
HD1 Affordable and Special Needs Housing
HD2 Housing in the Countryside
HD3 Protection of Residential Amenity
EP8 Archaeology
EP13 Trees, Woodlands and Hedgerows
EP16 Air Quality
IS2 Developer Contributions
IS3 Developer Contributions related to railway reinstatement
IS5 Protection of Access Routes
IS6 Road Adoption Standards
IS7 Parking Provision and Standards
IS8 Flooding
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

Scottish Planning Policy
Designing Streets
Designing Places

PAN 44 Fitting New Housing into the Landscape
PAN 61 Planning and Sustainable Urban Drainage Systems
PAN 65 Planning and Open Space
PAN 67 Housing Quality
PAN 68 Design Statements
PAN 71 Designing Safer Places
PAN 79 Water and Drainage

Scottish Borders Council Supplementary Planning Guidance

- Placemaking and Design
- Development Contributions
- Affordable Housing
- Householder Development
- Trees and Development
- Landscape and Development
- Waste Management
- Designing out Crime in the Scottish Borders

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Housing Strategy: No formal response received. Has confirmed however that Murray & Burrell propose to build 7 units for NHT/LAV initiative here.

Archaeology Officer: An archaeological evaluation of the proposed development area took place in March, 2015. This failed to identify any significant archaeological

features or deposits. As such, no further archaeological mitigation is required for this area of the site.

Environmental Health: The applicant has proposed that the development may include air source heat pumps. Depending on the location of the heat pumps this may cause an issue. A condition requiring information to be provided at a later date is suggested. A condition has also been proposed with regard to air quality, this is in the event that wood burning stoves or other similar installation is to be included in the development. Informatives have been included for construction noise and any proposed lighting.

Landscape Architect: Initial response: Main concern is that the proposed frontage of the development to Main Street is rather out of character with the rest of the village. The frontage buildings (Plots 1, 2 and 3) do not fully address the street as other buildings in the village do but are instead aligned with the buildings further back into the site. There is also a great deal of footpath and roadway at the frontage. It consists of 2 parking bays and an access road junction that looks wider than the road it serves. The openness and modern geometry of the frontage area is not in character with the rest of the village where most houses face directly on to the main street, often butting up against the road edge, in a traditional (i.e. pre-car) layout. When set further back, these other buildings have a private domain protected by either a hedge or, frequently, a wall. It should be possible to adapt the submitted layout along these lines to retain village character. The frontage layout also creates substantial areas of unused space which are taken up by weak landscape features in the form of extensive groundcover shrub planting. This is low level to achieve sightline requirements but therefore has little presence. In such exposed roadside locations, these areas are liable to become trampled and possibly salt damaged and will be problematic to maintain.

Another related issue to consider is the route pedestrians will have to take to get from Plots 1-3 to the parking bays to the east of the access road. There is a probability that this will result in trampling of the unprotected groundcover strip indicated on the west side of the road. Landscape Architect was also rather concerned about the sheer extent of groundcover planting that was proposed. To be effective, groundcover needs to be routinely hand weeded and sensitively pruned.

There may be scope to reduce communal areas and perhaps give some plots larger private gardens instead. The planting along the northern site boundary in Phase 2, as indicated by the Development Plan, looks satisfactory although this boundary is not particularly visually sensitive. A (possible) pedestrian link from phase 2 through to Muselie Drive is highly desirable and should be treated as a priority. A hedge should be planted along the western boundary at plots 7-11 to maintain the privacy of the existing houses at Muselie Drive. Whilst the overall principles of the design layout are accepted there are issues relating to the main street frontage and the overall practicality of the site layout that need further consideration.

NOTE: Following further consideration of the latest revised plan, it is considered that these issues have been considered and dealt with through revisions, and the undernoted planning conditions. The landscape architect was re-consulted on drawing 7289-2-03 RevJ option 1, on which this committee report is based.

Final response: Has considered drawing 7249/2-03 Revision J – option 1 dated 23.11.15 Content that it revisions are satisfactory and meets all the comments made in the earlier landscape consultation reply. The proposed new hedge along the eastern boundary, where the site adjoins the Wellfield driveway, scales off the

drawing at only 1m wide. Considers that a more substantial hedge as per LGN3 is probably required here. Also, no hedge has been allowed for on the western boundary adjoining 20 Muselie Drive and suggests this should be required. Suggests that all the planting, seeding and tree protection information brought together onto a separate single planting plan with schedules to form the basis of an enforceable condition but, given the information provided, would be content for this to be a reserved matter that can be dealt with following determination - similarly the details of hard landscape treatment, fencing etc. with agreed timetables for same. Expects the site maintenance will be carried out under a factoring agreement and presumes this will be covered by condition also.

Roads Planning Service: Initial Response: The site is allocated for housing; therefore the principle of housing on this site is acceptable. However, there are a number of issues which cause some concern over the proposed layout and associated infrastructure. The topography of the site is quite challenging given the sharp drop in level as you enter the site from the public road, before it rises up again, then falls away in the later part of the site. When you consider this, there is an apparent lack of information for the levels and gradients of the proposed road network within this development site. Furthermore, there is no information on the proposed drainage measures. With regards to the layout, there are a number of matters which must be addressed to the Council's satisfaction in order to gain full support:

- The visitor parking spaces which lie adjacent to the public road are not ideal. Manoeuvring in and out of these spaces looks awkward and any indiscriminate parking at this location is likely to impact on the visibility splays for the new junction, given the hardstanding area between the bays and the public road.
- The widened area of carriageway opposite bays 3-7 is likely to encourage on-street parking.
- Internally the layout is somewhat over engineered and the mono-blocked over-run areas at the corners of the central green area look out of place. I would much prefer the overrun areas to be constructed as per the carriageway and remove the radius kerbs.
- There is a lack of change in surface finishes, especially with the area around the central green area effectively being a shared surface. Where the carriageway does not have a contiguous footway, we would normally look for that to be constructed using block pavements.
- The block of parking in the north east corner is somewhat divorced from the buildings it is intended to serve.
- Swept path analysis will be required to demonstrate that a refuse vehicle can service the site and turn satisfactorily at the end of the prospectively adoptable road.
- The roads serving the site shall require road construction consent.
- There would appear to be inconsistencies between the finished floor levels shown on different aspects of the submission.

As the application stands, the RPS is unable to support this proposal until the above points have been satisfactorily addressed.

Second Response: Following on from initial consultation response, dated 9th July 2015, would like to comment on the potential vehicular link through to Muselie Drive. The aspiration for the link is referred to in the Settlement Profile for Lilliesleaf in the Local Development Plan and it is strongly recommended it be provided in terms of good street connectivity as per current planning policy, such as 'Designing Streets'.

As part of Phase 1, the link road must be constructed up to the boundary of the site. As part of Phase 2, the link should be sought and this could be implemented through a legal agreement. The ownership of the land out with the development site, impacted on by the link, needs to be investigated.

Final Response: A number of issues are considered to be outstanding.

Within this revised layout there have been some fundamental changes to the road layout at the far end of the scheme to accommodate the change in position of Units 8-10. Due to the absence of the vehicular link through to Muselie Drive, the turning head which is required as part of Phase 1 has been shifted further south and the design of the turning area has been altered to remove the radii. Whilst the swept path analysis demonstrates that the turning manoeuvres of the refuse vehicle can be accommodated, there are concerns over the lack of radii and the likely damage to kerbs as a result.

It has always been envisaged that the road, from where it narrows opposite Unit 7 to its termination, would be constructed as a shared surface. The over engineered 6 metre wide roads with 2 metre wide footways either side does not accord with current planning policy such as Designing Streets. From the narrowing, the road should be constructed as a block paved shared surface. This would involve the removal of the footways along the frontage of Units 8 -10 & 11-18. The removal of these footways allows for greater flexibility in terms of altering the entrance to the turning head. A splayed entrance would help aid manoeuvres at this location and remove the vulnerable hard edges to the turning head. A 2 metre service strip will still be required to service these properties and this should be factored into the design.

From a roads perspective, there are some significant concerns over what is proposed. The latest drainage layout is based on a superseded layout, so an updated drainage layout to be submitted for consideration.

The current proposals incorporate porous paving and a cellular storage system. Whilst these are acceptable in principle, the Council do not accept porous paving within the main carriageway but it is accepted within parking areas. The cellular storage system in the current submission is proposed underneath the carriageway. This would not be accepted as any maintenance or remedial work associated with this infrastructure would require the road to be closed off whilst the works are undertaken, thus rendering the site inaccessible for residents. In addition, this poses concerns over the long term structural integrity of the carriageway with the cellular storage system below. The drainage arrangement adjacent to parking bay No. 6 looks cluttered, with nine manholes located in this initial section of road. The current arrangement should be simplified to reduce the amount of infrastructure. A Section 7 agreement may be required for the surface water infrastructure associated with this development depending on what Scottish Water is prepared to adopt.

There is also a lack of information in terms of levels along the road layout. Normally this would be covered in the Road Construction Consent, however owing to the topography of the site this information will be required in order to confirm that the proposed gradients are acceptable for a residential development. The lack of level information also causes some concerns in relation to the drainage layout.

In summary, the RPS is content with the site layout in general terms, but there are a number of outstanding issues which need to be addressed to the Council's satisfaction in order to be considered completely acceptable. These are listed below:

- Design to be altered to provide a shared surface layout beyond the narrowing of the carriageway opposite Unit 7.
- Turning head to be amended to incorporate adequate radii or splays.
- Amended drainage layout to be submitted which incorporates the revised road layout and removes the porous paving and cellular storage system from within the main carriageway.
- Drainage calculations to be submitted for the surface water system.
- Confirmation required that Scottish Water is content with the proposed drainage measures, including the diversion of the existing sewer.
- Longitudinal profile for the centreline of the proposed road to be submitted for consideration.
- Proposed road to be extended to the boundary of the site to allow potential future connection to Muselie Drive.
- A phasing agreement for the road infrastructure is required to ensure adequate servicing of the site as houses become occupied. This relates in particular to ensuring appropriate turning provision is available for service vehicles.

The above points need to be satisfactorily addressed before the RPS can fully support the proposal. It would have been preferable for the submission drawings to be further amended to incorporate my requirements, but the RPS is satisfied that all outstanding matters can be covered by suitably worded planning conditions.

Director of Education and Lifelong Learning: No response received. The Development Negotiator has subsequently clarified that contributions are not required for the school catchments relevant to this site.

Development Negotiator: Given the nature and timing of this Planning Application relative to that for 15/00712/FUL (Erection of nine dwellinghouse with associated car parking and landscaping - Land To East Of Muselie Drive, (Phase 2), Lilliesleaf) it is appropriate in terms of policy to assess the contribution requirements cumulatively. It is noted, however, that the seven units proposed under Phase 1 are intended to comprise Affordable Housing units and in full compliance with SBC policy. These units shall not be required to settle Waverley contributions though they shall require making provision for Play Facilities. Provisionally advises that these applications would appear to generate the following Development Contribution requirements. Official Consultation Responses providing definitive advice will be forthcoming in due course.

- *Borders Railway Contributions*
£1,860 x 9 = £16,740
- *Play Facilities*
These will require to be negotiated once a response has been received from the relevant Service Provider. Generally, and where feasible and appropriate, a contribution towards the off-site provision of additional equipment at an existing facility would be the preferred solution. Any such commuted sum would be required to cover the installation, inspection, maintenance and depreciation costs of this additional equipment. Typically these Commuted sums are sought at a rate of £500/residential unit. If an existing facility is not identified for expansion, then it will be necessary for an appropriate facility to be provided on-site, the factoring costs being conferred to incoming residents.

The Development Negotiator subsequently wrote to the Applicant with confirmation of this provisional contribution requirement and following further discussions, an instruction of a draft Legal Agreement was issued to SBC Legal Services.

Statutory Consultees

Lilliesleaf, Ashkirk and Midlem Community Council: Commented in relation to the original proposals that this development does not conform to the standards expected in respecting the character of the neighbouring built form. There is variety in Lilliesleaf but the unequal pitched roofs will look alien. Similarly, the best local built form incorporates two full storeys, not with dormer windows. Terraces are traditional and can look very attractive, the developer might be able to incorporate these in part of the development rather than the semi-detached houses proposed. We are not convinced that this number of houses can be satisfactorily accommodated within the site. An attractive terrace might be the answer to this.

G4 flooding: The Community Council in responding to the Local Plan amendment pointed out in January 2014 that part of the area was flooded. This development layout does not appear to have taken account of that.

H2 Protection of residential amenity: This development appears to go much too close to Rose Cottage. It appears to have done nothing in relation to the SPG on Placemaking and Design in regard to integrating well into the existing pattern of the settlement. The developer has demonstrated no understanding of the neighbouring buildings other than to have photographed them.

Some members of CC question whether it is sustainable to retain the lime tree near to so many buildings. One day it will have to be removed. It might be wiser to remove it now. This would give the developer greater freedom to create a design that sits well in relation to existing houses and enhances the settlement's attractiveness by e.g. incorporating a large new green space over the area vulnerable to flooding, complemented by new tree planting. In summary, the Community Council Does not object to the development but considers that it should be of higher quality.

Other Consultees

None

KEY PLANNING ISSUES:

The key planning considerations with this proposal are:

- Whether the proposals are considered to be an appropriate development on an allocated housing site, consistent with the established land use of the area, consistent with the character and amenity of the surrounding area;
- Whether the proposed development would have an adverse impact on the character and appearance of the surrounding area;
- Whether the siting, design and external materials of the buildings proposed are appropriate for this location;
- Whether the proposed development is appropriate for this location;
- Whether the proposed development would result in an adverse impact on the residential amenity of existing and proposed dwelling units in terms of over-looking, loss of privacy, over shadowing and loss of daylight.

- Whether the proposed development would result in an unacceptable adverse loss of parking and whether adequate parking and access are being proposed, and whether the proposals are acceptable in terms of impacts on road safety.

ASSESSMENT OF APPLICATION:

Planning Policy

The site is allocated for housing development within the adopted Scottish Borders Local Plan (2011) (hereafter the LP), and the Proposed Local Development Plan (hereafter the LDP). The sites are allocated for housing development within the Consolidated Scottish Borders Local Plan (site EL16b in the plan, with an indicative capacity of 7).

The reporter makes no modification to the proposed LDP. The site (ref 242, Housing within Central Strategic Development Area: Lilliesleaf (EL16B Muselie Drive)) is proposed to be allocated with no modifications. The LDP sets out, that for this specific site, the site requirements are as follows:

1. *Vehicular / pedestrian access must be taken from the B6359 Main Street.*
2. *The possibility of a vehicular / pedestrian link to / from Museli Drive must be investigated.*
3. *An appropriate landscape buffer should be provided to enhance the northern settlement boundary, and to contain the site. The existing hedges, trees and shrubs within and around the site shall be retained and incorporated into the landscaping design for the site. A management scheme for planting is also required.*
4. *The design and layout of the new buildings should exploit the southerly aspect of the site to make best use of the micro climate and reduce energy usage.*
5. *Archaeological investigation of the site to be carried out to determine if further assessment is required.*
6. *The development should safeguard the amenity of existing neighbouring residential properties.*
7. *The existing path link from the village linking to the Ale Water, located along the north eastern boundary of the site is to be maintained. A pedestrian link is to be provided through the site linking with the path access.*

Landscape, Trees, Woodlands, and Hedgerows

Policy NE4 of the LP on Trees, Woodlands and Hedgerows seeks to ensure that these are protected from adverse impacts arising from insensitive development. Also relevant is policy EP13 of the LDP, and the adopted supplementary planning guidance on Trees and Development, and on Landscape and Development.

Lime Tree

The centrally located mature lime tree within the full application site has dictated to a large degree how the site can be developed, in the full application. In turn, this has influenced how the remaining site at the rear can be developed, in the in principle application.

The Council requires that developers follow British Standard BS5837:2012, which requires preparation of a plan identifying Root Protection Areas (RPA). The submitted layout plans do this. A 10m RPA is identified around the tree.

The application is accompanied by an Arbocultural Assessment. This confirms that the lime is a relatively youthful and vigorous example of the species. There was no obvious sign of decay at the time of assessment, and the tree appears in good health. The crown structure of the tree has several stems rising from forks at 3-4m height, rather than from the stem. The report confirms some early tree surgery will prevent any future problems.

The arbocultural report confirms that the tree potentially has a long life. The development layout proposed avoids any significant interference with the tree. Access for construction should avoid any route that interferes with the roots of the tree. Protective fencing can ensure this is the case.

The submitted plans include a root protection area, keeping substantial development and change away from the root area of the tree. There is a slight infraction into the RPA, for a footway, and this will be subject to a further condition on details of the precise means of provision. Subject to suitable working practices and protection being adopted, in line with the recommended condition, it is considered that the tree is both worthy of retention, and capable of being retained in the longer term in conjunction with these development proposals.

Existing Hedgerow

The remnants of an old hedgerow are present on the site, adjacent to the tree. This formed part of a historic boundary in the field, though the hedge is in itself now not in good condition. The submitted arbocultural report confirms this hedge is of no significant intrinsic value. Its retention is not required; indeed, a comprehensive landscaping plan will be brought forth as a requirement of planning condition.

Landscape requirements

The final comments of the Council Landscape architect are noted. These requirements are reflected in the planning conditions following this report.

The proposed landscaping has been amended during the processing of the application. The positioning of groups of trees along the boundary of the PPP site has been amended to provide for views through the gaps in proposed buildings to the new grouped trees to be planted. This is in line with the comments of the Council Landscape Architect.

Further provisions were made for hedging to be incorporated in to the site. A low hedge will run from along the frontage of the proposed terrace of three (plots 1-3), and continue along into the site, marking the edge of the development, and tying in with the edge of the front gardens of plots 4-7 within the site.

As there is a significant degree of undulation across the site, a planning condition will require confirmation on existing and proposed site levels, relative to a known, fixed off site point.

In conclusion, subject to the undernoted conditions on tree protection and landscaping, the proposals are considered to comply with policy NE4 of the LP, policy EP13 of the LDP, and with adopted supplementary planning guidance on Trees and Development, and Landscape and Development.

Placemaking and Design

Policy G1 of the LP and Policy PMD2 of the LDP supplemented by the approved planning guidance on Placemaking and Design, aim to ensure that all new development is of a high quality and respects the environment in which it is contained. It is considered that the proposed amended layout creates a sense of place based on the existing built form and surrounding context in Lilliesleaf. It will clearly read as a modern development close to the historic core of the village but the revised proposals are designed in sympathy with Borders architectural styles taking account character of the surrounding area and neighbouring built form.

Members should be aware that the applicant and agent have engaged in a series of discussions with the Council officers throughout the application process. There have been challenges with implementing Placemaking and design principles given the constraints that exist on this site. Most notably, the mature tree, central within the site, forces a separation of road and housing. This though has resulted in the ability for the site to make a generous provision of central open space around the tree, and provide a focal point for the resulting development.

The Council Supplementary Planning Guidance on Placemaking and Design, which is relevant to the consideration of these applications, sets out a number of considerations to be taken account of in the development management process. In relation to centre / edge of settlement housing development such as is proposed in this application, and in brief summary, its relevant points to this application advise:

- Consideration should be given to the surrounding context and build form.
- Dwellings should relate positively to the public realm, for example frontages to internal and adjacent streets, and ensure building frontages relate positively to the entrance and arrival into the site.
- Boundary Treatments - should use appropriate styles of high quality boundary treatment to help frame space, define public and private spaces, and frame car parking.
- Open spaces, should create a hierarchy of public, semi-private and private space, ensuring gardens are appropriately scaled and usable. Should create meaningful, functional open spaces that are well overlooked and central to the neighbourhood character.
- In terms of building design, buildings should relate to the townscape, and their scale massing and form should be based on a clear and harmonious design rationale.
- Roof and wall proportions should avoid overly bulky forms, or shallow roof pitches.

Proposed Development

Considering the proposals in these applications in turn, starting from the site entrance from the B6359 Main Street through Lilliesleaf, a terrace of three dwellings at plots 1-3 provides substantial presence at the entrance. These dwellings are positioned in a manner presenting an acceptable balance, ensuring:

- Amenity of the dwellings opposite on Main Street is still preserved to a suitable level (this is discussed further in the section of this report dealing with amenity).
- A suitable visibility splay is provided at the junction with the main street through the village.
- The form and character of the village is generally respected here, with the terrace giving sufficient massing and visual weight to this street frontage.

The next block of 4 houses, plots four to seven, then generally front the access road. A step within the frontage of this building has been requested and provided, to visually free up space to the frontage, and introduce some variation into the frontage of the row. There is also a change in level of this building, as the site level rises.

Due to the location of the mature tree centrally in the field, the layout has to adjust on entering the site to transition to send road traffic to the boundary on the far side of the site. This requirement however has the benefit of then freeing up space immediately adjacent to the tree to be used to form open informal green space centrally within the site. This ensures in turn that the necessary root protection areas surrounding the tree can be met. Due to proximity to the existing play equipment within the existing Muselie Drive development, on site play space provision within these current applications is not appropriate.

The proposed housing at plots 8-10 has proved the most challenging and complex within these application sites. A variety of options have been explored here, with various positions for a terrace of three houses, and an alternative for a detached and semi-detached layout explored. It is accepted that, on balance, a terrace in line with Muselie Drive dwellings strikes the appropriate balance in terms of density, form, and impact on surrounding buildings. This is considered further under the section of the report below dealing with the amenity of Rose Cottage.

Both applications set out proposed access, parking and landscaping arrangements. The applicant has submitted a design statement in support of the application. This sets out the rationale underpinning the proposed development.

Density

It is noted that the proposed numbers within the development are an increase over and above the indicative capacity of 7 units shown in the Proposed Local Development Plan. This increase reflects the move to smaller units, incorporating semi-detached and terraced dwellings, rather than the larger lower density units previously approved on the site. The increase in density can be accommodated within the site, and it is not considered that this would amount to over development. There would be no conflict with development plan criteria on density. The increase in density is considered acceptable in terms of CSBLP policy G1 (criteria 2 and 12), and in terms of PLDP Policy MPD2 (Criteria i and l). It is considered that the increase in density above that set out in the previous approval on the site can be safely and suitably accommodated. The inclusion of terraced housing is beneficial in

Placemaking terms, better relating to the higher densities found along the Main Street in Lilliesleaf.

Layout

The submitted design statement includes an assessment in terms of the existing scale and form of Lilliesleaf, and the proposed scale and form set out in the original proposals. The site layout aims to serve the development through a shared surface access. This would see a new access road formed to serve the development. There are opportunities for connectivity with the existing housing on Muselie Drive. The site is only realistically developable with a layout as is proposed here.

The proposed parking and road layout has been revised during the processing of the application to better reflect the policy guidance set out in the national "designing streets" document. The premise upon which the designing streets document is based is that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context. Designing Streets is not a standards-based document. Balanced decision-making is at the core of the policy. Design-led solutions are therefore encouraged.

In the case of these applications, the proposals have been revised, with the final plans and elevations setting out: a layout incorporating the formation of a central open space beside the retained tree. The central terraced blocks have been revised during the processing of the applications to better respond to the site.

Plots 4-7 have been turned 90 degrees to front the access road. Plots 8-10 have also been turned 90 degrees, also to front the access, and to ensure the amenity of Rose Cottage is suitably protected.

House Types and Design

There are two distinct house styles, a semi-detached, and a terraced. They all read as being part of a related development. The form and scale of the proposed housing is considered acceptable. The housing is simple in form and design, consistent with existing development around the site.

The houses feature asymmetric pitches to their roofs. The Community Council are not enthusiastic about this as a feature; however it has been carried out in a manner, which includes the provision of cat slide dormers and timber cladding, which create visual interest in the buildings.

The site is not within a Conservation Area. The proposed houses would all feature solar panels to their roofs. The incorporation of micro-renewables is an increasing requirement in new housing development, particularly to meet the current building regulations. Policy ED9 of the LDP, and policy D4 of the LP, both on Renewable Energy Development, are both supportive of the incorporation of small scale renewable technology.

Materials

Page 10 of the submitted design statement sets out that the proposed materials are to be rendered block-work, with areas of timber panelling to the dormers and gable features, and dual pitched concrete tiled roofing. The proposed colours are white render with grey roofs, and grey timber cladding. The windows are specified as timber, stained grey to match the timber cladding. Doors will similarly be grey timber.

Rainwater goods are specified as being black, with timber eaves, and verges stained black.

The proposed materials are generally agreeable, with the notable exception of the proposed roofing material.

The design statement contains an assessment of the existing surrounding materials. Roughcast render predominates. In terms of roofing materials, tile is present on Muselie Drive, whereas slate is present on Main Street there is much more predominant use of slate. The design statement notes that "Prior Cottage" has a concrete roof, whereas the dwellings at "Lilybank", "Lilybank West", "Riverview", "Poppyland", and "Ashbank" are feature pitched slate.

Representations were also received from a member of the public, opposed to the use of concrete tile on sustainability grounds.

Given the site is not in the Conservation Area, insisting upon natural slate does seem somewhat burdensome. However, given the extensive use of slate within the older buildings nearby the site, the use of concrete tile to the roofs of the proposed dwellings cannot be endorsed. It is considered that an artificial slate or similar tile will represent a suitable compromise.

Suitably worded planning conditions are suggested following this report.

Access, Parking, Connectivity and Road Safety

Policies Inf3 of the LP and IS6 of the LDP set out road adoption standards. Policies Inf4 of the LP and IS7 of the LDP sets out the Council policy position in terms of parking provision to serve developments. In the case of this current application, the Roads Planning Service was consulted on the proposals. The initial layout was considered acceptable in principle but required some alterations and additional information before Roads Planning were in a position to fully support the proposals.

A swept path analysis was carried out for the proposed development. This identified that the necessary turning is achievable, though some minor adjustments to the roadway are required.

The RPS final consultation response outlines that further consideration is required over a number of detailed technical issues connected to the roads layout, and drainage arrangements therein. The concerns and requirements of the Roads Planning Service are noted. It is considered that these matters do not affect the principle of the development and that they can be addressed through the imposition of suitably worded planning conditions on any planning permissions granted.

Through the application process, a number of minor alterations to the internal layout of the site have been adjusted and the Roads Planning Service has confirmed their general acceptance of the revised scheme, albeit with reservations in terms of the proposed detailing of the layout, and drainage arrangements. It is considered that the proposed development is now generally consistent with the terms of Policy Inf4 of the LP and IS7 of the LDP. These further issues in terms of technical issues will be dealt with fully via appropriate planning conditions, as set out following this report.

Pedestrian access to neighbouring houses

Members should be aware that the agent has attempted to take into account and provide for new potential access for properties neighbouring the site. It is considered that the proposed layout, whilst introducing new development on to neighbouring land, will, will make suitable provisions for access for immediate neighbouring dwellings. One objector considers that this matter should have been resolved legally, however, the requirement for the connection is appropriately dealt with at planning application stage, with land ownership matters being addressed separately as necessary in order to address these requirements, by legal agreement if necessary.

Parking

The proposed residential development would include provisions for car parking. The proposed development makes provision for parking at a level of 32 spaces to serve the 16 units in the combined sites. The Council's Roads Planning Service does not object to the development proposals. The general level of parking is considered acceptable. There is a mixture of parking types. In the PPP site, dedicated in curtilage spaces are to be provided.

Resident and visitor parking area would be constructed off of the access road. Parking in the revised plans is now more logically distributed through the development. In terms of the numbers and details of the proposed parking, within the full application site, 18 spaces are shown for the 10 dwellings. This level of provision is considered acceptable. (The 180% provision exceeds the 150% to 175% figure set out in the development plan for communal parking in housing schemes.

Parking would be formed within the curtilage of each proposed dwelling in the PPP site. The level of provision complies with the standards in the adopted and emerging local plan.

Vehicular link with Muselie Drive

Members will note the development plan requirements with regards the investigation of a linkage with Muselie Drive. The provision of this link has been raised on several occasions with the agent. Further information has been requested in terms of the steps taken to establish ownership and achievability of a vehicular connection through the site to Muselie Drive. The agent has been advised of the importance of providing such connectivity. Whilst the submitted drawings have been revised, they still do not explicitly confirm that such a linkage will be provided. It is accepted however that further legal investigatory work require to be undertaken, to establish ownership and rights. On site, it is apparent that, whilst the original design of the dwellings at Muselie Drive allowed for a through link to this neighbouring field, in the intervening years, the domestic garden curtilages of the dwellings adjoining at the end of Muselie Drive now certainly appear as though they take up this land.

Very specifically worded planning conditions on both the outline and full applications can ensure that this linkage be provided for within the current application sites, and that the development of phase one can proceed. It is noted that the boundaries of the application site have been set so as that phase 2 is located between Muselie Drive and phase 1. This makes it incumbent upon both applications to be delivered in a manner to provide for the link road connection through.

A planning condition on phase two would provide the required section of link. Phase one would be required to deliver all of the access road within phase one. Ultimately,

the Local Development Plan requires that the link be investigated. The link is not necessary for Phase 1. Much of the traffic will head to and from the main road anyway. Phase 2 would be the key trigger for the link as it is the closest part of the whole development to Muselie Drive. However, the difficulty here is that Phase 2 relies on Phase 1's road network. The link for Phase 2 cannot be provided without taking the road up to the site boundary of Phase 1, which is understood to be within the applicants land ownership.

As such, it is proposed that Phase 1 should be subject to a planning condition requiring the road link to be made up to the site boundary, regardless of the current plan (ideally a final plan would show this, and be lodged in time for the PBS committee meeting, but a condition would supersede this in any case). Phase 2 would then be subject to a condition which does not permit any work on Phase 2 until the land outside the boundary has been made up to an adoptable road standard, thus providing the physical road link to the site.

This way, Phase 1 can be completed without providing the link. If the link to the adopted road cannot be provided beyond that to satisfy Phase 2, then the applicants would be free to apply to remove the condition on Phase 2. The Planning Authority would be able to conclude then whether the supporting case demonstrates the potential for the link has been investigated to its full extent.

This approach provides the best case for showing how the LDP's requirement has been fulfilled, and ensuring that the link is fully investigated, and if achievable, is delivered.

Footpath link with the Ale Water

Policy Inf 2 (Protection of Access Routes) of the LP, and policy IS5 (Protection of Access Routes) of the LDP seek to protect and keep open any existing route with access rights. The aim of these policies is to protect all existing access routes in accordance with the land Reform (Scotland) Act 2003, and the Countryside (Scotland) Act 1967. Together these Acts place a duty upon the Council to assert, protect and keep open and free from obstruction any route whereby access rights may be reasonably exercised.

The existing path link from the village linking to the Ale Water, located along the north eastern boundary of these sites is to be maintained. A pedestrian link is to be provided through the development linking with the path access. This will result in enhancement of the existing access route. The proposed development is considered to comply with policies Inf 2 (Protection of Access Routes) of the LP, and policy IS5 (Protection of Access Routes) of the LDP.

Neighbouring residential amenity and privacy

Policy H2 of the LP and Policy HD3 of the LDP aim to protect the amenity of both existing established residential areas and proposed new housing developments. These policies relate to areas where the predominant land use is residential. The Council has also adopted Supplementary Planning Guidance on Householder Development which sets out detailed privacy and amenity standards.

The most complex parts of this development to consider and apply place-making principles to have arisen where there is a need to accommodate existing neighbouring windows. However, it has been possible to apply the SPG standards

for privacy and amenity to the proposals. It is accepted that the proposed development would be consistent with the general pattern of development in the area and would be of a scale, mass and material appropriate to the surrounding area. The application site occupies a central location within Lilliesleaf. Housing density is higher along the frontages with the main street through the village. It is acknowledged that higher densities in historic settlements will often lead to overlooking to some degree. The extent of overlooking and the level of privacy that residents enjoy are dependent on a range of factors including the proximity, height and orientation of other properties, visibility from public spaces and the existence of intervening boundaries and screens. Therefore, the level of privacy and amenity that exists will vary according to location.

Generally, new development should not cause an unacceptable loss of daylight to habitable rooms of neighbouring properties. The proposed layout in these applications has been design to avoid, as far as reasonably practicable, loss of daylight to neighbouring properties. It is accepted that the proposed development would be consistent with the general pattern of development in the area and would be of a scale, mass and material appropriate to the surrounding area.

The SPG seeks to ensure minimum standards are met. In the case of this current application, care has been taken with the positioning of dwellings across the site to ensure that the proposed development does not result in unacceptable adverse impacts on neighbouring amenity and privacy. The submitted layout plans are annotated with the required set off distances from the windows serving habitable windows. Considering the impacts and effects on neighbouring dwellings in turn:

Wellfield

This dwelling is located approximately 34m from the nearest proposed dwelling in these applications (plots 5 and 7). The relationship between this house, and the nearest proposed housing is in complete compliance with the standards in the Householder Development SPG.

Priory Cottage and Poppyland

These are the two dwellings opposite the site entrance. They face generally towards the three proposed dwellings on plots 1-3. At their closest point these are just over 14m from the proposed new houses. Whilst this is closer than the 18m window to window distance set out in the Householder Development SPG, given the context, with the existing dwellings being set hard to the roadside, and the development incorporating a set back off the road, with footway and front garden, it is considered that this is an appropriate distance in the centre of the village, and that for placemaking reasons, it is desirable that this set off distance is not increased further.

Roseville

Plot 3 has a blank gable 13m from Roseville. Plot 4 is 16m away, but at an offset angle. This is considered acceptable in terms of the standards in the Householder Development SPG.

Page 8 of the submitted design statement sets out that it is intended that the resident of Roseville will be offered the opportunity to acquire an additional area of garden ground as set out in the proposed plans. This would provide them with additional garden space to secure their amenity. It is not essential that this happens for the development to be considered acceptable.

Rose Cottage

In terms of amenity, the location of Rose cottage relative to the application site boundary has to a large degree influenced the layout of the development in the corner of the proposed development immediately adjacent to Muselie Drive.

The need to provide for daylight and sunlight angles to maintain the amenity of this existing dwelling has meant the immediately adjoining land to the north of Rose Cottage cannot accommodate a dwelling. Whilst an additional dwelling located here flanking the access road through to Muselie Drive would have been desirable in Placemaking terms, better "turning the corner", in reality, this has not been achievable. Rather, the final layout provides for this area to be used as parking, and turning space. This has the benefit of ensuring that Rose Cottage is neither overshadowed nor overlooked from any dwelling in this location. The development would be consistent with the pattern of development in the surrounding area and would comply with the aims of Policies H2 and HD3.

With regards to Rose Cottage, the design statement identified that the house has an existing gate opening on to the site. The statement contends that there is no associated right of access with this gate. It is not for the planning system to arbitrate on any legal dispute, and do it is simply noted that the design statement proposed to deal with this situation by offering the householder at Rose Cottage the opportunity to acquire a small strip of land as set out in the submitted plans (and design statement p8). This would allow for the neighbours access to be formalised, and to connect in with the proposed development in this application. The suggested right of access and this proposed mitigation have no bearing upon the appropriateness of the development in planning terms, however, and would remain to be resolved outside the planning process.

11 and 20 Muselie Drive

The proposed development sets forth that the dwelling on plot 11 would be located in line with the front building line of the existing house at 20 Muselie Drive. The existing dwelling at no.11 Muselie Drive is located 22m south west of plot 10.

These above arrangements are considered to comply with the SPG standards, and with policies H1 and HD3.

Air Quality and Noise Nuisance

The applicant has proposed that the development may include air source heat pumps. Depending on the location of the heat pumps this may cause an issue. Below is a proposed condition requiring information to be provided at a later date. A condition has also been proposed with regard to air quality, this is in the event that wood burning stoves or other similar installation is to be included in the development. Informatives have been included for construction noise and any proposed lighting.

Policy EP16 of the LDP aims to protect air quality and in doing so contribute towards the Council's commitments to addressing climate change. The undernoted planning condition would ensure compliance with Policy EP16.

Archaeology

Policy BE2 of the LP, and EP8 of the LDP on archaeology are relevant to this application. In support of the application, the following were undertaken:

- Cultural heritage desk bases assessment
- Written scheme of investigation for an archaeological evaluation

The submitted design statement also considers the site history and archaeology. The Council Archaeologist has commented in his consultation response. He advises that the previous evaluation work undertaken has failed to identify any significant archaeological features or deposits. As such, no further archaeological mitigation is required for this area of the site. The application is considered to comply with policy BE2 of the LP and EP8 of the LDP.

Waste Management

The Council has adopted Supplementary Planning Guidance on Waste Management covering the provision of waste and recycling facilities within new housing development. The guidance requires that provision of such should be accounted for at the planning stage.

The SPG highlights that proposals for new residential developments in the Borders provide an excellent opportunity to incorporate improved bin storage and collection into street design at an early stage in the planning process. For detached, semi-detached and terraced properties, bin should be stored on an area of hard standing within the curtilage.

In this case, the submitted plans clearly demonstrate provisions being made for positioning of bins within the development. Provision has been made for three bins per dwelling, positioned behind screening in the form of the proposed boundary walls and fences. A swept path analysis for a refuse vehicle has also been provided.

It is considered that suitable arrangements have been included in the submitted site layout plan, and that the proposals in both applications are in compliance with the SPG on waste.

Development Contributions

Where a site is otherwise acceptable in terms of planning policy but cannot proceed due to deficiencies in infrastructure and services which will be created or exacerbated as a result of the development Policy G5 of the Local Plan and Policy IS2 of the LDP will require developers to make a full or partial contribution towards the costs of such deficiencies.

As Members are aware, the Council SPG on Development Contributions is applicable to all developments involving housing proposals. Addressing the identified requirements in turn:

Borders Railway

Policy G6 of the LP, Policy IS3 of the LDP, and the adopted SPG on Development Contributions set out that contributions will be collected towards the reinstatement of the Borders Rail Route through collection of contributions identified in the SPG as being in the postcode record receiving most benefit from the line. Contributions are applicable to this application.

Play

The site is in very close proximity to an existing equipped toddler play facility at the corner of the Main Street in Lilliesleaf and Muselie Drive. As such, it is considered that a commuted sum towards enhancement of the existing facility is more appropriate here than insisting upon further on site provision.

This position has been confirmed with the development negotiator, and legal instruction issued on this basis. In this case, an off-site commuted sum to provide additional play equipment at an existing play facility in the area will be sought at a rate of £500 for each of the residential units subject of this application. This will be secured through a legal agreement in line with prevailing policy. The development will however include an area of open green landscaped space adjacent to the existing mature tree.

Education

A contribution is not required in the case of this catchment. The Development Negotiator has clarified that contributions towards education provision are not currently required in these schools catchment areas (Selkirk HS, Lilliesleaf PS).

Affordable Housing

As the proposed development will involve the creation of a number of on-site affordable units, there is therefore no requirement for a commuted sum in terms of affordable housing provision. Where the Local Housing Strategy identifies a local affordable housing need, the Council will require the provision of a proportion of land for affordable housing. This is currently set at 25% on allocated and windfall sites. Affordable housing is broadly defined as housing of a reasonable quality that is affordable to people on modest incomes. More detailed definitions are available in the approved supplementary planning guidance on affordable housing

The proposed residential development seeks the erection of a total of 16 dwellings, and it is understood that the intention is that 7 units would be acquired by Bridge Homes (SBC/Scottish Futures Trust). This would result in provision of affordable housing on part of this site. To ensure policy compliance with the 25% policy requirement, only 4 of these would actually have to be affordable in terms of the SPG definition, meaning that more generous affordable housing provision is being made than is required by policy.

The submitted design statement confirms that phase 1 of the development is aimed at 100% mid-market rental as part of the SBC affordable housing programme.

The use/occupation of these units for affordable housing purposes can be controlled through appropriately worded planning condition ensuring full compliance with the terms of prevailing development plan policy. In this case a development contribution towards affordable housing will not be required. The affordable element will however be captured in a legal agreement.

Flooding and Drainage

Flooding

Policies G2 of the LP and IS8 of the LDP set out the Council position in relation to consideration of flooding. The Community Council highlights past instances of flooding to affect the site. This issue is also raised in objection and representations made to the application.

The site is not identified on the national flood risk map retained by SEPA as being at risk of flooding. Site topographical conditions mean the forward part of the site adjoining the road sits at a lower level, and forms essentially a hollow. There will be changes to the topography of the application site as part of the implementation of any consent on this site. Topographical changes to the site, together with the construction of drainage to serve the site, dwellings and road, should resolve any issues over standing water. Given the context of:

- the application sites being allocated for housing development,
- being allocated in the proposed Local Development Plan with no change to site requirements, and
- having been subject to previous approvals for housing

it is not considered justifiable to impose an additional requirement for a flood risk assessment. The submitted design statement has also checked and clarified the position on SEPAs national flood map, It confirms that due to the existing land elevation and topography, the application site is not at risk from river or surface water flooding.

Drainage

The Roads Planning Service has requested the submission of further information on the proposed drainage arrangements on several occasions. As part of the Roads Construction Consent and Building Warrant process, these matters in connection to drainage will be fully considered and dealt with. The development will have to make appropriate arrangements for the conveyance of water through the site.

It would nevertheless be appropriate to add suitably worded planning conditions to any grant of consent requiring the developer to provide precise details of both surface water and foul water drainage for prior approval by the Planning Authority. It would also be appropriate to add a condition in respect of water supply. These matters should be addressed before development commences to ensure that the site is adequately serviced in accordance with Policy Inf5 (Waste Water Treatment Standards) of the LP, and Policy IS9, Waste Water Treatment Standards and Sustainable Urban Drainage, of the LDP.

Policy Inf6 of the CLP requires surface water management for all new developments to comply with best practice on sustainable urban drainage systems (SUDS) to the satisfaction of SBC and SEPA. It is noted that a drainage strategy is being developed for this site. There are still shortcomings in the proposed drainage arrangements, which are not yet to the satisfaction of the Roads Planning Service Engineer. It would therefore be appropriate to add a suitably worded condition to ensure that a scheme for SUDS for surface water treatment has been submitted to and approved in writing by the planning authority, in consultation with SEPA.

Other Matters Raised in Representations and Objections

Addressing these in turn:

Issues relating to lack of contact about legal issues

These cannot be taken into account in the determination of these planning applications. It is for the neighbours to resolve access and ownership issues with the developer. The submitted plans make provision for possible repositioning of boundaries and for legal access to be permitted to neighbouring dwellings. It is for the affected parties to resolve these matters amongst themselves.

Impact on property values

The impact of a proposed development upon neighbouring property values is not a material planning consideration. No weight can therefore be attached to this issue in the decision making process.

Footpath or road link with Muselie Drive would impact on privacy

The adopted policies and guidance of the council deal with the impacts arising from dwellings upon neighbouring dwellings. The impact of the connectivity on privacy is not a point on which there is any policy basis to resist the applications. In this instance, there is greater policy requirement for connectivity and this would outweigh any limited impact on privacy.

CONCLUSION

Subject to appropriately worded planning conditions and the conclusion of a legal agreement to secure development contributions, it is considered that the proposed development is acceptable and in accordance with development plan policies relating primarily to place making and design, housing development and the protection of residential amenity. The revised proposals are an improvement over those originally submitted and it is contented that the development will have a positive effect on the street scene and wider appearance of the Village.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

PHASE 1 - 15/00711/FUL

I recommend the application is approved subject to a legal agreement addressing the identified development contributions and the following conditions and informative:

1. Except where varied by subsequent conditions, or subsequent confirmation in writing from the planning authority, the development hereby approved shall be carried out wholly in accordance with the amended plans references, 7249/2-0 ht-D5 revB; 7249/2-0 ht-A5 revA; 7249/2-0 ht-A4 revB; 7249/2-0 ht-A3 revB; 7249/2-03 J-OPT1-PH1SITE, and 7249/2-05 E.
Reason: To ensure that the development is carried out as approved by the Planning Authority.
2. A minimum of 4 of the dwellings hereby approved shall meet the definition of 'affordable housing' as set out in the adopted Scottish Borders Local Plan 2011 and accompanying supplementary planning guidance on affordable

housing (January 2015) and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first be submitted to and approved in writing by the Planning Authority.

Reason: To ensure the properties hereby approved are retained for affordable housing, and that the requirements of adopted policy on Affordable Housing are met.

3. The existing mature lime tree central within the site is to be protected in accordance with a scheme of details first submitted to and approved in writing by the Planning Authority. This is to include provision for protective fencing, and to include arrangements to ensure construction plant, equipment, and materials are kept clear of the identified Root Protection Area.

Reason: To ensure suitable arrangements are made for the protection of the lime tree.

4. Further details of the means of construction, surfacing and material finish of all footway within the root protection area (RPA) of the mature lime tree are to be submitted to and approved in writing by the planning authority. Any excavations within the RPA are to be carried out by hand.

Reason: To ensure suitable arrangements are made for the protection of the lime tree.

5. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development proceeds in an orderly manner.

6. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.

Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

7. The roofing shall be slate or artificial slate of a type first submitted to and approved in writing by the Planning Authority.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

8. No development shall commence until precise details of all windows have been submitted to and approved in writing by the local planning authority and thereafter no development shall take place except in strict accordance with the approved scheme. The details shall include material, colour, glazing, glazing pattern opening method and frame thickness.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development, which contributes appropriately to its setting.

9. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- a. existing and finished ground levels in relation to a fixed datum preferably ordnance
- b. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- c. location and design, including materials, of walls, fences and gates and other means of enclosure
- d. soft and hard landscaping works, including details of planting, seeding and turfing, revised hedging along the eastern boundary where the site adjoins the Wellfield Driveway, and along the western boundary with 20 Muselie Drive.
- e. existing and proposed services such as cables, pipelines, sub-stations
- f. other artefacts and structures such as street furniture
- g. A programme for completion and full details of the arrangements for subsequent maintenance.
- h. A scheme of details providing confirmation on existing and proposed site levels, relative to a known, fixed off site point.

Thereafter the development is to be completed in accordance with the agreed details.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

11. No development shall commence until detailed engineering drawings and a further scheme of details for the proposed road, turning area, footway, shared surfaces, and drainage arrangements therein have been submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved scheme. The scheme of details is to include:

- a. Design to be altered to provide a shared surface layout beyond the narrowing of the carriageway opposite Unit 7.
- b. Turning head to be amended to incorporate adequate radii or splays.
- c. Amended drainage layout to be submitted which incorporates the revised road layout and removes the porous paving and cellular storage system from within the main carriageway.
- d. Drainage calculations to be submitted for the surface water system.
- e. Confirmation required that Scottish Water is content with the proposed drainage measures, including the diversion of the existing sewer.
- f. Longitudinal profile for the centreline of the proposed road to be submitted for consideration.
- g. Proposed road to be extended to the boundary of the site to allow potential future connection to Muselie Drive.
- h. A phasing agreement for the road infrastructure is required to ensure adequate servicing of the site as houses become occupied. This relates in particular to ensuring appropriate turning provision is available for service vehicles.

Thereafter, the development is to be completed in accordance with the approved scheme of details, and the areas allocated for parking on the approved drawings shall be properly consolidated, surfaced and drained

before the buildings are occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
Reason: In the interests of road and pedestrian safety, both with the development, and on adjoining roads and footways.

12. Prior to the occupation of any dwelling hereby approved, the road link shown highlighted in blue on approved drawing 7249/2-03 J-OPT1-PH1SITE (and in any subsequent drawing approved by the planning authority superseding that plan) is to be made up to the site boundary.

Reason: To ensure a vehicular link to Muselie Drive remains possible, in the interests of the proper planning of the development.

13. No development shall commence until precise details of water supply have been submitted to and approved in writing, in consultation with Scottish Water, by the Planning Authority. Thereafter no development shall take place except in strict accordance with those details.

Reason: To ensure an adequate supply of water is available to serve the site and to ensure that existing users are not compromised.

14. No development shall commence until a scheme for sustainable urban drainage (SUDS) for surface water treatment and foul water drainage has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

15. Prior to commencement of development the applicant must prepare and submit a report for approval by the Planning Authority that demonstrates the final development will comply with this condition. Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernable tonal component. Tonality shall be determined with reference to BS 7445-2. Any heat pump equipment shall thereafter be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the noise limits

Reason To protect the residential amenity of nearby properties.

16. No development shall commence until an assessment of the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in strict accordance with the recommendations/findings of the report. The assessment should quantify the levels of pollutants likely to arise from the development, with reference to the Scottish Air Quality Objectives. The applicants should demonstrate that the proposed flue height is adequate to allow proper dispersal of the products of combustion.

Reason: In the interests of the amenity of the neighbouring properties, to protect the quality of air in the locality and to protect human health and well-being.

17. Within twelve months of the end of the useful life of the solar panels hereby approved, all solar panels and ancillary equipment shall be dismantled and removed from the buildings and the roof of each building made good with

matching roofing material to the remainder of the roof, or to other such condition as may be agreed in advance and in writing by the Planning Authority.

Reason: The anticipated design life of the solar panels is such that they are expected to have a limited life expectancy.

Informatives

1. Lighting - The installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.
2. Construction Noise - The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. The following are the recommended hours for noisy work
Monday – Friday 0700 – 1900
Saturday 0700 – 1300
Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council).

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites. For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

DRAWING NUMBERS

7249/2-0 ht-D5 revB
7249/2-0 ht-A5 revA
7249/2-0 ht-A4 revB
7249/2-0 ht-A3 revB
7249/2-03 J-OPT1-PH1SITE Block Plan
7249/2-05 E Sections

PHASE 2 - 15/00712/PPP

I recommend the application is approved subject to a legal agreement addressing the identified development contributions and the following conditions and informative:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority. The submitted access details shall make provision for the minimum necessary size of opening in the wall with provision of a lintol above the opening, and include full details of how this shall be achieved, and how the remaining wall will be retained.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the

Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. Parking and turning for two vehicles, excluding garages, must be provided within each plot before the dwellinghouse is occupied and retained in perpetuity.
Reason: In the interests of road safety.
4. Prior to the commencement of development, full details of the means of foul and surface water drainage, and of the means of water supply are to be submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the agreed details, unless otherwise agreed in writing by the Planning Authority.
Reason: To maintain effective control over the development, and to ensure that the dwelling is suitably serviced.
5. No development shall take place until such time as until such time as the land outside the application boundary, highlighted in blue on approved drawing 7249/2-03 J-OPT1-PH1SITE (and in any subsequent drawing approved by the planning authority superseding that plan) has been made up to an adoptable road standard forming a vehicular access connection with Muselie Drive, forming a physical road link Muselie Drive to the application site.
Reason: To ensure a vehicular link to Muselie Drive is achieved, in the interests of the proper planning of the development.

Informatives

1. Lighting - The installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.
2. Construction Noise - The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. The following are the recommended hours for noisy work

<i>Monday – Friday</i>	<i>0700 – 1900</i>
<i>Saturday</i>	<i>0700 – 1300</i>
<i>Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council.</i>	

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites. For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.
3. Access link with Muselie Drive - With regards condition 5 on access to Muselie Drive, if the link to the adopted road cannot be provided beyond that to satisfy Phase 2, then the applicants would be free to apply to remove the condition on Phase 2. The Planning Authority would be able to conclude then whether the supporting case demonstrates the potential for the link has been investigated to its full extent.

DRAWING NUMBERS
7249/2-03 J-OPT1-PH1SITE Block Plan (Part)

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

Author(s)

Name	Designation
Andrew Evans	Planning Officer



15/00711/FUL & 15/00712/PPP
 Land To East Of Muslie Drive
 (Phase 1 & 2)
 Lilliesleaf

