

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 DECEMBER 2022

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 20/01070/PPP

OFFICER: Julie Hayward
WARD: Selkirkshire
PROPOSAL: Demolition of dwellinghouse, erection of thirteen dwellinghouses and associated works
SITE: Garden Ground, Paddock and Incorporating Balgownie Newtown St Boswells
APPLICANT: L. Stevenson, L. Johnston and Executors of Margaret Loudon
AGENT: Ferguson Planning

PLANNING PROCESSING AGREEMENT:

A Planning Processing Agreement is in place until 5th December 2022

SITE DESCRIPTION:

The application site is situated at the southern end of Newtown St Boswells. It comprises of Balgownie, a one-and-a-half storey dwellinghouse with rendered walls and a slate roof located centrally within the site, a large area of mature garden to the north west, and paddocks to the south east and south west of the property. The site rises up from south to north.

Hawkslee Park, a modern development of 20 houses, is located to the north east, on the opposite side of the B6398 through the village. Newtown Church is to the north, Travis Perkins, Borders College and Milestone Garden Centre are located to the south and two dwellinghouses, Viewfield and St Ronan's, are to the north west.

There is a mature hedge to the paddock on the north east boundary with the B6398, the main road through the village, and a post and wire fence along the access road from the B6398 on the southern boundary, which serves Borders College, Travis Perkins and Viewfield. The garden ground is enclosed by a timber fence on the main road boundary and there are a number of trees within the garden ground.

PROPOSED DEVELOPMENT:

This is a Planning Permission in Principle application for the erection of thirteen detached dwellings. The application includes the demolition the existing dwellinghouse and garage and the removal a number of trees and fences. Thirteen detached dwellinghouses are proposed.

The indicative site plan originally submitted with the application showed plots 1 to 4 on the north western part of the site served by an access road from the B6398; plots 5 – 11 in the centre of the site would be served by an access road from the private road

on the southern boundary and plots 12 and 13 in the south eastern corner would be served by a second access from the private road.

The indicative site plan shows a mix of 4 – 5 bedroom and 3 bedroom houses, all two storey. No indicative elevations have been provided.

Each plot would have two parking spaces and there would be 2 visitor spaces. The pumping station and attenuation storage would be located in the south eastern corner of the site. The private access road would be widened at the junction onto the B6398.

The indicative layout has been amended through the processing of the application and now shows a more organic layout with connectivity through the site, linking the B6398 with the private road to the south.

PLANNING HISTORY:

01/01656/OUT: Erection of two dwellinghouses. Garden Ground of Balgownie Newtown St Boswells. Approved 2nd April 2002. Lapsed.

05/01971/OUT: Residential development. Garden Ground and Paddock Balgownie Newtown St Boswells. Approved 29th October 2006. Lapsed. A condition restricted the development to four dwellinghouses.

REPRESENTATION SUMMARY

Two representations were received. These can be viewed in full on Public Access and raise the following issues:

- The private driveway is the only vehicular access to Viewfield, who has irredeemable servitude rights over this driveway, and other businesses. The construction works for this development, including new sewage connections, would directly impact the access during construction works.
- Assurance are required from the developers and Scottish Water that Balgownie's current sewage disposal pipeline is removed and/or permanently obstructed due to ongoing blockages from Balgownie that result in raw sewage flooding into Viewfield. There are currently ongoing sewage issues for all the businesses in this area, which the proposed new sewage network will connect to.
- Overlooking of Viewfield.
- Loss of greenspace.
- Fossil fuels to heat the proposed houses should be avoided and sustainable technologies such as heat pumps or solar panels considered.

APPLICANTS' SUPPORTING INFORMATION:

- Planning Statement
- Transport Statement
- Drainage Strategy
- Visualisations
- Preliminary Ecological Assessment
- Bat Survey and Assessment
- Tree Survey and Arboricultural Impact Assessment
- Reports and Valuations (confidential)

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
PMD5: Infill development
HD3: Protection of Residential Amenity
EP1: International Nature Conservation Sites and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3: Local Biodiversity
EP4: National Scenic Areas
EP13: Trees, Woodland and Hedgerows
IS2: Developer Contributions
IS3: Developer Contributions Related to the Borders Railway
IS6: Road Adoption Standards
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development updated 2020
Landscape and Development 2008
Affordable Housing 2015
Development Contributions updated April 2022
Sustainable Urban Drainage Systems 2020
Waste Management December 2015
Newtown St Boswells Development Framework February 2012

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: The site is not currently allocated in the Council's LDP however it is within the development boundary for Newtown St. Boswells.

RPS raises no objections to the principle and welcomes the widening of the access road. The following issues were raised:

- Possible connection through into land to west of the site.
- The roads will require construction consent (RCC) and the associated drainage, lighting, layout and construction details.
- There are no level details for the prospective public road.
- The junction width for the westerly 4 plots is excessive.
- The easterly junction which also serves Milestone Garden Centre is also excessive in size. This should be rationalised taking other previously approved developments into consideration.
- Improved pedestrian connectivity.
- Confirmation will be required that service vehicles, particularly refuse collection vehicles, can access and egress the site accordingly. Looped layouts are preferred but if this cannot be achieved, turning areas of appropriate size must be provided.

- There is no drainage indicated for the main access road. Details of this will be required as will confirmation of what Scottish Water will vest upon completion.
- Construction details of the road will be required as part of any RCC.

Re-consultation: The revised drawings have taken on board the majority of the comments previously raised. That said, the following matters will have to be addressed through any detailed application:

- Consideration should be given to the provision of a possible connection through in to land to the west of the site.
- All prospective public roads will require construction consent (RCC) and the associated drainage, lighting, layout and construction details that entails.
- There are no level details for the prospective public road, the applicant must satisfy themselves that appropriate gradients can be achieved.
- The easterly junction which also serves Milestone Garden Centre is excessive in size. This should be rationalised taking other previously approved and proposed developments into consideration.
- Confirmation will be required that service vehicles, particularly refuse collection vehicles, can access and exit the site accordingly.
- Confirmation via swept path analysis will be required for the section of road serving plots 1 to 4 to confirm service vehicles can access the area if this section of road is to be considered for adoption.
- There is no drainage indicated. Details of this will be required as will confirmation of what will vest with Scottish Water upon completion.
- Construction details of the road will be required as part of any RCC.
- In-curtilage parking spaces must be a minimum of 5.5m x 3m in size. A minimum of two spaces, excluding any garages must be provided prior to occupation and be retained thereafter in perpetuity.

Education and Lifelong Learning: No response.

Housing: No response.

Landscape Architect: No response.

Ecology Officer: Notes the Planning Statement states that a Preliminary Ecological Appraisal is to be submitted. The PEA/ Ecological Impact Assessment (EclA) should include a preliminary roost assessment of the existing built structures and any further bats surveys as required. A number of trees are to be removed and they should be assessed for bat roost potential. Protected species that may be affected by the proposal include bats, badger and breeding birds and should be included in the ecological impact assessment.

Re-consultation: No response.

Neighbourhood Services: No objections.

Waste Management: As long as collection vehicles can drive in and out without the need for reversing or there is a dedicated turning area large enough for refuse collection vehicle, there are no concerns. A communal collection point would need to be provided where turning is not available.

Flood Protection Officer: It is noted that the site layout and number of units has not been decided yet. If this is the case then the site drainage could be covered with a

condition. As there is no fluvial or pluvial flooding (up to 1:200 years, 0.5% annual probability), in principle, we would not object to a residential development on the site. If detailed planning permission is sought for this site we would require the applicant to provide the following:

- Micro Drainage model for the site;
- Details of proposed SuDS provision and drainage layout;
- Details of proposed boundary drainage (due to the topography of the site).

Statutory Consultees

Community Council: No response.

Transport Scotland: No comments or objections.

Scottish Water: No response.

Other Consultees

None

KEY PLANNING ISSUES:

The key planning issues are:

- Whether the principle of development would comply with policy PMD5 the Local Development Plan 2016;
- Landscape and visual effects;
- Impacts on trees and hedgerows;
- Impacts on neighbouring amenity;
- Road safety impacts;
- Whether the development would be adequately serviced;
- Developer Contributions.

ASSESSMENT OF APPLICATION:

Planning Policy

The site is within the development boundary for Newtown St Boswells and so must be assessed against policy PMD5 of the Local Development Plan. Within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met. These criteria will be assessed within this report.

One criterion is that the proposal should not conflict with the established land use of the area. This part of Newtown St Boswells is a mixed use area, with residential, commercial, retail and educational uses. Part of the site is currently in residential use and there is a modern housing development on the opposite side of the main road. In addition, planning permission has been granted in the past for residential development on the area of land currently used as paddocks. The proposed residential use would therefore be in keeping with the general character and established land use of the surrounding area.

Siting, Layout and Design

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

Policy PMD5 requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming; the proposal should not detract from the character and amenity of the surrounding area.

The proposal includes the demolition of the existing dwellinghouse. This may once have been a traditional cottage but has been altered and extended in the past. It is considered that the dwelling is not of significant historic or architectural merit and there are no objections to its demolition and replacement with modern, energy efficient houses.

The Planning Statement advises that the layout is designed to allow the development to take place as one development or as self-build individual plots.

The indicative layout as originally submitted showed three unconnected cul-de-sacs. None of the houses related well to the public realm or formed streets with a sense of place within the site. There was no connectivity for pedestrians or vehicles through the site or to the village centre. The site is located at the entrance to the village but the indicative layout did not relate positively to this entrance or enhance arrival into the village (the area of hard surfacing and position of the pumping station were concerns). There was no meaningful public open space (other than left over areas of ground) that was central to the site to enhance the character of the development, provide social areas and aid navigation through the site, and little thought of boundary treatments to frame the development. The layout did not take into account views through the site or into/out of the site. The indicative layout failed to take on board advice within the Supplementary Planning Guidance on Placemaking and Design or Designing Streets. The central section (plots 5 – 11) appeared as over-development for an edge of settlement site, emphasised by the close relationships of plots 6 and 7 and 10 and 11 and potential overshadowing and loss of privacy.

Positive revisions have however taken place throughout the processing of the application. The latest indicative site plan has a central link between the B6398 and private road to the south, which will serve all but two houses (plots 12 and 13 in the south eastern corner are served by a separate access from the private road). The houses still require a degree of re-siting and re-orientation to strengthen the relationship with the road through the site, but most now front onto the road.

Each detached house would have sufficient garden ground and two on-site parking spaces within curtilages. The indicative layout is now considered to be a significant improvement on that originally submitted and sufficient to allow the application to move to determination.

As this is a Planning Permission in Principle application, no floor plans or elevation drawings have been provided, though a visualisation suggests two storey, detached houses.

A condition would secure the submission of a design brief for the site with the first detailed application, should each plot be developed individually, to ensure compatibility in terms of scale, massing, design and external materials.

Impact on Visual Amenities

The site is in a prominent location at the southern entrance to the village and any development on this site is likely to be prominent when viewed from the south looking north. The ground level rises up to the north further increasing the prominence of any development on this site. There is currently a degree of screening from trees when travelling south on the B6398. The National Scenic Area is situated to the east of the A68 but the site is outwith any designated landscape.

The exact scale, design and materials of the proposed dwellings can be agreed at the detailed application stage and it will be possible to ensure that any development on this site enhances the entrance to the village and does not harm the visual amenities of the area. Conditions will secure details of external materials, boundary treatments and planting for the site to ensure a high quality development that integrates into the street scene and creates an attractive entrance to village.

Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

It would need to be demonstrated through the submission of detailed applications that the proposed dwellings will not result in unacceptable adverse impacts on the residential amenity (overlooking/loss of privacy) of neighbouring properties as well as new housing with the application site. Given the distances between the existing houses and the site, and between houses shown on the indicative layout, it is unlikely that there would be any overshadowing or loss of light, but this can be assessed through the detailed application stage.

Access and Parking

Policies PMD2 and PMD5 requires that adequate access and servicing can be achieved. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The Roads Planning Service raised a number of issues in respect of the original layout, however the indicative layout has addressed these matters and RPS has no objections in principle to the proposed development. Further matters raised in re-consultation will be covered through the detailed application stage and will be secured by appropriately worded conditions and related informatives.

Trees and Hedges

Policy EP13 seeks to protect trees and woodlands from development. There are a number of trees within the garden ground of Balgownie (none within the south eastern paddock) and a mature hedgerow along the boundary of the site with the main road.

A tree survey and Arboricultural Impact Assessment has been provided in support of the application, although this was submitted towards the end of the application process, rather than the beginning, when it could have been used to inform the indicative layout.

The indicative layout does however allow for the retention of trees along the northern and south western boundaries of the site and there are a number of smaller trees within the site that can be retained within the curtilages of plots 3 and 6. However, 36 trees are proposed to be felled (all category B and Cs: moderate to low quality) throughout the site. Whilst this is regrettable, it is considered that their loss will not have an unacceptable adverse impact on the surrounding woodland resource or with character and appearance of the village. Additional trees however, over and above those identified for removal, can be retained with slight revisions to the proposed layout. This can be managed through the detailed application stage where tree and hedge retention and protection will be secured by condition.

A condition to secure a detailed landscape scheme, which would include replacement tree planting, can also be covered by condition. Subject to an appropriate layout for the site, it is considered that the loss of trees can be minimised and opportunities will exist for existing trees to be retained and for additional trees to be planted.

Ecology

Policy EP3 states that development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development outweigh the value of the habitat for biodiversity conservation.

A Preliminary Ecological Assessment has been submitted with the application and concludes that the hedgerows and grassland provide opportunities for breeding birds. It also identifies a swallow's nest on the existing house. The report contains a number of recommendations for breeding birds, including a Species Protection Plan. This can be covered by condition.

A Bat Survey and Assessment has also been provided. Evidence of bats was found in the existing garage. The report concludes that the garage is a summer/autumn roost for a small number of common bat species and the overall nature conservation value is judged as low. A bat licence would be required from NatureScot and conditions will secure a Species Protection Plan for Bats as well as the need for a bat licence.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new development would be a direct connection to the public sewerage system.

Foul drainage would be to the public sewer. An underground cellular storage system for surface water is proposed in the lower, south eastern corner of the site, discharging to a watercourse. The water supply would be from the Scottish Water

mains supply. Conditions are recommended to secure precise details of water supply and of foul and surface water drainage.

Development Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out in policies IS2 and IS3 of the LDP.

Financial contributions are required in respect of education (Newtown St Boswells Primary School: £8,647 per unit and Earliston High School: £4,088 per unit), the Borders railway (£2,246 per unit), play areas (£500 per unit) and affordable housing (£4,250 for 11 of the units, as the first unit is exempt and there is currently a dwellinghouse on the site, which is to be demolished). The total development contribution required by this development would be £232,522.

Where appropriate, the Council will consider the economic viability of a proposed development. The Supplementary Planning Guidance on Developer Contributions updated in 2022 states that the Council takes a proactive approach towards the facilitation of new development. Depending upon the prevailing economic climate, housing markets and the availability of development finance, commercial project viability can be significantly affected. Consequently, and where appropriately demonstrated, the level of contribution can be negotiated to assist with facilitating the building out of proposed projects. If an applicant can satisfactorily demonstrate to the Council on a confidential “open book” basis that the strict application of policy would render an otherwise commercially viable project commercially unviable, then contribution requests may, where appropriate, be negotiated and varied.

In this case, the applicant’s agent advised that the requirement for full development contributions, which are particularly high in Newtown St Boswells, would render an otherwise viable project economically unviable. A development appraisal was submitted demonstrating the impact that the development contributions would have on the viability of the development; and this concluded that the development would only be viable if the developer contributions were reduced to a total of £32,500.

As part of this process, it is normal practice for the Planning Authority to seek impartial and independent advice on the acceptability, or otherwise, of the proposed project viability. In this case, the District Valuer was consulted and concluded that development contributions of £6,000 per unit (£78,000 in total) would be reasonable. The agent has confirmed in writing that his clients are agreeable to the suggested level of development contribution. It is therefore recommended that the lower contributions (as suggested by the District Valuer) are accepted to enable the proposed development to progress.

There are however, implications for the Council, both and in terms of cost and policy integrity, should a reduced level of contributions be approved in respect of this application. The reduction in development contributions would contribute to a deficit in the funding necessary to deliver required infrastructure that has been identified as necessary to support the development proposal – such as education facilities.

Consideration must also be given to the precedent that might be set in deviating from established policy requirements. However, Members should be aware that the principle of reducing development contributions, where a fully evidenced case has

been presented, has previously been established by the Planning and Building Standards Committee in respect of other residential development proposals, not just in Newtown St Boswells but in the Borders more generally. This risk has already been tested and considered by this Committee, but Members will still need to be satisfied that the circumstances of this case are sufficient to follow that approach here, given the consequences for infrastructure provision in the village and more widely.

CONCLUSION

Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject a legal agreement addressing contribution towards (education, the Borders railway, play areas and affordable housing), and the following conditions:

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.
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. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - (a) The expiration of three years from the date of this permission, or
 - (b) The expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
3. 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.
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

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.

5. A design statement shall be submitted with the first detailed application or Approval of Matters Specified in Conditions application this site for approval in writing by the Planning Authority. The design statement shall outline the rationale in terms of the siting, size, scale, proportions, design and materials of the proposed dwellinghouses, boundary treatments and landscaping and how the development relates to the context of the surrounding area.

Reason: To ensure an appropriate scale and design of development that is in keeping with the character, and enhances the visual amenities, of the area as the site is in a prominent location.

6. The finished floor levels of the dwellinghouses hereby approved shall be consistent with those indicated on a scheme of details which shall be submitted with the first Approval of Matters Specified in Conditions application for approval in writing by the Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site, including the roads and parking spaces, and shall be measurable from a fixed datum point in a location clearly indicated in the scheme of details so approved.

Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers or on visual amenities.

7. A detailed tree and hedge survey (including accurate drawings) shall be submitted with the first detailed application or Approval of Matters Specified in Conditions application for approval in writing by the Planning Authority. The survey shall include the position, species and root protection area of the trees and hedges within the site and overhanging the site, the position of the proposed dwellinghouses, access, parking, turning and the route of all services, those trees to be felled and tree and hedge protection measures for the construction phase (all in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations) for the trees and hedgerows to be retained. The tree and hedge protection measures to be implemented before the development commences and retained until completion of the development. Only those trees and hedgerows that have approval to be removed can be felled.

Reason: As the trees and hedgerows are worthy of retention and contribute to the visual amenities of the area.

8. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):
 - i. Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - ii. Location of new trees, shrubs, hedges and grassed areas;
 - iii. Schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - iv. Programme for completion and subsequent maintenance.

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

9. Details of all proposed means of enclosure around the site and for individual plots (walls, fences and gates including the position, extent, height, appearance, materials, colour/finish) to be submitted with the first detailed application or

Approval of Matters Specified in Conditions application for the site for approval in writing by the Planning Authority. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.

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

10. The means of water supply and of both surface water and foul water drainage to be submitted with the first detailed application or Approval of Matters Specified in Conditions application for this site for approval in writing by the Planning Authority. The dwellinghouses shall not be occupied until the water supply and drainage arrangements have been installed in accordance with the approved details and are operational. Surface water shall be treated by means of sustainable urban drainage techniques. Surface water run-off levels shall not exceed pre-development levels.

Reason: To ensure that the site is adequately serviced.

11. Parking and turning for a minimum of two vehicles must be provided within the curtilage of each plot prior to the occupation of the dwellinghouses and thereafter be retained in perpetuity. The parking spaces to be a minimum of 5.5m x 3m in size

Reason: To ensure the development hereby approved is served by adequate off-street parking.

12. No demolition, vegetation or tree removal or development to commence until either of the following has been submitted to and approved in writing by the Planning Authority:

- a) A copy of the relevant European Protected Species licence,
- b) A copy of a statement in writing from NatureScot (licensing authority) stating that such a licence is not necessary for the specified development

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

13. No demolition, vegetation or tree removal or development to commence until a comprehensive Species Protection Plan for bats has been submitted to and approved in writing by the Planning Authority. Thereafter, no development shall take place except in strict accordance with the approved Species Protection Plan for bats.

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

14. No demolition, vegetation or tree removal or development to commence during the breeding bird season (March-August inclusive) unless in strict compliance with a Species Protection Plan for breeding birds, that shall be submitted to and approved in writing by the Planning Authority, and that shall include provision for a pre-development checking survey and mitigation.

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

Informatives

1. In respect of condition 1, revisions are required to ensure the proposed dwelling houses front onto and are well related to the roads that serve them, rather than being set too far back into the plot. The layout should also be altered to retain

many of the trees as is possible. Replacement tree planting is required by condition 8.

2. In respect of Condition 1, the Roads Planning Service advises:
 - Consideration should be given to the provision of a possible connection through in to land to the west of the site.
 - All prospective public roads will require construction consent (RCC) and the associated drainage, lighting, layout and construction details that entails.
 - The easterly junction which also serves Milestone Garden Centre is excessive in size. This should be rationalised taking other previously approved and proposed developments into consideration.
 - Confirmation will be required that service vehicles, particularly refuse collection vehicles, can access and exit the site accordingly.
 - Confirmation via swept path analysis will be required for the section of road serving plots 1 to 4 to confirm service vehicles can access the area if this section of road is to be considered for adoption.
 - Details of drainage will be required, as will confirmation of what will vest with Scottish Water upon completion.
 - Construction details of the road will be required as part of any RCC.
3. The Council's Refuse Collection Service advises that collection vehicles must be able to drive in and out without the need for reversing, otherwise there must be a dedicated turning area large enough for a refuse collection vehicle. If this is not possible, a communal collection point would need to be located where there is a safe guaranteed turning area, kept clear.
4. In respect of condition 10, the Flood Protection Officer advises that:
 - The Micro Drainage model for the site must be submitted for testing.
 - Details of the proposed SUDS provision and drainage layout is required.
 - Details of the proposed boundary drainage (due to the topography of the site) is required.

DRAWING NUMBERS

Plan Ref	Plan Type
9381.1.00	Location Plan
9381.1.01	Existing Site Plan with Downtakings

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

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

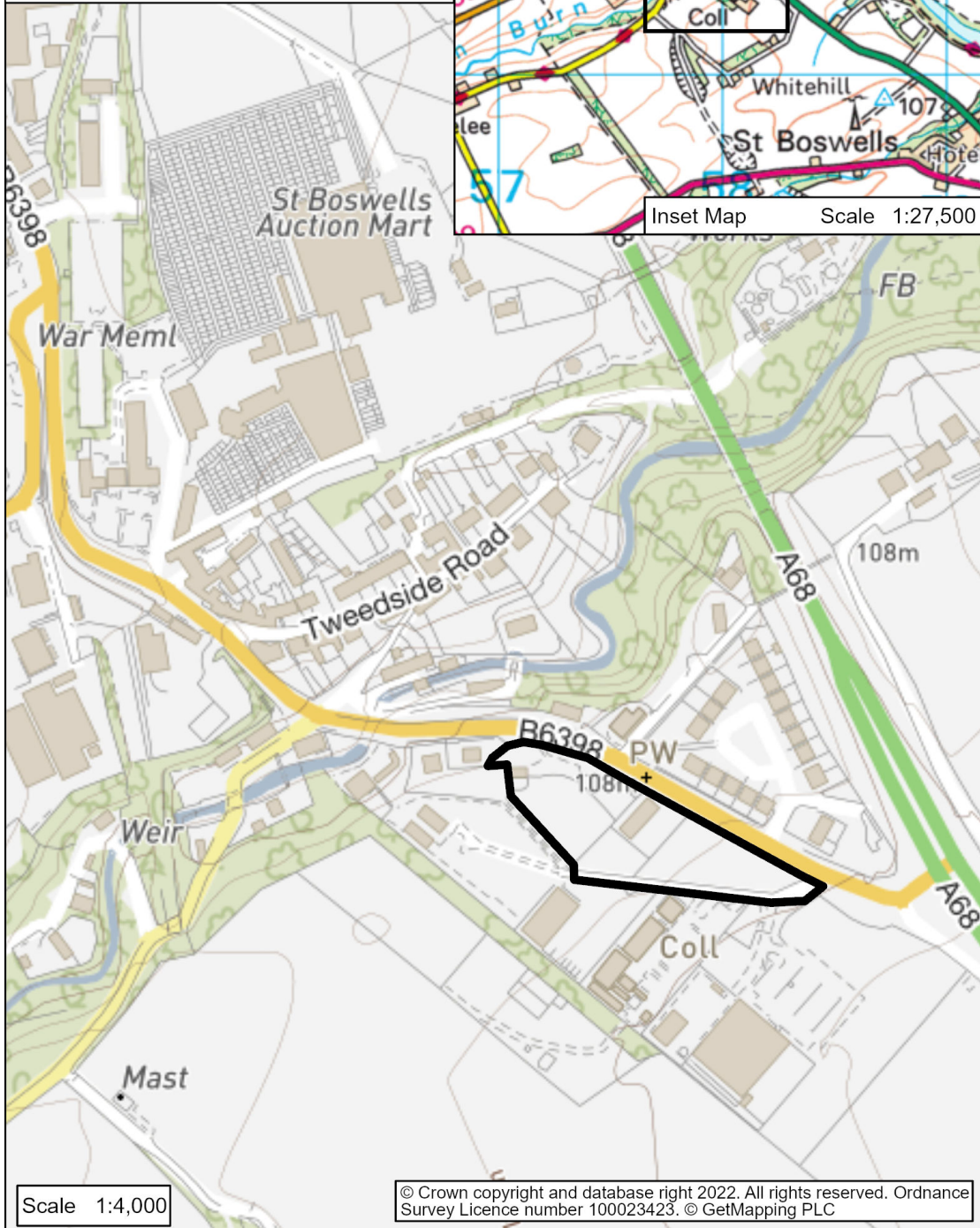
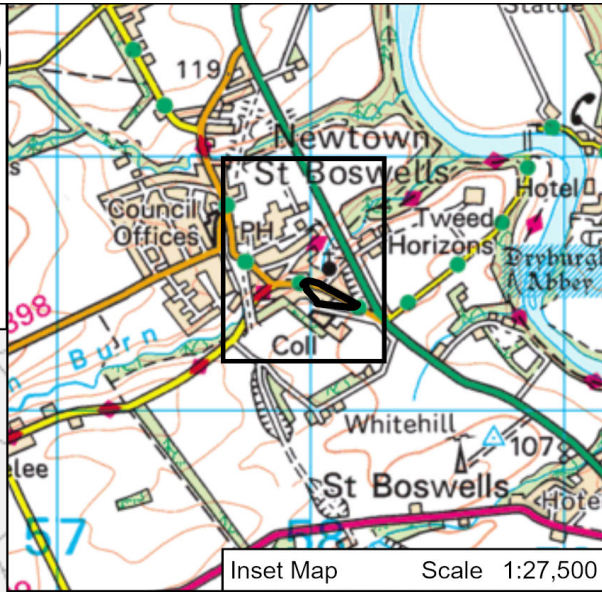
Author(s)

Name	Designation
Julie Hayward	Team Leader Development Management



20/01070/PPP

Garden Ground, Paddock And
Incorporating Balgownie
Newtown St Boswells



Scale 1:4,000