

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

30 MAY 2016

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 12/01488/PPP
OFFICER: Barry Fotheringham
WARD: Mid Berwickshire
PROPOSAL: Residential Development Comprising of 25 Dwellinghouses (including affordable housing) Formation of Playing Field and Erection of Village Hall.
SITE: Land to South and West of Swinton Primary School, Coldstream Road, Swinton
APPLICANT: Ladykirk Estate
AGENT: Ristol Limited

SITE DESCRIPTION

The application site is an area of relatively flat agricultural land to the south and west of Swinton Primary School which is located to the east of the village of Swinton. The application site extends to 1.9 hectares and is currently in use as arable land. The site is defined by a stone boundary wall (around the school) to the north east boundary, a mature hedge to the east boundary and a combination of stone wall, post and wire fence and hedge along the north boundary of the site. The south and west boundaries are currently undefined.

To the south and west of the site lies agricultural land within the ownership of the applicant. To the north of the site and beyond the unmarked path is an area of allocated housing land (BSW2B) known as Wellfield. To the north west of the site are residential dwellings within Wellfield Court.

The application site forms part of the mixed used allocation (MSWIN002) within the Scottish Borders Council Local Development Plan 2016. The allocated site extends to 3 hectares and has an indicative housing capacity of 25 units. The site is located within the revised settlement boundary of the village but is situated outwith the conservation area.

PROPOSED DEVELOPMENT

The application seeks planning permission in principle for the erection of 25 dwellinghouses including affordable units of mixed tenure (to be agreed), the formation of playing fields and the erection of a village hall. Land around the existing school is proposed to be safeguarded for future expansion.

The proposal is to deliver a master plan led approach to new rural housing that reflects the character of the village.

PLANNING HISTORY

There is no development management planning history associated with this site however the site forms part of a larger area of land that was put forward as an alternative housing option in the Local Plan Main Issues Report. Following a positive response at public consultation a slightly larger site was approved for inclusion in the Proposed Plan. Members will be aware that this site was considered at examination by the Reporter and now forms part of the Adopted Scottish Borders Council Local Development Plan 2016.

REPRESENTATION SUMMARY

A total of 15 letters of objection have been received from third parties. Of the 15 individual letters, 13 were received from separate households and 13 were received within the statutory period of the advertisement.

One letter of representation was received neither objecting nor supporting the application and one letter of objection also offered comments in support of the proposed development.

The principal grounds of objection can be summarised as follows:

- Contrary to Local Plan
- Detrimental to the environment
- Detrimental to Residential Amenity
- Flood risk
- Inadequate access
- Inadequate drainage
- Increased traffic
- Noise nuisance
- Road safety
- Loss of light
- Loss of view
- Privacy of neighbouring properties affected
- Trees/Landscape affected
- Loss of prime quality agricultural land
- Lack of public transport
- Inadequate levels of parking
- There is currently allocated housing land available within the village at site BSW2B and there is no need for further land for development outside Swinton Village.
- No demand for housing in Swinton.
- High turn-over of tenants in the affordable housing in Wellfield as residents are reliant of cars.
- Lack of facilities such as a shop within the village
- Recent housing developments in the surrounding area have been built but many houses remain vacant
- Development site is not a logical extension of the village and the village does not have the infrastructure to serve the anticipated capacity.
- The need for affordable housing for existing people within the community has not been established.
- The need for playing fields and a village hall has not been established.

- The proposed village hall does not allow for proper changing facilities for visiting sports teams
- No provision for other sports on the new sports field and no provision of a stage within the village hall.
- Neighbour notification of the application did not include the entire village.
- Adverse impact on views from existing properties in Wellfield.
- The existing village hall is in a prime location in the centre of village and it would make more sense to have it refurbished rather than build a new hall.
- The playing field should be located within the village on the land already earmarked for development. This would be more accessible for all villagers' not just residents of the proposed houses.
- The existing waste water system is not adequate to cope with another 25 houses.
- Increase in traffic on the road adjacent to the school putting pupil's, parents and pedestrians at risk
- The proposed development would have an adverse impact on the rural character of the village.
- The proposed development will affect views of the Cheviot Hills from existing properties and will have an adverse effect on the tranquillity of the village.
- Flooding from the field to adjacent dwellings
- Flooding problems will not be addressed by building 25 houses
- Lack of public transport and local facilities such as a village shop.
- Proposed development would be out with the current development boundary
- Visual impacts of proposed district heating system.

The comments in support of the proposed development can be summarised as follows:

- An influx of families would rejuvenate the village and reinforce the position of the primary school.
- There is a need for a new village hall.
- The creation of a playing field would provide a much needed facility.
- The provision of allotments would open up opportunities for villagers.
- A larger, more active village would hopefully improve public transport provision.
- Community spirit would flourish.

Of the third party letters submitted after the period for neighbour notification/advertisement, the principal grounds of objections can be summarised as follows:

- Swinton lies outwith the Development Hubs identified in the Scottish Borders Structure Plan. The Plan seeks to achieve sustainable patterns of development centred on the 3 identified development hubs.
- Implementation of the strategy will mean a presumption against substantial development outwith the hubs.
- Principle 1 of the Consolidated Local Plan 2010 focuses on a range of criteria relating to sustainable development. The proposed development would result in an increase in the size of the village and a reliance on cars.
- The site is Grade 3 agricultural land and forms part of the historic landscape setting of Swinton contrary to Objective 3 of Principle 1.
- The site lies outside the settlement boundary of Swinton as identified in the Consolidated Local Plan and would conflict with Policy G8.

- There is no identified housing shortfall and the development would not offer significant community benefits that outweigh the need to protect the development boundary.
- The site is poorly related to the existing pattern of development on Swinton.
- There is already an allocated site within the village at Well Field (BSW2B). It has been available for many years and has not been developed.
- The development would adversely affect the visual setting of the Conservation Area and heritage assets. Development would be contrary to Policies BE1, BE2 and BE4.
- Swinton waste water treatment works is already at operational capacity.
- The principle of residential development is problematic and cannot be satisfactorily addressed by questions of detailed design and layout.
- The application is premature and cannot be delivered because there are capacity issues within the existing waste water treatment facility.

Members will be aware that all the letters of representation can be viewed in full on Public Access.

APPLICANTS' SUPPORTING INFORMATION

In support of the application, the applicant has submitted a detailed planning statement, landscape assessment and transport statement as well a number of indicative site layout plans, elevations, perspective drawings and typical streetscape elevations.

Pre-application consultation meeting was held with the Council and the applicant's agent on 14th December 2011 and a meeting with representatives of the Community Council was held on 29th May 2012.

DEVELOPMENT PLAN POLICIES:

SES Plan 2013

Policy 5 – Housing Land

Policy 6 – Housing Land Flexibility

Policy 7 – Maintaining a Five Year Housing Land Supply

Scottish Borders Council Local Development Plan 2016

Policy PMD1 – Sustainability

Policy PMD2 – Quality Standards

Policy PMD3 – Land Use Allocations

Policy ED10 – Protection of Agricultural Land and Carbon Rich Soils

Policy HD1 – Affordable and Special Needs Housing

Policy HD3 – Protection of Residential Amenity

Policy HD4 – Meeting the Housing Land Requirement/Further Housing Land Safeguarding

Policy EP8 – Archaeology

Policy EP13 – Trees, Woodlands and Hedgerows

Policy IS2 – Developer Contributions

Policy IS5 – Protection of Access Routes

Policy IS6 – Road Adoption Standards

Policy IS7 Parking Provision and Standards

Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

SBC Supplementary Planning Guidance: Affordable Housing
SBC Supplementary Planning Guidance: Placemaking and Design
SBC Supplementary Planning Guidance: Development Contributions
SBC Supplementary Planning Guidance: Landscape and Development

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: The proposed site has already been considered as part of the Main Issues Report. As per the comments below, the principle of housing can be supported provided additional land can be obtained to allow the creation of a safe access onto the A6112. Certain improvements to the existing infrastructure will also be required. Should this proposal progress to detailed planning stage, a well-connected street design in line with Designing Streets policy would be required. It should be noted that whilst the layout shown is only indicative, it would not be supported due to its very linear nature. In summary, there are no objections in principle to housing on this site from Roads Planning.

Education & Lifelong Learning: The proposed development, which is located within the catchment area for Swinton Primary School and Berwickshire High School, will require a contribution of £3921 per unit towards the High School.

The new Berwickshire High School replaces a previous building that was under severe capacity pressure and with facilities unsuitable for further expansion. Following consultation, the decision was made to replace it and two others in the Borders under the 3 High Schools project with the three new modern schools opened on time for the 2009-10 academic years. Developer contributions for Berwickshire, Earlston and Eyemouth high schools will apply in their respective catchment areas, supplementing Scottish Borders Council's investment in the new facilities.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

The level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index – therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2013.

Housing Strategy: Taking current funding constraints regarding the availability of funding to assist on-site delivery of affordable housing from SG, SBC and some RSLs, and the number of existing identified and prioritised projects set out in the Council's Strategic Housing Investment Plan 2012/15 and Strategic Local Programme 2012/15, and the funding uncertainties for 2015/16 and beyond, it is considered unlikely that this proposed project could look towards RSL on-site delivery. Therefore it is suggested that the developer will have to look to other AHP compliant on-site delivery options in order to satisfy the policy requirements.

Development Negotiator: There will be implications in terms of play facility/green space provision. The applicant's plans show a green space plus allotments and the application has been brought to the relevant officer's attention inviting consideration and comment in this regard. In respect of Affordable Housing provision, 25% of the proposed units, net of the first one, will be required to comprise Affordable Housing (AH). This will equate to 6 units. The mechanisms by which AH can be delivered are

detailed in the relevant Supplementary Planning Guidance and the applicant is advised to fully consider these options accordingly.

It is understood that that SBC's preferred delivery option i.e. Social Rented Accommodation delivered in partnership with an RSL, is not feasible at this juncture due to restricted funding combined with competing project commitments. It is probable that AH will require to be delivered independently of RSL input.

Landscape Architect: There is no landscape related objection to the principal of residential development on the basis indicated. This is contingent on the type of access arrangement illustrated being feasible so that the rural character of Swinton can be adequately retained.

Urban Design: No response.

Plans & Research (February 2013): The application site does not have a formal allocation in the Consolidated Local Plan. The entire proposal is located out with the development boundary. Policy G8 Development outwith Development Boundaries states that where development boundaries are located on proposal maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period and that proposals for new development outwith this boundary and not on allocated sites identified on the proposals maps will normally be refused. Policy G8 does contain exception criteria, and it is noted the supporting statement for the application has taken cognisance of these.

However, we consider that the application does not meet the exception criteria in that it is not job-generating; the housing element is not solely of an affordable type; and there is not a shortfall in housing land supply in the Berwickshire Housing Market Area (in which Swinton is situated). Therefore, the proposal is contrary to the adopted Consolidated Local Plan.

In this case there are material considerations that also need to be taken into account. The supporting statement mentions the recent work regarding the site in the development planning process. To clarify, a slightly larger site was put forward as an alternative housing option in the Main Issues Report and following a positive response at public consultation and further consideration by the Council, this slightly larger site was approved for inclusion in the Proposed Plan by Council Committee in October 2012. The Proposed Plan will be subject to public representation once it is published later in the year, and any outstanding objections would be considered at the Examination into the Local Development Plan.

It is recognised that the application supports the current Council intention to allocate the site in the Local Development Plan, and that in addition, land has been provided for the possible expansion of the primary school; recreation facilities are provided for; and further community benefit has been considered.

It is not considered that the additional material factors override the current development plan position, and therefore the view is that the current proposal is premature, and cannot be supported for approval.

If development was in this location was taken into the adopted Local Plan following the Examination process we would seek for the site to be extended in the south-eastern corner, to match the boundary in the Main Issues Report. We believe this would help achieve a safer vehicular access from the A6112, although we would be happy for the Roads Planning team to clarify this issue. We would also seek

conditions to ensure that the quality of development, the community benefit and mixed use nature of the site was delivered. It is noted that the supporting statement asserts the development would not preclude other development at the allocated housing site at BSW2B and we would require that this was the case.

We would like to see vehicular and pedestrian links through both sites to the Main Street in Swinton. In addition, it is noted the supporting statement states that further land to the west of the land in question in the application is identified in the concept plan provided, to show the long-term potential for development. We would not support any further development to the south and west of Swinton in the area shown in this concept plan.

In summary, the proposal is contrary to the development plan (*at time of writing*) and the additional material factors do not override that position. The application should therefore be refused on the grounds of prematurity.

Rights of Way: Our records show Core Path 73 bounding the north of this development site. In the event that the Planning Officer is minded to recommend approval of this application, as a condition on any approval, this path should be brought to adoptable standard between The Green, Wellfield and Coldstream Road to improve connectivity through the village.

Archaeology: There are archaeological implications for this proposal. While there are no known archaeological sites within the proposed development area, the site is within an area of high archaeological sensitivity.

Swinton, as a settlement is at least medieval in origin and may ultimately date from the early historic period as a farm or village within the Kingdom of Northumbria. Certainly by the 12th century, a church existed at Swinton and the village appears in later medieval charters, disputes and on maps. The field adjacent to the B6461 has been un-used for settlement since the middle of the 18th century. There was, however, a village well in this field and this appears on OS 1st and 2nd edition maps. This well may, in fact, be quite old and date from earlier phases of the settlement. Opposite this field is a stone that has been interpreted as a cross base, and this too is possibly early historic or medieval in date. In a broader landscape, there are a number of prehistoric sites and features that indicate settlement in the area since at least the Bronze Age. This increases the potential for encountering archaeology within this development.

The principle of development at this location can be supported but it will be important that at some stage the archaeological potential is evaluated. The potential for the field adjacent to the B6461 is higher than the field to the south, and it may be worth considering a pre-determination evaluation in this field to support a future application. If the evaluation takes place as a condition on future consents, sufficient time will need to be figured into work plans for the evaluation, reporting, agreement with the Council and any further investigation that is needed. If significant archaeology is discovered, further post-excavation analysis and dissemination will be necessary.

It is recommended that no development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation.

Statutory Consultees

Swinton & Ladykirk Community Council: There was a fairly large turnout of members of the public at the meeting of Swinton & Ladykirk Community Council when the proposed development mentioned above was considered. The pros and cons of the application were considered in some detail and it is apparent that the views of the local residents are somewhat divided. The consensus of the meeting was that from the information available the Community Council could neither oppose nor support the application. It is the Community Council's intention to call a public meeting at the earliest opportunity when local residents will be given the chance to examine the application and put any questions to a representative of the applicant.

Scottish Water: In terms of planning consent, Scottish Water does not object to this application, however, the grant of any planning consent does not guarantee connection to SW infrastructure.

Rawburn Water Treatment Works currently has capacity to service this proposed development and the water network that serves the proposed development may be able to supply the new demand.

Initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

The waste water network that serves the proposed development may be able to accommodate the new demand however, at present there is limited capacity within the Swinton Wastewater Treatment Works to serve this new demand. The Developer should discuss their development directly with Scottish Water.

Initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

KEY PLANNING ISSUES:

The principal planning issues with this application are whether the proposals are consistent with development plan policies particularly in relation to land use allocations within the newly adopted Local Development Plan 2016.

ASSESSMENT OF APPLICATION:

Background

Members will note that the application was submitted in 2012 when the Consolidated Local Plan (CLP) 2010 was the adopted policy position of the Council. This has now been superseded by the new Scottish Borders Local Development Plan (LDP) 2016 which was formally adopted earlier this month. Members should be aware that the application was put on hold at the request of the applicant's agent to allow the Council to fully consider the acceptability of the proposed site as part of the local development plan process.

In order to fully understand the delay in bringing the application before the P&BS Committee, it is necessary to outline the policy position at the time the application

was submitted. It should be noted that the site did not have a formal allocation in the CLP and the entire application site was located outwith the development boundary as defined in the settlement profile for Swinton.

The supporting statement submitted with the application refers to earlier work regarding the site in the development planning process. To clarify, a slightly larger site than the application site was put forward as an alternative housing option in the Main Issues Report 2012 and following a positive response at public consultation and further consideration by the Council, this larger site was approved for inclusion in the Proposed Plan by Council Committee in October 2012.

The Proposed Plan was then subject to a formal public representation period towards the end of 2013 with the representations being presented to the Council in September 2014. Members agreed the issues to be examined and the plan, including the proposed housing allocation at Swinton, was submitted to Scottish Ministers for examination in October 2014. The examination of the Proposed Plan began in November 2014 and at its meeting in December 2015, the Council accepted the proposed modifications recommended by the Reporter and agreed to proceed to adopt the plan. The LDP 2016 was subsequently adopted on 12 May 2016 following the statutory notification period.

The adopted LDP now includes the larger proposed site within a revised settlement boundary. The site has been allocated for mixed use development (Site Reference MSWIN002) with an indicative housing capacity of 25 units. There are a number of site requirements which include, and are not limited to, the provision of complimentary uses reflecting the mixed use nature of the allocation, to include consideration of the provision of community facilities, including playing fields and ensure vehicular access is taken from the A6112 (Coldstream Road).

Planning Policy

As the application was submitted in 2012 when the CLP 2010 was in place, Members will note that the principal grounds of objection from third parties relate to the site being outwith the settlement boundary on agricultural land that is not allocated for housing. The objections also refer to constraints within the existing waste water sewerage system serving Swinton, inadequate access arrangements, an increase in traffic and the lack of an identified housing shortfall.

The application site is located outwith the settlement boundary as defined by the settlement profile within the recently replaced CLP. Policy G8 of the CLP aimed to ensure that most development is located within defined development boundaries unless strong reasons can be given that would support an exceptional approval. Where development boundaries are located on proposal maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period and proposals for new development outwith this boundary and not on allocated sites identified on the proposals maps will normally be refused. Policy G8 contained exception criteria, and it is noted the supporting statement has taken cognisance of these. However, it was considered that the application does not meet the exception criteria in that it was not job-generating; the housing element was not solely of an affordable type; and there was not a shortfall in housing land supply in the Berwickshire Housing Market Area (in which Swinton is situated). Therefore, the proposal would have been contrary to the Consolidated Local Plan.

It was acknowledged that the application includes land for the possible expansion of the primary school; recreation facilities; and opportunities for further community benefit but it was not considered that the additional material factors were sufficient enough to override the development plan position at that time. The proposals were therefore premature, and could not be supported for approval.

However, under the recently adopted LDP, the development boundary of Swinton has been amended to include an area of land to the south east of the village adjacent to the primary school. The application site now falls within the development boundary and the principle of development on this site would now meet the terms of Policy PMD3: Land Use Allocations of the LDP.

This area of land is now identified as mixed use allocation MSWIN002 under the LDP where a range of uses will be appropriate. Policy PMD3: Land Use Allocations states that developments will be approved in principle for the land uses allocated in the Plan. In the case of site MSWIN002 the proposed development must present complementary uses reflecting the mixed use nature of the allocation and should include consideration of the provision of community facilities, including playing fields. It is considered that the proposed housing, village hall and sports pitches will, in principle, meet this essential criteria.

Members will note from the comments submitted by the Council's Forward Planning Team that the proposed development could not be supported as it did not meet the exception criteria under Policy G8 of the CLP in that there was not a shortfall in housing land supply in the Berwickshire Housing Market Area. This view is supported by a number of third party objectors.

Since the application was submitted however, SESPlan Strategic Development Plan (SDP) was approved by Scottish Ministers. The SDP contains a housing land requirement for the whole of the SESPlan area up to 2014 and required the preparation and adoption of Supplementary Guidance (SG) to distribute the housing requirement across the 6 local authority areas. The SG identifies an additional 640 housing units required in the Scottish Borders. This was identified and allocated in the LDP and includes the mixed use allocation in Swinton. Members should be aware that the Scottish Government Reporter identified a need for a further 916 units to be provided in the Scottish Borders through a 'call for sites' to meet the anticipated housing land shortfall.

Whilst the application may not have met the exceptions criteria under Policy G8 of the CLP, the proposed mixed use development would contribute to the housing land requirement as identified in the LDP and would help maintain an effective land supply which can be delivered within the lifetime of the plan.

Vehicular Access and Parking

Within the site requirements detailed in the LDP settlement profile for Swinton, vehicular and pedestrian access to the allocated mixed use site must be taken from the A6112 Coldstream Road in line with advice from the Roads Planning Service. The site requirements also insist that vehicular and pedestrian access is taken through the site from the A6112 to the allocated housing site (BSW2B) to the north.

The Council's Roads Planning Service has confirmed that the principle of housing can be supported provided safe access onto the A6112 can be achieved. Certain improvements to the existing infrastructure will also be required. Should this proposal progress to detailed planning stage, the site should be developed in such a

way that it provides a well-connected street design in line with Designing Streets policy.

In order to provide the easterly junction onto the A6112, the site may need to be extended slightly further south to accommodate the required access. This is reflected in the size of the mixed use allocation shown in the LDP which is larger than the application site and larger than the initial site put forward for inclusion in the plan. As the applicant is in control of the adjoining land the provision of a new vehicular access serving this site can realistically be achieved. It is worth noting that the speed limit, existing footway and street lighting need to be extended out from the village. There would appear to be a narrow pinch point in the verge which may impact on the provision of a footway but this could be overcome by reducing the width of the carriageway or, more preferably, by setting the school boundary wall back to increase the verge width. These matters can be dealt with at detailed application stage.

Detailed proposals for this site must comply with Policy PMD2 of the LDP. Points o) to s) of Policy PMD2 are aimed specifically at accessibility and require street layouts to be designed in such a way that they properly connect and integrate with existing street patterns and are able to be easily extended in the future where appropriate. The detailed design and layout of the site must be designed in line with Designing Streets and Designing Places as well as the Council's SPG on Placemaking and Design in order to achieve a well-connected, future proofed development. The indicative layouts, whilst showing pedestrian connectivity to Housing Site BSW2B and Swinton Green are very much linear in nature and would not be supported if they formed part of a detailed application.

It is worth noting that the transport statement submitted with the application concludes that the proposed development can be linked to the village through a series of footpath links and that these routes give access to bus stops and the school. The development will enhance existing footpath provision in the area and vehicular access to the site will be taken from the A6112 Coldstream Road. These findings are in keeping with SBC Roads Planning Service comments and the site requirements in the LDP allocation for this site.

Landscape and Visual Impacts

The Council's Landscape Architect confirms that there are no landscape related objections to the principle of residential development on this site. Based on the indicative information submitted in support of the application it is feasible that the rural character of Swinton can be adequately retained, however this is dependent on appropriate detailed proposals being submitted and approved in any subsequent application for approval of reserved matters. It is worth noting however that the allocated site requirements state that structure planting must be provided on the southern and western boundaries to screen the site from the entry to Swinton from the south; to provide a settlement boundary; and to provide enclosure to the site.

The supporting landscape assessment confirms that the application site lies within the landscape character type Lower Merse Lowland with Drumlins which is characterised by a rich landscape of arable fields and hedgerows with a strong directional landform pattern. It is also noted that trees do not feature heavily in the landscape surrounding Swinton. The statement acknowledges that the site is very visible from elevated viewpoints to the south east, seen from the A6112 Coldstream Road and is visible, but not in prominent views, from the west. The linear form of the village and general orientation of the Lower Merse landscape would encourage this

pattern of development to be followed in the allocated site.

It is noted that the application site is smaller than the allocation in the LDP and the southern boundary of the site does not include the indicative landscape buffer along the southern edge of the allocated site. As stated above, the adjoining land is within the control of the applicant and it would not be unreasonable to require this structure planting (as well as landscaping within the development site) to be provided as part of the current application. This can be controlled by suitably worded planning condition should Members be minded to support this application.

As the application has been submitted in principle only the precise details of the landscaping can be covered by the master plan approach taken by the developer/landowner and controlled by appropriately worded conditions. It is imperative that the applicant and/or developer of this land considers the landscaping of this site as part of the detailed design stage to ensure the site integrates into the settlement without having an unacceptable adverse impact on the wider landscape. It would not be acceptable to consider the landscaping after the site layout has been agreed.

Design

Policy PMD2 of the LDP 2016 aims to ensure that all new development, not just housing, is of a high quality and respects the environment in which it is contained. The policy does not aim to restrict good quality modern or contemporary design but it does aim to ensure that it does not negatively impact on existing buildings, or the surrounding landscape and visual amenity of the area.

The indicative site plan, street elevations and supporting planning statement submitted with the application demonstrate that the applicant is fully aware of the Council's position with regards to quality standards of design in relation to new housing developments. The statements acknowledge the historic pattern of development centred on the village green and the linear form of development and the master plan approach to this site will reflect the character of the village.

As the application has been submitted in principle a detailed layout and detailed elevations of the proposed houses and village hall have not been submitted. However, the indicative site plan and street elevations demonstrate an understanding of national policy statements 'Designing Places' and 'Designing Streets' as well as supplementary planning guidance in the form of Scottish Borders Council's Placemaking and Design guidance note. It is considered that the proposed development of this site has been carefully thought through to ensure that the expansion of the village is carefully managed and planned. Should Members be minded to support this application it is recommended that the master plan approach is conditioned as part of any approval that may be granted. This would ensure that the application site and any future development opportunities within the mixed use allocation are properly considered, ensuring that the development(s) create a sense of place based on a clear understanding of the context, and are designed in sympathy with the historic character of the village and Scottish Borders architecture.

Flooding

The application site is not located within an area that is at risk from a 1 in 200 year river flood event and is not identified as being within an area that is at risk from surface water flooding. However, it would appear from the third party objections that neighbouring land is at risk from pluvial flooding directly from the application site.

Policy IS8 of the LDP is intended to encourage development from taking place in areas which are, or may become subject to flood risk. Where some level of risk may be acceptable, it also provides for development to become designed in such a way as to minimise the threat of flooding, for example, through the use of sustainable urban drainage systems (SUDS).

It would appear that some remedial works have been carried out in the north east corner of the application site close to its boundary with Crofton Cottage in order to divert pluvial flood water from the field to the adjoining allocated housing site (BSW2B). This is clearly a short term measure designed to divert pluvial flood waters away from Crofton Cottage.

As the site is not identified as being at risk from a 1 in 200 year flood event or from surface water on the SEPA flood maps, it would be unreasonable to ask for a flood risk assessment to be submitted in support of this application. However, the detailed design and layout of the site must include SUDS in order to reduce the amount of flooding that would stem from the direct discharge of surface water from the site into water courses and existing surface water drainage systems. A well designed SUDS scheme should alleviate any pluvial flooding from the site on to adjoining land.

Cultural Heritage and Archaeology

Policy EP8 of the LDP 2016 aims to give Scheduled Monuments, and any other archaeological assets strong protection from any potentially damaging development. The Council's Archaeologist confirms that while there are no known archaeological sites within the proposed development area, there are archaeological implications associated with this proposal as it is located within an area of high archaeological sensitivity.

Swinton, as a settlement is at least medieval in origin and may ultimately date from the early historic period as a farm or village. By the 12th century, a church existed at Swinton and the village appears in later medieval charters, disputes and on maps. There has also been a number of archaeological finds in the field adjacent to the B6461 which would increase the potential for encountering archaeology within the application site boundary.

The Council's Archaeologist can support the principle of development at this location, but it is advised that the archaeological potential of the site is evaluated before development is commenced. It is noted that the archaeological potential for the field adjacent to the B6461 (to the north of the application site) is high but this area of land is outwith the applicant's control. It would be appropriate in this instance to add a standard developer funded evaluation condition to any consent that may be granted. If significant archaeology is discovered, further post-excavation analysis and dissemination will be necessary. This will ensure compliance with Policy EP8 and the protection of potential archaeology in the area.

Conservation Areas

The application site is located outwith the Swinton Conservation Area but Policy EP9 of the LDP is relevant as it aims to preserve or enhance the character or appearance of Conservation Areas. Development proposals within or adjacent to a conservation area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the area will be supported. The application site is located close to the conservation area but is separated by the residential

development at Wellfield, however, given the historical and physical context of the village, the proposed mixed use development is likely to have an effect not only on the setting of the conservation area but also on the village as a whole.

The allocated site is seen as a logical expansion of the settlement and provided the detailed proposals are supplemented by a design statement and master plan, there is no reason why this site cannot be developed in a manner that will, as a minimum, protect the conservation area, but also enhance its character and appearance.

A design statement, which can be a condition of consent, is a useful tool by which design principles and design concepts of proposals can be illustrated to allow for proper assessment of proposals. The supporting information submitted with this application goes some of the way to demonstrate that this site can be suitably developed without having an unacceptable adverse effect on the conservation area and character of the village despite objections from third parties. The supporting planning statement makes specific reference to the layout of Swinton being one of the most important features of the conservation area and recommends that the new development should respect this characteristic. A Design Statement, submitted with the detailed application will ensure the character of the area is not compromised.

Rights of Way

The Council's Access Officer confirms that Core Path 73 bounds the northern boundary of the application site. It is recommended that this path is brought up to an adoptable standard between the village green, Wellfield and Coldstream Road to improve connectivity through the village. Core Paths are of significant value to tourism and to local residents and which provide access throughout the area. It is encouraging to note that the concept plan for the application site retains the existing footpath and indicates opportunities for further connectivity to and within the village.

As Policy IS5 of the LDP seeks to protect these routes it would be appropriate in this case to ensure that Core Path 73 is kept free from obstruction before during and after construction and that it is improved as per the Access Officers comments to an adoptable standard. It would be appropriate to cover this matter by condition. Alternatively, as the footpath lies outwith the application site boundary, it may be appropriate to seek a development contribution towards the provision of this adoptable footpath. This would be secured through legal agreement.

Prime Quality Agricultural Land

It is acknowledged that the application site is located within an area of land that is identified in the LDP as prime quality agricultural land. Policy ED10 and the accompanying figure within the plan identify prime quality agricultural land as a valuable and finite resource which needs to be retained for farming. However, in this case, the site has been allocated through the local plan process for a mixed use development. Whilst the loss of this land for agricultural land is regrettable, the allocation will allow the village to absorb additional development that will contribute to meeting the housing land shortfall identified by the Reporter, thus meeting a policy aspiration that will outweigh the relatively small loss of land.

Developer Contributions

Under Policy IS2: Developer Contributions of the LDP, the Council will require developers to make a full or partial contribution towards the cost of addressing

deficiencies and infrastructure and services which will be created or exacerbated as a result of the proposed development.

This may include, but is not limited to the treatment of foul or surface water drainage, the provision of schools (or extensions to existing schools), the provision of (or contribution towards) play facilities and open space and the provision of (or contribution towards) community facilities such as a village hall. Wherever possible, these matters will be secured by planning condition but a planning obligation may be required.

In this case, developer contributions will be required in relation to education and lifelong learning and affordable housing (discussed in more detail below). Currently, the Council is not seeking contributions towards Swinton Primary School but development contributions towards Berwickshire High School will be required by this development. This will be required on all main stream housing units as affordable units will be exempt from contributions. The contributions will be secured through a planning obligation.

Members will be aware that the application also seeks consent for the erection of a village hall and the provision of playing fields. At this stage the applicant has not confirmed how or when the village hall will be provided or the time frames involved in providing playing fields. As the application seeks planning permission in principle only, it would be appropriate to ensure these matters are covered by condition and/or legal agreement to ensure they are provided in appropriate locations and within reasonable time frames. These matters can be resolved through post decision discussions and prior to conclusion of planning obligation.

It is noted from some of the third party objections that there may be capacity issues with the existing waste water treatment facilities in Swinton. Policy IS2 would allow for development contributions to be sought where existing foul drainage systems are operating at capacity and cannot absorb the proposed development. However, Scottish Water has confirmed that there is space capacity within the system to accommodate this development. As such off-site contributions towards improving the existing drainage system will not be required in this case. This will be discussed in more detail later in the report.

Affordable Housing

The application seeks consent for the erection of 25 dwellinghouse, including the provision of affordable housing (AH). Members will be aware that Policy HD1 of the LDP requires the provision of a proportion of land for AH on allocated and windfall sites. This is currently set at 25% within the Berwickshire Housing Market Area.

The Council's Supplementary planning guidance on AH (January 2015) states that the affordable requirement for developments of 17 or more residential units should normally be provided on site as these sites will deliver the 4 unit minimum that may attract Registered Social Landlord participation (RSL), however off-site provision may be acceptable where a number of criteria can be met. In this case, it would be appropriate to ensure that all 6 no. AH units are provided on site.

Members will note from the Housing Strategy consultation that the likelihood of RSL involvement in this development is low given the funding constraints to assist on-site delivery of AH. It was suggested that the applicant/developer consider other affordable housing on-site delivery options in order to meet the terms of Policy HD1. As the provision of affordable housing will be covered by planning obligation it is not

necessary to agree the precise details of AH provision at this stage. The details can be negotiated and agreed post decision should Members be minded to approve this application.

Infrastructure

Members will note from many of the third party letters of objection that concerns have been expressed about the perceived lack of capacity within the existing foul water drainage system serving Swinton village. Policy IS9 of the LDP seeks to ensure that waste water associated with new development is taken directly to the existing public sewerage system, or failing that, developer contributions are negotiated with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works.

Scottish Water, in their consultation response of 29 January 2013, states that the waste water network that serves the proposed development may be able to accommodate the new demand. However, there is limited capacity at the Swinton Waste Water Treatment Works to serve the anticipated demand and the developer is advised to discuss the implications of this development directly with Scottish Water. Initial investigations have highlighted that there may be a requirement for the developer to carry out works on the local network to ensure that there is no loss of service to existing customers. The implications for the local network should also be discussed directly with Scottish Water. The applicant/developer should be aware that if the development requires the existing network to be upgraded to enable connection, the developer will generally meet these costs in advance.

In terms of water supply, Scottish Water has confirmed that the Rawburn Water Treatment Works currently has capacity to service this proposed development and the water network that serves the proposed development may be able to supply the new demand. Initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers however, the developer should discuss the implications directly with Scottish Water.

It is acknowledged that there may be connection and/or capacity issues within the existing waste water drainage facilities serving this site, however, the site has been allocated for mixed use within the LDP and its acceptability for inclusion in the plan has been fully assessed through the local plan process – including whether or not the site can be adequately serviced. It is suggested in objections that the neighbouring allocated site has not been brought forward because the waste water treatment works at Swinton are operating at capacity and the co-operation of the adjoining landowner is required to implement a programme for delivery of improvements. The objector has no objections in principle to the development of the mixed use site (MSWIN002) but has lodged a holding objection until the waste water drainage issues have been resolved.

The objector advises that a solution to the capacity issues has been found in association with Scottish Water but a programme for delivery has yet to be implemented. It would appear that the drainage improvement works require the co-operation of both the applicant and the adjoining landowner pending and a collaborative approach to resolving this potential capacity issue has not been achieved to date. However, notwithstanding the holding objection from the adjoining landowner, the current application site falls within an area of land that is allocated for mixed use in the current LDP. Scottish Water has confirmed that a water supply is available but there *may* be capacity issues within the existing waste water system.

As the application seeks planning permission in principle only at this stage and the site is allocated in the plan, it would be appropriate to progress this application subject to conditions that require further information, in consultation with Scottish Water, to be provided as part of any forthcoming detailed application. This would ensure the site is adequately serviced and existing users are not compromised and that the development does not proceed until the issue is fully resolved.

The development of this site must include SUDS for the management of surface water drainage. The proposed SUDS scheme must comply with best practice on sustainable urban drainage in consultation with Scottish Water, SEPA and any other agency, such as Scottish Natural Heritage, where required. A drainage strategy for this should also be submitted with any forthcoming detailed application to include details for long term maintenance of SUDS features. This would ensure that the site and adjoining land are not at risk of flooding from surface water drainage.

CONCLUSION

Now that the LDP has been adopted by the Council, the proposed development will sit comfortably with the land allocation and revised development boundary of the village. The principle of residential development has effectively been established by the allocation of this land for mixed uses purposes, subject to the approval of the siting, design of any buildings, layout of the site, landscaping and servicing. Subject to appropriately worded planning conditions and planning obligation covering development contributions towards education and lifelong learning and affordable housing, it is considered that the proposed development can now be supported.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement addressing affordable housing and contributions towards education and lifelong learning, 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 by the Planning etc. (Scotland) Act 2006.

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 subsequent application(s) for the approval of reserved matters shall be accompanied by:

- i. a site layout plan at a scale of 1:500 showing the position of all buildings, including the village hall, roads, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), walls and fences and landscaping;
- ii. plans and elevations of each house and garage type showing their dimensions and type and colour of external materials;
- iii. a landscaping plan at a scale of 1:200 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
- iv. details of the phasing of development;
- v. details of existing and finished ground levels, and finished floor levels, in relation to a fixed datum, preferably ordnance datum.

Reason: To ensure a satisfactory form of development.

5. The first application for the approval of matters specified in conditions submitted in relation to this approval shall include a detailed design statement and master plan which informs the development of this site and any future phases of development shown on the indicative concept plan 1991-00 02 dated Nov 2012. The detailed design statement shall include proposals for the erection of the village hall hereby approved along with a programme for implementation and completion.

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

6. 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 (as appropriate):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

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

7. 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.

8. No development shall take place until a scheme for the provision of public open space, playing field and an equipped play area has been submitted to and approved in writing by the Local Planning Authority. The scheme so submitted shall include-
- i. type and location of play equipment, seating, fences, walls and litter bins
 - ii. surface treatment of the play area
 - iii. proposals for the implementation/phasing of play area(s), public open space and playing field in relation to the construction of houses on the site.

Reason: To ensure that proper provision is made for recreational facilities at the site.

9. All works required for the provision of open space, playing field and play area(s) shall be completed in accordance with the scheme approved in writing by the planning authority.

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

10. No development shall commence until a scheme of details has first been submitted to, and approved in writing by, the Planning Authority, and in consultation with Scottish Water, which describes how appropriate surface water drainage, foul water drainage and water supply arrangements are to be achieved. Thereafter, the surface water drainage treatment, foul water drainage treatment and water supply shall all be implemented in accordance with the approved details. Surface water must be dealt with by way of a Sustainable Urban Drainage System, the details of which shall first be agreed in writing by SEPA and supported by a drainage strategy which shall include details for long term maintenance of SUDS features.

Reason: To ensure that the site is adequately serviced and fit for habitation prior to its occupation and to ensure that there would be no adverse impacts upon the drainage and water supply arrangements serving residential properties within the surrounding area.

11. Unless otherwise agreed in writing and in advance of the commencement of development, the all trees and hedges within the application site shall all be fully protected in accordance with the requirements of BS 5837:2012. All measures required on-site to protect these trees and hedges for the duration of construction works shall be maintained in accordance with the requirements of BS 5837:2012. Any variations to the above requirements shall not be implemented unless subject to the prior written approval of the Planning Authority.

Reason: In the interests of preserving the health and vitality of the existing trees and hedges, the loss of which would have an adverse effect on the visual amenity of the area including the settlement at Swinton.

12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered

the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

13. Core Path 73 which bounds the northern boundary of the application site shall be brought up to an adoptable standard between the village green, Wellfield and Coldstream Road before the first dwelling hereby approved is sold, completed or occupied (whichever is the earliest), unless otherwise agreed in writing by the local planning authority. The path shall, at all other times, be kept free from obstruction.

Reason: In order to maintain and enhance pedestrian connectivity through the village.

14. The affordable housing units hereby approved shall meet the definition of “affordable housing” as set out in the adopted Scottish Borders Council Local Development Plan 2016 and any accompanying “affordable housing” supplementary planning guidance.

Reason: To ensure the affordable housing units hereby approved comply with the Council’s definition of affordability.

DRAWING NUMBERS

Location Plan

- 1992-00 01 Site Location Plan
- 1992-00 02 Concept Plan (Indicative Only)
- 1992-00 03 Typical Street Elevation (Indicative Only)
- Street Elevations (Indicative Only)
- Village Hall (Indicative Only)

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
Barry Fotheringham	Lead Planning Officer

