

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

27TH APRIL 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 13/00332/FUL
OFFICER:	Mr Scott Shearer
WARD:	Mid Berwickshire
PROPOSAL:	Erection of 54 dwellinghouses and associated infrastructure
SITE:	Land South of The Old Manse, Gavinton
APPLICANT:	RM & JS Partnership
AGENT:	John Thompson & Partners

SITE DESCRIPTION

The land, subject to this application, is rectangular in shape and located at the western end of Gavinton. The site extends to 3.2 Hectares and slopes from the north eastern corner to a flat area in the south. The site benefits from a south/south westerly aspect and is currently used as an agricultural field. Roads bound the site to the north and east, an open field to the south and a playing field to the west. Trees of varying maturity line the northern and southern boundary with a hedge and some sporadic tree planting enclosing the eastern boundary.

The site is visible from the west along the A6105 which is the main access road to Gavinton. The Gavinton Conservation Area is adjacent to the site which contains a number of Listed Buildings, including the prominent B Listed Old Manse, which lies immediately to the north of the site.

PROPOSED DEVELOPMENT

It is proposed to erect 54 dwelling houses with associated roads, footways, landscaping and amenity spaces. The Masterplan has broken down the development to two subtly different character areas, one to the northern half termed the 'New Gavinton' character area and one to the southern half termed the 'Rural Edge' character area.

The proposed housing consists of a mixture of house types including single, one and a half storey and two storey scales. The dwellings are to be finished using a mixture of traditional wet dash render or natural stone walls with slate roofs, timber windows and hardwood composite doors.

The western junction into Gavinton from the A6105 is to be upgraded as a result of this proposal.

PLANNING HISTORY

No extant planning permissions exist, but the site has been allocated in the Consolidated Local Plan 2011 for residential development and this has been supplemented by the preparation of an Approved Development Brief for the site.

As the application is considered to be Major Development as defined by the Planning etc (Scotland) Act 2006, the Developer was required to provide to the Planning Authority a Proposal of Application Notice at least 12 weeks prior to the submission of the application. This notice starts the process for the Pre-Application Consultation process between the developer and the local community. Copies of pre-application consultation comments sheets are available to view on-line.

REPRESENTATION SUMMARY

In total, objections from 19 different addresses have been received. These are available to read on full on *Public Access* and are summarised as follows;

- Density of site
- Adverse impact upon conservation area
- Detrimental impact upon Listed Buildings
- Detrimental to residential amenity
- Increased traffic
- Over provision of facility in area
- Height
- Noise nuisance
- Road safety
- Overdevelopment of site
- Disproportionate expansion of existing village
- Land affected
- Loss of view
- Trees/landscape affected
- Privacy of neighbouring properties
- Inadequate access
- Insufficient parking
- Surrounding road network can not safely accept volume of new traffic associated with this development, in particular the A6105 junction to Gavinton is dangerous and has a history of accidents
- Loss of on street parking by removing laybys in front of the sports pitch
- No sufficient parking space
- Original allocation was incorrect
- Detrimental to local services including; sewage, water supply, surface water, electricity and broadband
- Flooding risk
- Lack of public transport
- No local amenities to support this development
- Adversely affect setting of village, particularly views when approaching from the west
- Poor siting of affordable housing in a cluster
- Health issues
- Smell
- Impact on local biodiversity
- A phased development would prolong disruption
- Poor design

- No local employers to provide job opportunities for new residents
- Contrary to Local Plan Policies

APPLICANTS' SUPPORTING INFORMATION

Along with the application drawings the applicant has submitted the following documents in support of the proposal:

- Design and Access Statement
- Archaeological Report
- Wardell Armstrong Desktop Study and Ground Investigation Report which includes;
 - Ground Investigation
 - Contamination Risk Assessment
- Habitat Survey
- Transport Assessment
- Tree Survey
- Pre-Application Consultation Report

The supporting papers can be viewed on-line via the *Public Access* web site.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Archaeology Officer: The principle of the application can be supported although further archaeological evaluation will be necessary.

A cropmark existed at the north end of the site which could reflect a prehistoric structure or feature. The application site has a heightened archaeological sensitivity due to its proximity to a known prehistoric burial cairn on Crimson hill to the north, a Scheduled cropmark suggesting a prehistoric enclosure to the south west and the known location of a Bronze Age burial cist to the east. Prehistoric and later objects have been found in the vicinity of Gavinton in the past.

A previous evaluation of the northern portion of the site has been helpful. Although this report showed there to be a low risk of buried archaeology for this part of the site, this does not preclude the existence of archaeology elsewhere within the site. A 10% evaluation across the remainder of the site needs to be undertaken for archaeology. If sufficient archaeology is discovered, further excavation, recording and reporting may be necessary. It is recommended that this requirement can be secured through a condition which seeks a developer funded evaluation.

Development Negotiator: The following developer contributions have been identified;

- Berwickshire High School - £4,205/market house
- Duns Primary School - £2,990/market house
- 25% on site affordable housing
- Play facilities contribution of £500 per unit. Where feasible, a contribution towards the off-site provision of additional equipment at an existing facility would be the preferred solution. Any commuted sum would be required to cover the installation, inspection, maintenance and depreciation costs of this additional equipment.

It is proposed that the delivery of Affordable Housing is agreed via a legal agreement. The terms incorporated in a Section 75 Legal Agreement should be as flexible as possible to enable delivery. This would enable the developer, Planning Authority and perhaps even a Registered Social Landlord the opportunity to respond to overarching development factors, specifically market conditions and resources/opportunities/mechanisms for the delivery of the affordable units. It is suggested that a Planning Obligation is entered into whereby the developer would agree with SBC which units would be delivered (this reflecting the masterplan), when they would be delivered and how they would be delivered prior to the commencement of each development phase. This would relate to a development schedule, likely to comprise a Planning Condition, and which would indicate the proposed development phasing of this site.

Ecology Officer: No objection. It is recommended that;

- A Landscape and Habitat Enhancement Plan which was originally required is not longer needed. A development of this scale has the opportunity for biodiversity and habitat enhancement. Prior to the commencement of works a Biodiversity and Habitat Management Plan which is relevant to this development and seeks to enhance the local biodiversity and the habitat network should be agreed with the Council. The submission should consider the use of site lighting which minimises impacts on biodiversity and looks to positively exploit the SUDS pond as a habitat. The use of bat and bird nesting boxes is encouraged.
- A Badger Protection Plan is required to protect any badger foraging and crossing the site. This can be agreed prior to works commencing on site and implemented thereafter.
- Bat surveys of mature trees and over-mature trees are required before felling. Checking surveys should be carried out before works commence and agreed with the Planning Authority. The terms of any licensing requirements will have to be met by the developer. Should the works affect the road culvert a bat survey will be required.
- No vegetation or scrub clearance within the site shall be carried out during the breeding bird season (March – August) without the permission of the Planning Authority. Checking surveys will be required if works are to commence during the breeding bird season.

Flood Prevention Officer: No objection. There is no threat of flooding to this site from fluvial sources. In the past there has been ponding in the southern position of the site after heavy rainfall so the location of the Sustainable Urban Drainage System (SUDS) pond is welcomed. Run-off from the road should be mitigated by the formation of the footpath around the northern and eastern boundary. The suggested greenfield runoff rates of 8.3l/s are acceptable and should be conditioned as part of any approval.

Following the submission of further details of the Detention Basin at the southern end of the site, there is no longer a requirement for further agreement of the SUDS details.

SEPA's recommendation to obtain confirmation from Scottish Water that the foul drainage plans are designed to their adoptable standards is echoed.

Forward Planning: The original comments generally complimented the design but made reference to the approved planning brief, highlighting the houses on Main Street as being a key frontage which should take cognisance of and follow the predominantly linked nature of existing buildings within the conservation area.

It is noted that the main change in the amended plans appear to be the relocation of the affordable units. The Main Street elevation remains as originally submitted, and the original comments from Forward Planning remain relevant. It is however acknowledged that the proposed street elevation has a mix of traditionally designed houses with appropriate materials and although there is only one linked block, the buildings are linked by walls and garaged to the rear with the incorporation of different roof levels assisting to break up the development. The decision on the suitability of this frontage will ultimately be determined by Development Management.

The site was recommended for inclusion within the Local Plan by the Reporter at Inquiry against the Council's recommendations. Due to the large size, prominence and dominance of the site in relation to the Gavinton, it was always envisaged that it would be a challenge to ensure an appropriately designed scheme which would reflect the character of the village. Ultimately it is considered that the application has addressed points raised within the brief and produced an interesting and well designed scheme.

Housing Strategy: It is unlikely that the Council and/or the developer can seek affordable housing delivery by Registered Social Landlords (RSLs). It is proposed that the developer seeks to utilise other SBC compliant affordable housing options to provide on site delivery. It is anticipated that Shared Equity or Discounted sale would be most viable. On site affordable housing should be delivered and programmed across all phases of the development.

Landscape Architect: The site is suitable for development with an attractive southerly aspect. The site is visually sensitive because of its proximity to the Conservation Area however the proposals relate well to the designated area in both layout and appearance. Four detailed comments were made within the two consultation responses with the current recommendations being;

- The submitted Tree Protection Plan has been used to inform the site masterplan and is acceptable.
- The ash trees along the south of the site have high biological value. The removal of tree 6549 on drawing no 00620 MP 07 is acceptable as its position is incompatible with the neighbouring house. The removal of the other three ash trees is queried as they have the potential to be retained, possibly with reduced crowns. Bat surveys should be carried out to establish the ecological value of the trees.
- Further clarification upon the expected water levels of the SUDS pond is sought to ensure that it can permanently hold water so that it acts as a biological functioning ponds as well as a water purification measure.
- A detailed planting plan to cover all proposed site planting is requested.

Rights of Way Officer: According to records held in Regulatory Services, there are no recorded Rights of Way which are directly affected by this proposal.

A Promoted/Managed Path (ref; GAFP/62/1) includes the public road which passes to the east of the site. The new footpath link from this site to this route is welcomed. The Rights of Way Officer does not object to this application provided that a condition

is imposed to require that the aforementioned path is kept open and free from obstruction during development and is retained in perpetuity thereafter.

Roads Planning Officer (RPO): Multiple comments have been provided through the course of this application, these are broken down to the main areas of assessment with the RPO's up-to date position advised.

Internal Layout

The design is very positive, well connected and reflects 'Designing Streets'. Highlight some minor issues relating to parking design at Plots 10-13 and the removal of nose in parking in front of Plots 12 & 13 as there is potential for undefined visitor parking along this section of road (C101).

A6105 Junction

There is a shortfall in acceptable visibility to the east from the minor road on to the A6105. There are also concerns over its forward visibility for drivers heading east along the A6105 and stationary cars waiting to turn right onto the minor road. While there have been no accidents associated with visibility issues in the last 5 years, increasing traffic manoeuvres at this junction as a result of this development will only increase the risk of accidents.

Following a site visit, the Council's RPO advises that it may be possible to carry out sufficient upgrading within the existing public road boundary which avoids impact upon third party land. The RPO has assessed multiple junction improvement drawings and in response to the most recent drawing (received on the 9th of April 2015), he comments that the proposals do not quite provide the appropriate visibility or carriageway realignment. Hedging opposite the junction will require to be removed as opposed to trimmed. Nevertheless, subject to the proposals being working up further, he is content that the submitted scheme illustrates that improvements can be delivered to address his concerns.

Passenger Transport

Following discussions with the Council's Passenger Transport section, the existing bus stop service on the A6105 must be improved. Presently there is an east bound bus stop but not facility for west bound journeys. A scheme of details should be submitted to improve this transport infrastructure.

Other Issues

Road Construction Consent (RCC) will be required for this development and a Section 7 Agreement between the Council and Scottish Water will be required at RCC stage to determine the adoption and maintenance responsibility of the SUDS system following its completion.

Urban Designer: A consultation response was provided for the original submission. Overall the proposal was judged to work well with the existing village and site context and create a distinctive neighbourhood with a clear sense of place. The following observations were made:

- The grid-iron lay out reflects the settlement pattern of the village, with a key vista centred on The Old Manse opposite
- The incorporation of 3 east-west roads is welcomed

- The key frontages are addressed with a strong building line
- The iconic ash tree along the northern boundary must be retained
- The development is distinct and creates a clear sequence of places
- The proposal works well with the significant slope of the site
- Use of stone/render boundary walls and hedges to the public elevation are welcomed.
- The street network incorporates shared surfaces and offset junctions, some road and parking space refinement is needed.
- The density of the development is considered to be appropriate to the site/village context, more linked houses are required
- The open space proposed works well and links to the adjoining playing field are welcomed.
- Further details of the play equipment which is to improve the existing village green should be sought.
- A detailed landscaping plan is required

Statutory Consultees

Scottish Environmental Protection Agency (SEPA): SEPA initially objected because the proposal failed to include a second level of treatment of surface water to accompany the Sustainable Urban Drainage System (SUDS) being provided by a SUDS pond. Following clarification of this matter from the applicant's consultants (Wardell-Armstrong LLP) dated 13th December 2013, SEPA's objection has been removed. They are content that the detention basin illustrated on drawing ref; ED10970-005 would be an acceptable form of SUDS treatment for a development of this size. The use of porous paving is common place in housing schemes and while SBC may not be able to adopt these finishes, their use for private driveways is advised not to be discounted.

The only option to handle waste water drainage is by connecting to the public foul sewer. It is presumed that the pumping station shown on the plan is for this purpose. Ideally it should be confirmed if the pumping station will have an emergency overflow and is designed to Scottish Waters adoptable standards.

No flood risk is immediately apparent.

Scottish Natural Heritage (SNH): No objection. Notify that there are no designated sites within the vicinity of this proposal.

Scottish Water: At the time of assessment, Scottish Water confirmed that there is;

- Capacity in the Rawburn Water Treatment Works to service water demands of this development.
- Capacity in the Duns Waste Water Treatment Works to service wastewater demands from the development.

Scottish Water have indicated that there are currently network issues in this area and a Drainage Impact Assessment will be required to establish if there is sufficient capacity within the existing infrastructure to accommodate the demands from this development.

Other Consultees

Berwickshire Civic Society: Object, citing the following grounds;

- Exceeds scale of allocation within the Local Plan
- Proposed development is unacceptable in scale and detail
- The proposal would vastly increase the population of Gavinton without providing any facilities
- Fails to address access to bus service issues
- Detrimental to residential amenity
- Inadequate drainage
- Increased traffic
- Overprovision of facility in area
- Result in parking congestion
- Due to market uncertainty only the first two phases should be approved
- Affordable housing needs to be spread throughout the development

Gavinton, Fogo & Polwarth Community Council (CC): The proposed development would have a major impact upon the village of Gavinton. The Community Council has consulted locally. Following scrutiny of the revised plans, a throughout consultation response was provided on the 5th of November 2014 which attempts to distil all previous comments and public representations. The CC observe that;

- Oppose the scale of the proposed development. The indicative number of houses included within the allocated should not be exceeded and preferably reduced.
- Development represents a 55% increase to existing housing stock in the village and is believed to have a higher density than the conservation area.
- Unsightly protracted development works are not welcomed. If approved a clearly defined and phased site development procedure needs to be agreed
- Concerns are expressed about the increased traffic, particularly upon the A6105 junction and through the village.
- An appraisal of future traffic movements needs to be undertaken, if deficiencies are identified these should be improved by the developer.
- The village's poor public transport links need to be improved.
- Further parking provision within the village is required and assurances need to be in place that the spaces identified within Langton sports ground will be delivered.
- The existing village green should remain to be the focal point for the village, this play area should be enhanced as oppose to another one provided within the development. The CC wish to be consulted on the use of funds to enhance play area or any other local amenities.
- The village hall will not be able to accommodate the population of the village as a result of this development.
- The required sewage upgrades works need to be completed before houses are constructed.
- Express concerns about the loss of trees and impact upon wildlife found within and adjacent to the development. A biodiversity and management plan must be carried out before development starts.

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 5 Housing Land

Consolidated Scottish Borders Local Plan 2011

Policy BE1	Listed Buildings
Policy BE2	Archaeology
Policy BE4	Conservation Areas
Policy G1	Quality Standards for New Development
Policy G5	Developer Contributions
Policy G7	Infill Development
Policy H1	Affordable Housing
Policy H2	Protection of Residential Amenity
Policy H3	Land Use Allocations
Policy Inf2	Protection of Access Routes
Policy Inf3	Road Adoption Standards
Policy Inf4	Parking Standards
Policy Inf5	Waste Water Treatment Standards
Policy Inf6	Sustainable Urban Drainage
Policy Inf11	Developments that Generate Travel Demand
Policy NE3	Local Biodiversity
Policy BE4	Trees, Woodlands and Hedgerows
Policy R1	Prime Quality Agricultural Land

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy 2014

Designing Streets: A Policy Statement for Scotland (March 2010)

Scottish Borders Council Approved Planning Briefs – West Gavinton, Oct 2012

Scottish Borders Council Supplementary Planning Guidance on;

- Placemaking & Design 2010
- Affordable Housing 2010
- Developer Contributions 2009
- Landscape and Development 2008
- Trees and Development 2008
- Designing Out Crime in the Scottish borders 2007
- Householder Developments 2006
- Biodiversity 2005

KEY PLANNING ISSUES:

The key issues are whether the development complies with development plan policies and planning policy guidance regarding the provision of housing development on an allocated site, including matters of design, layout, tree protection, ecology, traffic, infrastructure and parking. Key issues also relate to the compliance with national and local policy guidance documents Designing Streets and Placemaking and Design.

ASSESSMENT OF APPLICATION:

Planning Policy

The application site is identified in the Consolidated Local Plan 2011 as 'West Gavinton' (ref; BGA1) and is allocated for housing to which Policy H3 'Land Use Housing Allocations' applies. Criterion 1 of Policy H3 states that "Development will be

approved in principle for the land uses allocated on the Land Use Proposals tables and accompanying proposals Maps". The aim of this policy is to ensure that sites allocated in the Local Plan are developed for their intended use and that justification is provided for an alternative use. As the proposed use is in accordance with the allocation the principle of residential development on the site has been established.

A number of third party respondents accept that the principle of housing development on this site has been established as part of the Local Plan process. However, a number oppose the number of houses proposed. The proposal is for 54 dwellings which exceeds the indicative housing capacity figure of 45 identified in the Local Plan. However, housing numbers attached to allocated sites are indicative only and are calculated against the net developable area. The suitability of the development, and the number of houses proposed, will ultimately depend on its compliance with the identified planning policies and guidance.

Nationally there is a requirement for Scottish Borders Council to deliver a sufficient level of housing development to meet demand. SESplan seeks to secure the completion of a further 2000 houses within the Eastern Borders area by 2024. The Council's Placemaking and Design SPG promotes higher density housing development in appropriate locations provided it is of high quality.

The Local Plan has allocated a relatively large development site in the context of the scale of Gavinton and its existing housing stock. On assessing the merits of the proposed development, it is considered that the layout of the proposal is well balanced and includes a combination of differently scaled detached, semi detached and terraced dwellings which increase the density of the development. Each house is catered for with sufficient garden ground and parking spaces with public amenity space provided throughout the site. It is considered that the merits of the proposed scheme enable the site to accept an additional 9 units over and above the indicative capacity of its allocation, without resulting in overdevelopment of the site to the detriment of the surrounding area.

For the reasons set out in this report, it is considered that the proposals are in compliance with Development Plan Policies.

Townscape layout and design

The applicant submitted a good range of material which greatly assisted the consideration of the proposals. This information included a Design and Access Statement which provided a contextual study of the existing village, analysis of the site and details of the proposed development including the design of the houses. Visualisations of important sections through the site have been submitted to illustrate key views of the development.

The layout of the development is faithful to the aspiration of the Masterplan in terms of street pattern and density. The northern part of the site provides continuity to the adjacent Conservation Area and the southern part of the development displays a less formal structure. This approach provides for two subtly different character areas compromising of the 'New Gavinton' character area to the north, which seeks to reflect the pattern of development within the existing Conservation Area, and the more suburban 'Rural Edge' character area to the periphery of the settlement. The layout has been adjusted and refined many times during application discussions to address officers' requirements.

The 'New Gavinton' character area is laid out on a grid-iron pattern. This pattern directly reflects the regular layout which is the core feature of the Gavinton Conservation Area, which dates from the 18th century when David Gavin planned the existing settlement which replaced Langton. This proposed layout successfully links into and respects the Conservation Area with streets and frontages connecting to provide a permeable grid. This area contains many of the key frontages, which are populated by strong building lines and key corner turning buildings. The northern frontage and western side have great visual sensitivity and are important areas for this proposal. Although there is only one attached block along the north, pleasingly a terrace row has been introduced along the western side. Nonetheless, all buildings along these frontages have good physical linkages provided by their adjoining walls and garages to the rear. The built form displays a good variation of house type and roof level within this northern part of the development so that the proposal is synonymous with the townscape of the Conservation Area.

The central open space of the village square has been simplified to remove an over-engineered appearance. This area takes cues from the village green within Gavinton and is an important feature, which is centred on an axis from the prominent B Listed Old Manse. Its inclusion is positive and it respects the setting of the Old Manse and helps to provide relief within the development. This also links the two character areas together.

The 'Rural Character' towards the south of the site exhibits a more dispersed density of housing. Placemaking and Design principles allow for a lower density towards the periphery of settlements. The layout is considered to be suitable for this part of the site, which occupies lower ground and is not directly related to the Conservation Area. The fewer houses to the south and their softer boundary treatments complement the SUDS pond feature and its relationship with the open countryside.

All houses have reasonable plot sizes, although these vary across the overall site. The proximity of houses to one another has largely been guided by urban design principles, and not strict guidelines governing privacy, however the relationship of houses to one another is comfortable in this regard. It is considered that the density of the scheme in visual terms is appropriate and will contribute to the creation of a sense of place.

In terms of house design, 10 different types are proposed. The proposed designs have been inspired by existing dwellings found within the Conservation Area. The proposals contain clear vertical proportions, simple detailing and well balanced elevations and profiles which are consistent with the design principles promoted in the Placemaking and Design SPG. The proposals provide a good mixture of styles and sizes, giving variation throughout the site, particularly to ridge and eave heights. The proposed dwellings will use a simple palette of materials including slate roofs, traditional wet dash render and natural stone walls. The development incorporates traditional features such as sash and case windows, skew gables and steep pitched roofs that are apparent in the Conservation Area. The house designs avoid being a pastiche and sensitively reflect Borders vernacular architecture and respect the character of the Conservation Area.

An important feature of the Masterplan approach is the concept of 'waymarking' buildings. The grid-iron pattern of the site places distinctive corner-turning buildings at the edges of the site and important corners within the development. This design approach is influenced by existing buildings on Main Street and Maitland Row in Gavinton. Their inclusion within the Masterplan enables these strategically placed designs to positively contribute to two frontages which improves the townscape.

Landscape and visual impact

The site is not located within an area which is protected by any landscape designations. However, the trees and hedgerow on the boundaries of the site contribute to Gavinton's landscape setting. In particular, the trees on the verge to the north of the site are part of a tree lined arrival to Gavinton from the west.

The proposal takes cognisance of the site's key landscaping features and suitably seeks to protect the iconic Ash tree and other trees along the northern boundary. Regrettably, the Hawthorn tree at the north western most corner has to be removed to provide site access. The hedge along the western boundary is to be retained, subject to some punctuation to attain access onto Fogo Road. The retention of these features helps to integrate the development into the landscape.

Along the southern boundary, four mature Ash trees are indicated for removal. It is accepted that the retention of Tree Number 6549 is incompatible with the layout and its removal is accepted. The proposed removal of the remaining three Ash trees is still queried by the Landscape Architect. These trees have a high biological habitat value which would be strengthened by the formation of a SUDS pond adjacent to them. It is considered that the findings of habitat surveys will ultimately determine if these trees should be retained, potentially with reduced crowns to avoid their total loss. The planting of new trees throughout the site goes compensates for those removed. The use of exclusion zones around trees which are to be protected is welcomed. A suitably worded planning condition will ensure their protection.

The treatment of open space within the development has been an important consideration. There is a clear hierarchy of open spaces including public open spaces, semi-private spaces and private spaces which create meaningful functioning open spaces. The open spaces are appropriately sized for this development and importantly complement the functionality of the existing opening space within the village. The Landscape Architect has requested further planting details, this outstanding requirement can be covered by a generic landscape condition.

From a landscape perspective, the incorporation of the SUDS pond is positive. To allow it to act as a biologically functioning pond which contributes to the landscape setting as well as a water purification system, the Landscape Architect requests details of its expected water levels. This point, along with information of its maintenance can be address in response to a condition relating to a landscape plan.

In terms of the setting of the development within the wider landscape, it is considered that the qualities of the proposed layout, attention to landscaping and site levels along with good architecture enable this development to be sensitively integrated into the landscape setting of Gavinton. Importantly, when viewing from the west on the A6112, the development avoids diminishing the western approach to the village and sensitively respects the setting of Gavinton and relates well to the Conservation Area. The southern approach on Fogo Road carries importance too and similarly no adverse visual impacts are attributed from this aspect as a result of this proposed development. Subject to further finer details the Landscape Architect is supportive of this development.

Access and parking

The proposed layout, access and parking areas have been designed in accordance with the principles set out in Designing Streets and the Placemaking & Design SPG.

The proposed layout is organic in nature and devoid of heavily engineered road infrastructure. Traffic speeds are calmed naturally primarily by road widths, which also help to create a hierarchy through the site. The layout provides good permeability and links seamlessly with the surrounding road and pedestrian network. It also provides access to the adjoining amenity space to the west.

Through the course of the application initial internal layout issues, regarding road widths, junction design and parking provision have all been refined and largely overcome. The development provides a sufficient volume of private and visitor parking. The amended plan has sought to address the minor parking issues which were highlighted by the RPO through increasing the width of spaces at Plots 10-13 and removing the visitor parking spaces in front of Plots 12&13. These revisions appear suitable and if there are any further minor matters these can be overcome at Roads Construction (RCC) stage.

Central to the development of this site has been the ability to upgrade Gavinton's minor road junction with the A6105. This requirement was raised as a key issue within the Planning Brief for the site and is referred to in the majority of objection comments. Within their original consultation response, the RPO outlined that the additional pressure exerted upon this junction by this development would require it to be improved, so its increased use could be safely catered for.

Plans which illustrate proposed upgrades to this junction have recently been submitted. Whilst the plans do not illustrate proposals which can be fully endorsed, due to deficiencies with carriage realignment, visibility and vegetation clearance, they do illustrate that the improvements are achievable without too significant alteration. They confirm the view of the RPO that there is potential to provide enhancements to this junction without affecting third party land.

These improvement works will sufficiently upgrade the junction so it can safely cater for the additional traffic as a result of this development, whilst improving road safety for existing users. A condition is proposed that requires the precise design of the A6105 junction improvement to be agreed with the Planning Authority. Thereafter, these works should be implemented prior to any onsite construction commencing so that the improved junction can be in place for safe use by construction traffic. Objection comments have also made reference for the need to upgrade the road network within Gavinton. However, it is not considered that these are required by the development proposed.

The requirement to upgrade Gavinton's public transport facilities has also been identified. In particular, a facility is sought for west bound journeys as presently there is not one, meaning waiting for a bus next to public road is presently unsatisfactory. The increase of the local population, as a result of this development, will place an added pressure upon the substandard facility. The applicants have confirmed via email (dated 25th March 2015) that they are content to agree a scheme of details to provide public transport improvements. Again, this matter can be agreed by way of an appropriately suspensive condition.

The proposal does not impinge on any public right of ways. The Rights of Way Officer welcomes the connectivity from the site to Fogo Road which is a Promoted/Managed Path. It is recommended that this existing public path is retained and kept open. This request can be handled via a planning condition.

Affordable housing

To comply with the Council's policy and guidance on Affordable Housing (AH), 25% of the total number of proposed units will require to be affordable houses. This equates to a requirement for the development to deliver 13 units on site.

The proposal identifies sufficient AH units to meet the terms of the policy. The original Masterplan illustrated all AH units within a single cluster and lacked clarity upon their house-type details. These proposals have been revised so that the AH units are appropriately sited around the site in a 'pepper-pot' manner, which is welcomed. Plans of the AH units have now been provided with the units appearing indistinguishable from the open market units and overall form an integral part of this development.

Ordinarily, SBC's preferred position for AH delivery is through providing Social Rented accommodation in partnership with a Registered Social landlord (RSL). Presently, it is unlikely that an RSL would be in a position to take up the AH allocation for this site. In the event that an RSL is not able/willing to commit to the acquisition of some or all of the AH units at this site, then alternative mechanisms will require to be identified.

Our Development Negotiator has been in discussions with the applicants regarding alternative means to deliver the affordable units and the terms of a Section 75 Legal Agreement that would allow flexibility of delivery mechanism. This approach will enable the developer, Planning Authority and perhaps a RSL, to respond to overarching development factors, specifically market conditions. The legal agreement would require the developer to agree with SBC which units would be delivered (reflecting the Masterplan), when they would be delivered and how they would be delivered prior to the commencement of each development phase. A development schedule can be set out to agree the phasing of the development and this can be handled by a complimentary planning condition. It is considered that this approach complies with Policy H1 and provides a proactive solution which enables this development to move forward with the knowledge that the AH requirements will be integral to the development of the site.

Flooding

Policy G4 discourages development from taking place in areas that are subject to flood risk. This site has been found to be free from flood risk. The Flood Protection Officer advises that the greenfield runoff rates of 8.3l/s from this development are acceptable. It is recommended that a condition is used to require measures to be in place to ensure that these rates are not exceeded.

Following the submission of further details of the Detention Basin at the southern end of the site, the SUDS proposals are considered to be acceptable. The proposed development is therefore found to comply with Policy G4 by being free from flood risk and not subjecting any surrounding areas to flooding as a result of its development.

Protection of residential amenity

Members will be aware that concerns by objectors have been raised over the impact of the development upon residential amenity. It is however contended that the proposed dwellings along the eastern and northern boundaries would not have an unacceptable adverse effect upon the amenity of existing dwellings.

It is accepted that the Old Manse to the north and dwellings with elevations on to Fogo Road currently benefit from uninterrupted views over the application site and

the erection of dwellings on this land will undoubtedly have some effect on their residential amenity. However it is considered that this would not be unacceptable and the development would not result in significant loss of privacy, over looking or amenity.

Ecology

The site is neither within or adjacent to any environmental designations. Objectors have raised issues about the impact of the development upon the biological interests this site, however the ecological surveys undertaken have not identified any particular reasons to oppose this development upon ecological grounds. The habitat surveys have indicated that there is limited badger activity however the over mature Ash trees to the south of the site may be habitats of roosting bats, with breeding birds possibly frequenting the site too. The Council's Ecologist does not oppose this development and requirements for; a badger protection plan, bat surveys of mature trees prior to felling and requirements for when site clearing can be carried out to avoid disturbing breeding birds can be covered by condition.

The inclusion of a SUDS pond within this development already provides potential for biological enhancement of the site. This can be supplemented by the requirement for a biodiversity and habitat management plan. This requirement can be secured through condition and is expected to enhance the local habitat network, agree suitable site lighting and the siting of bird boxes.

Overall, it is considered that suitable safeguards can be put in place with appropriate means of enhancement required through suitably worded planning conditions to ensure that this development does not adversely affect the local biodiversity of the site.

Archaeology

The archaeological potential of this site was previously investigated through the Local Development Plan process. Although an evaluation of the northern part of this site found no archaeology, this does not preclude the potential for finding archaeology elsewhere within this site owing to its location within a wider area rich with archaeological interests.

Policy BE2 of the Local Plan gives strong protection to areas such as this site where there is reasonable evidence of the existence of archaeological remains. Our Archaeologist does not oppose this development and recommends that it should proceed subject to a 10% evaluation of the remainder of the site. Should any archaeology be discovered, further excavation recording or reporting may be required. This requirement can be implemented by an appropriately worded planning condition which seeks to agree a developer funded evaluation.

Services

Both water supply and foul drainage are to be provided by connection to the public mains. Scottish Water has confirmed that both the local water treatment plant and waste water treatment plant have the capacity to service this development. Scottish Water have, however, indicated that there are currently network issues in this area and a Drainage Impact Assessment will be required to establish if there is sufficient capacity within the existing infrastructure to accommodate the demands from this development. Fundamentally, this matter can be further investigated by way of an appropriately worded suspensive condition and should network upgrades be needed

this will be a matter for the developer to address to the satisfaction of the Planning Authority and Scottish Water. There is therefore no reason why this development should impinge on existing users access to these services.

Surface water drainage will be primarily treated to a SUDS pond. SEPA originally objected and sought a secondary method of surface water drainage. Following further communication from the applicant's consultants (Wardell Armstrong LLP), details were provided that the detention basin shown in the SUDS pond could clearly serve a development of this size. A requirement for an approved secondary means of foul drainage has been removed and both SEPA, the Council's Flood Protection and Roads Planning Officer support this method of handling of surface water drainage.

Developer contributions

In line with adopted Council Policy, all development that is otherwise acceptable but cannot proceed due to deficiencies in infrastructure and services will be required to make contribution through a legal agreement towards such deficiencies. In this case, contributions are required towards the Duns Primary School (£2,990) and Berwickshire High School (£4,205) for each market.

A contribution of £500 will be sought for each dwellinghouse to assist with improving play facilities. Rather than provide a play area at this development it is the policy preference to seek payment for off-site provision to help improve the existing facility in Gavinton which is accessible for this development. Each of these contributions can be secured through a legal agreement should Members decide to support this application.

CONCLUSION

The proposal is considered to provide an attractive and sensitive form of development, which is respectful of the character and appearance of the Conservation Area and its setting within the wider landscape. Notwithstanding the increase in the number of units above the indicative capacity outlined in the Local Plan, the design and layout of the proposed residential development is considered to make the proposal acceptable in terms of house numbers, layout, design and landscaping. The proposal is compatible with the character of the surrounding area, neighbouring uses and neighbouring built form and accords with development plan policy, and supplementary planning guidance. It also assists the Council in meeting targets for securing the development of new and affordable homes.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

I recommend the application is approved subject to a legal agreement addressing contribution towards Education and Lifelong Learning and Play Facilities, the normal directions and the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority as specified in the drawing list on this consent notice.
Reason: To ensure that the development is carried out in accordance with the approved details.

2. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development of the estate proceeds in an orderly manner.
3. Upon completion of each phase, as required by Condition 2, the developer carrying out the development shall give notice of that completion to the planning authority.
Reason: To comply with Section 27B of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
4. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

Development at (Note 1)

Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.

The development comprises (Note 5)

Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

5. No development shall commence until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details unless otherwise agreed in writing with the Planning Authority.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
6. All trees and hedging within the site shall be retained as specified on drawing 00620_Mp_05 Revision D. No development shall commence until a Tree Protection Plan has been submitted for the approval of the Planning Authority which demonstrates measures to be undertaken to protect the trees during construction in accordance with BS5837:2012. During the period of construction of the development the following requirements will apply:
 - (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
 - (b) No fires shall be lit within the spread of the branches of the trees;
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees;

- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.
Reason: The existing trees and hedging represent an important visual feature which the Planning Authority considered should be substantially maintained.
7. No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing tree(s) represent an important visual feature which the Planning Authority considered should be substantially maintained.
8. The three Ash trees numbered 6546, 6547 and 6548 upon Drawing Number; 00620_MP_07 shall not be felled, lopped, lifted or disturbed until bat checking surveys have been carried out by a suitably qualified person and submitted for the approval of the Planning Authority. Once the biological value of each of these trees has been established it shall thereafter be agreed with the Planning Authority if these trees should be retained with reduced crowns or removed, through the submission of a Tree Works Plan for the approval of the Planning Authority. Once approved, all works to the three Ash trees shall be carried out in accordance with the approved Tree Works Plan.
Reason: To ensure local habitats are protected and trees with biological value are retained.
9. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- 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.
 - viii. Expected water levels to be retained within the SUDS pond.
- Reason: To ensure the satisfactory form, layout and assimilation of the development.
10. All planting, seeding or turfing comprised in the approved details of landscaping required by Condition 9 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.
11. No development shall commence until a scheme of precise details of junction improvement works which are to be carried out to the C101 junction with the A6105 have been submitted to and approved in writing by the Planning Authority and thereafter no development shall take place except in strict accordance with the approved scheme unless otherwise agreed in writing

with the Planning Authority. The approved junction works shall be completed before site development works commence upon the residential development hereby approved.

Reason: To ensure that the junction can safely cope with its increased use as a result of this development.

12. No development shall commence until a scheme of details for improvement to the local public bus transport waiting/stopping area for west bound journeys has been submitted to and approved in writing with the Planning Authority. The approved scheme shall be implemented before completion of the development unless any changes are otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the local public transport network is capable of accommodating its increased use as a result of this development.

13. The areas allocated for parking on the approved plan shall be properly consolidated, surfaced and drained before the dwellinghouses in each phase of this development (as required by Condition 2) are occupied, and shall not be used other than for the parking of vehicles on connection with the development hereby permitted.

Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.

15. The proposed roads, footpaths and turning spaces indicated on the approved drawings shall be constructed in such a manner as to ensure each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced carriageway and footpath.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic.

16. No development shall commence until a Drainage Impact Assessment has been submitted to and approved in writing with the Planning Authority in consultation with Scottish Water. The assessment shall establish if there is sufficient capacity within Scottish Water's infrastructure to accommodate foul drainage demands of the development, in the event that there are any deficiencies, details of proposed upgrades shall be provided. Once approved, the development shall be carried out in strict accordance with the approved details and any required upgrades to the drainage network infrastructure shall be completed before occupation of the first dwellinghouse.

Reason: To ensure that the existing drainage infrastructure has the capacity to service the development.

17. Prior to the commencement of the development, details of measures to control Greenfield Run-Off rates shall be submitted to and approved by the Planning Authority. Once approved, the measures shall be completed in strict accordance with the approved details and to agreed time scale as set out in phasing plan required by condition 2.

Reason: To ensure appropriate greenfield run-off rates which do not result in posing a flood risk.

18. 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.

19. No vegetation or scrub clearance shall be carried out during the breeding bird season (March – August) without the express written permission of the Planning Authority. If works are to be undertaken during the bird breeding season, checking surveys and appropriate measures of mitigation will be required to be submitted for the agreement of the Planning Authority and thereafter all works shall be carried out in accordance with the agreed details.

Reason: To safeguard the ecological interests of the site.

20. No development shall commence until a Badger Protection Plan and Biodiversity and Habitat Management Plan have been submitted to and agreed in writing with the Planning Authority. Once approved the development shall be undertaken in accordance with the approved details unless any variation is agreed in writing with the Planning Authority.

Reason: To safeguard and enhance the ecological interests of the site.

Informatives

With reference to Condition 4, the Notes to be applied to the site notice should be completed as follows:

Note 1: Insert address or describe the location of the development

Note 2: Delete “subject to conditions” if the planning permission is not subject to any conditions

Note 3: Insert the name and address of the developer

Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)

Note 5: Insert the description of the development.

Note 6: Insert the application reference number.

DRAWING NUMBERS

Reference	Plan Type	Received
00620_MP_05	Masterplan	30.03.2015
00620_MP_01	Location Plan	25.03.2013
00620_MP_02	Site Survey	25.03.2013
00620_MP_04	Boundary Treatments	25.03.2013
ED10970-002	Site Levels	25.03.2013
00620_EW_01	Boundary Treatment Details	25.03.2013
00620_SE_01	Street Elevation	25.03.2013
00620_SE_02	Street Elevation	25.03.2013

00620_SE_03	Street Elevation	25.03.2013
00620_HA_01	Elevations	25.03.2013
00620_HB_01	Elevations	25.03.2013
00620_HB1_01	Elevations	25.03.2013
00620_HC_01	Elevations	25.03.2013
00620_HC_01	Elevations	25.03.2013
00620_HD_01	Elevations	25.03.2013
00620_HD1_01	Elevations	25.03.2013
00620_HE_01	Elevations	25.03.2013
00620_HE1_01	Elevations	25.03.2013
00620_HF_01	Elevations	25.03.2013
00620_HF1_01	Elevations	25.03.2013
00620_HG_02	Elevations	25.03.2013
00620_HG_01	Elevations	25.03.2013
00620_HG1_02	Elevations	25.03.2013
00620_HG1_01	Elevations	25.03.2013
00620_HH_02	Elevations	25.03.2013
00620_HH_01	Floor Plan	25.03.2013
00620_MP_07	Tree Protection Plan	22.09.2014
00620_G_01	Elevations	22.09.2014
00620_HJ_01	Elevations	22.09.2014
00620_HK_01	Elevations	22.09.2014
ED10970-005	SUDS Plan and Section	30.07.2014

Approved by

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Scott Shearer	Assistant Planning Officer

13/00332/FUL

Land South Of The Old Manse
 Gavinton
 Scottish Borders

