SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

6 OCTOBER 2014

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 14/00731/FUL
OFFICER: Barry Fotheringham
WARD: Kelso and District
PROPOSAL: Erection of High School and Associated Facilities
SITE: Land North and West of 91 Queen’s Croft, Kelso
APPLICANT: Scottish Borders Council
AGENT: Cooper Cromar

SITE DESCRIPTION

The application site is an area of agricultural land located to the north west of the town of Kelso, immediately north of the A6089 Angraflat Road/Golf Course Road. It is located to the south west of Kelso Racecourse immediately adjacent to the racecourse parking area.

The site consists of 2 linear fields of gently sloping arable land to the north of Angraflat Road. The boundaries of the site are defined by mature hedgerow. The land rises so that the north western edge adjoining the Lane at Meikle Cauld Rig forms the skyline when viewed from the town to the south and south east. A slight ridge runs from the south-west to the north east roughly through the middle of the site, meaning that the lane that forms the north-western boundary of the site is not visible from the Angraflat Road frontage, although there is rising land beyond that forms the backdrop to the site.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection of a new high school with associated playing fields, car parking and community facilities. The proposed high school would be located towards the south eastern part of the site with the principal elevation fronting onto Angraflat Road. The site would be accessed indirectly from Angraflat Road via an improved junction to the road also serving Kelso Racecourse. Vehicular parking and bus drop off would be located to the front of the school with service access and yard located to the north adjacent to the north east boundary of the site. A playground would be located immediately to the rear of the school with various grass and synthetic sports pitches located beyond.

PLANNING HISTORY

12/01199/PAN - Proposed mixed use development comprising housing, residential care facilities, site for school, reconfiguration of racecourse car park, general community facilities and associated footpaths, roads and landscaping. Received 24 September 2012
13/00753/PAN - Erection of high school and associated facilities. Received 20 June 2013. Notification given 24 June 2014.

13/01080/PAN - Residential development with associated roads, footpaths and landscaping. Received 19 September 2013.

13/00427/PPP - Mixed use development including housing, site for school, community facilities and associated landscaping, roads and footpaths. Application was approved by Planning and Building Standards Committee on 6 May 2014 subject to conditions, informative and legal agreement addressing contribution towards deficiencies in Education infrastructure as well as the provision of affordable housing. This is a ‘minded to approve’ decision subject to the successful conclusion of the legal agreement.

REPRESENTATION SUMMARY

One letter of support has been received in connection with this application. However, the support comments identify a number of issues associated with the internal design of the building, inadequate provision of sports pitches and lifespan of the building.

APPLICANTS’ SUPPORTING INFORMATION

The application is supported by following documents:

- Design and Access Statement
- Transport Assessment
- Ecology Report
- Flood Risk Assessment
- Acoustics Report
- Site Investigations Report

As the proposed development is defined as a ‘Major Development’ under the provisions of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 the application is also supported by a Pre-Application Consultation (PAC) Report.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy G1 – Quality Standards for New Development
Policy G8 – Development Outwith Development Boundaries
Policy BE2 – Archaeological Sites and Ancient Monuments
Policy BE3 – Gardens and Designed Landscapes
Policy NE3 – Local Biodiversity
Policy NE4 – Trees, Woodlands and Hedgerows
Policy EP3 – Countryside around Towns
Policy EP5 – Air Quality
Policy H2 – Protection of Residential Amenity
Policy H3 – Land Use Allocations
Policy Inf11 – Protection of Access Routes
Policy Inf3 – Road Adoption Standards
Policy Inf4 – Parking Provisions and Standards
Policy Inf6 – Sustainable Urban Drainage
Policy Inf10 – Developments that Generate Travel Demand  
Policy R1 – Protection of Prime Quality Agricultural Land

OTHER PLANNING CONSIDERATIONS:

Proposed Local Development Plan 2013

Policy PMD1 – Sustainability  
Policy PMD2 – Quality Standards  
Policy PMD3 – Land Use Allocations  
Policy ED10 – Protection of Agricultural Land and Carbon Rich Soils  
Policy HD3 – Protection of Residential Amenity  
Policy EP3 – Local Biodiversity  
Policy EP8 – Archaeology  
Policy EP10 – Gardens and Designed Landscapes  
Policy EP13 – Trees, Woodlands and Hedgerows  
Policy EP16 – Air Quality  
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

Supplementary Planning Guidance

SBC SPG – Placemaking and Design  
SBC SPG – Trees and Development  
SBC SPG – Biodiversity  
SBC SPG – Landscape and Development

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: The principle of a new high school in this location has been supported by this service throughout the pre-application meetings and discussions.

The drop-off parallel parking bays to the north of the pedestrian crossing point need to be relocated as they interfere with visibility to the east for pedestrians crossing the road. No details of the pedestrian crossing have been submitted for consideration, however I would expect this to take the form of a “Toucan Crossing” and the relevant details should be submitted for approval. The pedestrian crossing point on Golf Course road is set too far back and should be brought forward to a point which reflects the desired line for pedestrians. The crossing point should be by way of dropped kerbs only.

Swept Path Analysis drawings for the widening to the existing junction onto Angraflat road from the Golf Course road do not account for the lining of the junction and lane widths. The drawings represent a worst case scenario and the software tends to over compensate. The vehicles used in this exercise are larger than what we expect to use the junction. The HGV vehicles will more likely be less than the articulated vehicles shown, for example, refuse vehicles and horse boxes etc. The bus modelled...
is a luxury coach, 15m in length, while it is more likely that it will be standard 12 metre coaches.

Taking all this into consideration, it is considered that a 7.3 metre wide with 8 metre radii junction to be sufficient. Drivers will react to the situation and if the junction is made too big, it becomes arduous for pedestrians to cross and increases traffic speeds as vehicles can negotiate the junction quicker. A detailed design of the junction improvement works must be submitted for approval, details to include drainage and lining of the junction.

With regards to the Transport Assessment it is disappointing that the report has not identified any off-site works to promote sustainable transport. Advisory cycle lanes along Angraflat Road and a part-time 20mph scheme in the vicinity of the school should be incorporated into the design. The extent of these features should be assessed and agreed in writing.

Whilst the car park will not be adopted as public, sufficient care should be taken to ensure the car park is adequately lit and drained to ensure it remains fit for purpose. Future maintenance of the car park should also be suitably covered to ensure it does not fall into a state of disrepair. Likewise, Scottish Water approval should be confirmed for connecting into the surface water drainage system on Angraflat Road from the SUDS system serving the school site.

In summary, there are no objections in principle to this proposal providing the points detailed above are satisfactorily resolved.

Environmental Health: No comment.

Landscape Architect: The suitability of the site has been established through various pre-application discussions and site development briefs as set out in the proposed Local Development Plan (site DKELS001).

Unfortunately the submitted Landscape Masterplan Outline Design (drawing 1274.1 02 Revision I) dated 20/06/14 does not fully comply with the development brief because adequate structure planting along the north west boundary has not been provided. The drawing shows some clumps of trees (42 in total) scattered through a wildflower meadow. However, what is required is that the whole of the north west boundary area between the grass playing field and the boundary hedge needs to be planted up to woodland to create a wooded backdrop on the skyline and a strong physical edge to what will become the northern boundary of Kelso as well as the boundary of the school. This should be as per Landscape Guidance Note 1. The landscape plan needs to be amended accordingly.

The landscape plan also fails to provide adequate integration of the new school with the existing settlement as required by the Local Development Plan (page 390). This is because the existing poor quality boundary hedge on the south east boundary has been retained on the drawing and no attempt has been made to connect the school approaches with the relatively spacious grounds on both sides of Angraflat Road. If retained, this hedge would form a physical barrier and screen. A more radical solution would involve the re-location of some or all of the proposed parking to the north east side and away from the main frontage. It may however be too late for what would be a significant re-design.

The Landscape Architect provided an illustrative sketch (dated 15 September 2014) to support his consultation comments. This shows how a better degree of integration
could be achieved with no major re-design of parking. This sketch involves the removal of the existing poor quality hedge along the south east boundary and its replacement with a new hedge, probably of beech or hornbeam that can be shaped to run into the school grounds as shown, with a generously large paved concourse connecting the main entrance to Angraflat Road. It is proposed that the new hedge should be maintained at around 1m height so that it does not block views into and from the school. Ornamental bollards, and some seating, can be located on the concourse to emphasise the lines. It should be noted that this sketch proposal is not the only solution, but is attached to illustrate what is possible. The applicant should review the site layout / landscape masterplan to provide better connectivity – and visibility, perhaps as shown. This is a significant new public building and should address the town effectively, in terms of its setting, rather than being hidden behind a rather tatty hedge.

Full details of the external works including both hard and soft landscape elements will need to be approved including a detailed planting plan. Some of this can be covered by condition. However, it is strongly advocated that the main principles of the external layout i.e. the masterplan, should be agreed before the application is determined, to avoid misunderstandings thereafter.

**Rights of Way Officer:** No response at time of writing.

**Ecology Officer:** The Council’s Ecologist is satisfied with the Ecological Report of February 2014 by David Dodds Associates Ltd. The officer notes the SEPA response of 21 July 2014 which objects to the proposal and gives the website for regulatory requirements and good practice advice.

A badger sett was found on site as reported in the Ecological Report by David Dodds Associates Ltd. The report states that no evidence of current use was observed and suggested that rabbits were using the sett. Some setts such as outlier setts may be used seasonally. A supplementary survey is required to determine whether the sett is active or not and whether it is within an occupied territory. This survey will also inform a Badger Protection Plan.

SNH state in their response of 3 July 2014 that if it can be determined that the sett is not active and not within an occupied territory then a licence will not be required. However, they state that if this is not confirmed then a licence will be required.

The following informative should be added:

- The developers may require a licence from SNH prior to the commencement of works and will need to meet the terms of such a licence.

The Ecology Officer advises that there is potential for breeding birds to use the shrubs, trees and habitat in the vicinity. The surveys for the report were not carried out during the breeding bird season and no signs of old nests were found in the hedgerows. However, SBC screening indicates records of a variety of bird species in the area including yellowhammer, song thrush, Northern Lapwing, Eurasian oystercatcher and skylark.

All wild birds are afforded protection and it is an offence to deliberately or recklessly kill, injure and destroy nests and eggs of wild birds. There may be a requirement, depending on habitats within the site, to survey site during the breeding season and to avoid damage to breeding birds, their nests and eggs by avoiding development or the commencement of development during the breeding birds season (March -
Mitigation may involve provision of alternative nest sites, protection of breeding habitats where appropriate and the design of the site should protect and enhance foraging habitat for breeding birds as appropriate.

The inclusion of woodland planting and wildflower areas within the Design and Access Statement for the new development are to be commended as this is likely to have a positive impact on biodiversity. As suggested in the Design and Access Statement native species should be used where possible. There are further opportunities to enhance the local biodiversity such as swift bricks and nest boxes. A detailed Landscape and Habitat Enhancement plan is required.

The Ecologist recommends that Badger Protection Plan is required to protect setts in the area. That plan has now been submitted. It is also recommended that no works commence during the breeding bird season and that a Landscape and Habitat Enhancement Plan is submitted in order to enhance the local habitat network for biodiversity.

Statutory Consultees

Scottish Water: No response at time of writing.

Scottish Natural Heritage: The ecological survey found a badger sett in the area proposed for development. The surveyor suggested that the sett is not active and likely to be used by rabbits. If it can be determined that the sett is not active and not within an occupied territory then a license will not be required. However, if this is not confirmed then a license will be required to destroy the sett.

SNH advise that the Planning Authority must be satisfied that the applicant has supplied sufficient information to determine if a license is required; if so it needs to be enough to make an assessment under the protected species legislation for a license to be granted. If not, the Planning Authority could risk the applicant being unable to make practical use of the planning permission or committing an offence.

Scottish Badgers: No response at time of writing.

Kelso Community Council: No objections.

Ednam, Stichill & Berrymoss Community Council: No response at time of writing.

Floors, Makerstoun, Nenthorn and Smailholm Community Council: No response at time of writing.

Other Consultees

Kelso Amenity Society: Kelso Amenity Society made the following comments in response to the planning consultation:

- One member praised the placement of subject areas such as technology, art, music, and special educational needs.
- Several members objected to the sign being on its side.
- The drop-off lay-bys are unsatisfactory. Passenger doors can be opened into the traffic flow and visibility on the bed is masked by trees. It is suggested that the area of open ground on the opposite side of the road from the proposed school and the triangle of ground near the junction onto Golf
Course Road could both be used to create drive in drop off points in order to get cars off the road.

- An increase in the use of bicycles is envisaged as the school will be in the edge of town. Adequate, secure storage is required.
- Could the staff car park be situated to the north east side of the school and gardens be placed in front of the main building?
- Many Society Members had misgivings about the flat roof.

KEY PLANNING ISSUES:

The key planning issues relevant to the determination of this application are:

- Whether the siting, design and external materials of the school building are appropriate.
- Whether adequate access/egress and parking is achievable.
- Whether there will be an adverse impact on the landscape
- Whether there will be an adverse impact on biodiversity.

ASSESSMENT OF APPLICATION:

Principle

The principle of erecting a new high school on this site has clearly be established by the earlier ‘minded to grant’ decision for planning permission in principle (13/00427/PPP). This is further reinforced by the allocation of land for a new high school (DKELS001) within the Proposed Local Development Plan (LDP) 2013. The allocation of this land has been agreed by Council and has been through the public consultation process. Whilst this allocation has not yet been formally adopted by the Council, it has not attracted objections or representations through the public consultation process. This is now the settled position of the Council and Members should be aware that Proposed LDP Policy PMD3 – Land Use Allocations is now a material consideration in their determination of this application. Members should however be aware that the Consolidated Local Plan 2011 remains the principal policy document by which this application should be assessed.

Planning Policy

Policy H3 – Land Use Allocations of the Consolidated Local Plan 2011 is particularly relevant in this case as it applies to all the allocated land use proposals identified within each settlement profile and illustrated on 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 any alternative use.

Within the Consolidated Local Plan, the settlement profile and settlement map for Kelso identifies a larger area of land than is covered by the application site as an area for potential longer term development of housing for the period beyond 2018. This longer term site was indicative only and subject to further detailed assessment and review as part of the Proposed LDP process. It is worth noting that this housing allocation (SKELS001) does not include land for the proposed new Kelso High School. When assessing the proposed development against adopted local plan policies, the proposed new school would be located on land outwith the settlement boundary as defined on the settlement profile maps and would be located on land identified as a longer term housing allocation. Under normal circumstances, the
proposed development would be contrary to prevailing policy covering land use allocations.

However, Policy G8 – Development Outwith Development Boundaries does allow for exceptional approvals provided strong reasons can be given that it is a development that is considered would offer significant community benefits that outweigh the need to protect the development boundary. It is considered that the erection of a new high school coupled with community sports facilities would offer significant community benefits that outweigh the need to protect the development boundary.

The site would represent a logical extension of the settlement boundary and would be of an appropriate scale in relation to the size of the settlement. Subject to appropriate levels of landscaping the development of this site would not prejudice the character or natural built up area of the settlement and would not cause an unacceptable adverse effect on landscape setting of natural heritage of the settlement. It is considered that the erection of a school on this site would therefore be consistent with Policy G8 of the Consolidated Local Plan.

As mentioned above, the Proposed LDP identifies land for a new high school as well as housing within a revised settlement boundary to the north of Kelso. Land Use Allocations AKELSO21 (Nethershot) and DKELSO01 (New High School Site) have been agreed by Council and have been through the public consultation process. Notwithstanding the fact that a new high school can be justified as an exceptional proposal under Policy G8, the new school site is now consistent with the Proposed LDP settlement profile map and land use allocations. The proposed development would therefore be consistent with Policy PMD3 – Land Use Allocations.

It is worth noting that the Proposed LDP identifies a series of site requirements for allocation DKELS001. The following requirements must be taken into consideration when assessing the suitability or otherwise of the proposed new school:

- Site is to be accessed indirectly via Angraflat Road
- Consideration is to be given to the relationship to the racecourse, integration with the existing settlement and development of a high quality northern edge to Kelso
- Main school building is to be developed on the south eastern part of the site
- Sport and recreational facilities are to be provided to the rear of the school building
- Provision to be made for drop-off points for pupils at the front of the site and appropriate car parking facilities are to be provided
- Structure planting is required to provide a setting for the school and along the north western site boundary to reinforce the settlement edge.

Members will be aware that the application site is contained wholly within an amended settlement boundary as defined on the settlement profile maps for Kelso within the Proposed LDP.

In this case, the proposed new high school would be consistent with existing an emerging development plan policies.

**Design and External Materials**

The architects (Cooper Cromar) were appointed by Hub South East Scotland Limited to provide a masterplan and site layout in December 2012 under the Hub SE
Strategic Support Services for a new build high school in Kelso. The masterplan study concluded in March 2013 and identified potential building configurations, storey heights, access arrangements and sports pitch layouts.

Over the following 12 months, the initial masterplan study was developed through a series of pre-application discussions with Scottish Borders Council, in its capacities as developer and as planning authority.

The proposed building would be located towards the south east of the site with access taken directly from an improved junction arrangement from Angraflat Road. The school playing fields and sports pitches would be located to the rear of the proposed school building and provision has been made for appropriate levels of provision for pupil drop-off points and car parking have been taken into account. This is consistent with criterion 1, 3, 4 and 5 of the site requirements outlined above. The initial proposals, in particular the outline landscape proposals show an area of landscaping to the north western boundary of the site which is also consistent with site requirement 6. However, this matter will be discussed in more detail later in the report.

The proposed building has evolved from early iterations showing a central ‘hub’ or ‘hinge’ around which 2 wings were joined, to a single building with strong principal elevation to Angraflat Road. The central ‘hub’ or entrance feature is still evident in the current design but the building is no longer hinged at this location. This has resulted in a single building rather than a series of separate, yet linked, buildings with sports hall to the rear. The proposed school is arranged over 3 floors and features a central atrium over the dining room and social/flexible space on the ground floor.

The proposed building will continue to locate the sports hall and associated facilities within a self contained ‘community wing’ to the south west of the main reception and entrance, with the teaching rooms located to north east. The main administration and reception facilities will be contained within this central glazed zone, giving easy access to either the main teaching block or the sports and community wing. This is important as it will allow the community facilities to be accessed by this main entrance point only, maintaining the school’s preferred visitor management strategy. The main entrance area is fully glazed and arranged over 3 floors giving a full height void within the building and acting as focal and arrival point on the principal elevation when approaching the school on the proposed pedestrian plaza. This glazed entrance feature helps to break up the substantial road side frontage and provides some relief to what might otherwise be an unrelieved elevation.

The south elevation of the proposed building is of critical importance as this will be the public face of the school, visible in approaches along Golf Course Road and Angraflat Road. The design concept was to create a building of civic importance and provide a statement of quality and presence towards the town. The building should be welcoming and offer an attractive place for both students and visitors.

The south elevation is effectively made up of three distinct elements punctuated by the glazed entrance feature. The building continues to have strong sense of horizontality but the proposed palette of external materials which introduces contrasting vertical elements will help to break up this expansive principal elevation. There is a distinct ‘beginning’, ‘middle’ and ‘end’ to the building, reinforced by the proposed “picture frames” around the south west and north east corners of the front elevation. A proposed glazed ‘wall’ to the stair circulation space on the front elevation will also introduce an additional vertical element which will help to reduce the buildings horizontality and give the building more vertical rhythm.
It is proposed to finish the building using a limited palette of materials to include split faced block work, flat composite panels, ribbed composite panels, timber panelling and aluminium windows. Samples of these materials have been provided by the agent and these will be available for Members to consider during the Planning and Building Standards Committee meeting for approval. It is considered that this warm palette of materials will be appropriate for this building and help to create a civic building of importance while remaining welcoming to students and visitors. The materials introduce colours and finishes that are not necessarily evident in the locality but they are of a sufficiently high standard that ensures compatibility with the schools architecture. The proposed building and external materials will respect the nearby racecourse and residential properties and help create a modern edge to the settlement, consistent with the aims of Policy G1 of the Consolidated Local Plan and Policy PMD2 of the Proposed LDP. It is suggested that Members consider these materials and agree a bespoke condition to control the external finishes rather than requesting materials to be agreed prior to commencement of development.

**Access and Parking**

Access to the proposed school will be via an improved vehicular junction arrangement from Angraflat Road serving both the school and the racecourse. In additional a new vehicular access will be formed off the existing road serving the racecourse to the proposed car park and bus stance. This would be located towards the front of the school with service access and yard proposed to the north east of the school building.

It is considered that a 7.3 metre wide with 8 metre radii junction to be sufficient to serve the school and racecourse. The Council’s Roads Planning Service advise that a detailed design of the junction improvement works, to include drainage details and lining of the junction must be submitted for approval. This matter can be controlled by a suitably worded planning condition with detailed drawings required for our approval, prior to commencement of development.

As stated earlier, a detailed Transport Assessment (TA) was submitted along with the application in support of the proposed development. The TA concludes that the development proposals for the site will provide the relocated Kelso High School with appropriate access and transport provision. It is disappointing to note however, that the report has not identified any off-site works to promote sustainable transport despite making reference to SPP, Planning Advice Note 75 and Scotland’s National Transport Strategy. Advisory cycle lanes along Angraflat Road and a part-time 20mph scheme in the vicinity of the school should be incorporated into the design. Through assessment of the application and negotiation with the agent, it was agreed that these matters, which would affect land outwith the application site boundary but on land within the road boundary, could be controlled by appropriately worded planning conditions. The extent of these features should be assessed and agreed in writing before commencement of development.

The car park will not be adopted as public but sufficient care should be taken to ensure the car park is adequately lit and drained to ensure it remains fit for purpose. Future maintenance of the car park should also be suitably covered to ensure it does not fall into a state of disrepair. These matters can be controlled by suitably worded planning conditions. Likewise, Scottish Water approval should be confirmed for connecting into the surface water drainage system on Angraflat Road from the proposed SUDS system serving the school site. Again, this can be controlled by condition.
The proposed access and parking arrangements have evolved with the design and appearance of the proposed school and are considered to be acceptable and fit for purpose. The proposed new junction would be designed to meet current standards and to allow continued use of the racecourse without resulting in a conflict of uses. It is considered that there would be no adverse impact on road safety and the proposals would provide provision for buses as well as new footpaths, linking to the existing footpath network, consistent with Policies G1 and PMD2. New drop off spaces are proposed on Angraflat Road and pedestrian crossings are proposed to allow pedestrians to safely access the school from the existing footpath network. Subject to additional off site works to promote sustainable transport on the surrounding road network, it is considered that the proposed access and parking arrangements are fit for purpose and in accordance with development plan policy.

Landscape and Visual Impacts

Members will note that concerns were raised by the Council’s Landscape Architect in relation to the proposed parking area and how this does not integrate the school with the existing settlement as required by the Proposed LDP site requirements. As discussed earlier in this report, the initial masterplan study was developed through a series of pre-application discussions with Scottish Borders Council and other stakeholders and several iterations of the proposed school were submitted for comment. The current proposals have evolved from earlier layouts and are considered to make most effective use of the land in relation to the design of the site and location of the building relative to defining hedgerow boundaries, as well as the management of the school in terms of access.

The submitted landscape masterplan outline design (drawing 1274.1 02 Revision I dated 20/06/14) shows indicative soft and hard landscaping proposals only and does not provide a detailed response to the site requirements identified under site allocation DKELS001 within the Proposed LDP. The drawing shows some groups of trees scattered through a wildflower meadow on the north west boundary of the site, however, the area between the playing fields and the boundary hedge need to be planted up to woodland in order to create a wooded backdrop on the skyline and a strong physical edge to what will become the northern boundary of the town. This should be as per our landscape guidance note 1. The landscape plan should be amended accordingly and this can be covered by a suitably worded planning condition.

It is suggested that the proposed landscape plan fails to provide adequate integration of the new school with the existing settlement as required by the site requirements within the Proposed LDP. The existing poor quality boundary hedge on the south east boundary has been retained on the landscape masterplan drawing and no attempt has been made to connect the school approaches with the relatively spacious grounds on both sides of Angraflat Road. If retained, it is suggested that this hedge would form a physical barrier and screen between the school and the surrounding area to the south. There may be an opportunity to modify some of the proposed parking and the school plaza/concourse to create a better degree of integration with no major re-design of the parking area. The Council’s Landscape Architect provided an illustrative sketch (dated 15 September 2014) to show how this can be achieved. This is available for Members to view via Public Access. It would involve the removal of the existing poor quality hedge along the south east boundary and its replacement with a new hedge that can be shaped to run into the school grounds with a generously large paved concourse connecting the main entrance to Angraflat Road. It is proposed that the new hedge should be maintained at around 1m height so that it does not block views into and from the school. Ornamental
bollards, and some seating, can be located to emphasise the lines and draw visitors to the main entrance of the school. The proposed school will be a significant new public building within Kelso and should address the town effectively, in terms of its setting, rather than being hidden behind an existing low quality hedge. Whilst this suggestion has arrived late in the application process it is felt that improvements can be made to the principal approach to the school in order to provide a successful integration of the building with the town. It is therefore proposed to add an additional condition over and above the standard hard and soft landscaping condition requiring amended proposals for the parking/plaza area to be submitted for our approval.

Provided the above mentioned issues can be satisfactorily addressed through the imposition of suitably worded suspensive planning conditions it is considered that the proposed school can be integrated into the landscape and existing town, consistent with development plan policies and the site requirements for the high school land allocation as set out in the Proposed LDP.

**Natural Heritage/Biodiversity**

The applicant has submitted an Ecological Report (February 2014 by David Dodds Associates Ltd) in support of the proposed development. The report identifies a badger sett on site but states that there is no evidence of current use and suggests that rabbits were now using the sett. As badgers are protected species under the Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004). Badgers are protected from being disturbed, killed, injured or taken and their setts are protected from damage, obstruction or destruction. SNH state that if it can be determined that the sett is not active and not within an occupied territory then a licence will not be required. However, they also state that if this is not confirmed then a licence will be required.

A badger protection plan was submitted at the request of the case officer and this was considered in house by the Council’s Ecologist who is satisfied with its findings. Development should be carried out in accordance with the plan and this can be covered by condition. The applicant should be aware that if there is evidence of current use of the sett by badgers then an SNH derogation licence will be required. This can be covered by informative.

**Rights of Way**

As per the earlier planning permission in principle application, there is a right of way and core path which passes the south east corner of the application site. This Core Path should not be obstructed during the course of development and should be brought up to standard to be an adoptable walkway post development.

Policy Inf2 of the Local Plan and IS5 of the Proposed LDP encourage walking and cycling as modes of transport and aim to protect all existing access routes. Development that would have an adverse impact upon access route available to the public will not be permitted. The proposed development of this site is unlikely to have a long term impact on the right of way/core path, particularly after construction but it is essential that the path is maintained and kept free from obstruction. It is suggested that a planning condition is added to any grant of consent to ensure that the path is not obstructed during the course of development and brought up to an adoptable standard post development.
Prime Quality Agricultural Land

Policy R1 of the Local Plan and Policy ED10 of the Proposed LDP aim to protect prime quality agricultural land for productive farming use. It is clear that the development of this site will result in the permanent loss of this valuable resource but the allocation of this site for a new high school serving the town has been rigorously tested through the LDP process. It is the settled position of the Council that the application site is allocated for development in the Proposed LDP and the loss of this land to a school is accepted, given the wider benefits.

Members should be aware that the purpose of Policy R1 and proposed Policy ED10 is to prevent the loss of prime quality agricultural land which is not covered by land allocations in the development plan. The land is now allocated for development within the Proposed LDP and there is a strategic and overriding need to utilise this land to assist in delivering the Council’s development strategy.

Infrastructure

Members will note from the application forms and supporting documents that it is proposed to treat sewage from the site via the existing mains sewer and to receive its water supply from the public mains supply. A swale is proposed along the south west boundary of the site culminating in an attenuation basin in the south west corner of the site with discharge to the surface water drainage system on Angraflat Road.

Unfortunately, Scottish Water did not respond to the consultation request or the earlier PPP application consultation for mixed use development. However, they did comment on the proposed residential development (13/00259/PPP) at Hendersyde and confirmed that the Kelso Waste Water Treatment Works may have capacity to serve development but if the existing network needs upgrading to enable connection, the developer will need to meet this demand in advance.

It is noted that SEPA had no objections to the earlier PPP application and that they do not object to the current proposals provided a condition requiring a scheme for sustainable drainage (SUDS) is submitted for approval by the planning authority in consultation with SEPA. Comprehensive drainage proposals were submitted by ARUP on behalf of the applicants on 4 July 2014 detailing the proposed swales, attenuation basis and discharge detail. It is not clear whether or not SEPA have seen these drawings and attempts to contact the case officer at SEPA have proved unsuccessful.

In their response SEPA agree with the findings of the Flood Risk Assessment that there is no significant risk of flooding on the proposed development but recommend that the Council’s Flood Officer is consulted on the proposed discharge of water from the proposed cut-off drain (recommended within the Flood Risk Assessment) to ensure that this does not increase the risk of flooding to the development or elsewhere. The Council’s Flood Officer identifies a number of points, including run-off rates, climate change and overspill which either needs clarification or addressing through the submission of additional detailed SUDS proposals and the drainage assessment which informed the design. The flood officer also recommends that the outlet pipe safety grille is redesigned.

As there is some uncertainty as to whether or not SEPA have had sight of the detailed drainage proposals it would in this instance be appropriate to add a specific planning condition requiring a scheme for sustainable urban drainage to be submitted to and approved in writing by the planning authority. This would allow SEPA to fully...
consider the proposals and for the Council's Flood Officer to consider the drainage assessment.

**Representations**

Members will note that no objections to the proposed development have been submitted in connection with this application. One representation in support of the development has been received from a third party, however, the contributor lists a number of concerns including, poor design (in relation to the lack of viewing balcony within the games hall), inadequate number of sports pitches and the life expectancy of the building. The proposed school has been designed in consultation with several internal stakeholders including Education & Lifelong Learning, Estates and Development Management to ensure that the proposed school can deliver the educational requirements of the Council as well as providing a modern and practical civic building. The comments submitted by the contributor have been taken into consideration during the masterplanning and design stages and it is felt that these have been properly addressed in the final proposals.

**CONCLUSION**

The principle of erecting a new high school on this site has clearly been established by the earlier ‘minded to approve’ decision (13/00427/PPP) and the allocation of the land for education (DKELS001) within the Proposed LDP.

It is considered that the proposed new school meets the site requirements as set out under land allocation DKELS001 within the Proposed LDP and will deliver a building of civic importance that will provide the desired level of accommodation and associated facilities required by the development brief. The proposed school building and associated infrastructure will provide a statement of quality and presence towards the town and the proposed external materials are welcoming, offering an attractive place for both students and visitors.

It is considered however that the overall scheme can be improved as discussed earlier in this report, including in relation to structural landscaping, and that these matters can be controlled by suitably worded planning conditions. Subject to compliance with these conditions and supporting applicant informative the proposed new high school will comply with adopted and emerging development plan policies and will provided a modern and efficient learning experience that that integrates with the settlement.

**RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):**

I recommend the application is approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
   **Reason:** To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. 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.  
   **Reason:** To ensure that the development is carried out in accordance with the approved details.
3. The external surfaces of the development hereby permitted shall be completed in the materials shown on the amended plans (received 11 September 2014) hereby approved and listed below, and no other materials shall be used without the prior written consent of the Local Planning Authority. The approved external materials are as follows:
   3.1. Forticrete Splitfaced Block (Hamstone)
   3.2. Silver Grey Coloured Long Span Micro-Ribbed Composite Panels
   3.3. Dark Grey Reynobond Cladding
   3.4. Deep Brown Prodema Prodex Timber Effect Laminated Panels
   3.5. Silver Grey Coloured Flat Composite Panels

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

4. 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, floodlights
   vii. A programme for completion and subsequent maintenance.

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

5. No development shall commence until revised site and landscape drawings have been submitted to and approved in writing by the local planning authority to address the comments raised by the Council's Landscape Architect in his consultation response of 16 September 2014. The revised drawing shall incorporate measures to ensure better integration of the school with the town as required by the site requirements set out in the Proposed Local Development Plan. The revised proposals should be developed having regard to the Illustrative Sketch dated 15 September 2014 prepared by the Council's Landscape Architect. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure the satisfactory form, layout and assimilation of the development into its surroundings and to ensure full compliance with the site requirements for the land allocation DKELS001 as set out in the Proposed Local Development Plan 2013.

6. No development shall commence until precise details of the proposed signage, including any illumination, on the south facing (principal) elevation of the school have been submitted to and approved in writing by the local planning authority and thereafter no development shall take place except in strict accordance with those details.

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

7. No development shall commence until a scheme for sustainable urban drainage (SUDS), supported by detailed drainage assessment and calculations, have been
submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter no development shall take place except in strict accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

Reason: To ensure adequate protection of the water environment from surface water runoff.

8. No development shall be commenced until such a time as it has been demonstrated that all matters relating to foul and surface water drainage have been addressed via a drainage management plan, which shall first be submitted to and approved in writing by the Planning Authority.

Reason: The Planning Authority is aware that there may be drainage capacity issues within the settlement that have not been fully addressed.

9. No development shall be commenced until precise details of water supply have been submitted to and approved in writing, in consultation with Scottish Water, by the planning authority. Thereafter no development shall take place except in strict accordance with those details.

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

10. Site clearance shall be carried out outside of the breeding season. 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. Checking surveys and appropriate mitigation for breeding birds will be required if works are proposed during the breeding bird season.

Reason: In order to protect breeding birds and the natural heritage interests of the site.

11. No development shall commence until a Landscape and Habitat Enhancement Plan including measures for native woodland and scrub, hedgerows and grassland enhancement has been submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: In order to protect the natural heritage interests of the site and to improve the landscape and habitats.

12. Development shall be carried out in complete accordance with the Badger Protection Plan dated 2 September 2014 (prepared by David Dodds Associates Limited) unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protected species.

13. No development shall commence until a Construction Method Statement has 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 statement. The Construction Method Statement shall detail controls for mitigating noise and dust impacts arising from construction and other activities that are undertaken on site.

Reason: To ensure that the development of the site proceeds in an effective and orderly manner and to ensure the residential amenity of nearby dwellings is not compromised.

14. No development shall commence until detailed drawings of the junction improvement works onto Angraflat Road (serving the proposed new school and
existing racecourse) have been submitted to and approved in writing by the local planning authority. Details shall also include relocated drop-off parallel parking bays on Angraflat and additional details of the proposed pedestrian crossings. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure a satisfactory form of development and in the interests of pedestrian and road safety.

15. No development shall commence until detailed proposals for off-site works to promote sustainable transport, including timescales for implementation, have been submitted to and approved in writing by the local planning authority. Thereafter, no development shall take place except in strict accordance with those details.

Reason: In order to promote sustainable transport.

16. No development shall commence until detailed proposals for lighting and drainage of the car park have been submitted to and approved in writing by the planning authority to ensure that it remains fit for purpose. Future maintenance of the car park should also be suitably covered to ensure it does not fall into a state of disrepair.

Reason: In the interests of road safety and to ensure the future maintenance of the car park.

17. The path Core Path 1 (shown on the plan accompanying this decision) must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the property. No additional stiles, gates steps or barriers to access may be erected that would deter or hinder future pedestrian use.

Reason: To protect general rights of responsible access.

Informatives

1. In relation to Condition No 3 above, the applicant should consult with Scottish Water to ensure a connection to the public sewer is available and whether restrictions at the local sewage treatment works will constrain the development.

2. In relation to Condition No 12 above, if there is evidence of current use of the sett by badgers, the gate will be set open, and an SNH derogation licence will be required.

3. In relation to Condition No 14 above, the detailed drawings shall include drainage and lining of the junction. The junction should be 7.3m wide with 8m junction radii. Reference should be made to the consultation response submitted by the Roads Planning Service dated 27 August 2014.

4. In relation to Condition No 15 above, off-site improvement works shall include, but are not limited to, advisory cycle lanes along Angraflat Road and a part-time 20mph scheme in the vicinity of the school.
## DRAWING NUMBERS

<table>
<thead>
<tr>
<th>Drawing Number</th>
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<tr>
<td>AL(00)100 Rev B</td>
<td>Site Location Plan</td>
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<tr>
<td>AL(00)101 Rev C</td>
<td>Site Topographical Survey</td>
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<tr>
<td>AL(00)001 Rev G</td>
<td>Proposed Site Layout Plan</td>
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<tr>
<td>AL(00)002 Rev A</td>
<td>Proposed Detailed Site Plan Layout</td>
</tr>
<tr>
<td>AL(00)011 Rev D</td>
<td>Ground Floor Plan as Proposed</td>
</tr>
<tr>
<td>AL(00)012 Rev D</td>
<td>First Floor Plan as Proposed</td>
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<tr>
<td>AL(00)013 Rev D</td>
<td>Second Floor Plan as Proposed</td>
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<td>AL(00)014 Rev B</td>
<td>Roof Plan as Proposed</td>
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<td>AL(00)015 Rev B</td>
<td>Proposed Elevations</td>
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<td>AL(00)16</td>
<td>Proposed Sections</td>
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<tr>
<td>02 Rev I</td>
<td>Landscape Masterplan Outline Design</td>
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### Approved by

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<tr>
<th>Name</th>
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<tr>
<td>Brian Frater</td>
<td>Service Director (Regulatory Services)</td>
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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)

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