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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 7TH SEPTEMBER, 2015

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, SCOTTISH BORDERS COUNCIL, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS TD6 0SA on MONDAY, 7TH SEPTEMBER, 2015 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,
31 August 2015

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 1 - 4) Minute of Meeting of 3 August 2015 to be approved and signed by the Chairman. (Copy attached.)
5.	Applications. Consider the following application for planning permission:-
	(a) 14/00848/PPP - Whitmuir Hall, Selkirk (Pages 5 - 30) Erection of 19 holiday lodges with proposed access and land treatment on land North West of Whitmuir Hall, Selkirk.
	(b) 14/01437/LBC - Clock Tower, Wilton Mill (Pages 31 - 46) Demolition of Clock Tower and Gate Lodge at the Clock Tower, Wilton Mill, Commercial Road, Hawick.
	(c) 15/00687/FUL - 7 The Wynd Theatre, Melrose (Pages 47 - 56) Change of use from theatre and alterations to form artist's studio and gallery at 7 The Wynd Theatre, Buccleuch Street, Melrose
	(d) 15/00658/FUL - Land South West of the Police Station, North Hermitage Street, Newcastleton (Pages 57 - 72) Erection of seven dwellinghouses on land South West of the Police Station, North Hermitage Street, Newcastleton.
	(e) 15/00615/AMC - Land North East of 22 Beechbank, Selkirk (Pages 73 - 88) Erection of dwellinghouse (approval of matters for all conditions pursuant to planning permission 12/00584/PPP) on Land North East of 22 Beechbank, Selkirk.
6.	Appeals and Reviews. (Pages 89 - 94) Consider report by Service Director Regulatory Services. (Copy attached.)

7.	Any Other Items Previously Circulated.
8.	Any Other Items which the Chairman Decides are Urgent.

NOTE

Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Members are reminded that any decisions taken by the Planning and Building Standards Committee are quasi judicial in nature. Legislation , case law and the Councillors Code of Conduct require that Members :

- Need to ensure a fair proper hearing
- Must avoid any impression of bias in relation to the statutory decision making process
- Must take no account of irrelevant matters
- Must not prejudge an application,
- Must not formulate a final view on an application until all available information is to hand and has been duly considered at the relevant meeting
- Must avoid any occasion for suspicion and any appearance of improper conduct
- Must not come with a pre prepared statement which already has a conclusion

Membership of Committee:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne, D. Moffat, I. Gillespie, J. Campbell, J. A. Fullarton, S. Mountford and B White.

Please direct any enquiries to Fiona Henderson 01835 826502
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SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE held in the Council Headquarters, Newtown St. Boswells on 3 August 2015 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), J. Brown, J. Campbell, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.
Also Present: Councillor Bell (for para 2)
Apology:- Councillor M. Ballantyne.
In Attendance:- Chief Planning Officer, Development Standards Manager, Forward Planning Manager, Roads Planning Officer (J. Frater), Chief Legal Officer, Democratic Services Team Leader, Democratic Services Officer (K. Mason).

MINUTE

1. There had been circulated copies of the Minute of the Meeting held on 29 June 2015. With regard to paragraph 2, the Democratic Services Officer advised that the name Karen Niven should be replaced with Karen Ruthven.

DECISION

APPROVED the Minute for signature by the Chairman, subject to the above amendment.

DRAFT SUPPLEMENTARY GUIDANCE: GLENTRESS MASTERPLAN

2. There had been circulated copies of a report by the Service Director Regulatory Services which proposed the approval of Draft Supplementary Guidance: Glentress Masterplan, as detailed in Appendix A to the report, to be used as a basis for public consultation for a period of 12 weeks. The purpose of the Supplementary Guidance (SG) was to guide the future sustainable development of the Glentress forest visitor attraction located in the Tweed valley between Peebles and Innerleithen. The Masterplan presented a strategic context for this part of the valley and set out proposals for development to enhance the visitor experience. The Masterplan included indicative proposals for an enhanced centre, a new site for cabins and parking. The SG had been developed in partnership with Forest Enterprise Scotland (FES). Following consultation, it was intended to bring back a report to Planning and Building Standards committee seeking final agreement. Once the Local Development Plan was adopted the Masterplan would be formal Supplementary Guidance and part of the Local Development Plan. The Forward Planning Manager answered Members' questions. Mr Hugh MacKay from Forest Enterprise Scotland, who was present at the meeting, confirmed that Forest Enterprise Scotland had been fully involved with the stakeholders in relation to the Draft Supplementary Guidance. The Executive Member for Economic Development, who was also present, referred to the enthusiastic and effective co-operation between the Forestry Commission and Scottish Borders Council in meeting the aspirations of the Glentress Masterplan. The Chairman thanked Mr Wanless, Trish Connolly, Planning Officer (Planning Policy and Access) and the team for their excellent work on the Draft Supplementary Guidance.

DECISION

AGREED to:-

- (a) **approve the Draft Supplementary Guidelines: Glentress Masterplan as a basis for public consultation;**
- (b) **note the Environmental Report as detailed in Appendix B to the report; and**
- (c) **to receive a further report following consultation for formal agreement of the guidance.**

APPLICATIONS

3. There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION

DEALT with the applications as detailed in Appendix I to this Minute.

APPEALS AND REVIEWS

4. There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:-

(a) there remained two appeals outstanding in respect of:

- **Land West of Kingledores Farm (Glenkerie), Broughton, Biggar**
- **Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge**

(b) Appeals had been received in respect of the following:-

- (i) Wind farm development comprising 7 No wind turbines 11m high to tip with ancillary equipment, access track and association works. Land West of Muircleugh Farmhouse, Lauder;**
- (ii) Erection of dwellinghouse and detached garage on Land West of 3 Nethermains Cottage, Duns – 14/00934/FUL.**

(c) There remained 3 reviews outstanding:-

- (i) Land West of Tibbieshiels Inn, St Marys Loch, Selkirk ;**
- (ii) Land West of 3 Nethermains Cottage, Duns;**
- (iii) Land South West of Milldown Farmhouse, Coldingham.**

PRIVATE BUSINESS

6. DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

Minute

1. The Planning and Building Standards Committee approved the private section of the Minute of 29 June 2015.

The meeting concluded at 11.20 a.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/00531/FUL	Erection of three dwellinghouses (change of house type to previously approved 11/00983/AMC)	Land South West of Carnethy, Medwyn Road, West Linton

Decision: Approved subject to the attached conditions and subject to re-assignment of Legal Agreement in relation to requirement for developer contributions in respect of education provision.

1. Two parking spaces shall be provided within the curtilage of each dwellinghouse and retained in perpetuity.
Reason: to ensure that there is adequate off road parking in the interests of road safety.
2. The garage/studios hereby approved shall only be used as ancillary accommodation in connection with the use of the main properties as single private dwelling houses and shall at no time be converted to self-contained units.
Reason: A separate dwelling would conflict with established planning policy for this area.
3. Before construction commences on the garage on Plot 3, the exact location shall be pegged out on the ground for approval by the planning authority. If it is found that any part of the garage is located within the area allocated for planting/trees on the approved site layout plan for 11/00983/AMC or within the tree protection area required by that permission, an alternative site for the garage will be agreed with the planning authority.
Reason: to ensure that the development does not have an adverse impact on the existing trees and the proposed landscape planting.
4. The existing trees on the site as depicted on Drawing No 1146/1 shall be retained and protected to BS 5837:2005 during the construction period and thereafter in perpetuity to the satisfaction of the Planning Authority. Details of the phased works for new/replanting on site as per the approved Woodland Management Plan, type of weed control to be used (hand weeding, chemical or mechanical), and a programme for completion and long term management shall be submitted to the Planning Authority prior to development within one month of the date on this consent. The approved planting scheme shall be implemented in the next planting season (Autumn 2015- Spring 2016).
Reason: To ensure the satisfactory form, layout and assimilation of the development, and to protect existing trees that represent an important visual feature that the Planning Authority considers should be substantially maintained.
5. The proposed post and wire fence to delineate the housing plots and woodland shall be erected within one month of the date on this consent and retained thereafter. Once the protective fence is in place the belt shall become an exclusion zone free from any work or storage of material or plant on the site.
Reason: To protect the existing woodland strip which acts as a screening buffer to ensure the development integrates well into the surrounding landscape.
6. No dwelling shall be occupied until the vehicular access to the site, the visitor parking areas and the vehicular turning area shown on the approved drawings have been completed.
Reason: In the interests of road safety.
7. The proposed soakaways shall be located in the positions as previously agree under planning consent 11/00983/AMC unless alternative locations are agreed in writing with the planning authority prior to the soakaways being installed.
Reason: To protect the existing trees on site and safeguard the visual amenity of the area.

8. A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority within one month of the date on this consent.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
9. The roofing material on the main dwellinghouses to be natural slate.
Reason: To safeguard the visual amenity of the area.

15/00020/S36

Wind farm comprising 14 wind turbines substation, control room, two temporary compounds, access tracks, four borrow pits and meteorological mast

Land at Whitelaw Brae 3km south of Tweedsmuir and west of Fruid Reservoir.

Decision: That the Council indicate to Scottish Government that it **objected** to the application for a 14-turbine wind farm on the Whitelaw Brae Site. The reasons for the objections are as follows:

Reason for Objection 1: Impact on Landscape Character:

The proposed development would be contrary to Policies G1, EP2 and D4 of the Scottish Borders Local Plan 2011 and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) 2013 in that, taking into consideration the following factors, it would unacceptably harm the Borders landscape:

- Significant impacts on the perception, setting and qualities of identified wild land (Area 2 Talla Hart Fell) to the south and east of the site in an area with high fragility to change.
- Significant impacts on the designated Tweedsmuir Uplands Special Landscape Area and contrary to the management recommendations seeking to maintain wildness and limit impacts of tall developments, both in relation to the higher summits/wild land to the south and to the more localised intimate landscapes centred around the reservoirs to the east and north-east

Reason for Objection 2: Adverse Visual and Amenity Impacts:

The proposed development would be contrary to Policies G1, D4, BE2 and H2 of the Scottish Borders Local Plan 2011, Policy EP8 of the Local Development Plan 2013 and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) 2013 in that, taking into consideration the following factors, the development would give rise to unacceptable visual and amenity effects:

- Low containment within the 5km range and consequent significant visual impacts from sensitive receptors including public roads (such as the main tourist route of the A701 and the Fruid minor road), a right of way, hill summits and dwellinghouses. In respect of the identified residential receptors, the developer has failed to demonstrate that the impacts would not be overbearing and significantly adverse.
- Significant cumulative and scale impacts on sensitive receptors and on a unique landscape character type and capacity to the east of the A701 corridor, inappropriately extending the existing Clyde/Clyde Extension/Glenkerie cluster into previously undeveloped land, bridging a strong visual boundary between landscape character types and setting precedent for further inappropriate incursion.
- Significant detrimental impacts to two archaeological sites of national significance, Asset HA5 and the Scheduled Hawkshaw Castle.

Advisory Note:

Should the development be considered for approval, then conditions and the need for a Legal Agreement have been identified covering a number of different aspects including noise limits, roads matters, ecology and archaeology.

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7th SEPTEMBER 2015

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE

ITEM: **REFERENCE NUMBER:** 14/00848/PPP

OFFICER: Andrew Evans
WARD: Selkirkshire
PROPOSAL: Erection of 19 holiday lodges with proposed access and land treatment
SITE: Land North West Of Whitmuir Hall, Selkirk, Scottish Borders
APPLICANT: Mr Alan Williams
AGENT: Burnet Bell Architects & Enviroplan

SITE DESCRIPTION:

The site is located in rural countryside outside Selkirk. The site is directly to the north east of Whitmuir Hall, which is located in between the settlements of Selkirk and Midlem. The site is a southwest facing pasture, currently grazed, which generally slopes towards the southwest, but also contains localised peaks and ridges within the western half of the site which have been formed as a result from a previous quarry activity.

The south western corner was previously used as an off road bike track with tracks still delineated by rows of old tyres, now partly absorbed back into the ground. The site is bound to the east by a stone dyke wall which encloses the site from the minor road that connects Whitmuir to the A699. To the south and west, is Whitmuir Loch Site of Special Scientific Interest (SSSI). This is a lowland basin mire of mesotrophic fen surrounding the loch which includes most of the mixed woodland that encloses the west and southern most corner of the site with further woodland enclosing the south-eastern edge of the site.

The wider landscape surrounding the site is a pastoral landscape with shelterbelts and large parkland trees interspersed within the field pattern. Notable surrounding features include;

- Selkirk Race course (“Gala Rig” on O.S.)to the north west of Whitmuir Loch,
- A path which runs along the eastern edge of Whitmuir Loch connecting the minor road to the south of Whitmuir Hall and the A699,
- A tree lined avenue along the northern access road at its connection with the A699
- Approximately 7 dwelling houses are located within the vicinity of Whitmuir Hall.

The site is not subject to any formal landscape designations.

PROPOSED DEVELOPMENT:

Planning Permission in Principle is sought for the erection of 19 Holiday Chalets. Although permission is sought in principle, the application includes an indicative road layout, and indicative proposals for the treatment of the land and for enhanced landscape planting.

PLANNING HISTORY:

- 90/01539/OUT - A previous planning approval obtained consent for the erection of 25 self-catering chalets with new internal road access within the site. No detailed application followed this approval.
- 08/00890/FUL - In 2008 planning approval was obtained for the extension to the existing leisure centre at Whitmuir Hall to provide function area, café and changing facilities as well as the formation of a new access.
- 09/00577/OUT - In 2009, a planning application sought consent for the erection of 28 holiday chalets, this application was withdrawn following a range of concerns expressed by the department about the application which most significantly related to; compliance with Scottish Borders Tourism Strategy (SBTS), landscape and visual impact, drainage concerns and impacts upon the SSSI.
- 10/01123/PPP - A resubmission of the withdrawn 2009 application was made in 2010, which sought to address the concerns previously raised. Subsequently, in December 2012 this application was refused by elected members, contrary to officer recommendation. The application was for the erection of 28 holiday lodges with proposed access and land treatment. A subsequent appeal to the DPEA was dismissed by the appointed Scottish Government Reporter. The Reporter's Report is available in full on the DPEA website under Planning appeal reference: PPA-140-2040, with the reporter's decision dated August 1st 2013.

REPRESENTATION SUMMARY:

This current application was publicised by means of a notice in the Southern Reporter, a notice on the national planning notification website, and via direct postal notification of the 4 immediate neighbours within the 20m buffer of the application site.

Objections were received to the application, and these can be viewed in full on the public access website. At the time of preparing the report a approximate total of 42 representations had been received. 40 of these were objections, with 2 representations (Neither supporting nor opposing).

A summary of the matters of relevance raised in these letters of objection and representation is as follows:

- Complaints about the process, fee arrangements, of there being multiple agents.
- Complaints about the Pre-Application consultation, Proposal of Application Notice timing.

- Extensive reference is made to the Reporter's Decision letter from the previous planning decision on the site, and that this should preclude any consideration of these proposals.

Objections were made that the proposals:

- are not a sustainable form of development
- will have overriding adverse visual impact
- will cause light pollution
- will have an adverse impacts on private water supplies
- will not suitably address foul drainage concerns
- will have an adverse impact on wildlife and habitat:
- Impact on protected species and a Site of Special Scientific Interest
- Adverse impact on local bird populations, and on their habitat

Further objections were made to **principle and detail of this business** in this location:

- Objectors highlight that Scottish Planning Policy (paragraph 95) stresses that the aim is not to see small settlements lose their identity nor to suburbanise the Scottish countryside.... If this development is allowed to go ahead the character of Whitmuir would be lost forever.
- Contended that Whitmuir Hall has only 12.5% occupancy which demonstrates that there is no demand for additional chalet/homes accommodation in this area
- The proposals will exacerbate the decline of the existing accommodation at Whitmuir Hall, not improve it.
- The type of accommodation proposed is not what is required in the Borders
- The proposals are not economically viable.
- SBC should support local businesses and ensure they are not undermined by "the wrong kind" of development.
- The Self Catering tourist accommodation market is declining
- The proposals have no connectivity with the existing tourist development.
- The proposals are seen as a means of establishing buildings on the site, to be subject to future housing conversion or development
- Poor internet reviews of the existing accommodation were reproduced, and provided to the Council.
- A spreadsheet showing occupation figures for the existing accommodation is provided (based on figures from Wyndhams marketing agency, and "local observations")
- Extensive detailed comments regarding the adequacy of any business information to be lodged in support of the application.

Objections were received in terms of the **landscape impacts** arising from the proposed development as follows:

- The Borders Landscape Assessment sets out the hamlet lies within a designated national scenic area and an environmentally sensitive area - sensitive to change. It is especially important for any development to fit in with its surroundings.
- The surrounding area and hamlet cannot accommodate this scale of development.

- The proposals will have an adverse impact on the view from the Rig Racecourse during the common riding.

Traffic, Road Safety and access concerns and objections can be summarised as follows:

- Current maximum capacity of Whitmuir Hall is 80 persons, this combined with the proposed additional accommodation, would mean at least 150 people together with their cars totally swamping the existing settlement and existing tiny access roads.
- Conflict with local horse riding.

Finally, other objections can be summarised as:

- Loss of farmland.
- The applicant makes no effort to engage with neighbours or the local community
- Non-compliance with planning policies, particularly in relation to rural development, impacts on neighbouring amenity, travel and transport

APPLICANTS' SUPPORTING INFORMATION:

The application is supported by:

- Supporting Planning Statement , which includes:
 - Phase 1 Ecology Report by Corvus Consulting
 - Environmental Impact Report
 - Engineers Report (URS)
 - Tourism Report (by Tourism Resources Company, 2010)
 - a community engagement report due to this application falling in to the category of "Major Development"
 - Landscape Strategy (By Circle)
- Landscape Design Statement

MAJOR DEVELOPMENT REQUIREMENTS

Due to the application site measuring 4.4ha, the application, as noted above, falls in to the category of "Major Development" in the Hierarchy of Development. This means that Pre-Application Consultation had to be undertaken, and an event held by the applicant's agent, and a subsequent Pre-Application Consultation (PAC) report lodged with this planning application.

The PAC report is set out in appendix A of the Supporting Planning Statement, and reports on the public pre application even held on June 5th 2014. The Planning Department is satisfied that the statutory pre-application requirements have been fulfilled.

PROCESSING AGREEMENT

A planning processing agreement has been concluded with the applicant, which set out a route for the application to progress to a committee decision in August of 2015. Agreement was subsequently confirmed on an extension to the agreement to September meeting of the PBS committee.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees:

Outdoor Access Officer: **No response** received.

Roads Planning Service: Identified **no objection in principle**.

Confirmed this current submission appears to largely have taken account of the roads issues and concerns which the RPS had highlighted in previous correspondence. Pleased to see that the location of a new access into the site at the north eastern boundary on the brow of the hill is still proposed.

The RPS engineer was disappointed that the internal vehicular connection has been removed. This link is required to minimise and aid traffic flow throughout and in particular will assist with reducing traffic flow and conflict at the southern boundary of the overall Whitmuir site which has always been a cause of local concern. A link between the sites will ensure that vehicular trips on the public road network surrounding the site are kept to an absolute minimum. Chalet occupiers will utilise the new access to the north for the majority of their stay, whilst only really requiring to use the existing entrance on arrival to check-in before using the link to travel to their chalet. The impact on the existing exit to south will be minimal or potentially even no impact at all as chalet occupiers who are checking out are likely to travel back through the lodge park and exit via the new access. Should a link not be included, all check-ins and signing outs will result in the use of the southern exit. The RPS goes on to confirm:

- A review of the internal traffic management should be included as part of any 'detailed' application.
- The location of the new and upgraded passing places as shown on the marked up drawing accords well with RPS comments and site meeting's for previous proposals.
- A detailed junction layout will be required for the proposed new access onto the public road, including details of its construction. This should be included within any subsequent 'detailed' application.
- The passing places (localised road widening) are to be constructed generally as per the detail specified in RPS standard drawing, DC-1.

The RPS does not object to this tourism development. They are content that the proposed public road improvements, together with the new access, the improved visibility splays and the necessary measures described earlier to minimise traffic flow at the southerly exit are sufficient to enable their support for this development.

Ecology Officer: **23.09.14:** (First Response): Confirmed **no objection** in principle, subject to appropriate mitigation.

Noted the SEPA response of August 5 2014 which provides standing advice at www.sepa.org.uk/planning.aspx . An SNH response is pending and the ecology officer indicated he may respond further once this document is lodged. Previous SNH responses for 10/01123/FUL (27 September 2011 & November 20 2012) highlighted

concerns regarding foul and surface water treatment, construction methods and boundary/SSSI management and stated that the proposal submitted was to be in accordance with the advice of SEPA and SBC. The Planning Support Statement by EnvironPlan Consulting Ltd. of July 15 2014 proposes the construction of a Natural Ecological Wastewater Treatment Plant which will include a reed bed. The potential impacts of this proposal on Whitmuirhall Loch SSSI will be considered by SNH and I may then comment further.

Notes the Planning Support Statement by EnvironPlan Consulting Ltd. of July 15 2014. The development lies close to Whitmuirhall Loch SSSI designated for its basin fen and hydromorphological mire range. Most of the site is poor semi-improved grassland and tall ruderal vegetation with area of semi-improved neutral grassland associated with rocky knowes within the site. The Ecology response (19 September 2011) for a previous application on the same site (10/01123/PPP) indicated further survey and information requirements. The Planning Support Statement of July 15 2014 (Section 5) acknowledges that further survey and information is required. It refers to the need for more information on protected species such as bats and badgers, both on site and adjacent to the site; impacts of site lighting; that the used tyres should be carefully removed to avoid impacts on amphibians and reptiles, timing of works to avoid impacts on flora and fauna particularly during the breeding bird season; the need for sensitive habitat and biodiversity enhancement.

Bats

The proposed access track to the north (previously in the south) and the changes to chalet locations are welcomed as this has the potential to avoid disturbance, to the south, where bat species could have been impacted. The site and adjacent habitat is used as foraging habitat and potential roosting and perching by bats (according to the Phase 1 ecology report carried out by Corvus Consulting September 2009) therefore mitigation is required in the form of a 'Lighting design strategy for light sensitive biodiversity'. However, if any trees are to be disturbed or felled bat surveys will be required.

Bats are protected under The Conservation (Natural Habitats &c.) Regulations 1994 (as amended). It is illegal to intentionally or deliberately kill or injure them, intentionally, deliberately or recklessly damage, destroy, or obstruct access to any place used for shelter or protection including resting or breeding places (all roosts, whether occupied or not), or deliberately, intentionally or recklessly disturb them.

Badgers

Badgers are known to be present in this area and also use it for foraging and commuting. A Badger Protection Plan, to be informed by survey, is required.

The European Badger (*Meles meles*) is protected 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.

Birds

There is potential for breeding birds to use the trees and habitat in the vicinity. Potential impacts on breeding birds are to be avoided.

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. Additionally for those species protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any bird whilst it is nest-building or at or

near a nest containing eggs or young, or to disturb any of its dependent young. There may be a requirement, depending on habitats within the sites, to survey sites in 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 - September). 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.

Recommendations

1. A mitigation plan is required in regard to lighting design which is sensitive to the needs of bats. The type of lighting and timing of lighting which minimises impacts on biodiversity, e.g. Bats and badgers, should be carefully considered for both the construction phase and the final development. The mitigation plan should include a 'Lighting design strategy for light sensitive biodiversity'. This may include darker wildlife corridors. If any mature trees are to be felled or disturbed they will need to be surveyed for bats to prevent impacts on roosting or foraging bats. If surveys are to be carried out any surveys likely to involve disturbance to bats or their roosts can only be carried out by a licensed bat worker. Activity surveys or roost surveys in trees should be conducted between May and September (optimally May - July). Preliminary roost assessments can be undertaken at any time of year. If evidence of bats or their roosts is found in surveys, the developer may be required to submit a mitigation plan for bats as part of their submission to the Planning Authority.
2. A Badger Protection Plan is required to protect any setts in the area and badger foraging and commuting across the site (including covering trenches and open pipes overnight/ providing a means of escape, safe storage of chemicals and oils, sensitive security lighting, timing of works, badger-proof fencing around settlement ponds). This Badger Protection Plan will need to be informed by a badger survey to be carried out by a suitably qualified person. It is also a requirement that prior to the commencement of works the site contractors are given a toolbox talk and information sheet by the developer's consultant ecologist to explain the requirements of the mitigation on site. Prior to the commencement of works the Badger Protection Plan including the details of the toolbox talk and the survey details will be submitted, in writing, to the Planning Authority for approval. Any works shall thereafter be carried out in accordance with the approved scheme.
3. Site clearance to 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.
4. Prior to commencement of works a Biodiversity and Habitat Management Plan is to be prepared by a suitably qualified person. It will relate to the proposed development, and is required to be submitted, in writing (including plan/maps), for approval by the Planning Authority. It will enhance the local habitat network for biodiversity and could include measures for locally native woodland and scrub, hedgerows and grassland enhancement with wildflower areas. A planting scheme may include native trees and shrubs (FCS Native seed zone 204). A pond or SUDS feature, which is proposed, can also enhance the local habitat network for bats. Well-designed this can form part

of the wider green network and can promote biodiversity. The developer may also consider the provision of swift bricks and bird nesting sites such as the Schwegler 1N Deep Nest Box which can be attached to mature trees or posts to provide nesting opportunities for a range of bird species. Any works shall thereafter be carried out in accordance with the approved scheme.

5. Tyres on site to be carefully removed to avoid impacts on amphibians and reptiles. Works to be guided by a suitably qualified person.
6. Protect the water body which is in the vicinity of the development area. Adopt SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses), PPG 3, 4, 7, 13 (site drainage), PPG 2, 8 (oil storage) and PPG 6 (construction and demolition) as appropriate.

Second Response:

Confirmed on 05/08/15 that the Ecology Officer is content for these matters to be dealt with by means of planning conditions, as recommended in the earlier consultation response of the Assistant Ecology Officer

Landscape Architect:

Commented on all the previous applications and felt that due to the site topography and its relationship with the surrounding area the development of the site for holiday chalets accommodation would not have a negative impact on the wider landscape. Confirms has studied the revised layout submitted in support of this application and is of the opinion that the reduction in the number of units will have a beneficial impact on the development and has allowed a more considered layout to be developed. The access road appears to be more sympathetic to the site topography and the reduction in the number of units has resulted in smaller and more discrete groupings of chalets. While inevitably there will be some modifying of the topography to accommodate the chalets and any parking associated with each unit would expect this to be kept to the absolute minimum and detail to be provided at the more detailed planning stage to demonstrate this is the case. Every effort will have to be made to make any platforms and consequent changes in levels fit the undulating nature of the site. In respect of the main access road through the site the Landscape Architect suggests this is kept to the absolute minimum width in conjunction with suitably located and frequent passing places, as this will significantly reduce their visual impact on the site and be in keeping with a development of this scale. The Outline Proposals drawing only indicates the main access road through the site and at the next stage we will need detail of the tracks and parking associated with each unit.

Planting should be native species with the concentration on reinforcing the existing woodland which surrounds the site. Management of the grassland should encourage and enhance the existing species. A management plan for all areas of the site, following development, will be required to ensure that the biodiversity of the site is being considered.

If all the above can be satisfactorily addressed at the more detailed stage of the process, sees no reason why this application cannot be supported.

Environmental Health:

22.10.14:

Amenity and Pollution - The application is for the development of 19 holiday chalets. The application form indicates that the development will be serviced with a water supply from Scottish Water. No indication has been given regarding how the chalets will be heated this may have an impact on noise and/or air quality. I would request that the applicant provides more details on the heating plan for the chalets, see conditions.

Contaminated land - It is recommended, that by way of an Informative Note, the applicant is made aware of potential land contamination that may have occurred through unrecorded infilling of the quarry. Should unexpected ground conditions e.g. made ground extending to depth, discolouration or malodorous substances be encountered in excavations, or evidence of potential contamination e.g. underground structures, remains of buried wastes or equipment be encountered during site works it is requested that Environmental Health are immediately consulted.

Economic Development:

22.10.14: First Response:

The provision of new holiday lodge accommodation fits with the Scottish Borders Tourism Strategy 2013-2020 strategic target by:

- Ensuring the region's accommodation offerings are in direct relation to consumer demands and where opportunities are available, act as an attractor of demand in themselves.
- Increasing volume of overnight visitors.
- Increasing overnight visitor spend.

Economic Development supports this application in principal, on condition that the following provisions are met:

- Submission of a full business plan that includes full financial projections, current occupancy levels for the existing accommodation and a marketing plan to identify key customers and target markets for the new development in the locality
- That there is a commitment by the applicant to work with Business Gateway (Tourism) advisors to ensure that both the existing and new facilities are of a high standard and quality.

11.06.2015: Second Response: Reiterated the first paragraph of their first response. Confirmed that the application fits with the Local Development plan policy ED7, Business Tourism and Leisure in the countryside as:

- a. The development is to be used for Leisure and recreation and is in accordance to the Tourism strategy (outlined above)
- b. The development has an economic/operational need that cannot be accommodated within a development boundary of a settlement due to unique nature of rural holiday let accommodation.

The Business Plan provided has identified that the projected break-even point of 8 weeks at 15% occupancy with no borrowing requirement for capital costs means that this is projected to be a viable business. We **remain supportive, in principle**, of this application, on condition that the following provision is met:

- i. That the applicant continues to work with Business Gateway (Tourism) Adviser throughout the development period to ensure that both the existing and new facilities are of a high standard, with an ambition to qualify for Visit Scotland Quality Assurance or other tourism industry standard award.
- ii. Applicant should also commit to submitting updated formalised business plans and financial information to Business Gateway where appropriate.

Statutory Consultees

Scottish Environmental Protection Agency (SEPA):

5.8.14: Direct the Planning Authority to their standing advice.

Scottish Natural Heritage (SNH):

25.8.14: Confirmed there are natural heritage interests of national importance near to the proposed development site, but these **will not be affected** by the proposal. A protected species licence may be required. SNH confirm they have previously responded to applications for similar proposals at this location on 27 September 2011, and 20 November 2012. The current application retains many elements of the original applications, including the provision for wastewater treatment.

The development site is close to Whitmuirhall Loch SSSI, which is designated for its basin fen and hydromorphological mire range. Basin mires such as Whitmuirhall Loch depend on high, stable water levels and low nutrient conditions in order to maintain their special interests. The SSSI lies at the foot of a sloping field, which is the site of the development. As such, SNH are primarily concerned with the potential impacts of nutrient enriched silt, soils, drainage waters and wastewater produced as a result of the construction and operational phases of the development.

SNH note that the foul water drainage system will incorporate a number of reed beds and swales, and that the entire arrangement will be lined with impermeable membranes. The final effluent will then be pumped to a watercourse outside the Whitmuirhall Loch catchment. The arrangement described above is essential to ensure that there is no nutrient leakage to groundwater which may affect the SSSI.

As detailed in SNH's responses to the previous planning applications, they would expect a Construction Method Statement, detailing how protection of the SSSI will be ensured during construction operations, to be agreed with SBC prior to the commencement of any development at the site. Ideally this would be submitted as part of a full planning application for the development.

European Protected Species – Bats

Protected Species - Badgers

Previous ecological surveys at this location have highlighted the presence of bats and badgers, with recommendations for further surveys to be carried out to inform the requirement for mitigation and/or species licences. SNH therefore advise that SBC ask the applicant to carry out surveys for bats and badgers. If they could be affected by the proposal, you should also request that the applicant submits a species protection plan before determining this application. Once you have received this information, we would be pleased to advise further if necessary.

NOTE – SNH subsequently clarified it was for SBC to confirm Survey requirements. SBC's Ecology Officer subsequently stated that he is content for these further species surveys to be required by planning condition.

Scottish Water:

No response received.

Selkirk and District Community Council:

11.09.14: The Royal Burgh of Selkirk and District Community Council remains in support of the provision of visitor accommodation in the Scottish Borders in appropriate locations - where it can be demonstrated there will be no significant adverse impacts. With regard to these latest outline proposals for Whitmuir, the Community Council is pleased to note the reduced numbers of chalets and appreciate the applicant's attempt to reduce the development impact upon the local environment and infrastructure.

However having discussed this application and its context at Whitmuir, the Community Council is concerned that the proposals still raise a number of fundamental issues concerning business viability, access, the planned sequence of development, impacts upon various aspects of the environment, servicing and design. None of these are - in the Community Council's opinion - satisfactorily addressed within this application and it is to be hoped that much more detailed evidence concerning the above will be forthcoming.

It is further noted that previously planned improvements and maintenance to the existing leisure facilities at Whitmuir are still to be completed and such an apparent lack of commitment hardly encourages any belief for the success of these latest proposals. The CC is also aware that the majority of the residents still seem strongly opposed to any development for both technical and environmental reasons and we consider that their concerns should be fully investigated and resolved.

Other Consultees:

Association for the Protection of Rural Scotland:

18.12.14: This APRS, whilst not directly consulted on the application **objected**, because the site is not allocated for development in the Scottish Borders Consolidated Local Plan, approved in 2011. In the view of the APRS the proposal is also:

- contrary to Structure Plan Policy N3, National Nature Conservation Sites, in that it could adversely affect the neighbouring Whitmuirhall Loch Site of Special Scientific Interest, in particular due to potential adverse effects on water quality from foul drainage and run-off from the site;
- contrary to Local Plan Principle 1, Sustainability, in that it will introduce light pollution to a rural area currently free of such pollution;
- contrary to Local Plan Policy D1, Business, Tourism and Leisure Development in the Countryside, in that it does not respect the amenity and character of the surrounding area and is of an excessive scale inappropriate to the rural character of the area;

- contrary to Local Plan Policy G1, Quality Standards for New Development, in that it is incompatible with and does not respect the character of the surrounding area;
- contrary to Local Plan Policy INF11, Developments that Generate Travel Demand, in that it is not accessible to existing or proposed bus corridors or train stations; indeed it will generate substantial additional vehicle traffic on a narrow single-track road with limited visibility, with consequent adverse effects on road safety;
- contrary to Local Plan Policy NE3, Local Biodiversity, due to its likely adverse effects on protected species known to be present on or near the site, particularly badgers and bats.

The Association therefore respectfully requests your Council to refuse this application on the grounds set out above.

DEVELOPMENT PLAN POLICIES:

SESPlan Strategic Development Plan 2013:

This plan has replaced the structure plan. However no specific policies relevant to the determination of this current application.

Consolidated Scottish Borders Local Plan 2011:

Policy D1	Business Development in the Countryside
Policy G1	Quality Standards for New Development
Policy G2	Contaminated Land
Policy G4	Flooding
Policy BE2	Archaeological Sites and Ancient Monuments
Policy H2	Residential Amenity
Policy Inf2	Access Routes
Policy Inf4	Parking Provisions and Standards
Policy Inf5	Waste Water Treatment Standards
Policy Inf6	Sustainable Urban Drainage
Policy NE2	National Nature Conservation Sites
Policy NE3	Local Biodiversity
Policy NE4	Trees, Woodlands and Hedgerows
Policy NE5	Development Affecting the Water Environment

OTHER PLANNING CONSIDERATIONS:

Adopted SBC Supplementary Planning Guidance (SPG) and other documents:

- Biodiversity (2005)
- Local Landscape Designations (2012)
- Householder Development (2008)

Scottish Government Policy and Guidance: Scottish Planning Policy (SPP) (June 2014)

Scottish Government Directorate for Planning and Environmental Appeals: Decision Notice – Case PPA-140-2040, appeal decision dated 1 August 2013

KEY PLANNING ISSUES:

The main determining issues are whether the proposal represents an appropriate tourism development within the countryside. Consideration must also be given to other matters relating in particular to the ability to provide safe access, impact on adjoining residential properties and impact on the adjacent Whitmuir Loch SSSI.

ASSESSMENT OF APPLICATION:

Revisions in Comparison to previous application / appeal:

The current application makes the following changes in comparison to the previous scheme:

- The number of lodges is reduced from 28 to 19.
- Revisions to layout and detailing of the indicative proposals

Land Use Planning Policy Principle:

In terms of the principle of development, the site is located within an area of rural countryside. Policy D1 of the Consolidated Scottish Borders Local Plan is therefore relevant. It sets out the Council position in relation to proposals for Business, Tourism and Leisure Development in the Countryside.

Members will recall their previous consideration of an application for a larger scheme on this site. That application was refused, and then appealed to Scottish Ministers. The reporter set out in his detailed reasoning as follows:

“There is no equivalent policy in SESplan to policy E21 Tourism Development of the consolidated structure plan and the broad strategies in SESplan have little direct bearing on the assessment of the proposal. The key policies therefore are local plan policies D1 Business, Tourism and Leisure Development in the Countryside, G1 Quality Standards for New Development and Inf11 Developments that Generate Travel Demand.”

The reporter confirmed he had:

“no reason to doubt the assurance that the details of the development will be of high quality. However, application of policies D1 and G1 requires that the issues of integration in the landscape and impact on the rural character of the area must be assessed at the in principle application stage having regard to the indicative proposals.”

Integration in the landscape and impact on the rural character of the area

Placemaking and Design Considerations are set out in a relevant SPG and through the criteria of Policy G1 (Quality Standards for New Development) of the Consolidated Scottish Borders Local Plan. An indicative revised layout plan is considered to be capable of compliance with policy G1. Full arrangements will be subject to detailed consideration at any subsequent application for Approval of Matters Specified in Conditions.

Landscape and visual impacts, and impacts on rural character

The Reporter's decision noted:

According to the Borders Landscape Assessment the site lies broadly within the Eildon Hills landscape character area and within an area defined as an upland fringe type, Type 11 Grassland with hills. This lies within a designated national scenic area and an environmentally sensitive area. The council's supplementary planning guidance Landscape and Development advises that in these areas it is especially important for any development to fit in with its surroundings. According to the landscape appraisal the site is representative of the Type 11 landscape, which is described as sensitive to change. The site and its surroundings are acknowledged to be of a high scenic value. It adjoins Whitmuirhall Loch SSSI, which is accessible to walkers from the core path network.

In this respect, the comments of the Council's Landscape Architect are of significant. She advises that due to the site topography and its relationship with the surrounding area the development of the site for holiday chalets accommodation would not have a negative impact on the wider landscape.

The Council's Landscape Architect has studied the revised layout submitted in support of this application and is of the opinion that the reduction in the number of units will have a beneficial impact and has allowed a more considered layout to be developed.

The indicative position of the proposed access road appears to be more sympathetic to the site topography and the reduction in the number of units has resulted in smaller and more discrete groupings of chalets. This is also beneficial in terms of the impacts upon the rural character of the wider area. The resultant reduced development is now considered to be appropriate in terms of such considerations.

The Council Landscape Architect is quite clear in her consultation response that the site for holiday chalets accommodation would not have a negative impact on the wider landscape.

Economic case and consideration of proposed tourism business:

Policy D1 of the Consolidated Scottish Borders Local Plan encourages the development of tourist facilities and accommodation within the region, provided several criteria are met. These include the need for a proposal to accord with the provisions of Scottish Borders Tourism Strategy (SBTA); provide no adverse impact the local economy or surrounding and neighbouring uses, minimisation of the impacts on the landscape and nature conservation, the ability to achieve satisfactory access and infrastructure as well positive visual impacts.

In respect of this current application, the proposal must be assessed against current development plan policies, but also against the background of approval for self-catering chalets in "outline" under consent 90/01539/OUT. The granting of this consent is material to the consideration of the current application. However, it is accepted that the time period that has lapsed since this previous approval and the evolution of planning policies and also tourism trends, which are an important consideration for any tourist related development, necessitates that the development is robustly tested against the policies of the current development plan.

Visit Scotland was consulted on the application. No response was forthcoming.

The Council Economic Development Service, and by extension its business advisors within the Business Gateway, were consulted on this latest application. The response from Economic Development confirms that the provision of new holiday

lodge accommodation fits with the Scottish Borders Tourism Strategy 2013-2020 strategic target. It was further confirmed that the Economic Development service supports this application in principle, on condition that their identified comments were met, namely:

- the Submission of a full business plan that includes full financial projections, current occupancy levels for the existing accommodation and a marketing plan to identify key customers and target markets for the new development in the locality, and
- secondly that there is a commitment by the applicant to work with Business Gateway (Tourism) advisors to ensure that both the existing and new facilities are of a high standard and quality).

Following the submission of a business plan by the agent, a second consultation was carried out with Economic Development colleagues, who advised that the application fits with the Local Development Plan policy ED7, Business Tourism and Leisure in the Countryside, as it is in accordance to the Tourism strategy (outlined above) and that the development has an economic/operational need that cannot be accommodated within a development boundary of a settlement due to unique nature of rural holiday let accommodation.

Economic Development confirm in their final consultation response on this current application that the Business Plan provided has identified that the projected break-even point of 8 weeks at 15% occupancy with no borrowing requirement for capital costs means that this is projected to be a viable business. They remain supportive, in principle, of this application, on condition that the following provisions are met:

- i. That the applicant continues to work with Business Gateway (Tourism) Adviser throughout the development period to ensure that both the existing and new facilities are of a high standard, with an ambition to qualify for Visit Scotland Quality Assurance or other tourism industry standard award.
- ii. Applicant should also commit to submitting updated formalised business plans and financial information to Business Gateway where appropriate.

Archaeology

The Archaeology Officer in the determination of the previous application on this site identified that there is evidence of a medieval village, tower and garage at Whitmuir with the possibility that evidence of these features could be located within the site and due to the proximity of the development to the loch there is further potential to discover unknown prehistoric archaeology.

It is still considered that there is reasonable evidence that the development of this site could unearth archaeological remains, therefore in order to comply with development plan policies relating to archaeology, it is recommended that a condition be imposed to require the developer to undertake an archaeological site evaluation prior to commencing development. The undertaking should take the form of trial trenches and will permit diligent recording and analysis of its results and any archaeological features which may be uncovered.

Subject to appropriate archaeological conditions, the proposed development is considered to comply with policy BE2 of the Consolidated Scottish Borders Local Plan (2011) on Archaeology.

Impacts on Residential Amenity and Privacy

Policy H2 of the Consolidated Scottish Borders Local Plan sets out criteria to ensure the protection of residential amenity. This is supplemented by the adopted SPG on Householder Development which set out criteria to ensure the protection of residential privacy, amenity and outlook.

In this instance, the department is satisfied that the development proposals would be capable of complying fully with policy H2. Furthermore, the department is satisfied that a detailed development proposal could be brought forward which complied fully with the privacy and amenity standards set out in the SPG on Householder Development, in terms of the impacts of the proposed development upon the nearest residential dwellings.

In terms of neighbouring uses to the south and south east of the site there are a number of residential properties. However, in this case the distance, topography and existing woodland belts surrounding the application site provide sufficient separation and screening from neighbouring housing so that there is not considered to be any justifiable conflicts between this existing and the intensified tourism related use.

The further revised layout which has broken up and reduced the development from earlier proposals provides an indicative form and scale of development that is considered to be appropriate within this rural area and for such reason illustrates that the volume of self-catering units which are proposed can be provided in a manner which will respect the amenity and character of the surrounding area as required by criterion 4 of Policy D1.

Ecological and Habitat Effects (including impacts on Trees, Woodland and Hedgerows):

There are significant and important matters arising in relation to natural heritage and the water resource. These have been appraised carefully by specialist consultees:

- SBC Ecology Officer
- Scottish Natural Heritage
- Scottish Environmental Protection Agency

It remains the case with this latest application that issues relating to the ground environment, biodiversity and habitat have either been suitably addressed or are mitigatable. Conditions to address these matters are set out in detail in this report.

Ecology and Biodiversity issues are covered by Local Plan Policies. Policy NE2 of the Consolidated Scottish Borders Local Plan relates to National Nature Conservation Sites, and Policy NE3 of the same plan relates to Local Biodiversity. The application is accompanied by an ecological report from Corvus Consulting (Appendix 1 in the planning statement). The Council Ecologist and SNH were both consulted on this application, and whilst the adjoining SSSI is noted, and care will have to be taken so as not to adversely impact upon it, it is apparent that suitable arrangements can be made in any detailed development proposals to deal with concerns.

Policy NE4 of the Consolidated Scottish Borders Local Plan on Trees, Woodlands and Hedgerows seeks to protect these from adverse impacts and loss as a result of insensitive development. It is clear that the site could be developed in a detailed manner accommodating the requirements of this policy, and the requirements of the adopted SPG on Trees and Development.

With regards impacts on watercourses, Policy NE5 of the CSBLP on Development Affecting the Water Environment sets out that the Council will aim to protect the quality of the water resource, and requires developers to consider how their proposals might generate adverse impacts and to building in measures to minimise such impacts, and to restore and enhance the water environment.

Scottish Natural Heritage (SNH) are the body concerned with protecting natural heritage sites, including the Whitmuirhall Site of Special Scientific Interest (SSSI). This SSSI at Whitmuir is notified for its basin fen and hydromorphological mire features. SNH have advised that this proposed development is located outwith the designated site and that the proposed development is not considered to cause direct impacts upon it. However, the key issues that this development poses for the SSSI relate to the effects of the foul and surface water treatment methods and the construction methods and boundary / SSSI management methods to ensure that the development does not detract from its special qualifying features and the value of its setting.

SNH advised on the previous application on this site, that the detailed information in the form of the Engineering Report which accompanied that application and in particular drawing no S106427/A003/FD01, illustrated a satisfactory foul drainage treatment method which will not have any adverse implications upon the SSSI.

In terms of these current proposals, section 5.1 onwards of the planning statement supporting the application sets out arrangements for water management (which are elaborated on in the accompanying engineers report by URS in Appendix B), Surface Water Treatment and Waste Water Management. The URS report includes a Foul Water Drainage Strategy.

It is noted that the application site is located in close proximity to a number of sensitive receptors. Objectors have suggested that the proposed development will result in the pollution of the SSSI. It is legitimate for the planning authority to assess the impact of the development upon the water environment, but clearly it must take account very closely of the advice of the key regulators

A more detailed assessment of the potential for pollution will be undertaken as part of SEPA's decision to grant a Controlled Activities Regulations (CAR) licence for the works. In terms of the planning assessment, it is important to note that SEPA have previously suggested that the scheme which has been detailed is in principle capable of authorisation.

Fundamentally, it remains the case that both SEPA and SNH are satisfied that suitable drainage treatment methods exists and the precise detail of these works can be conditioned for conclusion at the detailed application stage.

Species

The Council's Ecology Officer has suggested the further surveys are required (via planning condition) to assess the impact of the development upon bats. SNH also has a role as the licensing authority for European Protected Species (which bats are

listed as being). It has been clarified that these further surveys can be subject to planning condition in this case.

This position is logical, as further survey work can accompany any subsequent application for matters specified in conditions covering the specific design proposals for the site.

In order to protect the qualities of local biodiversity as required by Local Plan Policy NE3, further conditions relating to the appropriate clearance of the site to avoid the breeding bird season, suitable removal of the tyres on the site to avoid impact on reptiles and the need for a Landscape and Habitat Management Plan are recommended.

Trees Woodlands and Hedgerows

Policy NE4 of the CSBLP seeks to protect existing trees, woodlands, and hedgerows from adverse impacts arising from inappropriate development. The indicative proposals show a layout which could comply with policy NE4.

Drainage Arrangements

The Planning Support Statement by EnvironPlan Consulting Ltd. of July 15 2014 proposes the construction of a Natural Ecological Wastewater Treatment Plant which will include a reed bed. The potential impacts of this proposal on Whitmuirhall Loch SSSI will be considered by SNH and the Ecology Officer indicates may then comment further.

Contaminated Land

The Council's position with regards contaminated land is set out in policy G2 of the CSBLP, and expanded upon in the Contaminated Land Inspection Strategy. In this instance, the Contaminated Land Officer is content that any historic contamination issues can be dealt with by means of an applicant informative. Subject to such an informative, the proposals are considered acceptable in terms of policy G2 of the Local Plan, and the Contaminated Land Inspection Strategy.

Access. Strategic Transportation considerations, and Impacts on Road Safety and the Road Network:

Strategic Transportation considerations

The Reporter noted in his decision that:

Criterion 8 of policy D1 requires tourism and leisure development to take account of accessibility considerations in accordance with local plan policy Inf11 Developments that Generate Travel Demand. Policy Inf11, which aims to promote sustainable travel patterns, states that the council is committed to guiding development to locations which are accessible to existing or proposed bus corridors and railway stations and which maximise opportunities for walking and cycling.

The Reporter took the view that the scheme provided shared accommodation for families and other groups. It was likely, therefore, that the occupancy levels and traffic generation per unit would be significantly higher than average for longer established self-catering tourist developments. He considered that 28 holiday lodges had the potential to be a significant travel generating development.

The Reporter took the view that:

Selkirk town centre with its shops, restaurants and other facilities is approximately 5 kilometres away and the site is inaccessible to public transport except by taxi. There is no public bus route along the A699. It is not disputed that using a car may be the only method of transport for most of the visitors. Given the inconvenient distance from Selkirk for walking and cycling I am in no doubt that the majority of holidaymakers based in the lodges would be dependent on the private car during their stay and that there would be few exceptions to this pattern of travel by persons choosing to cycle or walk.

This view in effect would render large sections of the Scottish Borders unsuitable for tourist development. There are many roads within the Scottish Borders not served immediately by bus services. It is in the very nature of a rural tourist development, that it is not likely to be on an immediate public transport link. This does not in isolation, in the departments view, amount to a significant, or determinative reason for refusal of these proposals.

The Reporter concluded that the proposed development failed to accord with the development plan. This is not a view shared by your officers.

Access to Site and Road Safety

Policies Inf2 (Access Routes) and Inf4 (Parking Provisions and Standards) are relevant to the application. The application is supported by drawing S106427/A003/RD01. This sets out a series of improvements to the public road to better accommodate additional traffic.

The Roads Planning Service was consulted on the application, and confirms that the development proposed is acceptable in principle. Any issues arising can be dealt with fully through planning conditions.

In terms of access, the Roads Planning Officer has previously advised that the principle of a new opening along the north eastern boundary of the site addresses previous access concerns while reducing conflict with residential traffic to the south.

The Planning Department remains of the view that whilst piercing through this wall is regrettable, as it is an intrinsic feature of the site; however, the indicative plans reuse the removed stone within a new entrance which will provide a pleasing feature as the entrance into this development. A junction detail will be required for this access onto the public road including construction details, should Members be minded to approve this application this can be sought by condition. In addition, construction specifications for the acceptably positioned passing places and road widening will be required. This was the same position as was taken by this department as during the processing of the previous application on the site.

It would be expected that, pending further information on the size, scale, design etc of each unit, there may be a requirement for two car parking spaces. The site is capable of accommodating these parking requirements. This will require being tested against the success of their integration within the site and will be a matter for assessment at the detailed application stage.

Balancing of Considerations

The Reporter's decision set out that:

25. Scottish Planning Policy requires planning authorities to proactively support development that will contribute to sustainable economic growth and to high quality sustainable places (paragraph 33). It urges them to support economic development in all areas by taking account of the economic benefits of proposed development in their decisions and promoting development in sustainable locations, particularly in terms of accessibility (paragraph 45). SPP notes that the tourism industry is one of Scotland's largest business sectors and states that planning authorities should support high quality tourism related development (paragraph 47). The aim should be to enable development in all rural areas, which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality (paragraph 92). The aim is not to see small settlements lose their identity nor to suburbanise the Scottish countryside but to maintain and improve the viability of communities and to support rural businesses (paragraph 95).

26. The Land Use Strategy for Scotland indicates that it is a principle of sustainable development that regulation should continue to protect essential public interests whilst placing as light a burden on businesses as is consistent with achieving its purpose. Another principle is that landscape change should be managed positively and sympathetically, considering the implications of change at a scale appropriate to the landscape in question.

27. On balancing these strands of national planning policy and land use strategy, I am mindful of the need for a positive approach to tourism development and support for rural business. However, the weight that may be attached to the potential economic benefits of the scheme is much reduced by the harm to the scenic and environmental quality of the area and the adverse effect on the promotion of sustainable travel patterns.

The Reporter concerns on the impacts arising from this development in terms of promotion of sustainable travel patterns are set out in para 27. He placed emphasis on the need for development to accord with sustainable patterns of transport. Such emphasis is not however present within policy D1 of the CSBLP. The reporter quite correctly identifies that policy D1 is not the sole policy against which these proposals must be tested. It is however the pre-eminent policy of the consolidated plan in relation to Tourist Development proposals in the Countryside.

The reporter concluded that

- *the proposal would cause unacceptable harm to the amenity and character of the scenic landscape surrounding Whitmuirhall Loch, which is sensitive to change and contributes significantly to the attractiveness of the area for tourism and public recreation, and*
- *that there was in his view no combination of material considerations of sufficient weight to offset the failure to accord with the provisions of the development plan aimed at protecting the amenity and character of the area. This of itself was sufficient reason to refuse planning permission.*
- *Failure to accord with the policy promoting sustainable patterns of travel adds further weight against the granting of permission.*

The planning department remains of the view that the proposed development is in fundamental compliance with adopted planning policies. The modified proposal illustrates a scheme that is sensitive to its location in terms of limited visual, landscape and environmental impacts. Matters pertaining to the specifics of the development, and its supporting infrastructure can all be suitably dealt with through planning conditions. This limited impact, aligned with the potential to generate economic growth and investment in the Borders through the expansion of an existing tourist facility, means that there is a significant planning balance in the development's favour.

CONCLUSION:

It is considered that the proposal complies with Council policies on tourism development in the countryside. The proposal would result in the extension of an existing tourist facility that would positively contribute to the local economy and Borders tourist industry. Provided that a high quality of layout, design, materials, landscaping, drainage proposals and construction methods are agreed at the detailed application stage, it is considered that the proposal would not have a detrimental impact on the environment or visual amenities of the area or have an adverse direct or indirect effect on the adjacent site of national natural heritage importance. The proposal would not harm the residential amenities of occupiers of properties in the surrounding area and adequate access can be provided.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

I recommend the application is approved subject to the undernoted conditions and informatives.

1. No development shall commence until the details of the layout, siting, design, external appearance of the building(s), the means of access thereto, the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - (a) the expiration of three years from the date of this permission, or
 - (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning

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

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

4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

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

5. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Planning Authority before the development is commenced. Details shall include; the phased construction of the units, construction of the surface water and foul drainage measures, construction of site access roads, construction of internal roads, implementation of internal and external planting framework and construction of site features/facilities.

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

6. The occupation of the chalets shall be restricted to genuine holidaymakers/tourists for individual periods not exceeding 6 months in total within any consecutive period of 12 months and not as permanent residential occupation. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

Reason: Permanent residential units in this location would be contrary to the Council housing in the countryside policies.

7. 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.

8. The first planning application for the approval of reserved matters submitted subsequent to this planning permission shall be accompanied by a both bat and badger surveys carried out by a suitably qualified person and submitted for the approval of the Planning Authority, in liaison with Scottish Natural Heritage, with any mitigation measures to be implemented in line with approved guidelines.

Reason: To safeguard the ecological interests of the site.

9. A Badger Protection Plan is required to protect any setts in the area and badger foraging and commuting across the site (including covering trenches and open pipes overnight/ providing a means of escape, safe storage of chemicals and oils, sensitive security lighting, timing of works, badger-proof fencing around settlement ponds). This Badger Protection Plan will need to be informed by a badger survey to be carried out by a suitably qualified person . It is also a requirement that prior to the commencement of works the site contractors are given a toolbox talk and information sheet by the developer's consultant ecologist to explain the requirements of the mitigation on site. Prior to the commencement of works the Badger Protection Plan including the details of the toolbox talk and the survey details will be submitted, in writing, to the Planning Authority for approval. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard the ecological interests of the site.

10. Prior to commencement of works a Biodiversity and Habitat Management Plan is to be prepared by a suitably qualified person. It will relate to the proposed development, and is required to be submitted, in writing (including plan/maps), for approval by the Planning Authority. It will enhance the local habitat network for biodiversity and could include measures for locally native woodland and scrub, hedgerows and grassland enhancement with wildflower areas. A planting scheme may include native trees and shrubs (FCS Native seed zone 204). A pond or SUDS feature, which is proposed, can also enhance the local habitat network for bats. Well-designed this can form part of the wider green network and can promote biodiversity. The developer may also consider the provision of swift bricks and bird nesting sites such as the Schwegler 1N Deep Nest Box which can be attached to mature trees or posts to provide nesting opportunities for a range of bird species. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard the ecological interests of the site.

11. No development shall commence until a Construction Method Statement and an Environmental Management Plan which includes opportunities to enhance the biodiversity of the site has been submitted for the approval of the Planning Authority in liaison with Scottish Natural Heritage.

Reason: To safeguard the ecological interests of the site.

12. Any site clearance to be undertaken outside of the breeding bird season (March–August). Within the breeding season, the express written permission of the Planning Authority must be obtained for any clearance works to take place. Checking surveys and appropriate mitigation for breeding birds will be required if works are proposed during the breeding bird season. The tyres currently located within the site can only be removed by a suitably qualified ecologist.

Reason: To safeguard the ecological interests of the site.

13. The first planning application for the approval of reserved matters submitted subsequent to the planning permission shall be accompanied by a Tree Survey. The survey shall include the impacts that the development will have on the sites existing woodland boundaries and along the route of the proposed new southern access to the site. The survey shall include detailed drawings showing which trees are to be retained on the site. The survey shall be submitted to, and be approved in writing by the Planning Authority, and none of

the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Authority.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

14. No development shall take place except in strict accordance with a scheme of soft and hard landscaping works for the site which includes off site planting provision to the north west of the site as intimated on Figure 2 of the Landscape Appraisal Report which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
- ii. location of new trees, shrubs, hedges and grassed areas
- iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iv. other artefacts and structures such as furniture, play equipment and sculptures
- v. programme for completion and subsequent maintenance.

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

15. The first planning application for the approval of reserved matters submitted subsequent to this planning permission shall be accompanied by:

- i. a detailed junction layout including its detailed of construction for the new access to the north east of the site on to the public road, and
- ii. a written review of the internal traffic management, to be submitted for approval by the Planning Authority.

Reason: To provide safe vehicular access.

16. Prior to commencement of development, a scheme of details setting out the location and details of new passing places and localised road widening shall be submitted to and approved in writing by the Planning Authority. Thereafter the details set out in the approved scheme shall be constructed in accordance with the Council's Standard Drawing DC-1 and implemented prior to the bringing in to use of the first unit.

Reason: To provide safe vehicular access.

17. Details of the external lighting for the chalet development to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be implemented in accordance with the approved scheme.

Reason: To prevent light pollution occurring from the development and safeguard ecological interests.

18. No walls, fences, hardstandings or ancillary buildings to be erected within the site without the prior approval of the Planning Authority.

Reason: To safeguard the visual amenity of the area.

19. Tyres on site to be carefully removed to avoid impacts on amphibians and reptiles. Works to be guided by a suitably qualified person.

Reason: To safeguard the ecological interests of the site.

INFORMATIVES

1. With regards condition 17, a mitigation plan is required in regard to lighting design which is sensitive to the needs of bats. The type of lighting and timing of lighting which minimises impacts on biodiversity, e.g. Bats and badgers, should be carefully considered for both the construction phase and the final development. The mitigation plan should include a 'Lighting design strategy for light sensitive biodiversity'. This may include darker wildlife corridors. If any mature trees are to be felled or disturbed they will need to be surveyed for bats to prevent impacts on roosting or foraging bats. If surveys are to be carried out any surveys likely to involve disturbance to bats or their roosts can only be carried out by a licensed bat worker. Activity surveys or roost surveys in trees should be conducted between May and September (optimally May - July). Preliminary roost assessments can be undertaken at any time of year. If evidence of bats or their roosts is found in surveys, the developer may be required to submit a mitigation plan for bats as part of their submission to the Planning Authority.
2. The applicant is advised to contact SEPA and SNH in advance of drawing up detailed development plans, to seek further guidance on steps to protect the water body which is in the vicinity of the development area. The developer should adopt SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses), PPG 3, 4, 7, 13 (site drainage), PPG 2, 8 (oil storage) and PPG 6 (construction and demolition) as appropriate.
3. The applicant is advised of potential land contamination that may have occurred through unrecorded infilling of the quarry. Should unexpected ground conditions e.g. made ground extending to depth, discolouration or malodorous substances be encountered in excavations, or evidence of potential contamination e.g. underground structures, remains of buried wastes or equipment be encountered during site works it is requested that Environmental Health are immediately consulted.

DRAWING NUMBERS

Figure 1.2 (March 2015) Application Boundary

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

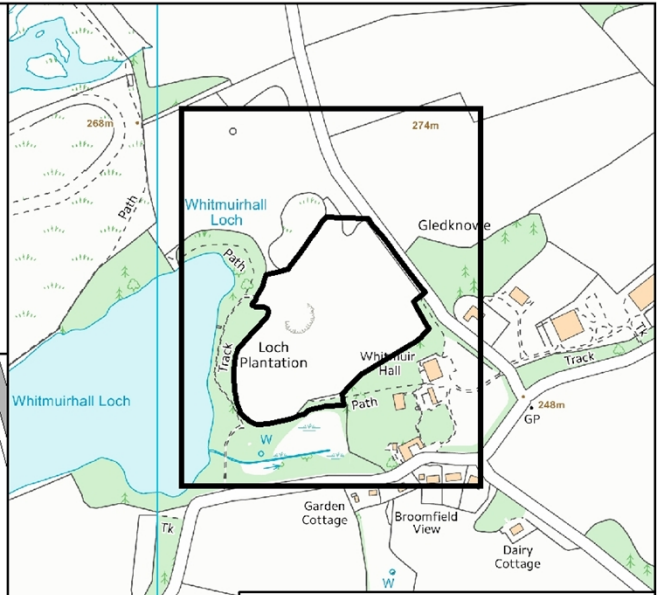
The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

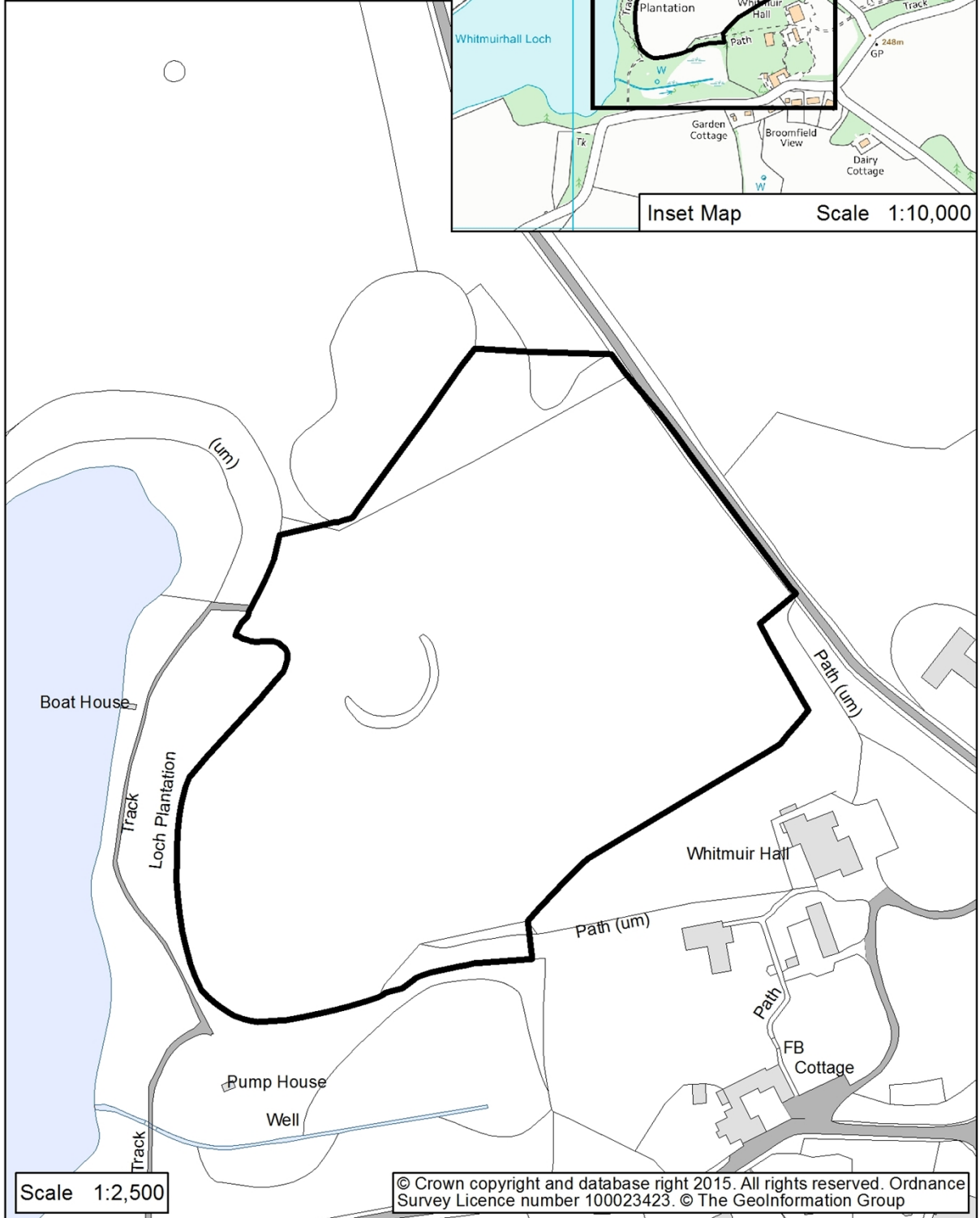
Name	Designation
Andrew Evans	Planning Officer (Development Management)



14/00848/PPP
Land North West Of Whitmuir Hall
Selkirk
Scottish Borders



Inset Map Scale 1:10,000



Scale 1:2,500

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 SEPTEMBER 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 14/01437/LBC
OFFICER:	Julie Hayward
WARD:	Hawick and Denholm
PROPOSAL:	Demolition of Clock Tower and Gate Lodge
SITE:	Clock Tower Wilton Mill Commercial Road Hawick
APPLICANT:	Wilton Mills Ltd
AGENT:	Aitken Turnbull Architects Ltd

SITE DESCRIPTION

The site is situated on the north west side of Commercial Road Hawick, within the Hawick Conservation Area. There is a hall on the opposite side of Wilton Lane and residential properties within Laing Terrace to the north east, the A7 trunk road (Commercial Road) and River Teviot are to the south east. There is a builder's yard and two dwellinghouses to the south west and a wooded embankment to the north west with residential properties and public open space beyond.

The main High Mill building and former YM RFC Social Clubrooms were demolished in 2014 and two modern buildings relating to the previous use of the site as a Council depot were demolished several years ago. There is a stone and slate former lodge/outbuilding on the Commercial Road boundary. The Clock Tower building is a three storey sandstone and slate building with a square clock tower. The site is currently enclosed by Heras fencing and timber hoardings.

The remaining buildings within the site are category B Listed Buildings and have been on the national Buildings at Risk Register maintained by the RCAHMS for some years. There are mill lades and the original wheel pit within the site.

PROPOSED DEVELOPMENT

The proposal is to demolish the gate lodge and Clock Tower buildings.

PLANNING HISTORY

93/00768/FUL: Alterations to form function/conference hall. Wilton Mill. Refused 11th January 1994.

95/00718/FUL: Alterations and change of use to form trade showroom. Blair & Patterson Wilton Mill. Approved 5th June 1995.

02/01971/COU & 02/01975/LBC: Alterations to form retail and office premises. Blair & Patterson Wilton Mill 31 Commercial Road. Approved 19th November 2003.

04/02362/LBC & 04/02363/FUL: Partial demolition, alterations and extension to form college building. Wilton Mill and 32 Commercial Road Hawick. Approved 17th March 2005.

06/00730/LBC, 06/00731/CON & 06/00732/FUL: Demolition of three buildings, change of use to offices, alterations, extension and formation of car parking area. Wilton Mill. Withdrawn 30th November 2007.

08/01902/LBC: Demolition of un-used industrial buildings. Wilton Mill. Withdrawn before validation 15th May 2009.

09/00433/LBC & 09/00434/FUL: Demolition of lean-to, internal alterations and replacement windows. Clock Tower. Approved 28th August 2009

09/00629/FUL: Erection of twenty four flats. Wilton Mill. Withdrawn 23rd April 2014.

09/00702/LBC: Demolition of un-used industrial buildings. Approved 5th September 2011. Wilton Mill has been demolished but a condition requires that the gate lodge cannot be demolished until documentary evidence is produced to show that contracts have been entered into by the developer to ensure that building work associated with the redevelopment of the site is commenced within a period of 6 months following commencement of demolition. The planning application for the associated flats was subsequently withdrawn and so no planning permission currently exists for the redevelopment of the mill site, hence the inclusion of the gate lodge in the current Listed Building Consent application.

09/00703/CON: Demolition of un-used industrial buildings. Approved 5th September 2011. The two former Council depot buildings have been demolished.

14/00742/FUL: Erection of Class 1 retail store, formation of associated car parking and alterations to existing accesses. Land and Buildings at Wilton Mills 31 - 32 Commercial Road Hawick. Withdrawn 3rd November 2014

14/00765/LBC: Demolition of the former YM Clubrooms building and garage/outbuilding. Land and Buildings at Wilton Mills 31 - 32 Commercial Road Hawick. Withdrawn 3rd November 2014

15/00100/FUL: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping. Land and Buildings at Wilton Mills 31 - 32 Commercial Road Hawick. Pending consideration.

15/00747/LBCNN: Demolition of boundary wall and erection of replacement wall. Former Y M Building Wilton Mill Commercial Road Hawick. Pending consideration.

15/00971/LBCNN: Wilton Mill 31 Commercial Road Hawick. Infill of former mill lade wheel pit. Pending consideration.

REPRESENTATION SUMMARY

A total of 24 representations have been received, 21 objecting to the proposal and three in support, and these are available to view on the Public Access System of the Council's website. The main planning issues raised are summarised as follows:

- The President of Hawick Archaeological Society objects as it is the remit of the organisation to preserve the rich heritage and history of Hawick. The

building should be saved and used as another asset to the town to compliment award winning projects like Tower Mill, the Heritage Hub and Drumlanrig Tower. Without vision, effort and forward thinking these building would also have been demolished.

- There is no structural report proving demolition is necessary; the iconic Clock Tower should be retained as a feature, either within the site or elsewhere in the town as part of Hawick's industrial heritage.
- The Clock Tower is an iconic feature of Hawick's industrial landscape and a landmark building and in a better economic climate in the future it could find a new use. It is a B listed structure of regional historical importance.
- The Alchemy Film Festival, an annual international film festival based in Hawick, has used many of Hawick's beautiful buildings for projects and sees great value in key buildings being maintained. There are no finances for the building by owners or the public purse. The building should be offered to a community group to raise the funds for its development and maintenance.
- This is a beautiful building, full of character and interest. Hawick needs to enhance its visual appeal not destroy it so it becomes a faceless boring town. The beauty of these types of buildings makes Hawick with all its manufacturing history a more interesting and attractive place to visit and to live.
- This is one of the last remaining buildings of the historic mills sited in Hawick's Commercial Road area. Many of the old mill buildings in the town have been lost, and it would be a travesty if the most iconic of the remaining buildings is knocked down to allow for another portal frame supermarket building. It is essential that Hawick retains some of its industrial architecture for future generations.
- The Border towns are already sad with empty shops and mills but to take away all sight of the heritage is destroying the heart of the town.
- The Structural Engineers report was based on a visual study; a tell-study is required to determine if cracks are current or historic and so prove if the building is structurally sound or not to determine if demolition is required. Lottery funding would be available for redevelopment if the building was not in private use so the Council could purchase it for a nominal sum and gain lottery funding to redevelop and restore it similar to the Tower Mill site.
- Project Hawick favours the preservation of Listed Buildings. Having been left to the elements it is now deemed an unsafe structure. A suitable use can be found for this Listed Building. Three listed structures have been demolished in Hawick in the past six months. Historic Scotland's listing states that the central block is "an extensive complex of 19th century mill buildings with prominent clock tower and some fine detailing, which dominates the riverside streetscape of Commercial Road and demonstrates the development of the textiles industry that is central to the history of Hawick". Without forethought and due consideration, Tower Mill, Drumlanrig Tower, the Exchange Buildings, Saint John's Kirk, the Victoria Laundry and many other fine buildings would be lost to time. Instead, each was preserved in some form; the Heart of Hawick being one of the most successful renovation projects.

- Such heritage buildings should be protected and incorporated into any new design. Demolition is short-sighted, permanent and irrecoverable.
- The condition of the building rests with the Council as well as the owners. The recent demolition nearby following decades of neglect could have impacted negatively on its condition.
- Once demolished the building cannot be replaced and the people of Hawick will regret the decision in the future.
- This Clock Tower should be made safe by the owner and converted into offices or homes.
- The buildings have considerable townscape merit and presence and their loss would represent a significant degradation of the urban environment of the town; Listed Buildings are a finite resource and their destruction can rarely be justified. That justification has manifestly not been made; the application lacks any proper assessment of the buildings' historic, townscape, cultural and social significance. As such it is impossible to properly weigh the balance between the potential loss of the heritage asset and the financial costs of its retention. The application should not be considered valid until a comprehensive historical significance study has been commissioned from independent, impartial and suitably qualified consultants.
- The building has been listed since 1977 and the opportunity to carry out preventative maintenance in the intervening period was available but not taken. Had it been the estimated cost of repairs would have been considerably reduced. The owner should not now be able to benefit from this neglect.
- The economic assessment of the viability of retention is flawed because it fails to place the costs of repair and conversion in the context of the wider development of the site. A proper approach would treat the proposed supermarket as an enabling development to allow the heritage asset to be conserved. Treating it in isolation allows revenue from the commercial development to be maximised by relieving the developer of their obligations as custodians of these Listed Buildings.
- The structural assessments indicate that repairs are possible, albeit at some cost. In one of the structural reports it is noted, without supporting evidence, that these costs would render repairs uneconomic. That is a conclusion which is beyond the scope of a structural assessment and that has not been adequately made within the limited scope of the cost appraisal
- The building should not be demolished to make way for a supermarket.
- The building is on the tourist route from Carlisle to Edinburgh and visitors will pass Lidl, Sainsbury's and Aldi when they pass through the town rather than this impressive building of stunning stone architecture.
- Having reviewed both the SHEP test and the supporting information that accompanies the application, it falls short of the standard required under the

SHEP test particularly for marketing, methodology adopted and for costing of repairs.

- The buildings are an eyesore and should be demolished.
- Something that is unsafe is not worth the money to make it safe if no-one will make use of it.

APPLICANTS' SUPPORTING INFORMATION

- Structural Report December 2014
- Office Development Cost Plan January 2015
- SHEP Test January 2015
- Supporting Information for SHEP Test January 2015
- Structural Assessment January 2015
- Bat and Bird Survey March 2015
- Redevelopment Appraisal (Appendix 1) May 2015
- Conservation Deficit (Appendix 2) May 2015
- Marketing Strategy (Appendix 3) April 2015
- Valuation Report April 2015
- Sales Details July 2015

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Principal Officer (Heritage and Design): Wilton Mills in Hawick dated back to the earlier part of the 19th century with the mill being extensively rebuilt after a fire in 1867. The High Mill building at the south end of the site was demolished in recent years and the current applicant has assemble land ownership of the whole site over a number of years and is exploring redevelopment of the site.

Wilton Mills were added to the statutory list at category B in 1977 and the listing was reconfirmed and the description revised in 2008 as part of the resurvey of Hawick Burgh.

There has been considerable recent activity at Wilton Mill, including the demolition of the YM and associated building at the north east corner of the site by the applicant under Section 29 of the Building Scotland Act because of a collapse and more recently concern has been raised about the condition of the Clock Tower building, but the most recent review by Building Standards concluded that there was no immediate danger.

I have attended a number of meetings with the applicant and agent and stressed the need to provide robust evidence in support of an application to demolish. I am aware that some work has been carried out to assess condition and costs and that limited marketing may have been carried out.

The application does not provide any information to support the proposals for demolition. In order to be able to give serious consideration to the proposals, and in particular consider whether the applicant has provided sufficient evidence to address the justification for demolition set out Scottish Historic Environment Policy (SHEP), sufficient supporting information must be submitted.

There are four “tests” set out in SHEP for demolition of a Listed Building to be supported:

- a. The building is not of special interest
- b. The building is incapable of repair
- c. The demolition of the building is essential to delivering significant benefits to economic growth or the wider community
- d. The repair of the building is not economically viable and that it has been marketed as a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

Test “d” that is the most relevant to be addressed as a justification for demolition.

The applicant has not submitted any justification for the proposed demolition of these buildings as required by the “SHEP” test and as such I cannot support the application and recommend refusal.

Re-consultation:

Since the site meeting in June, the agent and applicant have undertaken further work to satisfy the requirements of the SHEP test.

“the repair of the building is not economically viable”

The applicant has provided further information (Appendix 2: Conservation Deficit) to demonstrate there is no surplus from the proposed redevelopment of the site for a supermarket to provide a cross subsidy. The applicant has also provided Appendix 1: Redevelopment Appraisal to show up-to-date projected values for conversion to offices or flats; both show a substantial deficit set against the projected costs of works to the existing building. In addition, the agent has confirmed that they have not been successful in seeking a range of grants towards the works to “close the gap”.

I confirm that I am satisfied that the applicant has met the first part of the SHEP test.

“it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period”

Since our meeting in June the applicant has provided further information about a specific marketing campaign encompassing the whole of the site and not just the Clock Tower in isolation, which has included advertising in “The Scotsman”, web based marketing and targeted approaches to potential developers. This had not elicited any serious inquires. Whilst is only some two months since we requested that a fresh marketing approach was required, I am now content that that the applicant has met both the spirit and intent of this requirement, but request that the

applicant ensures that an update is provided on marketing prior to this application being considered by the Planning Committee.

Ecology Officer: The proposed development and type of structure proposed for demolition conforms to the type of development requiring a bat survey and breeding bird survey

Re-consultation:

I am satisfied with the bat and bird survey carried out by Stone's Wildlife Management (March 2015). No signs of previous use by bats and breeding birds were found. It is possible that birds have accessed the site since the survey was undertaken. If demolition is to occur within the breeding season (March-August) then a supplementary survey for breeding birds will be required.

Economic Development: It is disappointing to note that this application follows on so closely from the submitted application 14/00742/FUL, where comments were made requesting proposals such that 'redevelopment of the overall site should be tied to ensuring this Listed Building is properly restored and made wind and watertight for future re-use'. The redevelopment of this site should be tied to and correspond with the 2009 Commercial Road SPG, which recognises the strong links with the town's industrial history. Within the development vision it is recognised that one of the strengths of the site is that the existing Listed Buildings can be retained and enhanced and the opportunities are to redevelop the existing Listed Building revitalise and regenerate the local area and provide commercial... opportunity in Hawick. The SPG further states that 'The Listed Buildings in the northern part of Commercial Road should be redeveloped in such a way that they contribute not only to the Commercial Road area but to the wider riverside townscape within the Conservation Area'.

This building has been used as offices in the past, when formerly owned by the Council, and could readily be converted, due to the layout and extent of natural light, and would be suitable once upgraded to modern standards. It is accepted, however, that currently there is little market demand, but that should not be the main reason for demolition. There are examples in the town where old substantial stone buildings can be given a new lease of life. The appropriate investment should be made to protect and seal this landmark building awaiting demand in the future, rather than continue to let it deteriorate.

Archaeology Officer: This application includes insufficient information to make a recommendation on what, if any, mitigation is required for both the tower and the lead system below. As such, I recommend refusal.

Re-consultation:

Since my initial comments on this scheme, I have reviewed the more recent submissions as well as the documents submitted with the adjoining application. There are two issues: the preservation by record of the Clock Tower and the preservation of the underlying mill lead and wheel pits. The application has not stated how the loss of these intrinsically important heritage assets will be mitigated.

The preservation of the mill lead and wheel pits is desirable, as is their incorporation into redevelopment of the site as visible features where practicable to promote the heritage of the site and Hawick. The recording of the Clock Tower prior to

demolitions is required to retain a record of the building to mitigate its loss for the region.

The applicant has yet to provide sufficient evidence for what mitigation is proposed for either the Clock Tower or the lead system/wheel pits below the site. As such, I maintain my objection to this proposal.

Statutory Consultees

Historic Scotland: It is Scottish Ministers' policy that no Listed Building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. There are four tests in Scottish Historic Environment Policy regarding demolition, at least one of which must be met if the loss of a Listed Building is to be considered.

Information made available to us indicates that the applicant wishes to focus on SHEP Test d. The first part of the test may well be met, that the building is not economically viable in its own right, but in a larger site one must take into account whether the conservation deficit can be met by development on the remainder of the site. The building should not be separated from the remainder of the site. Some contact with our Building Repair Grants Team could also be provided.

In order to meet this test the building (and site) should be marketed to potential restoring purchasers. In practice this means specific marketing information should be provided on who has been approached and the breadth of marketing. The marketing details should make clear the site is being marketed 'as it stands' and with the retention of the Listed Building presumed, and that any reasonable offer will be entertained to anyone who can rescue the building. In the past the secrecy of 'price on application' has been used to hide an inflated value for an asset which, from the valuation report included, is judged to have no economic value.

The only marketing evidence available online, from Edwin Thompson, refers to the proposed rental of a converted office building 'scheduled for completion in 2009'. Marketing must refer to the building in its current market condition with presumption assumed, not a potential future redevelopment or conversion scheme. On further investigation Edwin Thompson indicated that the building and site were sold in mid-January 2015 and the building will now be taken off the website. It is clear, from the lack of evidence provided, that this part of the test has not been met.

Re-consultation:

From the new information submitted it appears that the repair and sustainable reuse of the Clock Tower and gate lodge is not economically viable in its own right. However, the applicant has not taken into account that the test requires that in a larger site, such as the Wilton Mill Complex, the conservation deficit must be focused on the entirety of the site. The building should not be separated from the remainder of the site. Thus, without an appraisal of the site in its entirety we are unable to assess the viability.

Furthermore, despite our last letter asking that the site and building are marketed as a total package, the building is being marketed specifically as a standalone structure. We view this as a case of enabling development where the financial outlay to repair

the building must include cross-funding from the wider site within the same ownership. If every effort is to be made to save a Listed Building then the fragmentation of the site is not acceptable.

Hawick Community Council: Wilton Mills have been an integral part of the Hawick skyline since the 1800`s and is a direct link to the town`s industrial past, which made Hawick famous all over the world. However over the past number of years the owner of the mill has let it fall into disrepair and neglect. At the present time it would cost around £1.5m to repair the structure to make it wind and water tight. We would like the Clock Tower to remain but realistically we cannot justify the spending of that amount of money. We would also comment, that if at all possible the stone lettering incorporated into the structure, the clock faces and clock tower roof be saved and reused in any new building or landscape proposed for the area, so that a link can be maintained with the town`s industrial past.

Other Consultees

Architectural Heritage Society of Scotland: No response.

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 1B: The Spatial Strategy: Development Principles

Consolidated Scottish Borders Local Plan 2011

Policy BE1: Listed Buildings

Policy BE2: Archaeological Sites and Ancient Monuments

Policy NE3: Local Biodiversity

Proposed Local Development Plan 2013

Policy EP3: Local Biodiversity

Policy EP7: Listed Buildings

Policy EP8: Archaeology

OTHER PLANNING CONSIDERATIONS:

Scottish Historic Environment Policy 2011

Supplementary Planning Guidance: Commercial Road Hawick 2009

KEY PLANNING ISSUES:

- Whether sufficient evidence to address the justification for demolition of a listed building set out in the Scottish Historic Environment Policy (SHEP) has been submitted;
- Whether the demolitions would have implications for archaeology or protected species within the site.

ASSESSMENT OF APPLICATION:

Planning Policy

Policy 1B of the SESplan states that Local Development Plans will ensure there are no significant adverse impacts on the integrity of international and national built or cultural heritage sites, including Listed Buildings.

Policy BE1 of the Scottish Borders Consolidated Local Plan Adopted 2011 states that the Council will support development proposals that protect, maintain, and enhance active use and conservation of Listed Buildings. All Listed Buildings contained in the statutory list of Buildings of Special Architectural or Historic Interest will be protected against all works which would have a detrimental effect on their listed character, integrity or setting. The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or find a suitable new use.

The Council's Supplementary Planning Guidance for Commercial Road advises that the Listed Buildings in Commercial Road should be redeveloped in such a way that they contribute to the Commercial Road area and to the wider riverside townscape within the Conservation Area. For the Wilton Mill site in particular the guidance advises that redevelopment of the site requires a high attention to detail and design to redevelop the Listed Buildings.

The Scottish Environment Policy published by Historic Scotland in 2011 (SHEP) states that where the application proposes the demolition of a Listed Building applicants will be expected to provide evidence to show that:

- a. the building is not of special interest; or
- b. the building is incapable of repair; or
- c. the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- d. the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

The SHEP Test

Wilton Mills dates back to the earlier part of the 19th century and were added to the statutory list at category B in 1977. The High Mill building at the south end of the site was demolished with Listed Building Consent in 2014. The YM building was also demolished by the applicant last year under Section 29 of the Building Scotland Act due to a collapse. More recently concern has been raised about the condition of the Clock Tower building, but the most recent review by Building Standards concluded that there was no immediate danger of it collapsing.

The applicant submitted this Listed Building Consent application to demolish the Clock Tower and gate lodge in December 2014 but submitted no supporting information, despite previous meetings with Council officials outlining what information was required. It was therefore not possible to carry out any assessment of the justification for demolition at the time of submission.

A full planning application was submitted in January 2015 (15/00100/FUL) for the erection of a Class 1 foodstore on the site, to be operated with Aldi. The drawings for this proposal showed the development required the demolition of the Clock Tower and gate lodge. Members' consideration of this proposal should, however, be treated on its own merits.

A site meeting with the applicant, agents and representatives from Historic Scotland took place in June 2015 and the applicant and agent were advised what supporting information was required in order to be able to assess the application against the SHEP test and that the re-launched marketing would need to be in place for a minimum of 2 to 3 months before the application could be reconsidered. The marketing had to be for the whole site at a realistic price and not for a specific scheme but with the preservation and restoration of the Clock Tower as part of the proposed scheme. The agent has now submitted additional information that allows the proposal to be assessed.

The SHEP test requires that only one of the four criteria listed is met. In this case Test "d" of the SHEP test is the most relevant to be addressed as a justification for demolition:

“the repair of the building is not economically viable”

The applicant has provided further information on the conservation deficit (Appendix 2) to demonstrate that there is no surplus from the proposed redevelopment of the site for a supermarket (taking into account the cost to develop the supermarket and the end profit) to provide a cross subsidy to cover the costs to repair and renovate the Clock Tower. The applicant has also provided a Redevelopment Appraisal (Appendix 1) to show up-to-date projected values for the conversion of the building to offices or flats; both show a substantial deficit set against the projected costs of works to the existing building confirming that both development schemes would not be financially viable. In addition the agent has confirmed that they have not been successful in seeking a range of grants towards the works to “close the gap”, including grants from Historic Scotland.

Based on the information submitted it is considered that the applicant has met this first part of the SHEP test.

“it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period”

Since the meeting in June the applicant has provided further information about a specific marketing campaign encompassing the whole of the Wilton Mills site and not just the Clock Tower in isolation. This included advertising in “The Scotsman”, web based marketing, sign boards on the site and targeted approaches to potential developers. This had not elicited any serious inquiries.

The applicant provided an update on the marketing on 10th August. The selling agent had followed up those developers who had originally been targeted and who had not previously either responded or been contacted following the original mailshot. They advise that they contacted 8 of the 9 developers and none are interested in pursuing the property further, with no response being received from the last developer. The selling agent confirms that there have been no direct enquiries to the office or credible offers in response to either press or internet advertisements.

Although the marketing has only taken place for two months, it is considered that the applicant has met both the spirit and intent of this requirement.

It is therefore considered that with the submission of additional information and a fresh marketing campaign the applicant has now met the SHEP test for demolition of the Clock Tower and gate lodge. It is accepted that the Clock Tower is a landmark, iconic building in Hawick and one of the few buildings left of Hawick's industrial heritage (the gate lodge being of lesser importance, with Listed Building Consent for its demolition having been granted in the past). It is also acknowledged that the building has been neglected and left to deteriorate to its current state of disrepair.

However, the SHEP Test is the only material consideration and the applicant has clearly demonstrated that, particularly in light of the limited development activity in Hawick, even with redevelopment schemes including office, residential or the proposed supermarket would not provide sufficient profits to subsidise the works to restore the Listed Building. The applicant has also marketed the site and no credible offers have been submitted.

Taking this into account and the state of the Listed Building, it must be preferable to see the building taken down in a controlled manner with appropriate recording, salvaging of stone and the preservation of important features, rather than the building being left to deteriorate further resulting in it becoming unsafe and falling down or requiring emergency demolition without the necessary Listed Building Consent, as was the case with the adjoining YM building.

If Members are minded to approve the application it will then need to be referred to Historic Scotland for determination; Historic Scotland have been involved in discussions regarding this proposal since the application was submitted and have been sent copies of the supporting information submitted by the applicant.

Archaeology

Policy BE2 states that where development proposals impact on an archaeological or historic site developers will be required to carry out detailed investigation.

The Council's Archaeology Officer has objected to the proposal. He raises two issues: the preservation by record of the Clock Tower and the preservation (either in situ or by record) of the underlying mill lade and wheel pits. No information has been submitted in respect of these issues by the agent.

A separate Listed Building Consent application has been submitted for the mill lade and wheel pit and so that issue is not dealt with as part of this application. The recording of the Clock Tower prior to demolition is required to retain a record of the building to mitigate its loss for the region. This can be secured by a condition.

Natural heritage

Policy NE3 states that the Council will seek to safeguard the integrity of habitats within and outwith settlements which are of importance for the maintenance and enhancement of local biodiversity.

The agent has submitted a bat and bird survey and no evidence was found of bats and breeding birds. The Council's Ecology Officer accepts these conclusions but advises that it is possible that birds may have accessed the site since the survey was undertaken. If demolition is to occur within the breeding season (March-August) then

a supplementary survey for breeding birds will be required. This will be controlled by a condition.

CONCLUSION

It is considered that with the submission of additional information and a fresh marketing campaign the applicant has now met the SHEP test to justify demolition.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

I recommend the application is approved subject to the approval Historic Scotland and 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 the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The Clock Tower cupola, clock faces and the carved stone lettering just below eaves shall be carefully taken down and set aside for incorporation in a feature within any proposed new development on the Wilton Mills site; a secure temporary store shall be provided and its location and form approved in writing by the Planning Authority before the demolition takes place and these elements to be stored until a time when they can be reused.
Reason: To protect and preserve features of the Listed Building that are worthy of retention.
3. Coursed sandstone and dressed stone details from the Clock Tower building, boundary wall and gate lodge shall be taken down with care and set aside for incorporation in a feature or use in a new boundary wall within any proposed new development on the Wilton Mills site in accordance with a scheme of details that has first been approved in writing by the Planning Authority; a secure temporary store shall be provided and its location and form approved in writing by the Planning Authority before the demolition takes place and these elements to be stored until a time when they can be reused.
Reason: To protect and preserve the stone of the Listed Buildings that is worthy of retention.
4. The Clock Tower building shall be the subject of a historic building recording exercise, which should incorporate “as existing” drawings and photographs as well as record photos showing the demolition (and hence a record of the method of construction). This to be submitted in the form of a report to the Planning Authority within 28 days of the date of the completion of the demolition.
Reason: To retain a record of the building to mitigate its loss for the region
5. A method statement for demolition to be submitted to and approved in writing by the Planning Authority before the demolition commences. The demolition of the gate lodge and Clock Tower then to be completed in accordance with the approved statement unless otherwise agreed with the Planning Authority. This is to include:
 - i) Works for the demolition of the buildings;
 - ii) The phasing of the demolitions;

- iii) Details of measures to retain and protect the mill lade and wheel pit area during and after demolition of the buildings, if necessary;
- iv) Details of the ongoing future management and maintenance of the site following demolition until the redevelopment of the site commences.

The demolition works then to proceed in accordance with the approved scheme.

Reason: To ensure the works are carried out in a practical and safe way and to safeguard the character and appearance of the Conservation Area.

- 6. If demolition is to occur within the breeding bird season (March-August), a supplementary survey for breeding birds is required, to be carried out by a suitably qualified person. The results of this survey and any mitigation to be submitted to and approved in writing by the Planning Authority before the demolition occurs. Any works shall thereafter be carried out in accordance with the approved scheme of mitigation.

Reason: To protect protected species within the site.

DRAWING NUMBERS

- AT2342-LOC-01 Location Plan
- AT2342-LBC-EX-01 Existing Site Plan
- AT2342-LBC-EX-02 Existing Plans and Elevations
- AT2342-LBC-01 Demolition Plan as Proposed
Photos

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

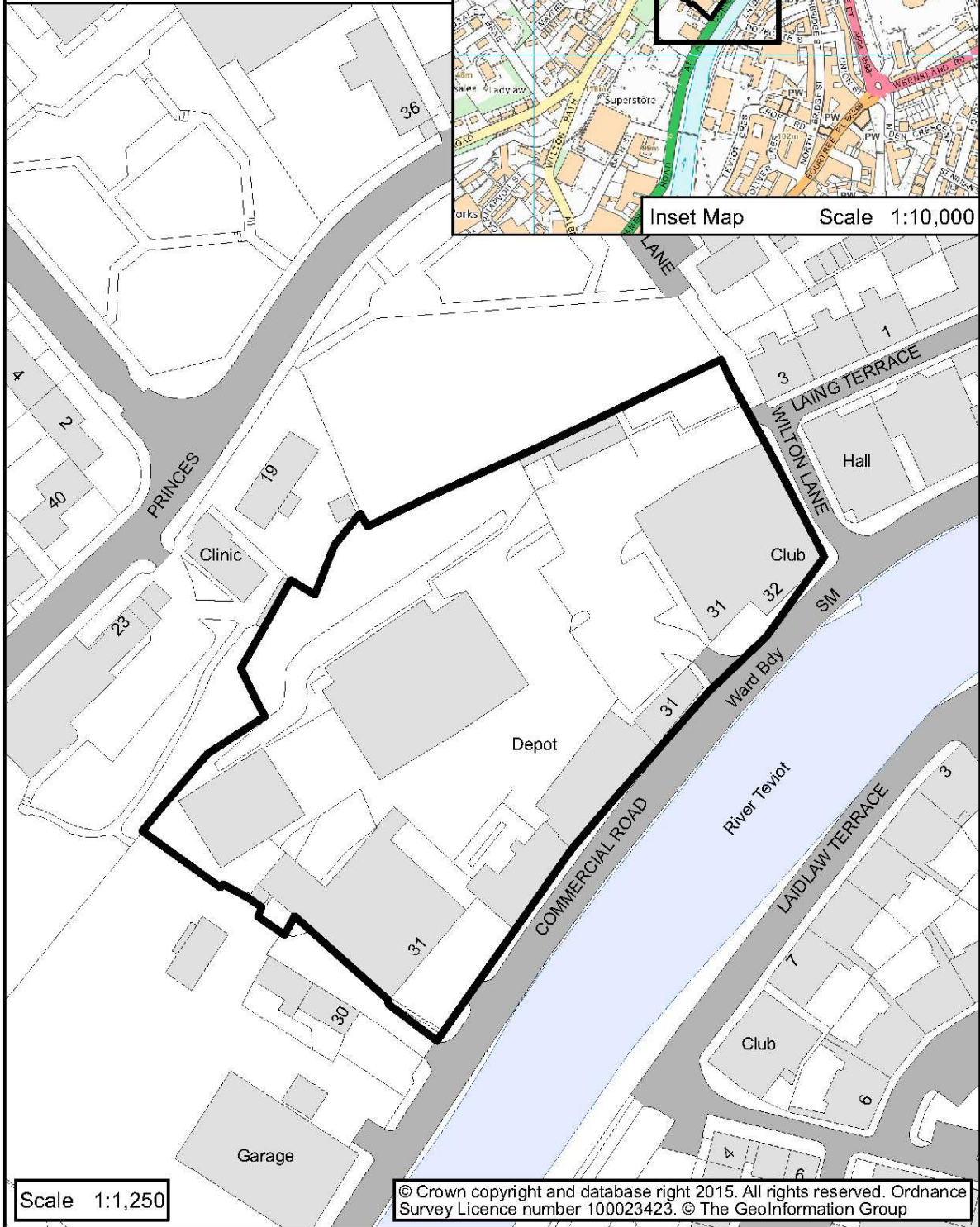
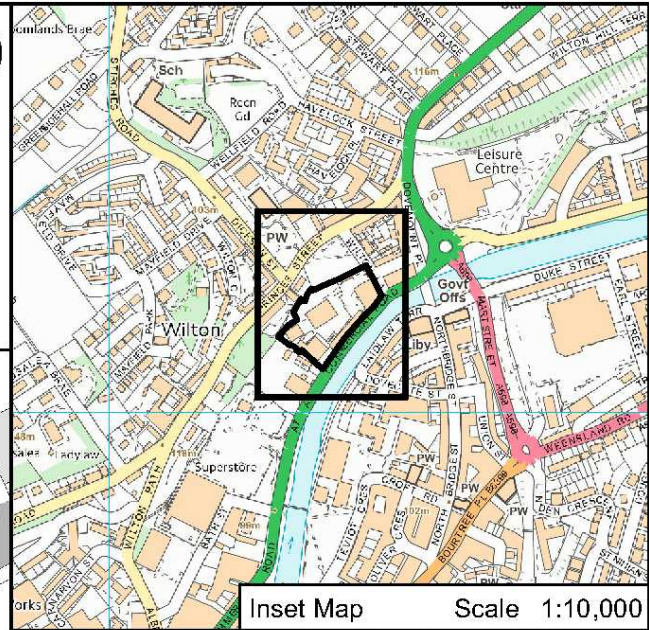
The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Julie Hayward	Lead Planning Officer



14/01437/LBC
 Clock Tower
 Wilton Mill
 Commercial Road
 Hawick



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 SEPTEMBER 2015

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 15/00687/FUL
OFFICER: Carlos Clarke
WARD: Lauderdale and Melrose
PROPOSAL: Change of use from theatre and alterations to form artist's studio and gallery
SITE: 7 The Wynd Theatre, Buccleuch Street, Melrose
APPLICANT: Mr K Rodgie
AGENT: RM Architecture Ltd

SITE DESCRIPTION

This application relates to a building located within the centre of Melrose, within its Conservation Area, and comprises a two-storey brick-built building with a ground floor entrance fronting The Wynd, a popular lane that links Buccleuch Street to the High Street. It has residential property on the upper floor (not part of this application). The ground floor was last used as a theatre, and has an auditorium with seating for 77 people.

PROPOSED DEVELOPMENT

This application seeks consent to convert the ground floor of the building, last occupied by the theatre, to an art gallery and artist's studio, with ancillary accommodation (toilets, office, storage, framing room). Externally, the frontage onto the Wynd would be altered by way of a new glazed door entrance and two large windows, set within an oak frame, with a new arrangement of rooflights set in the lean-to roof above.

PLANNING HISTORY

The building had been used as a warehouse in the early 1990s when two applications to convert the property – one to form an indoor market within the ground floor and flats above, the other to convert the building to six flats – were refused in 1991 and 1992. Both were refused on grounds of overdevelopment. In 1995, planning consents were granted to convert the ground floor to a gallery (which included 'performance space') and upper floor to flats. The theatre opened shortly afterwards though was not, itself, subject to separate planning approval.

REPRESENTATION SUMMARY

A total of 12 representations have been received. The following is a basic summary of the key concerns raised. All original comments can be viewed on *Public Access*:

- Can't see an art gallery involving people or bringing them together in a local community. Local theatre can frequently give people the chance to mix and

enjoy good company. Since its loss, there has been an unbridgeable gap in the social, community and creative well-being of Melrose

- The theatre is a factor in people's decision to relocate to Melrose. The loss of the theatre would seriously undermine the community's ability to maintain and develop a vibrant and sustainable theatre arts sector. The loss of this unique asset would be a serious loss of amenity to the community
- The application is contrary to Policy Inf12 of the Local Plan as the change of use does not have proven locational need or viability. There are similar gallery and studio facilities in Selkirk, Melrose and surrounding areas that are underused. Previous outlets have proven unsustainable suggesting a gallery is unviable and there is already sufficient provision in Melrose now. There is only one dedicated theatre space however and a gallery can be opened elsewhere without loss of a theatre. It would not provide significant amenity benefits or be in the public/community interest.
- Principle 1 of the Local Plan seeks protection of built and cultural resources and support to community services and facilities
- Melrose and District Community Arts Trust is a new community body being established that have lodged a formal note of interest with the agent and owners, has no less than 20 members, and whose intention is to develop the theatre as a community creative arts hub. They are registering community interest as a community asset under the Land Reform (Scotland) Act and Community Empowerment Bill. No approval should be given until the community is given the chance to make the theatre the same as it once was
- Other venues are insufficient. St Mary's School is not available for public use and the Corn Exchange is often fully booked up. These aren't suitable substitutes for the "Black Box Theatre" setting the Wynd perfectly provides for the range of small scale productions it has become famously known for
- The Wynd was very successful and supported and though there was less activity recently this was in part due to ownership issues, but the support and demand has not diminished
- With thought and community involvement the theatre could be a real and irreplaceable asset to the people of Melrose again. The theatre could include a gallery. It would create local jobs and support the performing arts industry, and could again become a permanent hub for regular performances

APPLICANT'S SUPPORTING INFORMATION

The original application was accompanied by a supporting Planning Statement, the key points of which are:

- The theatre has operated since 1996 with a change of ownership in 2005. It has been on the open market since June 2014 without sufficient interest or investment, or offers to continue its use as a theatre. A possible reason is that there is sufficient provision in Melrose for performing arts including the Corn Exchange and St Mary's School. The theatre previously supported the Borders Book Festival but that is now firmly established at Harmony Hall.

- The proposal would provide an artists' studio and public exhibition space so it would continue the use of a building as a visitor attraction.
- More lighting would be provided by way of the external alterations to the entrance, which will not adversely affect neighbours and serve to enhance the character of the building and visitor experience in Melrose
- The use would complement the existing mix of domestic and commercial property in The Wynd
- There would be a significant reduction in noise levels created by live entertainment
- The applicant has reached agreement with the owners to purchase the building and consider this has created an opportunity to bring the building back into use as a visitor attraction and venue for the visual arts and should be supported

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

Principle 1 Sustainability
 G1 Quality Standards for New Development
 BE2 Archaeological Sites and Ancient Monuments
 BE4 Conservation Areas
 ED5 Town Centres
 EP1 National Scenic Areas
 H2 Protection of Residential Amenity
 Inf4 Parking Provisions and Standards
 Inf5 Waste water Treatment Standards
 Inf12 Public Infrastructure and Local Service Provision

OTHER PLANNING CONSIDERATIONS:

The Local Development Plan 2013 cannot yet be afforded any material weight, though it is worth noting that the objectives of Policy Inf12 would continue to be reflected in proposed Policy IS1. Principle 1 is also reflected in proposed Policy PMD1

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Archaeology Officer: There are no archaeological implications

Roads Planning Service: No roads objections

Statutory Consultees

Melrose Community Council: No comments

The Theatres Trust: Object to the application. Though the Trust recognises the importance of investment and regeneration in town centres, where a new use is proposed for a former community or cultural facility, the Trust always advises the

local authority that it must be satisfied the building is surplus to the cultural requirements of the local community before granting the new use. This is because community or cultural buildings often occupy sites within town centres or local neighbourhoods where another use would be more lucrative and once lost within the catchment, they are virtually impossible to replace. The Trust is aware there is a need for a small scale venue in the area and that there is local community interest in reopening the theatre to fulfil this need.

While the applicant notes there is adequate provision at other venues in the town, local theatre groups have indicated to the Trust that the St Mary's venue is a school facility and rarely available for general public use, and that the Corn Exchange is too large and expensive to hire for amateur theatre groups, and therefore does not fully meet the need for a small scale theatre space. Retaining the Wynd as a theatre space will support, maintain and develop the performing arts in the area and the social and cultural well-being of the local community.

The Local Plan 2011 includes Principle 1 which seeks protection of built and cultural resources and support for community services and facilities. Policy Inf12 encourages retention and improvements to public infrastructure and local services. The LDP strengthens and continues these requirements in Policies PMD1 and IS1. Though not yet adopted, it is clear it is the Council's intention to provide stronger policies to support and safeguard valuable community and cultural facilities such as the Wynd Theatre.

Whilst there is demonstrable local need for a cultural facility that the Wynd Theatre has, and again could provide, the Trust is unable to support the application and recommends it be refused.

KEY PLANNING ISSUES:

Whether the proposed use would comply with the Consolidated Local Plan 2011, most notably with respect to Policy Inf12 which seeks to retain existing public services, and Policy ED5 which seeks to maintain the vibrancy and viability of the town centre; whether the proposed alterations would preserve or enhance the character and appearance of the Conservation Area; and whether the proposed use or alterations would safeguard the amenity of neighbouring properties

ASSESSMENT OF APPLICATION:

Principle

Principle 1 of the Consolidated Local Plan 2011 seeks to protect cultural resources and support local services. This proposal would not result in the loss of the theatre directly, since it has been closed for over a year. Though the conversion to the proposed art gallery would extinguish the lawful use of the property as a theatre (which it has achieved over time, despite not being subject to planning permission in its own right), this can be overcome by condition which allows the theatre use to be subsequently reinstated.

A gallery use is a cultural resource too, thus one would be replaced with another if this proposal were to proceed. Principle 1 also supports new jobs and support to the local economy. Here, the theatre use currently does not support any jobs and does not contribute to the local economy. The proposed use potentially will do both. While efforts are in place by a local action group to reinstate the theatre use and that,

undoubtedly, would be beneficial to the local economy, there is no firm evidence that their intentions are founded on a firm financial basis and timescale, at least not at the time of writing this report. The proposal would not conflict with Principle 1.

Policy ED5 supports uses that contribute positively to the town centre. An art gallery, along with associated studio, is an appropriate town centre use and would, in this location, contribute positively to the town centre by occupying a vacant building within its centre, located along a popular lane between shopping streets.

Loss of existing theatre use

Policy Inf12 seeks to protect local services. A theatre is not specifically included in Policy Inf12, however, it constitutes a service which ought to be accounted for and this application should be assessed against this policy.

Policy Inf12 requires that an alternative use justify locational need. In this regard, while an art gallery would be an appropriate town centre use, there is no particular need to locate in this property that would override loss of a valuable local service and, as regards this specific criterion, the proposal would not comply with Policy Inf12

However, the proposal must be considered against Policy 12 as a whole. A second criterion is that the viability of the existing service should be considered. This does not require that the viability of the proposed use be considered, but the viability of the use being lost i.e. the theatre. In this case, the theatre does not exist and has not operated for over a year.

The last production of the theatre was in April 2014. The current owner has advised, through the applicant's agent, that the theatre had been in rental arrears in the last few years prior to closure, a situation exacerbated by a fall in productions and attendance which led to an increase in arrears by the time it closed.

Information from the selling agents suggests, within the year it has been on the market, only three offers have been made, none of which have been deemed to be viable by the sellers. One involved a proposal to use the property for art classes and sale of art and similar supplies, and the other to run an events avenue and publishing business, with occasional productions using temporary seating, and including functions and catering services. They advise that, though a local action group have declared their interest in purchasing the property to operate it as a theatre, they have not stated a purchase price or given a firm timescale for purchase.

The action group themselves have confirmed they have been interested in the property for some time, though there have apparently been delays in meeting the sellers. They have been asked by this department to confirm whether if/when they would have the funds available to purchase the property and, at the time of writing, have not been able to confirm their intentions. While it would be ideal to provide a local group with time to be able to purchase the property, there is clearly no definitive timescale for doing so. In the meantime, the property has been on the open market for over a year, and the current proposal represents the first serious offer made to purchase the premises. It has also been accepted by the sellers. This suggests that, at present, the most viable future use for this property is the proposed art gallery.

The policy also requires consideration of whether amenity benefits associated with the new use would be significant. The art gallery would potentially provide amenity benefits to the local area because activity associated with it should be less intense,

and noise will be less, than would be associated with a theatre. However, the value of this amenity benefit would be a relatively minor consideration, given this is a central town centre location where reasonable noise and activity associated with a theatre use is to be expected.

Policy Inf12 also requires consideration of wider public and community interest. Here, it is evident there is interest in the theatre being reopened. However, the number of objections is relatively low, and the Community Council have voiced no concerns or objections.

Ultimately, the loss of the theatre use would clearly be regrettable, and it may reasonably be contended that it would galvanise the local community more firmly than an art gallery would. However, even were permission refused, there is no guarantee that a viable theatre operation could be re-established and so the building would continue to remain empty, which could not be argued as being in the interests of the vitality of the town centre or good land use planning more generally.

Any decision should also be considered in the context that this proposal would also provide a new cultural attraction that would be of local value, providing such a facility within a building that has been vacant for over a year in a prominent location on a busy lane between shopping streets. This proposal would not result in loss of a historic theatre, but involve use of a building occupied by a theatre for twenty years, which is a relatively short span in the history of the building. It is not the only venue capable of accommodating performing arts within the town, albeit it does appear to have met a particular demand which other venues may not cater for so well. However, for the foreseeable future, an art gallery use would clearly be of more benefit than a vacant property. On balance, it is considered that this proposal does not conflict with Policy Inf12.

That said, reinstatement of the theatre would be welcome, if the proposed use were not to succeed. As the Theatre's Trust advises, once a theatre use is lost, it can often be difficult to reinstate it. In this case, it is considered that this can be overcome by imposing a condition which prevents another use of the property (including any other uses within the same use class) should the approved gallery use cease, and require that it be returned to the lawful theatre use (unless the alternative is subject to a planning application). This will ensure that any subsequent proposal to reinstate the theatre is not hindered by the planning process, and to ensure that any other alternative use will also contribute positively to the local town centre, local amenity and maintain road/pedestrian safety.

Parking, access and services

There are no concerns with use of the building as an art gallery as regarding parking and access. The building also has existing water and drainage services.

Archaeology

There are no implications in this regard.

Neighbouring Amenity

The proposed use should result in fewer implications for neighbouring amenity in terms of noise and general activity, than the lawful theatre use. The proposed alterations should not lead to loss of neighbouring amenity either. The openings in the wall and roof will not allow for additional overlooking of neighbouring properties to

the detriment of their privacy. Residents above may have a clearer view of the art gallery use itself, though this would not have amenity implications for their properties.

Impacts on the character and appearance of the Conservation Area

The proposed alterations would comprise a contemporary change to the frontage of the building. They would not, however, be out of character with the building itself, and they would serve to lighten the elevation treatment of the building at a key point in the narrow lane. The use of timber is endorsed as a sympathetic way to face the elevation, though the details of this will need to be considered by condition. Also, while the large windows and glass door are appropriate, it would be preferred if frames were either set behind the timber surround, or timber themselves. The applicant's agent has agreed this, though an amended proposal has not yet been submitted and would be required by condition. The rooflights will also not affect the character and appearance of this particular building, subject to further details of their profile, colour and external materials being agreed. Again, these can be sought by condition. Signage will need Advertisement Consent if it is illuminated.

Conclusion

Though the loss of the existing theatre use is to be regretted, it is not an historic theatre and there is no firm evidence that its reinstatement is likely in the foreseeable future. The proposed use would comprise a cultural attraction that would contribute positively to the town centre by occupying a property that has been vacant for over a year. A decision to refuse permission would provide no guarantee that the theatre use would be reinstated and may result in the building remaining empty, so detracting from the vitality of the town centre more generally. The use would not impact negatively on neighbouring amenity, nor would alterations proposed to its exterior, and the character and appearance of the Conservation Area will be safeguarded. The development will accord with the Consolidated Local Plan 2011, subject to compliance with the proposed schedule of conditions, which include measures that provide for the reinstatement of the theatre use.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application be approved subject to the following conditions and informative note:

1. Notwithstanding the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any subsequent Order or revision), the uses of the building (i.e. the ground floor subject to this planning approval) shall be limited to those approved under this planning consent, as illustrated on the approved floor plans. The building shall not be used for any other purpose whether falling within the same Use Class or not. In the event that the approved development ceases to operate, the lawful use of the building shall revert to its previous use as a performing arts theatre
Reason: To safeguard the future potential of the building as a theatre and ensure any other alternative uses are assessed as being appropriate to the town centre, local amenity, road and pedestrian safety
2. No development shall commence on the approved alterations to the exterior of the building until the following details have been submitted to and approved by the Planning Authority:

- I. A sample of the oak surround and a sectional drawing illustrating its relationship to the existing brick cladding
- II. Details of the framing of the windows and door, notwithstanding the details provided in the approved drawing
- III. The profile, external colour and materials of the approved rooflights

The development shall only be carried out in accordance with the approved details

Reason: To safeguard the character and appearance of the Conservation Area

Informative

The external advertisement illustrated on the approved elevation drawing shall require Advertisement Consent if illuminated. Any other signage proposed may also require formal consent depending on its location, size and specification

DRAWING NUMBERS

Location Plan (no drawing number)

Floors Plans (no drawing number)

Elevations (no drawing number)

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

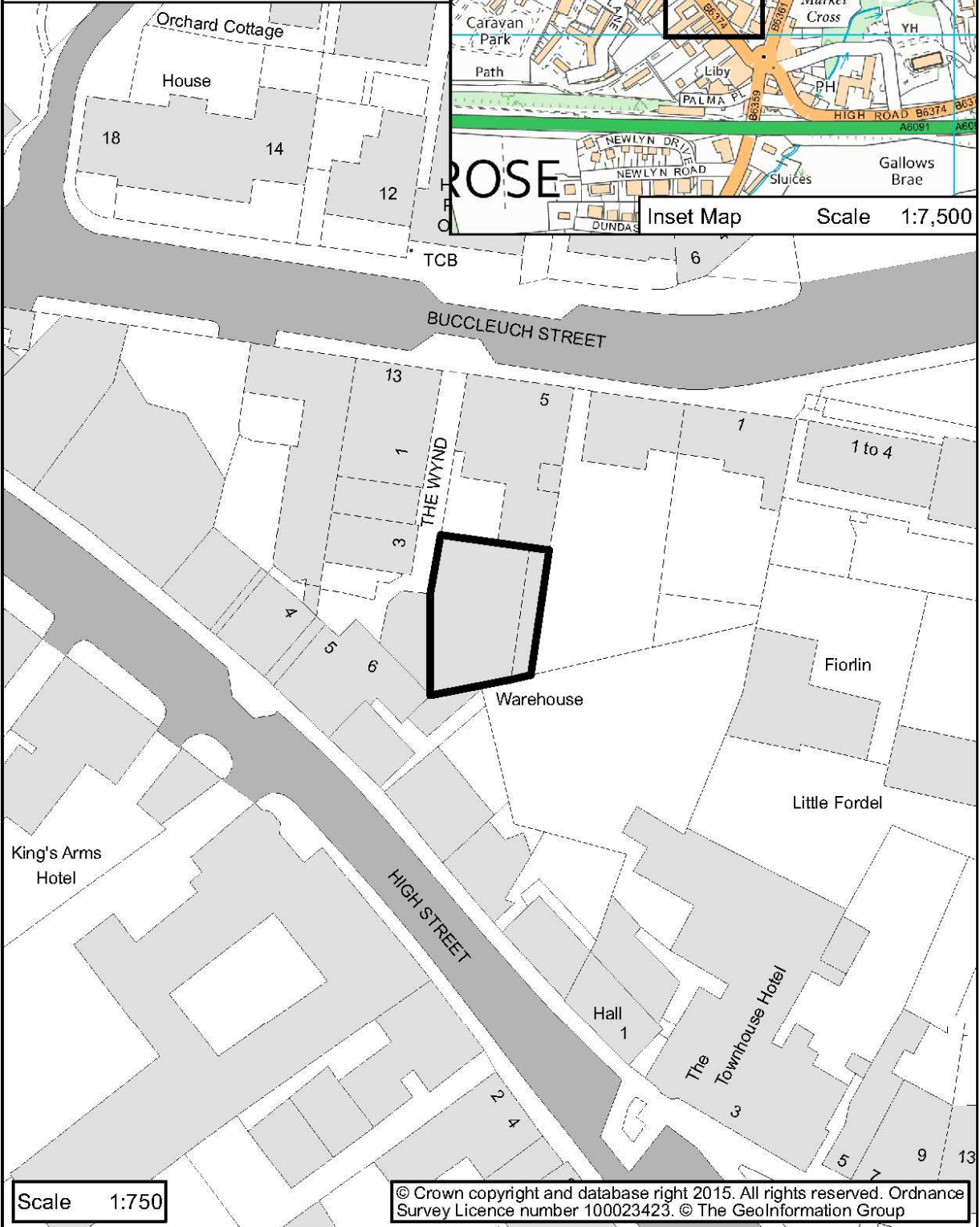
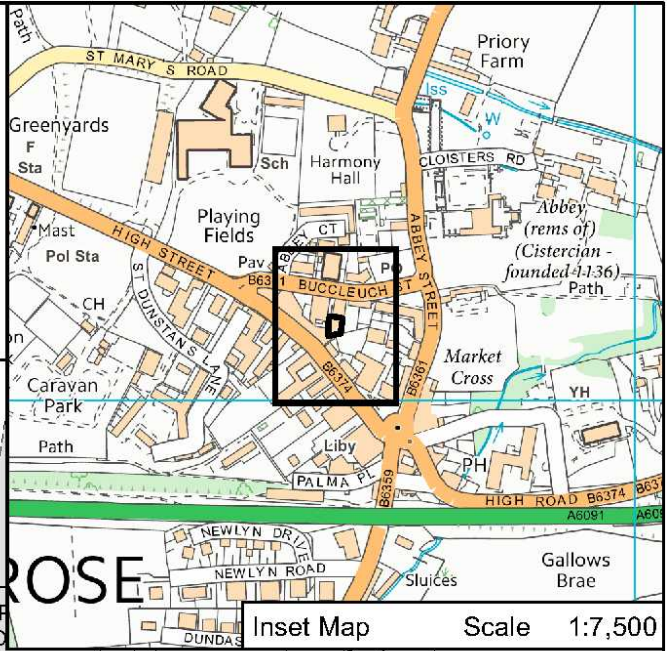
The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
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15/00687/FUL
 7 The Wynd Theatre
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Scale 1:750

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 SEPTEMBER 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 15/00658/FUL
OFFICER:	Julie Hayward
WARD:	Hawick and Hermitage
PROPOSAL:	Erection of seven dwellinghouses
SITE:	Land South West of the Police Station North Hermitage Street Newcastleton
APPLICANT:	Midgee Ltd
AGENT:	Camerons Ltd

SITE DESCRIPTION

The site is situated on the north west side of North Hermitage Street within Newcastleton. It is an overgrown paddock and is 3,293 square metres in area. The site is outwith the Conservation Area, though the Conservation Area boundary runs along the south west boundary.

The former police station, a two storey flat roof building, is to the north east, currently divided into two residential units. There is a tree-lined embankment to the rear (north west) which slopes up to the former railway line. To the south west is Holmhead, a large stone villa. The former auction mart and Toll Bar Cottage, a one-and-a-half storey dwellinghouse, are situated on the opposite side of the public road to the south east.

There is a mature hedge on the road boundary and field gates. There is also a mature hedge on the boundary with Holmhead to the south west and a timber fence on the boundary with the former police station to the north east.

PROPOSED DEVELOPMENT

The proposal is to erect seven dwellinghouses on the site. These would be terraced, one-and-a-half storey properties that front onto the main road. There would be a terrace of four houses to the north and three to the south of a central vehicular access. The vehicular access from the public road would serve fifteen communal parking spaces to the rear (revised from thirteen). An area for allotments was allocated to the rear of the site.

The dwellinghouses would have three bedrooms. The walls would be render and re-constituted stone, the roof would be slate to the front and grey concrete tiles to the rear and the windows would be timber. The houses would be set back from the public road with gardens to the front.

The site plan shows the Root Protection Areas for the trees within the site. A section of the roadside hedge would be removed to form visibility splays. There would be a

1.2m fence along the rear boundary of the gardens. Hedges would be planted around the front gardens of plots 3 and 4 adjacent to the access at the front of the site.

Negotiations have taken place with the agent and the design of the dwellinghouses has been amended and the allotments have been removed from the proposal and replaced with an area of grass.

PLANNING HISTORY

05/00975/OUT: Erection of two dwellinghouses. Approved 6th October 2005. Lapsed.

08/01562/OUT: Erection of two dwellinghouses (extension to previous consent 05/00975/OUT). Approved 5th November 2008. Lapsed.

11/01108/PPP: Erection of two dwellinghouses (renewal of previous consent 08/01562/OUT). Approved 7th March 2012. Lapsed.

11/01197/FUL: Erection of dwellinghouse with integral garage and swimming pool and detached double garage. Approved 16th December 2011. Lapsed.

REPRESENTATION SUMMARY

Eight representations objecting to the proposal have been received and these are available to view on the Public Access System of the Council's website. The main planning issues raised are summarised as follows:

- Previous planning permissions have restricted the number of dwellinghouses on the site to two to ensure a development compatible with the character of the site. The application constitutes an over-development of the site, which will change this from a quiet semi-rural area one to an estate-style one and does not adhere to previous conclusions of the Council.
- The proposal will have a detrimental effect on the privacy of neighbouring properties and result in overlooking.
- The noise of up to thirteen cars starting up, turning and parking and the number of residents, including children, will cause unacceptable noise pollution.
- Loss of light to rear gardens.
- The site is prone to flooding and suffers from poor drainage, with water running off the old railway line. Additional hard standing for car parking will result in the site being susceptible to flash flooding with the water escaping into adjacent gardens and the allotments would not be suitable for cultivation.
- The design and character of the properties are out of keeping with the style and character of existing properties at the north end of North Hermitage Street. The shape and form of the village would be detrimentally affected by the building of a mini estate outwith the central part of the village and would be the first thing seen on entering the village from the north.

- The roofing materials proposed, part tiles, part slate, go against previous planning agreements for this site which stipulated slate only.
- The proposal is for terraced properties when the density should be decreasing away from the village centre.
- The site borders the boundary of the Conservation Area and would adversely affect the integrity of the original planned village. The design, height, size and materials are not sympathetic with the village's Conservation status.
- The houses have not been designed for access by disabled persons.
- There are 13 parking spaces proposed for 14 houses at the rear of the properties, which is not enough, and visitors and deliveries are liable to park on the road causing a hazard to surrounding properties by blocking visibility for vehicles leaving the site, adjacent driveways and to other road users. The road is heavily used by timber lorries.
- The vehicular access is not wide enough and the existing hedge may have to be cut back further, having a much greater visual impact than shown.
- There is no spare capacity in the waste water treatment works to accommodate new development without contributions from developers to upgrade the works.
- Insufficient capacity in the local school.
- Impact on water pressure.
- Over supply of housing in the area, with many houses standing empty due to lack of employment, transport, community facilities and poor infrastructure. There appears to be no market for additional housing.
- Sheltered accommodation for the elderly community would be preferred to small "affordable" homes.
- The land is not allocated for housing in the Local Plan and preferred areas for future expansion is south of the village. The proposal contravenes policy G7 of the Local Plan as it would detract from the character of the conservation village.
- The proposal is contrary to SPP as developments should be sustainable and Council's should not allow "development at any cost".
- Management of the allotments if the householders do not want them. This area may be used for chickens and livestock attracting vermin and resulting in noise and smell nuisance.

APPLICANTS' SUPPORTING INFORMATION

- Design Statement June 2015.
- Protected Species Walk-over Survey May 2015.

- Root Protection Calculations.
- Drainage Strategy.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: Whilst I have no objections to the principle of this proposal, I do have some concerns regarding the details submitted:

1. The access off the main road should be in the form of a formal junction. This will require 8m entry radii and a minimum throat width of 5m. Dropped kerbs for pedestrians will be required at the junction.
2. The initial 8m of the access must be surfaced using a bituminous construction as specified.
3. My general requirement for communal parking is 175% minimum. In this instance that figure (13) includes a disabled bay and I would request that the disabled parking be provided over and above the general requirement.
4. Visibility splays of 2.4m x 43m must be provided in either direction at the junction with the main road. This will require the relocation of the hedge to outwith these splays.
5. Parking should be provided in association with the allotments.
6. Drainage details are required to ensure appropriate drainage is provided and that the existing public sewer can cater for any additional surface water. Consideration must also be given to the surface water attributed to the existing main road.
7. Improvements may be required to the existing street lighting to ensure it is adequate for the additional pedestrian footfall.

Should the Council be of a mind to support the proposal, I will require drawings taking the above comments into account to be submitted for approval prior to any permission being granted. This is to ensure the access and egress to the site is satisfactory and safe.

Re-consultation:

Having reviewed the revised drawings, I have the following comments to make:

1. I still have some concerns regarding the proposed parking levels. Whilst the level of parking for the dwellings is what I would require for communal parking (13 spaces), it still includes the disabled bay as part of that provision and the layout may result in neighbour disputes given the apparent two spaces per plot.
2. Two spaces for the allotments is minimal, however it would be hoped that anyone using the allotments would walk to the site some of the time and most of the allotment users will not be on site at the same time.
3. Scottish Water has indicated that no surface water should enter the existing combined sewer. I note that an additional gully is proposed to the north east of the proposed access and whilst I welcome its inclusion, confirmation should be obtained from Scottish Water that they are content that the inclusion of this gully does not result in additional surface water entering the system

4. The existing gully on the south western side of the proposed access must be relocated so that it is outwith the running surface of the carriageway. It should be taken to the tangent point between the entry radii and the existing roadside kerb, approximately at level 100.40m.
5. The manhole which is within the junction area should ideally be relocated to ensure it is not affected by vehicles entering the site. If this is not achievable, details must be submitted for our approval to ensure that its construction and grade is suitable for the traffic anticipated.
6. The new bellmouth and footpath shall require Road Construction Consent.
7. The block paving should be brought out to the extent of adoption to highlight to drivers entering the site that the road is shared with pedestrian. Alternatively a footway should be provided between the housing blocks.
8. The existing hedge should be set-back a minimum of 1m to the rear of the visibility splay to allow for future growth of the hedge.

Director of Education and Lifelong Learning: The proposed development is located within the catchment area for Newcastleton Primary School and Hawick High School. There are no contributions sought for this application.

Environmental Health: Recommend an informative relating to noise during construction works.

Development Negotiator: I can provisionally advise that this application would appear to generate the following Development Contribution requirement: Affordable Housing Commuted Sum (Southern Housing Market Area) £6,000 x (7- 1) @ 25% = £9,000.

Archaeology Officer: There are no known implications for this proposal.

Ecology Officer: I am satisfied with the findings of the ecology walkover survey (Stone's Wildlife Management May 2015). The site consists of an improved field, regularly mown. The site is bounded by a mature hedge containing hawthorn, beech and snowberry. Several active nests were recorded in the hedge (blackbird, song thrush, chaffinch and robin). No signs of badger activity were recorded in the site, although badger activity is known to be widespread in the area.

Mitigation for badger and breeding birds is proposed in the report including buffer strips around the hedgerows and measures to protect badgers on site (covering pipes and providing access out of trenches etc.). Prior to the commencement of works a Species Mitigation and Management Plan (including a Badger Protection Plan and measures for breeding birds) should be submitted for the approval of the Planning Authority.

Landscape Architect: Response awaited.

Housing Section: Response awaited.

Statutory Consultees

Newcastleton Community Council: Concerns regarding the water supply and drainage. The design and layout are unimaginative. There is no demand for this number of houses and they will sit empty.

Other Consultees

None

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 1B: The Spatial Strategy: Development Principles

Consolidated Scottish Borders Local Plan 2011

Policy G1: Quality Standards for New Development

Policy G5: Developer Contributions

Policy G7: Infill Development

Policy BE4: Conservation Areas

Policy NE3: Local Biodiversity

Policy NE4: Trees, Woodlands and Hedgerows

Policy H2: Protection of Residential Amenity

Policy Inf4: Parking Provisions and Standards

Policy Inf5: Waste Water Treatment Standards

Policy Inf6: Sustainable Urban Drainage

Proposed Local Development Plan 2013

Policy PMD2: Quality Standards

Policy PMD5: Infill Development

Policy HD3: Protection of Residential Amenity

Policy EP3: Local Biodiversity

Policy EP9: Conservation Areas

EP13: Trees, Woodlands and Hedgerows

Policy IS2: Developer Contributions

Policy IS7: Parking Provision and Standards

Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy June 2014

Supplementary Planning Guidance:

Affordable Housing January 2015

Placemaking and Design January 2010

Trees and Development March 2008

Biodiversity December 2005

Developer Contributions April 2015

Guidance on Householder Developments (Privacy and Sunlight Guide) July 2006

KEY PLANNING ISSUES:

- Whether the density, scale, layout, design and materials are appropriate for this part of Newcastleton.
- Whether the proposal would be harmful to residential amenities.

- Whether adequate access, parking, drainage and water supply can be achieved.

ASSESSMENT OF APPLICATION:

Planning Policy

The site is within the development boundary for Newcastleton and so must be assessed against policy G7 of the Scottish Borders Consolidated Local Plan Adopted 2011.

Policy G7 states that within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met. These criteria will be assessed within this report.

One criterion is that the proposal should not conflict with the established land use of the area. In this case, the surrounding area is residential in character and so the proposed residential development of the site would be in keeping with this part of Newcastleton.

The concerns expressed in the representations received in respect of this application regarding the need for this number of new houses within Newcastleton is not a planning matter that can be taken into account in the assessment of this application. The demand for the proposed houses would be dictated by market forces.

Layout and Design

Policy G1 of the Local Plan requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development. Policy G7 requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming; the proposal should not detract from the character and amenity of the surrounding area.

The proposal is to erect seven terraced dwellinghouses on the site, grouped in a row of three on the south western part of the site and four on the north west side. The houses would front onto the road with a similar building line to the former police station and Holmhead, allowing for front gardens. There are other terraced properties in this part of Newcastleton, beyond Holmhead to the south west and beyond Northfield on the opposite side of North Hermitage Street to the south.

The density of the site would be low, taking into account the number of houses proposed and the size of the site. Although previous planning permissions for this site have included conditions limiting the number of dwellinghouses permitted within the site to two, each application must be assessed on its own merits and the site can adequately accommodate seven houses, parking, turning and garden ground.

Access would be from the public road via a central access between the two rows of houses. There would be a communal parking area to the rear, with the houses screening the parking area from public view. The initial proposal was for an area of allotments to the rear of the car parking area but concern was expressed regarding the need for the allotments, who would rent them and their long term management if

there was insufficient demand. The allotments have now been replaced with a communal grass area.

The layout of the site is considered to be acceptable and in keeping with the character of this part of Newcastleton and the proposal would not constitute an overdevelopment of the site.

The dwellinghouses would be one-and-a-half storey terraced properties in rows of three and four. The proposal as submitted was for each property to have an extended gable on the front and rear elevations and a variety of window designs. It was felt that the design was not appropriate for this part of Newcastleton as the windows were too small and lacking in vertical emphasis and each house was identical resulting in a long plain terraces lacking in architectural interest.

Discussions have taken place with the agent and a revised scheme has been submitted. This has removed the front projections and introduces bay windows to some of the properties. The wall-to-window ratio has improved, though there is scope for further improvement, and there is a vertical emphasis to the windows. The chimneys on the gable ends have been removed and skews added to define each property and to break up the expanse of the buildings. Wallhead dormers have been introduced in the front elevations.

The walls would be finished in render and reconstituted stone, the roofs would have slate on the front slope and grey cement tiles on the rear slope and the windows would be grey timber sash and case.

This part of Newcastleton is characterised by a variety of house designs and materials. The former police station is a two storey flat roof building whereas Holmhead is a two storey stone and slate villa. The terraced properties further along North Hermitage Street are a mix of traditional single and two storey cottages in stone and render and Toll Bar Cottage opposite is a traditional one-and-a-half storey stone and slate building.

The amended design is a significant improvement on that originally submitted and is now acceptable. The design incorporates traditional features seen in properties in this part of Newcastleton, such as wallhead dormers, sash and case timber windows with a vertical emphasis and bay windows. A condition would ensure that samples of the external materials are approved before the development commences and that the roofs are slate.

Impact on Visual Amenities and the Conservation Area

Policy BE4 of the Local Plan states that development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused.

The site is outwith the Conservation Area but the Conservation Area boundary runs along the south west boundary of the site with Holmhead and so any development on this site has the potential to affect views in and out of the Conservation Area.

As outlined above, the layout and design of the development are considered acceptable and in keeping with the character of this part of Newcastleton and, subject to appropriate external materials and planting, the proposal would not have a detrimental effect on the character or appearance of the Conservation Area or on the visual amenities of the area.

Impact on Residential Amenities

Policy G7 of the Local Plan states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy H2 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

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

Privacy is primarily measured in terms of distances between windows in adjacent properties and those in the proposed development. As a rule, a minimum 18m privacy zone should be maintained between windows of principal rooms when directly opposite; this distance can be reduced where the windows are at an angle to each other.

There are no windows in the side elevation of the former police station and no windows in the gable end of the terrace of houses, though a floor-to-ceiling window is proposed in the rear wing (kitchen) of the house closest to the former police station (plot 7). This would be set further back onto the site than the former police station and 5m from the boundary so not directly facing a neighbouring window. It is considered that no loss of privacy to habitable rooms would occur to the residential units within the former police station.

Holmhead has windows in the side elevation and a single storey extension. The same style kitchen window is proposed for the house on plot 1 closest to the boundary with Holmhead and no windows in the gable end. This window would be 7m from the boundary and 14m from the side extension of Holmhead. No significant overlooking would occur from this window due to the distances involved and substantial planting on the boundary with Holmhead.

In respect of overshadowing and loss of light, the 45 degree rule can be applied to ensure the development does not lead to the unreasonable loss of a neighbour's light. This involves drawing a line, both horizontally and vertically, from the middle of the cill of a window which is potentially affected by an extension at an angle of 45 degrees. No part of the development should encroach beyond these lines.

Applying the 45 degree rule demonstrates that no significant loss of light would occur to the rear rooms of the neighbouring properties that would warrant refusal of the application.

Access and Parking

Policy G7 of the Local Plan requires that adequate access and servicing can be achieved. Policy Inf4 requires that car parking should be provided in accordance with the Council's adopted standards.

A new access would be formed from the public road to serve the development. This would lead to a rear parking area with fifteen car parking spaces for residents and visitors, including one disabled space.

The Roads Planning Service has been consulted on the proposal and has no objections subject to their requirements regarding the specification of the access to the site, on-site parking, visibility splays, drainage and street lighting being met.

A revised drawing has been submitted by the agent and the Roads Planning Service has been re-consulted. They have raised further issues regarding parking, visibility and drainage. These matters would be controlled by planning conditions.

Natural Heritage

Policy NE3 states that the Council will seek to safeguard the integrity of habitats within and outwith settlements which are of importance for the maintenance and enhancement of local biodiversity.

A Walk-over Survey has been submitted with the application which found no bat roosts, though they were recorded in the area, no signs of badgers but birds' nests in the hedgerows.

The Council's Ecology Officer was consulted on this survey and notes that several active nests were recorded in the hedge but there were no signs of badger activity within the site, although badger activity is known to be widespread in the area. He advises that mitigation for badger and breeding birds is proposed in the report including buffer strips around the hedgerows and measures to protect badgers on site and concludes that a Species Mitigation and Management Plan (including a Badger Protection Plan and measures for breeding birds) is required and this will be controlled by a condition.

Trees and Hedgerows

Policy NE4 of the Local Plan seeks to protect trees and hedgerows from development.

There is a mature hedgerow along the road frontage of the site and mature trees along the south west boundary with Holmhead and along the north west boundary with the railway embankment outwith the site. These trees contribute significantly to the visual amenities of the area and it is important that they are not affected by the development.

The Root Protection Area has been calculated for these trees and plotted on the site plan. This shows that the development would be outwith the Root Protection Areas of all the trees within and overhanging the site and so no trees would need to be felled or cut back to accommodate this development.

The proposed access and visibility splays would require the replanting of the hedge on the road boundary outwith the visibility splay. A condition would ensure that the hedge is replanted once the development has been completed and that the remainder of the hedge is retained and protected during construction. A 1.2m hedge would be planted along the frontage and sides of plots 3 and 4 either side of the access by way of a replacement for the section of the hedge to be lost to form the access.

Water Supply and Drainage

Policy Inf5 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage

system and for development in the countryside the use of private sewerage provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. Policy Inf6 requires a Sustainable Urban Drainage System (SUDS) for surface water drainage.

A Drainage Strategy Report has been submitted. This states that foul water drainage would be to the public sewer and the foul water sewer network would be designed for adoption by Scottish Water. A letter from Scottish Water confirms that there is sufficient capacity in the Newcastleton Waste Water Treatment Works and the local network to serve the demands of the development for foul water only.

A SUDS will cater for surface water drainage, designed to comply with SEPA and Council standards. Surface water run-off will infiltrate into the ground at the rear of the development via permeable paving. The details of the scheme would be approved as part of the Building Warrant.

The site is outwith the area within Newcastleton at risk of flooding.

The development would connect to the mains water supply.

Developer Contributions

Policies G5 the states that where a site is acceptable but cannot proceed due to deficiencies in infrastructure or due to environmental impacts the Council will require developers to make contributions towards the cost of addressing such deficiencies.

The Director of Education and Lifelong Learning has advised that no contributions are required towards education facilities in the local area but a commuted sum is required towards affordable housing and this would be secured via a Section 69 Legal Agreement.

CONCLUSION

The proposed development, subject to the imposition of planning conditions, is considered acceptable and in compliance with policies G1, G7, H2, BE4 and Inf4 of the Scottish Borders Consolidated Local Plan Adopted 2011. It is considered that the proposal would be in keeping with the established use of the area and would not negatively impact upon the character or the appearance of the Conservation Area or the visual amenities of the area. It is considered that the proposal would not have a detrimental impact on the residential amenities of occupiers of neighbouring properties and adequate parking and drainage can be achieved.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement addressing the contribution towards affordable housing and the following conditions:

1. A sample of all materials to be used on all exterior surfaces of the development hereby permitted, including the render colour, slate and the colour of all external joinery, shall be submitted to and approved in writing by the Planning Authority before the development commences. The roofs to be finished in natural slate. The development then to be completed in accordance with the approved samples.

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

2. Details of the size, proportions, material, method of opening, thickness and colour of frames and glazing pattern of the windows to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.

Reason: To protect and enhance the visual amenities of the area.

3. Details of the proposed fencing between the plots to the front and rear and front entrance gates (height, material, colour/finish) to be submitted to and approved in writing by the Planning Authority before the development commences. The fencing then to be erected before the dwellinghouses are occupied.

Reason: In the interests of neighbouring amenity.

4. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):

- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration

- ii. location of new trees, shrubs, hedges and grassed areas

- iii. schedule of plants to comprise species, plant sizes and proposed numbers/density

- iv. programme for completion and subsequent maintenance.

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

5. No trees within or overhanging the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.

Reason: The existing trees represent an important visual feature which the Planning Authority considers should be substantially maintained.

6. Before any part of the permitted development is commenced, the trees to be retained on and overhanging the site shall be protected by herras fencing 1.5 metres high, or similar, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- (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: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

7. The existing hedge on the road boundary of the site to be removed and replanted a minimum of 1m to the rear of the visibility splay to allow for future growth in accordance with a revised drawing that has first been submitted to and approved in writing by the Planning Authority. The hedge to be replanted upon completion of the dwellinghouses. Before any part of the development is commenced, the remainder of the hedge to be retained on the front boundary of the site shall be protected by Heras fencing, or similar, 1.5 metres high placed at a minimum distance of 2.0 metres from the edge of the hedge, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the hedge so retained shall not be altered.

Reason: In the interests of preserving the hedge which contributes to the visual amenity of the area.

8. Prior to the commencement of works a Species Mitigation and Management Plan (including a Badger Protection Plan and measures for breeding birds) to be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect badgers and breeding birds within the site

9. A revised parking layout drawing to be submitted to and approved in writing by the Planning Authority before the development commences. The parking then to be completed in accordance with the revised drawing before the first dwellinghouse is occupied

Reason: To ensure adequate parking is provided within the site.

10. The access, visibility splays and surface water drainage at the entrance to the site and within the public road to be completed in accordance with a revised drawing that has been submitted to and approved in writing by the Planning Authority before the development commences. The access, visibility splays and surface water drainage then to be completed in accordance with the approved drawing before the first dwellinghouse is occupied.

Reason: To ensure safe access and egress to and from the site and to ensure that the site is adequately drained and that no surface water drains onto the public road from the site in the interests of road safety.

Informatives

In respect of conditions 9 and 10, the consultation response from the Roads Planning Service is attached for the information of the applicant. Improvements may be required to the existing street lighting to ensure it is adequate for the additional pedestrian footfall. The applicant is advised to contact the Roads Planning Service to discuss this issue. The new bellmouth and footpath shall require Road Construction Consent. Nose-in parking is preferred for the spaces adjacent to the area of open space.

The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used.

The following are the recommended hours for noisy work:

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

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

DRAWING NUMBERS

9199.1.01 Rev A	Proposed Site Plan
9199.1.02 Rev B	Floor Plans
9199.1.03 Rev B	Floor Plans
9199.1.04 Rev B	Elevations
9199.1.05 Rev B	Elevations
9199.1.06 Rev B	Street Elevations
9199.2.01	Location Plan
111057/SK1000 Rev A	Site Access
111057/SK2000 Rev A	Drainage Layout

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

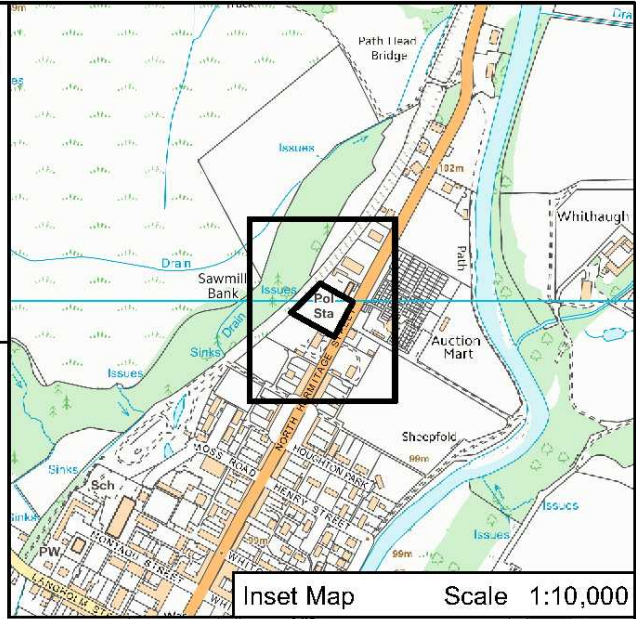
The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

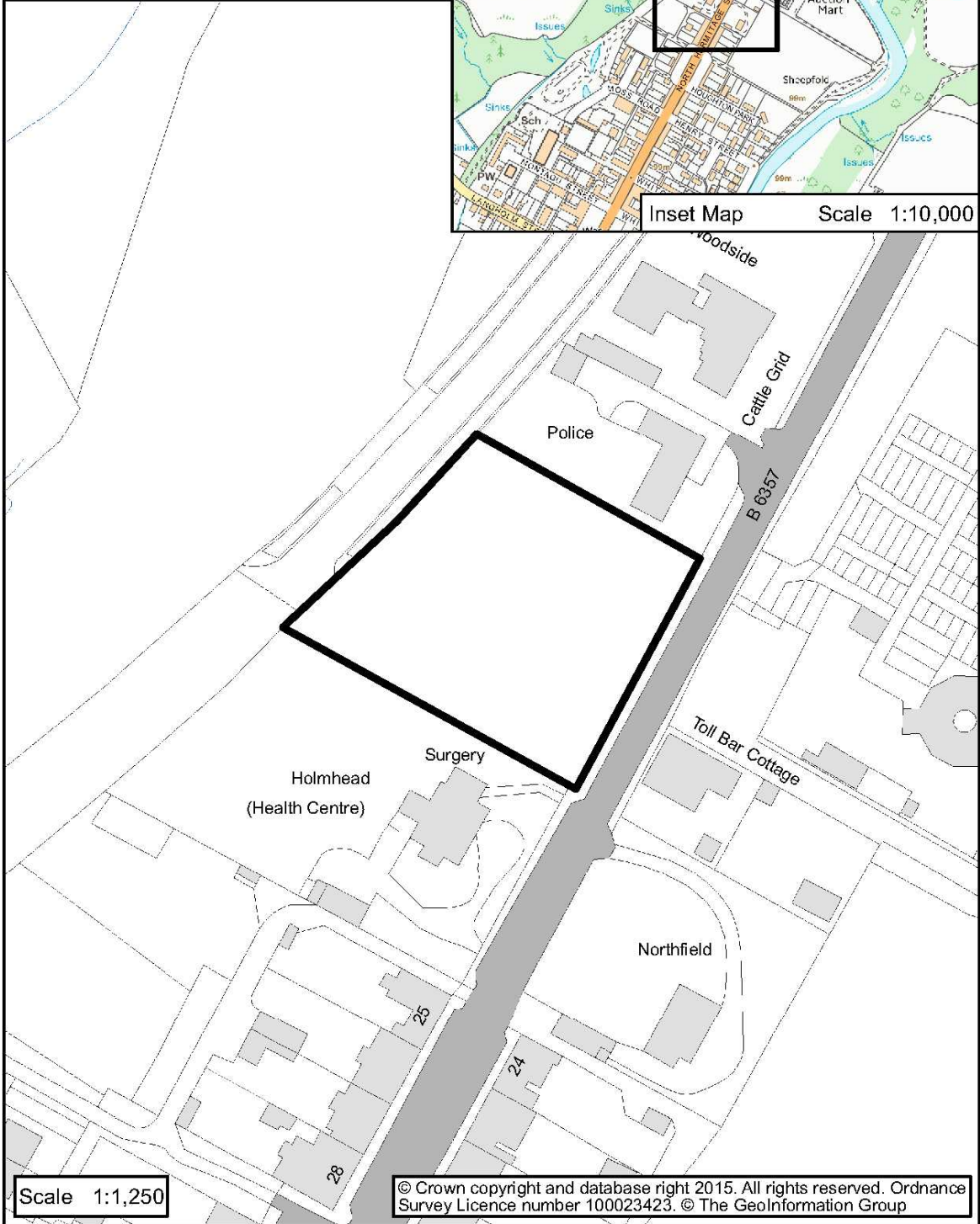
Name	Designation
Julie Hayward	Lead Planning Officer



15/00658/FUL
Land South West Of
The Police Station
North Hermitage Street
Newcastleton



Inset Map Scale 1:10,000



Scale 1:1,250

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7th SEPTEMBER 2015

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE

ITEM: **REFERENCE NUMBER:** 15/00615/AMC

OFFICER: Andrew Evans
WARD: Selkirkshire
PROPOSAL: Erection of dwellinghouse (approval of matters for all conditions pursuant to planning permission 12/00584/PPP)
SITE: Land North East Of 22 Beechbank, Selkirk, Scottish Borders
APPLICANT: Mr Christopher Pyemont
AGENT: Pyemont Design

SITE DESCRIPTION:

The application site comprises an area of overgrown garden ground on Beechbank, in Selkirk. The site is roughly rectangular in shape, and is flanked by housing on all sides, with the road itself, Beechbank, to the immediate south, with further housing beyond. The site has a frontage onto the public road at Beechbank, but is set below the road level.

The site is long and narrow in character. It is bound by a variety of timber fencing and shrubs.

PROPOSED DEVELOPMENT:

Approval of Matters Specified in Conditions is sought for the erection of a single detached dwellinghouse, pursuant to the single dwelling granted in principle under consent reference 12/00584/PPP.

Amended plans were lodged during the processing of the current application, which seek to address the design concerns raised by the Planning Department. These introduce traditional design detailing in to the proposals.

The submitted drawings indicate a split level building, with a 1½ storey frontage to the road, but taking advantage of the sloping site to create a three storey elevation to the rear.

The building's principal elevation faces the road frontage and contains traditional dormers within the roof. It would be finished in a cream render with a slate roof.

PLANNING HISTORY:

The site is located within the Selkirk Development Boundary. The site has an extensive planning history.

An outline planning application for the erection of a dwellinghouse on the same site was refused by the Eildon Area Committee in August 2007 for the following reasons:

1. *The proposal is contrary to Structure Plan Policy I11, Policies 94 in the Ettrick and Lauderdale Local Plan and Policy Inf4 in the Finalised Local Plan in that the proposals would have a significant negative impact on existing on-street parking provision in a constricted area with associated impacts on vehicular movements along the public road all to the detriment of road user safety.*
2. *The development would also be contrary to Policy 2 of the Ettrick and Lauderdale Local Plan 1995, and Policies G1 and G7 of the Finalised Local Plan 2005 in that the provision of parking spaces in the manner proposed would lead to overdevelopment of the site, adversely affecting the visual amenity of the area.*

A resubmitted application was refused by the Area Committee in 2008. (ref 08/01401/OUT). The applicants appealed this decision, and Planning Permission in Principle was granted by a Scottish Government Reporter in 2009.

A subsequent 2012 application (12/00584/PPP) for renewal of the permission in principle was approved by the Council under delegated powers. The site remains acceptable for Infill development. This application seeks approval of a detailed design and therefore the principle of development is not a matter for consideration at this stage.

REPRESENTATION SUMMARY:

This current application was publicised by means of a notice in the Southern Reporter, a notice on the national planning notification website, and via direct postal notification of the 4 immediate neighbours within the 20m buffer of the application site. Refortification of all neighbours was carried out upon the submission of amended plans.

Objections were received to the application, and these can be viewed in full on the *Public Access* website.

A summary of the matters of relevance raised in these letters of objection and representation would be as follows:

- Object due to impacts on the surrounding area.
- Proposals not in keeping with the rest of Beechbank.
- Traffic and Construction safety - This is a very busy road for children attending the local schools and also a thoroughfare for families taking children to the local Argus Playgroup.
- Parking is at a premium - although the new property has off street parking it looks like there will be around three parking spaces less for the current residents of the street.

- A major amount of excavation is required to allow the lower floor for this property. This may affect the current road that is there, as there is a retaining wall at this plot already.
- The proposal is inappropriate for this small site being out of scale, intrusive and not in keeping with the existing local character.
- It is understood that access for this site was always via Dovecot Park and it is only since the proposed plans for a dwellinghouse has a gate appeared.
- Access to this site via Beechbank looks very difficult with a retaining wall along the length of the site and drop of a couple of feet on the other side.
- The original planning application submitted and accepted by the Scottish Office was for a one bedroom dwellinghouse. This has now changed to a three bedroomed, two and an half storey dwellinghouse.
- Increased traffic generation and implications for road safety
- Impact on adjoining properties, including on grounds of light loss and impact on privacy
- The plans do not appear to show that the neighbouring property has a a conservatory
- The dimensions of the property do not appear to correspond with the space available. The plans also do not highlight the height at which the car parking facility will be.
- Concerned that the excavation to facilitate the lower level of this property will have a detrimental effect to the existing road as there is currently a retaining wall which supports this road.
- Parking on this road will also be affected as if this property was to be built then although the property has two spaces for off road parking, it will in essence mean that three parking spaces will be lost in front of property.
- This road is a busy thoroughfare for children and families walking to and from the nearby secondary and primary school and also the local nursery.
- Impact on air quality in conservatory due to the position of the car port which is in line with the windows of neighbouring conservatory.
- The existing wall will not be a suitable strength to withhold another car port.

APPLICANTS' SUPPORTING INFORMATION:

The application is supported by:

- Additional angle assessment plans and sections

- Supporting Planning Statement
- Design and Access Statement

CONSULTATION RESPONSES:

Scottish Borders Council Consultees:

Roads Planning Service:

Final response advises that the amended parking layout addresses previous concern over parking. Providing the following points are incorporated into the design, the RPS will not object to this application;

1. The minimum length clear of the public road available for parking is 11m and the minimum width available for parking is 3m.
2. The gradient of the drive/parking is not steeper than 1 in 12.
3. The drive/parking area is formed in a manner that ensures no surface water or loose material will be discharged onto the public road.
4. The height of any boundary fence or other marker on the road frontage within 2m of either side of the access does not exceed 1m.
5. Any gates are hung so as to open into your property and not out over the footway/verge.
6. The parking spaces are kept accessible and available for a private motor vehicle at all times.

Landscape Architect:

No response received. Consultation expired 29.06.2015.

Statutory Consultees

Selkirk and District Community Council:

Noted the Reporters approval but continues to maintain its view that the proposal is inappropriate for this small site - being out of scale, intrusive, not in keeping with the existing local character and therefore detrimental to the local amenity of the area.

On revised plans, commented as follows:

Noted that the principle of granting planning permission to allow this site to be developed for residential purposes has been sanctioned on appeal by the Government Reporter - however, the scale of the residential proposal for this site remains at issue. In the first instance, it should be appreciated and accepted that this is not a city centre site which presents an architectural challenge for developers to maximise its use and thereby shoehorn an unneighbourly intrusion into the locality.

This is a small site located in an area of low residential scale and should not be developed so intensively as proposed viz. with a house having accommodation on 3 floors – whereby intrusion is imposed upon neighbouring properties and

local amenity. This is a greedy proposal and a lesser scale of dwelling should be insisted upon – with a reduced footprint.

This current application has caused much concern to potential neighbours in the area as they assess the impact which this proposal will make upon their local environment.

For example, the CC, having checked road level plan DRG 649.05 is also concerned that the min privacy distances between the habitable room windows of the existing property (nos.13-14 Beechbank) and the proposed dwelling do not appear to comply with the required Building Standards - and other issues of overlooking have also been expressed.

The insertion of the 2 parking bays as shown - immediately adjacent to the neighbouring property (22 Beechbank) and the very limited open space/garden area remaining further help to emphasise the inadequacy of this site to accommodate the proposed dwelling. This elevated parking stance, as shown on the layout also:

- prejudices the structural condition of the existing mutual boundary wall
- presents a risk of air pollution from exhaust fumes of manoeuvring cars
- Seems unable to provide required sight lines for the safety of passing pedestrians/ school children who will be at risk from emerging vehicles.
- A further cause of concern is the location of the proposed site access – apparently chosen arbitrarily. It is quite apparent from on-site inspection that there has not been any 'pre-existing' access point into this site, which is former garden ground
- There is no footpath along this section of Beechbank
- The stone kerbing and drainage channel remain unaltered
- There is no crossing point.

Therefore, the now existing roadside gate appears to be a recent insertion and implies an attempt by persons unknown to make site access appear available. As a consequence, the plot layout is compromised and has created unnecessary build up and intrusion along the boundary with No 22. A reduced scale of proposal should realign the in-curtilage parking to another less intrusive location.

In conclusion, if it is accepted that the application complies with the Scottish Borders Consolidated Adopted Local Plan policies relating to town cramming, then the proposed siting and design must ensure that the proposal will not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the area.

However, in this regard, the Community Council considers that this application as submitted fails to meet the relevant criteria set out in adopted SBC Development Plan policies relating to Quality Standards and Infill Development. In the absence of an appropriate design therefore, the Community Council urges refusal of this application."

DEVELOPMENT PLAN POLICIES:

SESPlan Strategic Development Plan 2013:

This plan has replaced the structure plan. However no specific policies are relevant to the determination of this current application.

Consolidated Scottish Borders Local Plan 2011:

Policy G1	Quality Standards for New Development
Policy G5	Developer Contributions
Policy G6	Developer Contributions related to Railway Reinstatement
Policy G7	Infill Development
Policy H2	Residential Amenity
Policy NE4	Trees, Woodlands and Hedgerows
Policy Inf4	Parking Provisions and Standards
Policy Inf5	Waste Water Treatment Standards
Policy Inf6	Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Adopted SBC Supplementary Planning Guidance (SPG):

- Householder Development
- Development Contributions
- Placemaking and Design

KEY PLANNING ISSUES:

The main determining issues are:

- Whether this is an appropriate form of development for this approved infill site within Selkirk;
- Whether the proposal is acceptable in terms of scale, design and materials;
- The effect of the proposal on the residential amenities of occupants of neighbouring properties;
- Whether adequate access and parking can be achieved;

ASSESSMENT OF APPLICATION:

This application seeks approval of matters specified in conditions in relation to the erection of a single detached dwelling on this site in Selkirk.

Policy Principle and Planning History

The site is located within the Selkirk Development Boundary. The site has an extensive planning history. Planning Permission in Principle first was granted by a Scottish Government Reporter. A subsequent 2012 application for renewal of permission in principle was approved by the Council under delegated powers. The site remains acceptable for Infill development. The principle of development is therefore not a matter for consideration in this application. The current application seeks solely to address the conditions of the Planning Permission in Principle. Addressing these in turn:

Conditions

Condition 1 – Layout, Siting, Design, Appearance, Access and Landscaping

The condition states:

1. *No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.*

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

Placemaking and Design

The application has been revised during processing. The original plans were of a somewhat plain design, gable-end onto the street, not reflecting the best of the surrounding built form. The plans have subsequently been revised. The final set of plans lodged show a more appropriate form of design, reflecting the roof orientation of surrounding buildings. Now proposed is a dormered roof, with the dwelling set in to the hill slope, and incorporating a series of traditional details, such as overhanging eaves, render bands to windows, and a more appropriate pattern of windows on to the roadside elevation.

The application site is sloping, and the actual height of the proposed house, from ground to eaves, and eaves to ridge levels is relatively consistent with adjoining dwellings, particularly the opposite dwellings on the south side of the road on Beechbank. The proposed house would have a very similar roadside elevation to these existing dwellings on Beechbank. Given the sloping nature of the site, the relationship is not unusual, and would not be incongruous in the street scene. The relationship between buildings is discussed further below.

The layout and siting are strongly dictated by the topography and surrounding built form.

Design and Access Statement

The submitted statement sets out that consideration was given to impacts on the existing parking, which was a subject of considerable debate and contention during the previous applications on the site. The parking has been adjusted to meet the Road Planning Service requirements.

Amenity and Privacy

Policy H2 of the adopted Local Plan requires that residential amenity will be protected. Policy H2 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. The Council has also adopted Supplementary Planning Guidance on Householder Development. This contains criteria on privacy and amenity, and sets out standards in terms of overshadowing and overlooking. However, a degree of flexibility in their application is appropriate to take into account site circumstances and the nature of the proposal. There is an acknowledgement that the extent of privacy and overlooking will vary depending on the location.

Standards are also set in the SPG in terms of the minimum space for garden / amenity ground for new dwellings.

The Scottish Government Reporter, in approving the 2009 application in principle, remarked that even those nearest the appeal site, at 22 Beechbank, would not suffer an undue loss of residential amenity, and pointed out that the loss of distant views was not a matter to which they could attach any weight. Any decision on the detail of the proposal has to acknowledge the permission that exists and the consequential effect of that on adjoining properties.

To enable consideration of the impacts of the proposed detailed design in terms of amenity, and privacy, the final set of revised details lodged on this current application show the angle and distanced of the proposed dwelling from surrounding development. Policy G7 of the Local Plan states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking.

In this case, the site occupies a sloping location where the existing higher density pattern of development is such that the majority of houses will have impacts on others to a greater or lesser extent, in terms of both overlooking and daylight impacts. Whilst it is important to mitigate impacts as far as possible, it may not be possible to eliminate them and a balance needs to be drawn with other matters, including wider townscape issues.

The application is accompanied by angle assessments from the windows of the nearest neighbouring dwellings, and information on existing and proposed levels.

The proposed house would have finished floor levels as follows:

168.41	<i>Basement family room / utility</i>
170.89	<i>Ground Level (from roadside)</i>
173.465	<i>Attic bedrooms</i>

Considering the relationships between the proposed building and its neighbours in turn:

House and Conservatory at 22 Beechbank

The neighbouring conservatory at 22 Beechbank is now included in the assessments lodged. From the road level the relationship between the proposed dwelling and the neighbours existing conservatory is not considered an incongruous one. The conservatory has a FFL of 169.54, and would undoubtedly be affected in terms of its direct outlook over the application site. However, the view in this direction is not protected by the planning system. The conservatory would still retain its existing outlooks to the front and rear.

The proposed house would not comply with the SPG standards that would apply to a neighbouring window in the position of this conservatory. However Conservatories and sun rooms are treated differently in comparison to single windows, because they receive light, and have outlook in several directions, not just the direct relationship to the proposed development. The conservatory would still receive light, from its windows not facing the application site, and the impact of the proposed development on it is not considered of such significant harm that it would warrant either further amendment of the plans or the refusal of the current application. The proposed house sits to the north-east of 22 Beechbank, meaning that loss of sunlight, including to its conservatory is not an issue.

It is further noted and brought to Members' attention that the proposed staircase windows on the south west elevation of the proposed house would feature etched obscure glazing. This will prevent any overlooking into the dwelling or conservatory at 22 Beechbank. This can be ensured via the imposition of planning conditions, which will ensure compliance with the requirements of policy H2 and the adopted SPG on Householder Development.

Houses at 11, 12, 13, 14 Beechbank

The Community Council make specific reference to the relationship with the houses at 13/14 Beechbank in their detailed objection to this application.

These dwellings on the opposite side of Beechbank would be 14m from the opposite windows on the Ground floor of the proposed house. The opposing new windows on the proposed dwelling would serve a shower room, and kitchen. The dormer windows in the roof space of the new dwelling would serve a shower room and bedroom. A Velux roof light between the dormers would provide light to the landing at the top of the stair to this level of the proposed house. Only bedroom 3 and the kitchen window below it are "principal rooms" in terms of the SPG criteria.

Whilst the relationship between the proposed dwelling and its neighbour is closer than the 18m prescribed in the SPG for direct window to window overlooking, it is felt that the relationship is appropriate given the surrounding built form, and wider density of development in this part of Selkirk. The relationship in terms of building to building distance would be comparable to the distances found elsewhere further along Beechbank, notably that found between 14a and 22 Beechbank, a point elaborated on in the agents supporting design and access statement.

Houses having a street frontage and the width of the carriageway are defining characteristics of the site surrounding and, again, the consequences of these have to be considered in the context of the reporter's decision to grant planning permission in principle here.

House at 18 Beechbank

The submitted angle assessments include "Window A", which is the nearest window on the first floor of no. 18 Beechbank, an existing semi-detached house, facing the rear elevation of the proposed house. There are further windows on the ground and first floor of this dwelling, at slightly greater distance. Window A is 18.5m from the proposed window on the rear of the application house, and off set from it. The relationship here is acceptable in terms of the guidance in the Householder Development SPG.

Houses at 18, 20, 22, 24, 36, 28, 30, 32, 34 Dovecot Park

The submitted angle assessments also include "Window B", which is the nearest window on the first floor of 24/26 Dovecot Park. There are a range of ground floor, first floor, and roof level dormer windows facing the application site on the back of the Houses at Dovecot Park. The agents drawing showing angle assessments has provided a note of the ground level, floor levels and window levels for the building here.

Applying the standards set out in the Householder Development SPG, the level changes and angles of windows mean that 19m is a minimum distance permitted by the SPG in such a relationship. The proposed window here is 19.5m from the

existing neighbouring window, and is off set relative to it. The relationship here is therefore acceptable in terms of the guidance in the Householder Development SPG.

Garden Space

Section 5.1 of the adopted SPG on Householder Development sets out indicative figures suggesting that a modest family dwelling with three bedrooms might have a private garden area of 70-90 square metres of private amenity space. The space provided (Approximately 80 square metres) to the rear garden, together with space either side of the house, and a modest front garden, is therefore consistent with terms of the SPG requirements for garden space and is not out of character with the surrounding pattern of development.

General amenity issues and conclusions

In terms of garden ground for the proposed dwelling, the proposals would meet the minimum standards set out in the SPG. A dwelling could be erected on this site without an adverse impact on neighbouring amenity, privacy or outlook arising. The application is therefore considered to comply with the adopted SPG on householder development, and with policy H2 of the Consolidated Scottish Borders Local Plan.

Materials

The submitted plans specify a “sandtoft antique slate roof tile”, painted redwood fascia’s, bargeboards, windows and doors,. A pale yellow wet dash render to the walls, with a brown/red coloured precast to the window and door surrounds are proposed. The car park area would feature porous pavers.

Given the proposed roofing material contains both the words “slate” and “tile” in its description, it would be prudent for a sample of the roofing material to be submitted to and agreed by the planning authority. These materials are otherwise considered acceptable. A planning condition will require the roof material sample, and required conformity in terms of the other materials, to ensure compliance with the materials requirements of policies G1 and G7 of the Consolidated Scottish Borders Local Plan (2011).

Landscaping

The submitted landscaping plan shows 3 new trees to the garden of the dwelling. A Weeping Ash, a Rowan and a Gean are proposed. The parking bays at the side of the house lead on to the footpath and ramp at the front of the house. Given the limited size of the plot, the landscaping to be carried out is relatively straightforward. The surfaces save for the previously mentioned trees; will be given over to grass and porous pavers at the paths and parking areas. This is all acceptable. Planning Condition 6 of the PPP approval covered implementation of the landscaping, and is discussed further in this report below.

Conditions 2 & 3 - Timescales

These conditions stated:

- 2. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:*

*(a) the expiration of three years from the date of this permission, or
(b) the expiration of six months from the date on which an earlier
application for approval of matters specified in the conditions set out in
this decision notice was refused or dismissed following an appeal.*

*Only one application may be submitted under paragraph (b) of this
condition, where such an application is made later than three years after the
date of this consent.*

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

*3. No development shall commence until all matters specified in conditions
have, where required, been submitted to and approved in writing by the
Planning Authority. Thereafter the development shall only take place
except in strict accordance with the details so approved.*

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

No further submissions are required in relation to the above timescale conditions.

Condition 4 - Parking and Road Safety

The condition states:

*4. The details submitted in accordance with condition 1 above shall make
provision for two parking spaces, in tandem arrangement, within the site
and the spaced shall be retained for car parking purposes thereafter.*

Reason: In the interests of highway safety.

Policy G7 of the Local Plan requires that adequate access and servicing can be achieved. Policy Inf4 of the Local Plan requires that car parking should be provided in accordance with the Councils adopted standards.

As noted above, the application is supported by a design and access statement. This sets out that the parking meets the normal requirements. A nose to tail parking arrangement as is proposed minimises the loss of the ability for on street parking.

Vehicular access to the site would be from Beechbank and the submitted proposals indicate a single-width drive to the south-west of the site, providing off-street parking for two cars.

The Roads Planning Service (RPS) was consulted on the revised details lodged with the application. The Roads Officer advises that the amended parking layout addresses previous concern over parking. Provided the noted points of the RPS are incorporated into the design, the RPS will not object to this application. Subject to the identified conditions, the proposals are considered to comply with policy INF4 of the Consolidated Scottish Borders Local Plan.

Condition 5 - Water Supply, Foul and Surface Drainage

The condition states:

5. *No development shall commence until details of the means of water supply and of both surface water and foul drainage have been submitted to and approved in writing by the planning authority and the development shall thereafter proceed in accordance with the approved details.*

Reason: To ensure that the site is adequately serviced.

In terms of drainage issues, it is noted that applicant proposes to connect to the public sewer. This proposal would be subject to separate consent from Scottish Water. The application is accompanied by a letter from Scottish Water to the applicant, dated 19th Feb 2015, confirming that confirms that there is sufficient capacity in both the water supply network, and the wastewater treatment works to service the demands from this development. The requirements of the planning condition are therefore satisfied, and the servicing requirements of policy G1 are met.

Condition 6 – Landscaping (Implementation)

The condition states:

6. *The landscaping scheme approved pursuant to condition 1 above shall be implemented in accordance with the approved details in the first available planting season following the completion of the development.*

Reason: In the interests of visual amenity.

This condition related to implementation of the landscaping details in condition 1, and no action is required at this time.

Development Contributions

Policy G5, on development contributions applies to new housing proposals. As this is an AMC submission no issues arise, development contributions having been dealt with at the PPP stage.

Other Matters Raised in Representations and Objections

This is an application for approval of the details lodged pursuant to the conditions of the outline conditions. The principle of the development is established and many of the consequences of development here are established also. A series of objection letters have been lodged to the application from neighbours, who remain opposed, in principle, and in detail to the development proposed on this site. Turning to the outstanding detailed objections, not already addressed in the consideration of the above noted conditions:

Retaining Walls

Objection was received on the basis that “The development prejudices the structural condition of the existing mutual boundary wall”. As noted above, the current application only relates to the detail of the proposed development. The principle of a house on this site has been accepted. It will be for the agent, through the relevant Roads Planning and Building Standards processes, to ensure the stability of the road.

Air Pollution

Objection was received on the basis that “The proposed development presents a risk of air pollution from exhaust fumes of manoeuvring cars”. The manoeuvring cars would be at the neighbouring parking area to the objectors conservatory. The proposed relationship is not at all an unusual one. The level of emission from even 2 cars parked on a neighbouring driveway do not amount to a justifiable reason to refuse these proposals, or to seek further amendment of the proposals to accommodate such a complaint.

Access

Objectors query whether the applicant has the legal right to access the land. This is not material to the issue at hand. In terms of access, the application makes suitable arrangements for provision of pedestrian and vehicular access to the site. Separate to the planning process, the applicant has to establish for himself that he has acquired all necessary legal rights to undertake his development.

CONCLUSION:

It is considered that the proposal would be in keeping with the established use of the area and would not negatively impact upon the character or the appearance of the surrounding residential area. It is considered that the proposal would not have a detrimental impact on the residential amenities of occupiers of neighbouring properties, to a level warranting refusal of the proposals.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to the undernoted conditions and informatives.

DRAWING NUMBERS

Fence detail	649.01
Location & Landscape Plan	649.02
Elevations	649.05 – AMENDED
Privacy Sunlight & Amenity	649.06

Conditions

1. Except where amended by conditions of this consent, the proposed development is not to be carried out other than in complete conformity with the plans and elevations approved by the Planning Authority.
Reason: To maintain effective control over the development.
2. The windows highlighted in blue on the approved elevations are to be constructed with etched obscured glazing to a specification first submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the approved details, and maintained as such in perpetuity. Any future replacement of the windows of this dwelling it to make provision for obscured glazing to these windows of an equivalent opacity and opening mechanism to those units being replaced.
Reason: In the interests of neighbouring amenity and privacy.

3. Prior to the commencement of development, a sample of the roofing material is to be submitted to and approved in writing by the planning authority. In all other regards, the development is to be completed in accordance with the specified materials, unless alternative details are first submitted to and approved in writing by the Planning Authority.

Reason: To maintain effective control over the development, and to ensure use of a suitable roofing material.

4. The development is to be carried out in compliance with the undernoted requirements, and completed in accordance with these requirements prior to the occupation of the dwelling:

- i. The minimum length clear of the public road available for parking is 11m and the minimum width available for parking is to be 3m.
- ii. The gradient of the drive/parking is not to be steeper than 1 in 12.
- iii. The drive/parking area is to be formed in a manner that ensures no surface water or loose material will be discharged onto the public road.
- iv. The height of any boundary fence or other marker on the road frontage within 2m of either side of the access is not to exceed 1m.
- v. Any gates are hung so as to open into your property and not out over the footway/verge.
- vi. The parking spaces are kept accessible and available for a private motor vehicle at all times.

Reason: In the interests of road safety on Beechbank, and at its junction with Dovecot Park.

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

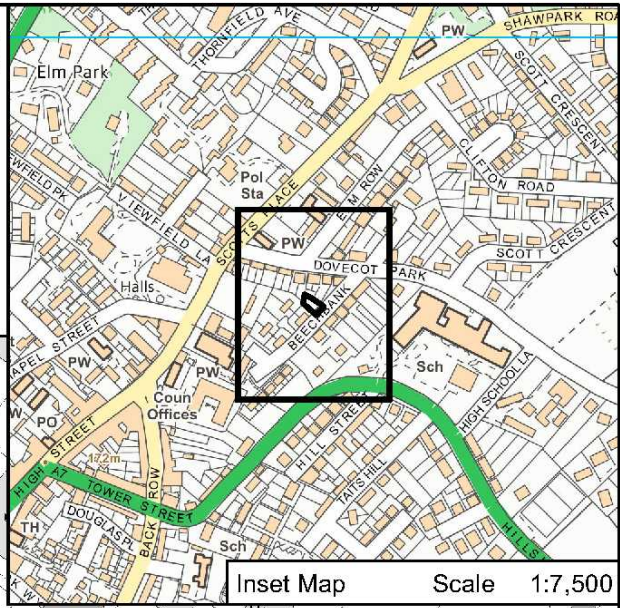
The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

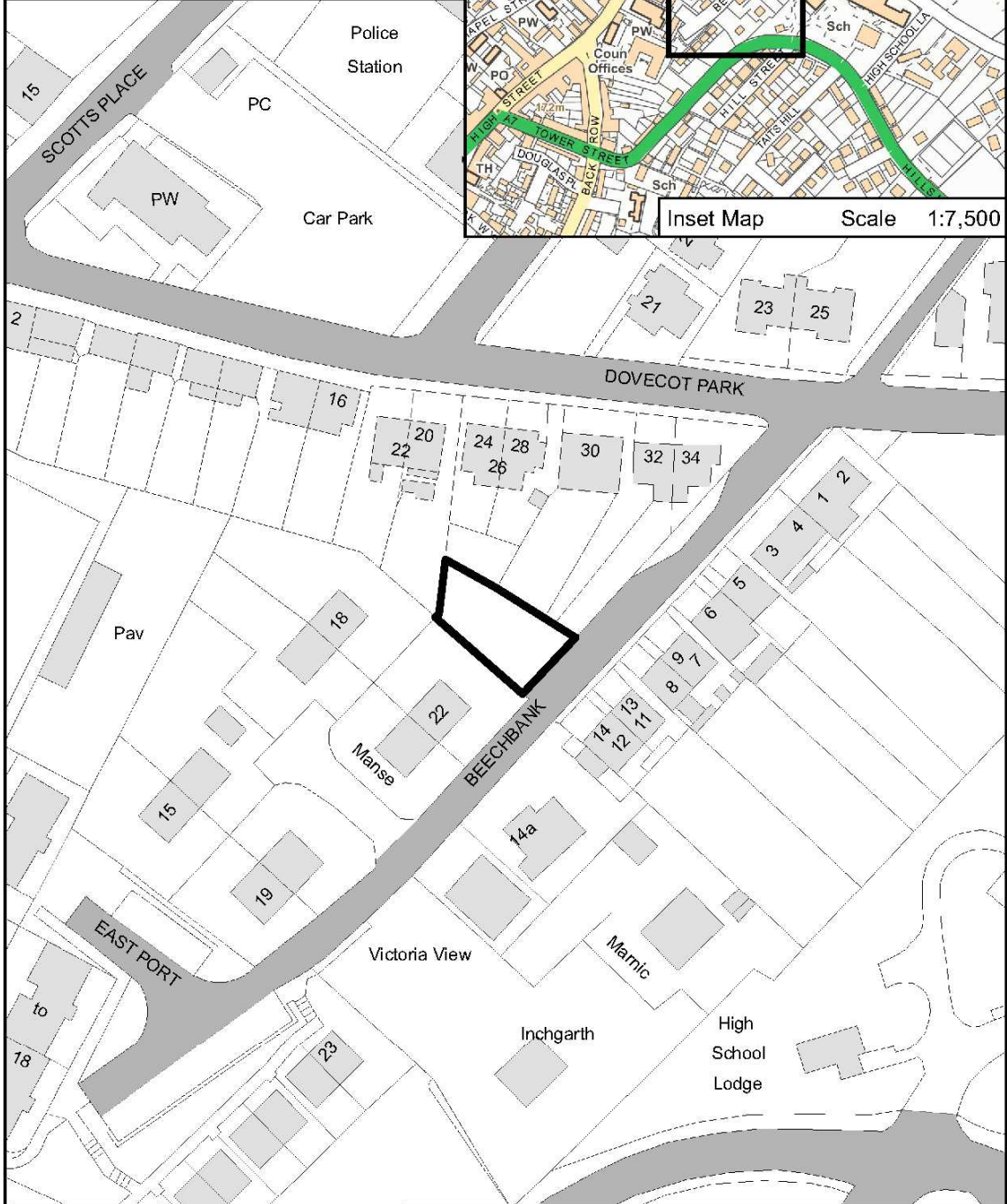
Name	Designation
Andrew Evans	Planning Officer (Development Management)



15/00615/AMC
Land North East Of 22
Beechbank
Selkirk



Inset Map Scale 1:7,500



Scale 1:1,000

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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

7th September 2015

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

- 3.1 Planning Applications

- 3.1.1 Reference: 13/00552/FUL
Proposal: Extension to existing wind farm comprising installation of 6 No wind turbines up to 100m high to tip, transformers, access tracks, anemometer mast, substation and control room, temporary construction compound and laydown area and associated ancillary works
Site: Land West of Kingledores Farm (Glenkerie), Broughton, Biggar
Appellant: Glenkerie Extension Wind Farm Ltd

Reason for Refusal: The proposed development would be contrary to Policy D4 of the Scottish Borders Consolidated Local Plan 2011 and to the advice contained in the Supplementary Planning Guidance on Wind Energy 2010 in respect of (1) Its unacceptable impact on landscape character by intruding into the Glenholm Valley; (2) Its overbearing impact on the receptor at Glenkirk (3) Its unacceptable impact on amenity of living conditions of residents of Glenkirk by reason of noise.

Grounds of Appeal: The Appellant has had two reports done, a Landscape and Visual Report and a Planning Policy Report, which they believe comprehensively review the appeal proposals and material considerations. The Appellant advises these reports identify where likely significant impacts will occur within the Glenholm Valley and parts of the surrounding area, stating that many of these areas are already subject to the effects of the existing Glenkerie Wind Farm. The Landscape and Visual Report also concludes that when a proper evaluation of the property has been undertaken the effects of the extension would not be overbearing in respect of Glenkirk. The Appellant advises that the Environmental Statement concludes that the Glenkerie Extension in conjunction with other projects in the vicinity can operate satisfactory from a cumulative perspective. In particular the report demonstrates that the Glenkerie Extension can operate at the lowest of the limits recommended in the context of the non-night time period. The Appellant has attached a statement to their appeal requesting Condition 33 be revised and a minor amendment to Condition 34 should the Appeal be approved. The Appellant considers that there is no sound basis for refusal based on noise grounds.

Method of Appeal: Written Representations & Site Visits

Reporter's Decision: Sustained

Summary of Decision: The Reporter, Allison Coard, concluded that the proposed development accords overall with the relevant provisions of the development plan and that there were no material considerations which would justify refusing to grant planning permission.

3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

4.1 There remained 2 appeals previously reported on which decisions were still awaited when this report was prepared on 26th August 2015. This relates to sites at:

<ul style="list-style-type: none"> Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge 	<ul style="list-style-type: none"> Land West of Muircleugh Farmhouse, Lauder
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5 REVIEW REQUESTS RECEIVED

5.1 Reference: 15/00403/FUL
 Proposal: Erection of dwellinghouse
 Site: Land South West Pyatshaw Schoolhouse, Lauder
 Appellant: Mrs Paula Milanese

Reasons for Refusal: 1. The proposed development is contrary to Adopted Local Plan Policies D2, G1 and NE4, and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that the proposal would in the

short-term cause serious damage to, and promote the long-term loss of, the existing woodland resource at the site, which it is considered should be substantially retained due to its high landscape value and significant contribution to the character, sense of place and setting of the building group at Pyatshaw. 2. The proposed development is contrary to Adopted Local Plan Policies D2 and G1, and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that the proposed design and layout of the residential property are not sympathetic to the woodland character of the site or to the sense of place and setting of the building group at Pyatshaw, in that (i) the site's existing woodland character would be overwhelmed by a prominently located and highly visible dwellinghouse, which as a consequence of its siting would be overly-dominant within views from the public road, and (ii) the front-and-centre positioning of the associated car parking area would be liable to project a particularly unsympathetic urban or suburban character in views from the public road.

5.2 Reference: 15/00424/FUL
Proposal: Erection of dwellinghouse
Site: Land South of Riding Centre, Newlands, Sunnyside, Reston
Appellant: Messrs Morgan Partnership

Reason for Refusal: The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group.

5.3 Reference: 15/00616/FUL
Proposal: Installation of 16 No solar photovoltaic (PV) panels to roof
Site: Raebank, Chapel Street, Selkirk
Appellant: Mr Gethin Chamberlain

Reason for Refusal: The proposed panels would have an unacceptable impact upon the character and appearance of the Selkirk Conservation Area as a result of their prominent siting and the scale of development. As such, the proposed development is considered to be contrary to policies G1, BE4, and D4 of the Consolidated Scottish Borders Local Plan 2011. The benefits of the development do not outweigh these conflicts with the development plan

6 REVIEWS DETERMINED

6.1 Reference: 13/00401/FUL
Proposal: Erection of 12 holiday cabins, office/laundry block and associated works
Site: Land South West of Milldown Farmhouse , Coldingham
Appellant: Mr Ewen Brown

Reasons for Refusal: 1. The proposed holiday chalet development would be contrary to Policy D1 Business, Tourism and Leisure Development in the Countryside of the Consolidated Local Plan 2011 in that the erection of 12 chalets and associated infrastructure on this site in the countryside has

not been adequately justified. The economic and operational need specific to Coldingham in general, and the application site in particular, has not been identified and it has not been demonstrated that the development will generate jobs. Furthermore the proposed development cannot reasonably be accommodated within the Development Boundary. 2. The proposed development would be contrary to Policies D1 and EP2 of the Consolidated Local Plan 2011, in that the siting of the proposed chalet development would harm the character and appearance of the special landscape area and result in a sporadic form of development which breaks outwith established natural boundaries containing development on the eastern side of Coldingham. The potential social or economic benefits of this development have not been found to outweigh the need to protect the designated landscape. 3. The proposals are contrary to Policy G4 of the Local Plan in that insufficient information has been provided to demonstrate that the proposed new bridge crossing and access route will not result in an increase in flood risk from the Milldown Burn. 4. The proposals are contrary to Policies Inf3 and Inf11 of the Local Plan in that insufficient information has been provided to demonstrate that safe vehicular and pedestrian access to the site can be achieved in accordance with current standards and travel demand requirements. 5. The proposals are contrary to Policy NE3 of the Local Plan in that insufficient information has been provided to demonstrate that the development would not result in an adverse impact on local biodiversity and habitats. 6. The proposals are contrary to Policy NE4 of the Local Plan in that insufficient information has been provided to demonstrate that the construction of the access works to the site would not cause loss or serious damage to the woodland resources.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.2 Reference: 14/00835/FUL
 Proposal: Siting of residential caravan (retrospective)
 Site: Land West of Tibbieshiels Inn, St Marys Loch, Selkirk
 Appellant: Alistair Moody

Reasons for Refusal: 1. The proposal is contrary to Local Plan policy D2 in that the development is not located within a building group or with a dispersed building group close to an identified anchor point, there is no economic justification for a residential caravan at this site and it is not of a high quality design which would be expected in a rural location. 2. The proposal is contrary to Local Plan policy G1 - Quality Standards for New Development as the caravan does not respect the character of the surrounding area, it does not create a development with a sense of place or add to any existing sense of place and in terms of materials it does not complement the highest quality of architecture in the locality.

Method of Review: Review of Papers and Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned

6.3 Reference: 14/00934/FUL
 Proposal: Erection of dwellinghouse and detached garage
 Site: Land West of 3 Nethermains Cottage, Duns
 Appellant: Mr Fred Millar

Reason for Refusal: The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group. Furthermore, no suitable economic or agricultural justification for a further dwelling house in this location has been provided.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned

- 6.4 Reference: 14/01182/FUL
Proposal: Erection of dwellinghouse with integral garage and incorporating granny flat
Site: Land South of Boggsbank, Boggsbank Road, West Linton
Appellant: Mr And Mrs D Thomson

Reason for Refusal: The proposals are contrary to Policy D2 of the Scottish Borders Consolidated Local Plan 2011 as there is no existing building group of at least three house at the location on Boggsbank Road.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned

- 6.5 Reference: 15/00071/FUL
Proposal: Erection of dwellinghouse
Site: Land North of Wormiston Farm, Eddleston
Appellant: R & M Brockie & Son

Reasons for Refusal: 1. The proposal is not acceptable as it does not comply will Local Plan Policy D2 Housing in the Countryside, G1 - Quality Standards for New Development and SPG - New Housing in the Borders Countryside in that the site is not well related to the existing building group and it has not been demonstrated to the satisfaction of the planning authority that there is no alternative site or accommodation within the building group. 2. The proposed development is contrary to Local Plan Policies D2 and G1 and Supplementary Planning Guidance New Housing in the Borders Countryside in that the new dwellinghouse will have a significant adverse impact on the landscape.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned

7 REVIEWS OUTSTANDING

- 7.1 There remained 2 reviews previously reported on which decisions were still awaited when this report was prepared on 26th August 2015. This relates to sites at:

- | | |
|---------------------------------------------------|-------------------------------------------|
| • Land South West of Clackmae Farmhouse, Earlston | • 12 Todburn Way, Clovenfords, Galashiels |
|---------------------------------------------------|-------------------------------------------|

Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant 01835 824000 Ext 5409

Background Papers: None.

Previous Minute Reference: None.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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