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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 5TH OCTOBER, 2015

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS TD6 0SA on MONDAY, 5TH OCTOBER, 2015 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

28 September 2015

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 1 - 8) Minute of Meeting of 7 September 2015 to be approved and signed by the Chairman. (Copy attached.)
5.	Supplementary Planning Guidance: Replacement Windows and Doors (Pages 9 - 56) Consider report by Service Director Regulatory Services. (Copy attached.)
6.	Applications. Consider the following application for planning permission:-
	(a) 15/00806FUL - Great Tapestry (Pages 57 - 78) Erection of gallery building to house the Great Tapestry of Scotland and associated works including landscaping, access and parking on Land West of Unit B, Tweedbank Industrial Estate, Tweedbank.
	(b) 15/00792/FUL - Ravelaw Farmhouse, Whitsome (Pages 79 - 102) Installation of 125 KW anaerobic digester plant and associated work on Land North East of Ravelaw Farmhouse, Whitsome.
	(c) 15/00681/FUL - Roxburgh Street & Union Street, Kelso (Pages 103 - 124) Erection of 18 Dwelling Flats and Associated Parking on Land West of 24 Bowmont Street and Car Park, Roxburgh Street, Kelso. (Copies attached.)
7.	Appeals and Reviews. (Pages 125 - 130)

	Consider report by Service Director Regulatory Services. (Copy attached.)
8.	Any Other Items Previously Circulated.
9.	Any Other Items which the Chairman Decides are Urgent.
10.	<p>Items Likely To Be Taken In Private</p> <p>Before proceeding with the private business, the following motion should be approved:-</p> <p>“That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.”</p>
11.	<p>Development Contributions in respect of Planning Application 14/01153/FUL - Erection of 40 Dwellinghouses and Associated Works (Pages 131 - 146)</p> <p>Consider report by Service Director Regulatory Services. (Copy attached.)</p>

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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Agenda Item 4

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 7 September 2015 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne (from para 1), J. Brown, J. Campbell, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford.

Also Present: Councillors W. McAteer, S. Marshall.

Apology:- Councillor B. White.

In Attendance:- Chief Planning Officer, Development Standards Manager, Forward Planning Manager, Principal Roads Planning Officer, Solicitor (G. Nelson), Democratic Services Team Leader, Democratic Services Officer (K. Mason).

ORDER OF BUSINESS

1. The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

MEMBER

Councillor Ballantyne joined the meeting.

CHAIRMAN'S REMARKS

2. The Chairman referred to the publicity given to the Opening of the Borders Railway and called on Members of the Planning and Building Standards Committee to reflect on their own involvement over the past three years when dealing with various applications which had helped towards the railway being delivered.

**DECISION
NOTED.**

MINUTE

3. There had been circulated copies of the Minute of the Meeting held on 3 August 2015.

**DECISION
APPROVED the Minute for signature by the Chairman.**

APPLICATIONS

4. There had been circulated copies of reports by the Chief Planning Officer on applications for planning permission requiring consideration by the Committee.

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

APPEALS AND REVIEWS

5. There had been circulated copies of a report by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

**DECISION
NOTED that:-**

- (a) an appeal decision had been received in respect of the following:- 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. Land West of Kingledores Farm (Glenkerie), Broughton, Biggar - 13/00552/FUL

- (b) there remained two appeals outstanding in respect of:-**
- (i) Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge**
 - (ii) Land West of Muircleugh Farmhouse, Lauder**
- (c) review requests had been received in respect of the following:-**
- (i) Erection of dwellinghouse. Land South West Pyatshaw Schoolhouse, Lauder – 15/00403/FUL**
 - (ii) Erection of dwellinghouse. Land South of Riding Centre, Newlands, Sunnyside, Reston – 15/00424/FUL**
 - (iii) Installation of 16 No solar photovoltaic (PV) Panels to roof. Raebank, Chapel Street, Selkirk - 15/00616/FUL**
- (d) the following reviews had been determined:-**
- (i) Erection of 12 holiday cabins, office/laundry block and associated works. Land South West of Milldown Farmhouse, Coldingham – 13/00401/FUL**
 - (ii) Siting of residential caravan (retrospective). Land West of Tibbieshiels Inn, St Marys Loch, Selkirk – 14/00835/FUL**
 - (iii) Erection of Dwellinghouse and detached garage. Land West of 3 Nethermains Cottage, Duns – 14/00934/FUL**
 - (iv) Erection of Dwellinghouse with integral garage and incorporating granny flat. Land South of Bogsbank, Bogsbank Road, West Linton – 14/01182/FUL**
 - (v) Erection of Dwellinghouse. Land North of Wormiston Farm, Eddleston – 15/00071/FUL**
- (e) there remained 2 reviews outstanding:-**
- (i) Land South West of Clackmae Farmhouse, Earlston**
 - (ii) 12 Todburn Way, Clovenfords, Galashiels**

The meeting concluded at 1.45 p.m.

APPENDIX

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/01437/LBC	Demolition of Clock Tower and Gate Lodge at the Clock Tower.	The Clock Tower, Wilton Mill, Commercial Road, Hawick.

Decision: 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.

VOTE

Councillor Ballantyne, seconded by Councillor Brown moved that the application be granted.

Councillor Fullarton, seconded by Councillor Moffat, moved as an amendment that the application be refused.

On a show of hands Members voted as follows:-

Motion - 5 votes

Amendment - 3 votes

The Motion was accordingly carried.

NOTE

In response to a query from Councillor Mountford regarding the powers which the Council had regarding the enforcement of maintenance for listed buildings it was agreed that a presentation be made at the next meeting in regard to this.

14/00848/PPP

Erection of 19 holiday lodges with proposed access and land treatment.

Land North West of Whitmuir Hall, Selkirk.

Decision: Application continued to a future meeting to allow a site visit to take place and to allow the applicant to provide additional information in respect of their investment plans for the existing business, including phasing proposals, indicating how such investment would take place in parallel to the development proposals and the mechanisms for securing this investment...

ADJOURNMENT

The meeting adjourned for 5 minutes at 11.50 a.m. to allow determination of appropriate wording for the motion by Councillor Brown.

VOTE

Councillor Brown, seconded by Councillor Ballantyne moved that the application be refused because the proposed development would be contrary to the provisions of Policy E21 of the Consolidated Scottish Borders Structure Plan and Policies D1 and INF11 of the Consolidated Scottish Borders Local Plan in that: it had not been established satisfactorily that there was an economic justification for the development or that it was in accordance with the Scottish Borders Tourism Strategy; it was a travel generating development which was not accessible by public transport and would likely lead to increased reliance on the private car; the development was likely to lead to a significant increase in vehicular movements on the minor road from the site to the junction of the A699 public road to the detriment of road safety and the amenity of existing residents; the scale and form of the development, which would include the need for significant cut and fill and ground works, was unacceptable and would not respect the amenity and rural character of the surrounding area. The development, if permitted, would result in an unjustified and unsustainable form of development which would have a significant and harmful impact on the character and appearance of the Whitmuir Hall area and the amenity of existing local residents

Councillor Mountford, seconded by Councillor Campbell moved as an amendment that the application be continued to allow for a site visit to take place and to request the applicant to provide more information on how the new proposals would fit in in relation to the whole Whitmuir Hall complex.

On a show of hands Members voted as follows:-

Motion - 4 votes

Amendment - 4 votes

The Chairman exercised his casting vote in favour of the Amendment which was accordingly carried.

NOTE

Mr Geoghegan spoke on behalf of the Whitmuir Residents Committee as an objector to the application.

Mr John Smith of Enviroplan Consulting on behalf of the Applicant, Mr Alan Williams spoke in support of the application.

15/00687/FUL

Change of use from theatre and alterations to form artist's studio and gallery.

**7 The Wynd Theatre,
Buckleuch Street, Melrose.**

Decision:- 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 allow for reinstatement of the theatre use without the need for a further planning application should the approved gallery use cease to operate, while requiring that any alternative uses are assessed by means of a planning application to ensure that they are 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

NOTE

Susan Stewart spoke as an objector to the application.

The applicant, Mr Rodgie spoke in support of the application

15/00658/FUL

Erection of seven dwellinghouses.

**Land South West of the
Police Station, North
Hermitage Street,
Newcastleton.**

Decision:- 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 the 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 Heras 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.

11. No part of the development hereby approved shall be occupied until proposals for the future maintenance of all communal areas of parking and landscaped areas have been submitted to and approved in writing by the Planning Authority. Thereafter, the maintenance of these areas shall be conducted as approved, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that all areas not forming part of private houses or gardens are properly maintained

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.

NOTE

Mr John Blair and Maureen Rennie on behalf of Jane Elliot spoke as objectors to the application.

Mr Gavin Yuill, Camerons Architects, spoke in support of the application

15/00615/AMC

Erection Of dwellinghouse (approval of matters for all conditions pursuant to planning permission 12/00584/PPP)

Land North East of 22 Beechbank, Selkirk.

Decision:- Approved subject to the undernoted conditions and informatives.

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.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no additional window or other opening shall be made in the south-western or north-eastern elevations of the house unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties.

NOTE

Mr Craig Stanners spoke as an objector to the application.

Mr Thomas Pyemont on behalf of Christopher Pyemont spoke in support of the application.

SUPPLEMENTARY PLANNING GUIDANCE: REPLACEMENT WINDOWS AND DOORS

Report by Service Director Regulatory Services

PLANNING AND BUILDING STANDARDS COMMITTEE

5 OCTOBER 2015

1 PURPOSE AND SUMMARY

- 1.1 This report seeks approval of the Supplementary Planning Guidance on Replacement Windows and Doors (Appendix A) as a material consideration in the determination of applications.**
- 1.2 This Supplementary Planning Guidance (SPG) on Replacement Windows and Doors has been prepared following a decision by the Planning and Building Standards Committee to review the SPG in June 2014.
- 1.3 In summary this report brings forward the revised SPG on Replacement Windows and Doors following public consultation. A summary of the consultation responses are set out in **Appendix B** along with associated minor amendments and updates to the SPG. The changes to the finalised SPG as a result of the public consultation relate to additional clarification in relation to paragraph 3.23 as well as a change to paragraph 3.13 to confirm that Historic Environment Scotland will be a consultee on all applications relating to category 'A' and 'B' Listed Buildings.

2 RECOMMENDATIONS

- 2.1 I recommend that the Planning and Building Standards Committee agrees to approve the use of the document as Supplementary Planning Guidance in the determination of planning and listed building applications.**

3 BACKGROUND OF SUPPLEMENTARY PLANNING GUIDANCE

- 3.1 The current Supplementary Planning Guidance (SPG) on Replacement Windows was approved on 9 April 2012. The SPG on Replacement Windows and Doors (Appendix A) has been produced following a decision by the Planning and Building Standards Committee in June 2014 to review the SPG. At that time it was also agreed that the Development Plan Working Group oversee the review with the intention of reporting back to the Planning and Building Standards Committee on its completion.
- 3.2 The Development Plan Working Group agreed that the SPG be revised to provide greater clarity in terms of the application of the policy and also to expand the remit of the document to include doors.
- 3.3 A report on the Draft SPG on Replacement Windows and Doors was presented to the Planning and Building Standards Committee on 27 April 2015. At this meeting the Draft SPG was approved as an Interim SPG, it was also agreed that the document be subject to public consultation for a period of 12 weeks, ending 24 July 2015.

4 OUTCOME FROM PUBLIC CONSULTATION

- 4.1 Following this public consultation period, a total of seven consultation responses were received, three of which were "no comment" from SEPA, Scottish Water, and Gavinton, Fogo and Polwarth Community Council; the other consultation responses came from Historic Scotland, an individual, a glazing company and Berwickshire Civic Society.
- 4.2 The main elements of each of the consultation responses are detailed in **Appendix B** along with a response, and officer recommendation. Following comments received from Historic Scotland some minor wording changes have been incorporated into the SPG and these have also been highlighted within Appendix B. That appendix also sets out a number of updates to the document.
- 4.3 A number of minor changes to the SPG have come about as a result of the public consultation, these are:
- Amendment to paragraph 3.23 to add clarity in relation to the policy position as it relates to category 'C' Listed Buildings, and
 - Changes have also been made to paragraph 3.13. It is noted that that Historic Scotland's functions will transfer to Historic Environment Scotland (HES) from 1 October 2015; and as a consequence of the "The Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015" HES will be consulted on all applications relating to category 'A' and 'B' Listed Buildings were previously in relation to replacement doors and windows Historic Scotland were only consulted on category 'A' Listed Buildings and in respect to category 'B' Listed Buildings, they were consulted only were replacement doors or windows were proposed alongside other certain works.

- 4.4 A number of updates have also been incorporated into the finalised SPG which aim to make the document easier to read as well as providing additional information on submitting an application. The updates consist of the replacement of Figure 23, and the inclusion of an additional appendix setting out the key submission requirements for any planning or listed building application for replacement windows or doors (with resultant amendments to paragraphs 3.11 and 3.12).

5 IMPLICATIONS

5.1 Financial

There are no substantive cost implications arising for the Council from the recommendations included in this report.

5.2 Risk and Mitigations

The key risks are considered to be:

Risk of not providing guidance

- (i) The lack of guidance would cause uncertainty to the developers and the public and be a barrier to effective decision making by the Council. This could result in an ad hoc and inconsistent decision making with the policies in the Local Plan not being taken fully into account.
- (ii) Failure to produce the SPG would reflect badly on the Council's commitment to improve the design of alterations to existing properties.
- (iii) It is considered that the failure to approve the SPG would have resource impacts in the Development Management Section, potentially resulting in delays processing planning applications. In addition, it may ultimately have both a negative impact on the development and on the thorough assessment of the environmental impact of development.

Risk of providing guidance

- (i) There are no perceived risks related to the adoption of the guidance by the Council.

5.3 Equalities

An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.

5.4 Acting Sustainably

In accordance with the Environmental Assessment (Scotland) Act 2005 a screening assessment of the SPG has been undertaken in order to identify whether there will be potentially significant environmental effects. The screening exercise was undertaken using the criteria specified in Schedule 2 of the Act and no significant environmental issues were found.

5.5 Carbon Management – Climate Change (Scotland) Act 2009

It is not considered the Report brings any impact on the Council's carbon emissions.

5.6 Rural Proofing

It is anticipated there will be a neutral impact on the rural environment from the Supplementary Guidance.

5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made.

6 CONSULTATION

6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy & Policy, the Chief Officer Audit and Risk, the Chief Officer Human Resources and the Clerk to the Council are being consulted and any comments received will be incorporated in the final report.

Approved by

Brian Frater
Service Director Regulatory Services

Signature

Author(s)

Name	Designation and Contact Number
Trish Connolly	Planning Officer (Forward Planning)

Background Papers: None

Previous Minute Reference: Planning and Building Standards, 27 April 2015

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.

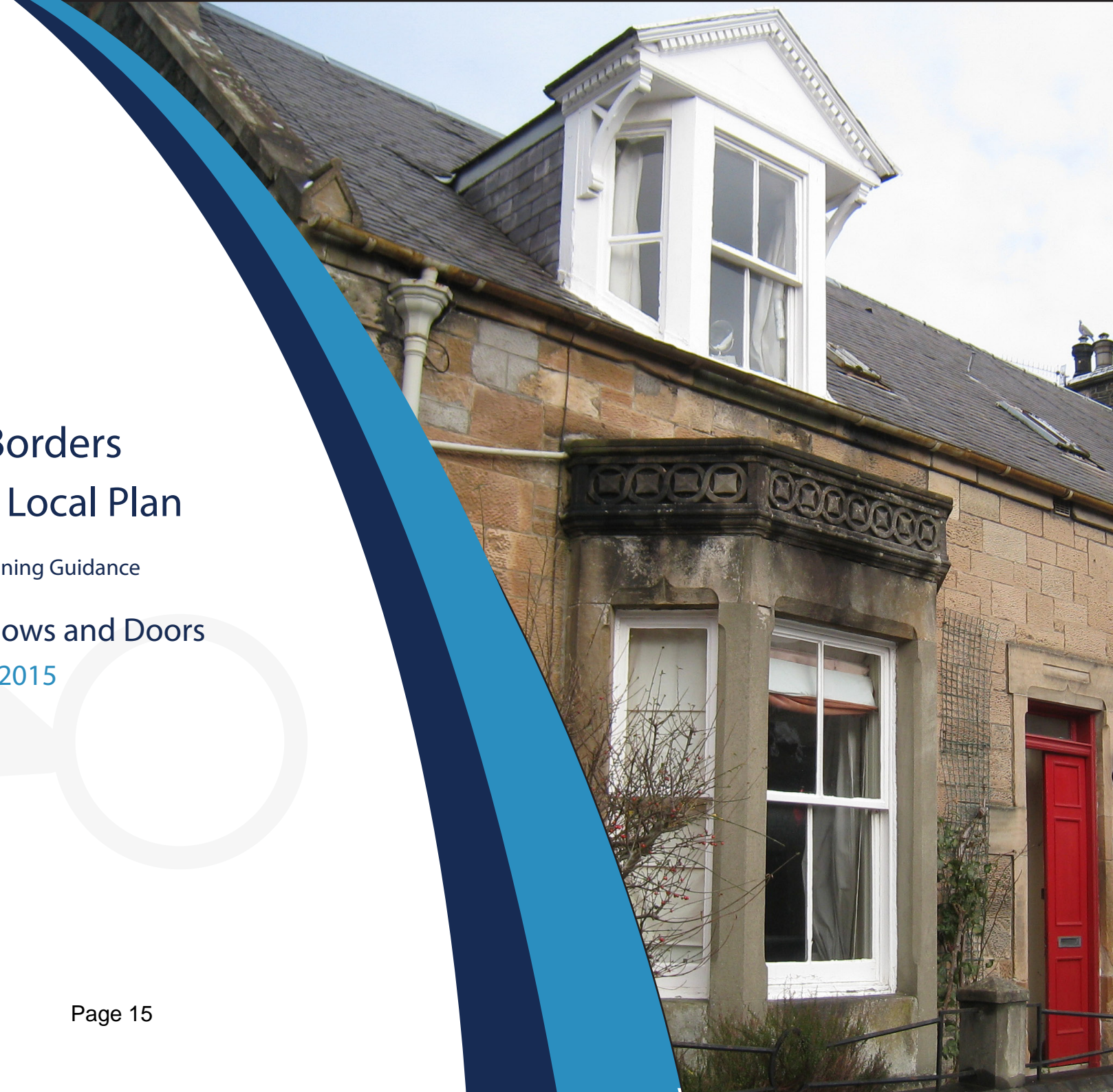
Contact us at Jacqueline Whitelaw, Environment and Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email eitranslationrequest@scotborders.gov.uk

Appendix A: Supplementary Planning Guidance: Replacement Windows and Doors

Scottish Borders Consolidated Local Plan

Supplementary Planning Guidance

Replacement Windows and Doors
October 2015



Supplementary Planning Guidance: Replacement Windows & Doors

Supplementary Planning Guidance: Replacement Windows & Doors

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Supplementary Planning Guidance: Replacement Windows & Doors

1 Introduction

1.1 This Supplementary Planning Guidance has been prepared to not only provide information about the importance of historic windows and doors; but also to elaborate and clarify how the provisions of the policies contained within the Development Plan will be applied to proposals for change to windows and doors through the planning and listed building application process.

1.2 The previous Replacement Window Guide was published by Scottish Borders Council in April 2012. This Supplementary Planning Guidance aims to provide clear and consistent advice as to the current policy in operation for both windows and doors, as well as providing information on Building Standards issues. The document has been produced taking account of the need to balance the desire for improving thermal efficiency and retaining the character of historic buildings.

1.3 Who is this Guidance for?

This guidance has been formulated for owners of historic buildings, householders, builders, trades people, architects, designers and all those who are involved in preparing and processing applications for development affecting historic windows and doors in Listed Buildings and Conservation Areas.

1.4 What type of development does this Guidance apply to?

This guidance applies to development proposals affecting windows and doors in Conservation Areas, Listed Buildings and in flats outwith Conservation Areas. The document also sets out design guidance relevant to any application.

1.5 Appendix 1 contains a flow chart to assist in determining if planning or listed building consent is required.

2 Why protect historic windows and doors?

2.1 Windows, doors and their associated furniture are important features which contribute to the character and appearance of an individual building, groups of buildings or even a street; they are important elements of a building's design and aid us to understand when a building was constructed or altered, as well as how a building was used.

2.2 Characteristics of historic windows and doors:

The characteristics and the significance of windows and doors are derived from a number of factors. These include their **form or shape, design pattern, materials, details of construction, method of opening, finish or paint colour** as well as **associated fixtures** such as ironmongery. The existence of **historic glass** is an

important element. The use of **fanlights and glazing** in doorways are also key features.



Figure 1: Historic Windows and Door - Peebles



Figure 2: Historic Street Frontage - Yetholm



Figure 3: Historic Properties - West Linton

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3 Policy Context and Application

3.1 In setting its policy position the Council are required to take into account Scottish Government policy in the form of Scottish Planning Policy, Historic Scotland's Scottish Historic Environment Policy, and the relevant Managing Change in the Historic Environment Guidance Notes. The policy contained within this Supplementary Planning Guidance has been formulated to take cognisance of the above documents.

3.2 It is always recommended that advice is sought from the Development Management section as early as possible and certainly before installing any new windows or doors even where 'Like for Like' replacements are proposed; This may demonstrate that consent is not required. See definition below on 'Like for Like'.

3.3 Details of Conservation Area boundaries and the "Prime Frontage" or "Core Areas" and information on whether your property is Listed can also be obtained from your local Development Management Officer.



Figure 4: Traditional Street Frontage

'Like for Like' Replacements:

3.4 Throughout this document 'Like for Like' is regularly referred to. 'Like for Like' can refer to both the repair and the replacement of either doors or windows. The definition for 'Like for Like' is set out below:

'Like for Like':

The same materials, details of construction, dimensions, opening method, decorative finish and details as existing including glazing type and fixing of glass (e.g. putty). The original proportions and glazing pattern should always be respected. This applies equally to doors as it does to windows.

3.5 It should be noted that "almost the same", "looks similar, but moves differently" is not 'like for like'. In addition and in relation to windows, false astragals/glazing bars, and/or casement movement instead of sash and case does not constitute a 'like for like' replacement.

3.6 In almost all cases, repair of components on a "like for like" basis is preferable to replacement of a whole unit, as this will best maintain the character and historic fabric of the window or door.

3.7 The assessment of any proposal in relation to windows and doors will require the following general principles to be considered:

General Principles:

1. The position of the window(s) / door(s) proposed for replacement on the building - are they publicly visible or on more modern extensions or later parts of the building?
2. Any remaining original windows / doors on the property - have some / all been replaced?
3. Wider Context - what is the predominant character of the surrounding properties?
4. Maintaining or improving the current position – consider the extent that any new window could have on improving the current position.

3.8 In considering any application for replacement windows or doors, any proposal should always seek to maintain or improve the current position. This then reflects the requirement that new development should be seen to enhance the listed building or the conservation area in which the proposal relates.

3.9 This improvement could be taken as re-introducing an element of uniformity' within a property, building or a street; this may be as a result of where over time uniformity has been lost due to replacements previously undertaken.

3.10 In addition, where windows or doors have previously been replaced and where the replacement material or design is now considered inappropriate, support will

Supplementary Planning Guidance: Replacement Windows & Doors

be given to applications which seek to install replacement windows/doors which are considered to represent an improvement in material and/or design following the processing of a formal application.

Some Examples of Improvements where 'Like for Like' is not proposed

Windows:

- Where aluminium windows have been installed – their replacement to uPVC may be considered an acceptable improvement;
- Alternatively, where uPVC casement windows have been installed where once timber sash and case windows would have been in place, uPVC sliding sash windows may be considered appropriate.

Doors:

- Where a modern aluminium door has been installed, a uPVC door with timber effect finish in a style which better reflects the historic character of the property may be considered an acceptable improvement.
- Alternatively, where a uPVC door has been installed, a composite door or a mass-produced timber door in a colour and style which better reflects the historic character of the property may be considered an acceptable improvement.

Application Requirements:

3.11 Any application for altering or replacing either a window or door should be accompanied with all relevant information required to assess that application. Appendix 2 sets out the key parts required when submitting any application for the replacement of a window or door.

3.12 It should also be noted that where an application relates to a listed building, a detailed condition survey, on a window by window or door by door basis, including the identification of any historic glass, will be required to support any application to completely replace a window/door. (A Condition Survey template is included in Appendix 3).



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Category 'A' and 'B' Listed Buildings

General Policy:

3.13 The replacement of windows and doors in Category 'A' and 'B' Listed Buildings shall be carried out in accordance with the guidelines and advice contained in the *"Managing Change in the Historic Environment: Windows (October 2010)"* and *"Managing Change in the Historic Environment: Doorways (October 2010)"* produced by Historic Scotland. Historic Environment Scotland will be consulted on all applications that relate to a category 'A' or 'B' Listed Buildings.

3.14 In general the repair of components on a like for like basis is preferable to the replacement of a whole unit.

Windows:

3.15 Where there is no alternative to the replacement of historic windows, or elements of their joinery or glazing, the new elements should match the original in all respects. Historic glass should be reused where this contributes to a buildings character.

3.16 Slim profile double-glazing (with a maximum overall thickness of 16mm) may be acceptable where it can be incorporated within the original joinery of the historic windows or where the existing windows are beyond repair and the new windows will match the original joinery. This solution will not be appropriate where there is the loss of historic glass.

3.17 Replacement windows which incorporate double glazing, may be used where it can be demonstrated that the

existing windows are beyond repair, and that the new windows will match the originals as closely as possible. However the replacement unit should be of the same material as the original window, have the same glazing pattern and method of opening. Where glazing bars or astragals are required these must be of the same proportion, material and design to match the original window. The glazing should also be fixed using putty. The use of stick-on astragals will not be permitted.

3.18 In exceptional circumstances, such as some conversions, there may be grounds for the removal of existing windows and their replacement with new, more thermally efficient ones. Normally this will only be considered where the existing windows are inappropriate or incapable of repair and the new windows can match the detailed design of the historic ones.

3.19 It should be noted that details of proposed double glazing will be required to support an application for its installation.

Doors:

3.20 Where there is no alternative to the replacement, any replacement door should match the original design as closely as possible. This should include replication of the proportion, dimensions, opening method, materials, design, finish, as well as associated fixtures and features. Glazed features such as fanlights and glass panels frequently form part of the design of historic doorways, and historic glass should be reused where this contributes to a buildings character. Doors should be painted in an appropriate dark or muted colour, bright glosses, white paint and varnished timber should be avoided.

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Category 'C' Listed Buildings

General Policy:

3.21 In general the repair of components on a like for like basis is preferable to the replacement of a whole unit.

Windows:

3.22 The policy for category 'C' Listed Buildings in relation to replacement windows is different to that for category 'A' and 'B' listed buildings and is generally less restrictive.

3.23 The introduction of double glazing may be acceptable in the replacement windows in category 'C' Listed Buildings. In specific and justified circumstances it may be acceptable for replacement with uPVC. The replacement unit should have the same glazing pattern and method of opening. Where glazing bars or astragals are required these must be of the same proportion and design to match the original window. The use of stick-on astragals will

not be permitted.

Doors:

3.24 Where there is no alternative to the replacement, any replacements should match the original design as closely as possible. This should include replication of the proportion, dimensions, opening method, materials, design, finish, as well as associated fixtures and features. Glazed features such as fanlights and glass panels frequently form part of the design of historic doorways, and historic glass should be reused where this contributes to a buildings character. Doors should be painted in an appropriate dark or muted colour, and bright glosses, white paint and varnished timber generally avoided.

3.25 What consent is needed for Category 'A', 'B' or 'C' Listed Buildings?

Where windows or doors are replaced on a basis of "like for like" (refer to section 3.4 for definition of "like for like"), planning permission and Listed Building Consent will not be required.

3.26 In all other instances including replacement windows incorporating double glazing or where existing windows will be retained but re-glazed with double glazed units, Listed Building Consent will be required. Also, where the listed building lies within a Conservation Area and where changes are proposed (excluding "like for like" or the replacement of single glazing to slim profile double-glazing in windows) planning permission will also be required.



Figure 10: Eddleston Street Frontage



Figures 11 & 12: Historic Houses

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Prime Frontage/Core Areas of Conservation Areas

General Policy:

3.27 Within conservation area locations that are defined as “Prime Frontages” or “Core Areas”, there is a requirement to maintain or improve visual appearance.

3.28 In the consideration of proposals for the alteration of windows and doors in the Prime Frontage or Core Areas, the ‘General Principles’ set out in Section 3.7 shall be taken into account. Following consideration of the ‘General Principles’ in relation to a particular proposal the outcome may be either:

- Replacement generally on a ‘like for like’ basis required as set out in this policy section, or
- Replacement through the use of new materials (which may include uPVC for windows) but retaining the design pattern, dimensions and method of opening.

Windows:

3.29 The introduction of double glazing may be acceptable in the replacement windows of properties within Prime Frontages and Core Areas. The replacement unit should generally be of the same material as the original, have the same glazing pattern and method of opening. Where glazing bars or astragals are required these must be of the same proportion, material and design to match the original window. The use of stick-on

astragals will not be permitted. The buildings within these areas are considered to be particularly important to the character of the conservation area. In these locations windows other than those which are currently well concealed from public view and which are unlikely to be exposed to public view as a result of imminent or programmed developments, should generally be replaced on a “like for like” basis. Where the original windows have been lost and the current windows do not mirror the original form, there will be a presumption that any future replacements will attempt to mirror the form of the original windows or enhance the historic context of the location.

Doors:

3.30 Doors should be repaired on a like for like basis; this is preferable to the replacement of the whole unit. Where there is no alternative to the replacement, any replacements should match the original design as closely as possible. This should include replication of the proportion, dimensions, opening method, materials, design, finish, as well as associated fixtures and features. Glazed features such as fanlights and glass panels frequently form

part of the design of historic doorways, and historic glass should be reused where this contributes to a buildings character. Doors should be painted in an appropriate dark or muted colour, and bright glosses generally avoided.

3.31 In areas where original doors and their ironmongery are no longer present, reinstatement or replacement doors which better represent the period of the building or enhance the historic context of the location will be encouraged. Original features which would have contributed to the buildings character such as glass panels, fanlights or transom lights should also be incorporated into any new replacements. Replacement doors such as composite or timber doors in a style and detail which better reflects the historic character of the building will be acceptable. Standard white uPVC doors will not be acceptable or appropriate in Prime Frontage/Core Areas or on public elevations within Conservation Areas. Doors should be painted/coloured in an appropriate dark or muted colour, and bright glosses avoided. Integral fanlights within doors are not historically accurate and should therefore be avoided, glazed panels within doors as an alternative may be acceptable.

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Elsewhere in Conservation Areas

General Policy:

3.32 In acknowledgement of the improvements achieved in the design of new windows and doors, alternative materials will be acceptable in these areas provided the replacements closely match the original window glazing pattern / traditional door design.

Windows:

3.33 Where white painted timber sash and case units are the predominant window type, white u-PVC or white coated aluminium sash and case units will be acceptable alternatives although timber is preferred. Similarly, white coated or painted dual swing and similar units which retain the distinct step of sash and case windows and which give the appearance of a sash and case window in all respects except when open, will also normally be acceptable. However, care should be taken when considering introducing new materials to ensure that the dimensions of the replacement window closely match that of the original window. A section through an acceptable uPVC replacement window is shown in section 4.32 of this SPG. Replacements must be installed in the same way as the original (see 4.28). Traditionally in historic buildings, windows are installed behind a check in the outside wall.

3.34 In all instances the general glazing pattern should mirror the existing unless there are strong reasons for permitting a change, e.g. to reinstate some consistency

or unity to a building or street frontage where a different glazing pattern predominates and where there is no sound reason for maintaining a different pattern. Where glazing bars or astragals are required, these must be carefully designed and detailed to match the original or, where appropriate the predominant window style.

Doors:

3.35 Outwith the Prime Frontage/Core Area and on public elevations of Conservation Areas new replacement doors may be acceptable. Timber or composite doors of traditional design and detail that reflects the historic character of the property may be considered appropriate. However, white uPVC and aluminium doors will not be considered acceptable unless on elevations which are well concealed from public view.

3.36 New replacement doors should match the original design as closely as possible in relation to proportions, dimensions, opening method and design. Original features where they contribute to a buildings character such as glass panels, fanlights or transom lights which frequently

form part of a historic doorway must be retained or incorporated into any new replacement door/doorway. Doors should generally be painted/coloured in an appropriate dark or muted colour, and bright glosses avoided. Integral fanlights within doors are not historically accurate and should therefore be avoided, glazed panels within doors as an alternative may be acceptable.

3.37 In areas where original doors and their ironmongery are no longer present, reinstatement or replacement doors in a style which better represents the period of the building will be encouraged.

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3.38 What consent is needed within a Conservation Area?

Where windows or doors are replaced on a “like for like” basis (refer to section 3.4 for definition of “like for like”) or single glazing within a window is replaced with slim profile double glazing, planning permission will not be required. In all other instances, including replacement windows incorporating standard double glazing, a planning application will be required, even where the alteration relates to a concealed elevation.



Figure 13: Kelso Conservation Area

Flats Outwith Conservation Areas General Policy:

3.39 In flats outwith Conservation Areas and where the property is not a Listed Building, planning consent will not be required where:

- The existing window or door apertures are neither enlarged nor reduced by infilling panels;
- Any existing mullions, whether stone or timber, are retained;
- Any existing stone transoms are retained.

3.40 What consent is needed for Flats outwith Conservation Areas?

Where the exceptions set out above are not met, planning permission will be required. Such applications will be judged on their own merits having regard to the nature of the proposed change, and the character of both the building itself and the surrounding area.

3.41 Non Residential Properties

A separate Supplementary Planning Guidance on Shop Fronts and Shop Signs (including shop windows) is available. Proposed alterations to other non residential buildings should generally be assessed against the criteria laid down for alterations to residential buildings. For example alterations to offices in core conservation areas should be on the basis of like for like replacements other than where the windows or doors are well concealed from public view.



Figures 14: Supplementary Planning Guidance on Shop Fronts and Shop Signs

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4 Design and Maintenance

Considerations

4.1 Scottish Borders Council recommend that you read this document in conjunction with Historic Scotland's "Looking after your sash and case windows: A short guide for homeowners" (revised and updated in October 2003), Managing Change in the Historic Environment Guidance Note: Windows, and Managing Change in the Historic Environment Guidance Note: Doorways.

4.2 Issues to Consider with All Windows and Doors

In addition to requirements of the Building Regulations as specified in section 5, other issues that should be considered in choosing replacement windows and doors may include:

- Sound insulation
- Heat insulation
- Ease of maintenance and repair
- Cost to the environment
- Security
- Ease of opening and closing
- Disturbance to finishes during installation

4.3 Traditional Windows

It is not essential that all the windows on the same building are exactly the same - differing pane sizes, astragal profiles and even window types are important evidence of the building's history and contribute to its character and interest.

Sash and Case Windows:

4.4 The traditional sash and case window has been in constant use since the 17th century and despite slight alterations in its style, it still remains a feature in our streetscape proving its effectiveness and construction. Early windows were constructed using thick astragals (glazing bars) but these were reduced in thickness in Georgian and early Victorian times. As technology advanced and it became possible to produce larger panes of glass, astragals became less common but because the glass was thicker the sashes needed to be heavier. Horns were then used to strengthen the window.



Figure 15: 6 on 6 Sash & Case Window

4.5 An important feature that can be found in many later Victorian properties is the use of stained glass. This notable feature should be preserved wherever possible.

Metal Windows:

4.6 Whilst a great number of our traditional buildings were fitted with timber windows, there are also a large number of buildings where the original windows are made of metal. Many ecclesiastical buildings were glazed using these windows with the familiar diamond and square shaped arrangement pattern in stained glass. By the 1850's metal windows were used in many hospitals, schools and industrial buildings as well as houses.



Figure 16: Traditional Metal Window with Lead Detailing on a Residential Property

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4.7 It was particularly for casement rather than sash type that metal windows were commonly used. However, it wasn't until after the First World War that the major metal-window manufacturers developed standard window sizes for domestic use. It is specifically for that reason that their use in 'modern' buildings increased, and particularly so as a thin profile metal casement window were stronger than the equivalent size of a timber window.

Importance of Crown Glass, Cylinder and Window Fixtures

4.8 Where the original glazing exists, be it 'crown' or 'cylinder' every effort should be made for it to be retained. The small air bubbles, waves and ripples are the features that give old glass a character and sparkle in comparison to the perfectly flat modern glass.

4.9 Similarly original window fixtures should also be retained where possible. Where these items have been lost, every effort should be made to replace the items with the same or similar to the period of the property. Original ironmongery should also be retained.

Elements of a Traditional Timber Sash and Case Window

4.10 Old photographs, where they exist, can often be useful in identifying original window patterns. Sometimes it is also possible to see where astragals have been cut out or to find an original window on a rear elevation or a similar neighbouring property.

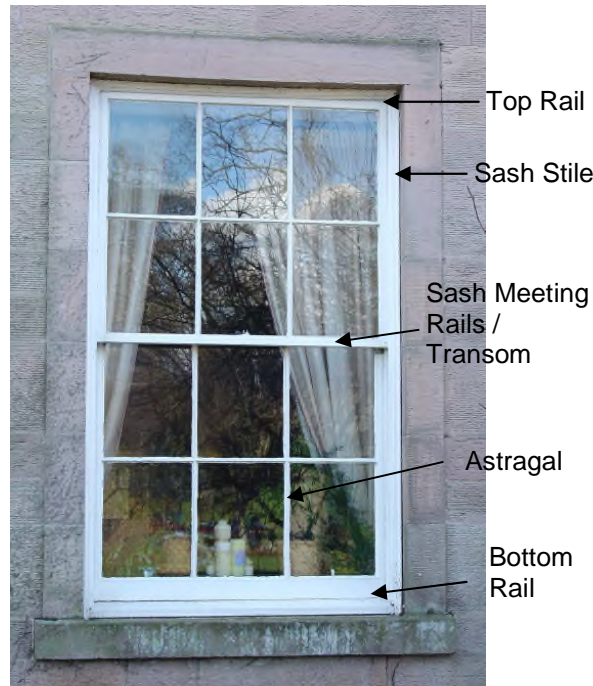
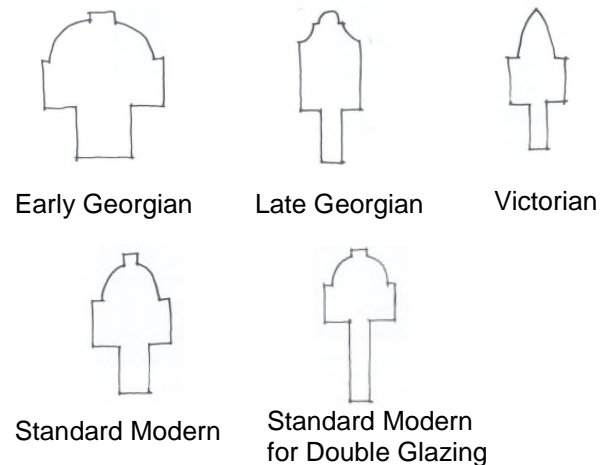


Figure 17: Traditional Window Details



Figure 18: Traditional Window Detail - Horn Detail

Examples of Cross Sections Through Different Timber Astragals



4.11 In many cases the first preference with all traditional windows is to consider repairs rather than replacement and a number of specialist firms, as well as local joiners now undertake this work.

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4.12 Appropriate Window Alterations

In properties that are Listed Buildings or within a Conservation Area the majority of windows are traditional painted timber sash and case windows. Changing these windows for modern materials can dramatically affect the appearance of a building. The use of “stick on” astragals for example, is often inappropriate and devaluing to the original appearance.



Figure 19: Replacement Window, which removes the central mullion and changes the whole character



Figure 20: Replacement Window within stone opening, with mid hung sash. This results in a 'heavy' appearance on the lower half of the window.

4.13 Why Retain Old Windows?

Both traditional timber windows and metal windows can be economically repaired and made energy efficient avoiding the need for complete replacement, and there are now a number of firms who specialise in this type of work. Complete window replacement is not always required and often only specific parts require attention. Many traditional windows have often lasted for over 100 years with regular maintenance.

4.14 Many of the problems that occur in the traditional sash and case windows can be overcome by a suitably qualified and experienced contractor, and likewise with metal windows. Below are some topical problems that owners may experience with their existing buildings:

Timber windows:

- Heat loss
- Condensation
- Timber decay
- Wet & dry rot
- Draughts
- Loose Joints

4.15 These defects are however to be expected through age but can be overcome when the existing windows are renovated. Work such as repairing or replacing decayed timber parts, replacing cords, glass and servicing of pulleys can be carried out. Draught-proofing can also be undertaken at the same time as the windows are being overhauled to reduce heat loss and combat against draughts.

Metal windows:

- Heat loss
- Rust
- Draughts

4.16 The renovation of metal windows can be carried out either on site or off depending on the design of the window

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and the type of work that is required. With regards to rust, what may look non-repairable may possibly have decades of life remaining. It should be noted rust can occupy seven times the volume of un-oxidised iron and may seem to be a lot more serious than it really is. Work such as re-straightening and re-glazing can be carried out by a specialist firm often at the fraction of the cost of complete replacement, whilst draught-proofing can also be carried out at the same time.

4.17 Do's and Don'ts in Window Repair

Do's

- research prior to restoration
- concentrate on repair and not just replacement
- find and remedy the root cause of the problem
- remember that shutters can be used for insulation
- paint windows rather than stain as stains were not historically used
- do consider alternative modern weather stripping as an alternative to double glazing
- keep usable details as patterns for present and future work.

Don'ts

- dip traditional sash and case windows in a caustic mix
- scrape off paint unless it is interfering

- with the workings of the window
- ignore dampness – it's a sign of a problem.

4.18 Painting and Colour of Traditional Sash and Case Windows

Replacement timber windows should be at least primed before delivery to site - this is to ensure that the timber is well protected before being installed. Traditionally the top coat of paint was applied on site and this produced a softer and less uniform finish than a factory applied spray finish for example.

4.19 Special attention is required when painting windows that have had draught-proofing measures carried out. Draught strips of the 'brush-type' can become clogged when paint has been applied and likewise while paint may not adhere well to the rubber-type, paint solvents can cause damage.

4.20 Timber windows should be repainted and the putty checked every five years. When repainting, all elements of the window (sashes and frames) should be painted in a sequence that avoids the sashes sticking.

4.21 Traditionally windows were painted in off-white, reds, browns, greens and occasionally blue. Generally white is a comparatively recent colour, but has now become the most common colour. 'Brilliant

white' can appear harsh and it is often better to use an 'off white' e.g. BS4800 colour '10 B 15' to retain an authentic tone. Where properties are in multiple occupancy such as flats or steading conversions for example, windows should be painted the same colour to avoid an irregular appearance.

4.22 As a general rule, stained windows are not appropriate, especially brown / gold stains which are not traditional. Advances in paint technology continue and the boundaries between staining and painting have become more blurred, solid colour however is preferred for replacement windows in historic buildings.

4.23 Draught-proofing and Secondary Glazing to Windows

Both traditional timber sash and case and metal windows can have draught-proofing installed to minimise draughts. This method is one of the best ways as well being the least intrusive of improving the performance of traditional windows. Very importantly draught-proofing does not damage the visual aesthetics of an historic building.

4.24 Secondary glazing is considered to be a cheaper yet more sympathetic alternative to the installation of sealed double-glazed units whilst offering the same advantages of draught-proofing. Once installed, secondary glazing can be easily removed. However, some windows due to

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the narrowness of the internal sill may not be able to accommodate secondary glazing, or where there are working internal shutters, particularly in these situations draught-proofing is the preferred solution.

4.25 Specialist Firms and Products

There are several firms that specialise in the refurbishment; repair and draught-proofing of existing traditional windows to bring them up to the modern standards of insulation however, Scottish Borders Council are unable to recommend an individual firm. Planning staff can advise on the suitability of an individual design and specifications as well as suggesting alternatives where replacement is required.

4.26 Replacing Traditional Windows

In almost all cases, repair of components on a “like for like” basis is preferable to replacement of a whole unit, as this will best maintain the character and historic fabric of the window.

4.27 Where the traditional window has deteriorated excessively and it is impracticable to repair the window, replacement obviously must take place, like wise with metal windows. The replacement window should match the existing windows exactly unless they are obviously modern and out of character. Where the current windows are not modern but are clearly from a later date than that of the building the

question as to whether or not to revert to the original design requires professional advice.

4.28 Issues of Importance when Replacing Traditional Sash and Case Windows

- It is essential to the character of the building when replacing traditional windows to retain the original features exactly in all three dimensions.
- Use the same material as in the original
- Use the glazing bars that are of an appropriate thickness and profile – this is usually the same as that being replaced but not in all occasions.
- Correct placement of window within the opening (as illustrated below).

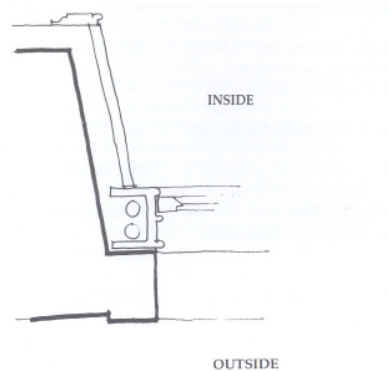


Figure 21: Sketch showing how a typical sash & case window is normally fitted into checks behind stone surrounds to windows - this provides both a good weather seal and also only shows a thin frame externally.

4.29 It is imperative when replacing windows, that the replacement window is positioned correctly. The sketch on the left shows how a typical sash and case window is normally fitted into checks behind stone surrounds – providing both a good weather seal and only showing a thin frame. It is a combination of these details that give us the familiar appearance of older buildings.

4.30 The photo below shows the appearance of correct window installation. Failure to consider this correct fitting when replacing windows can result in a substantial loss of the daylight allowed in the property.



Figure 22: Acceptable Replacement Window

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4.31 All the windows of a building may not be exactly the same – differing pane sizes and astragal profiles are important evidence of the building’s history and contribute to the character and interest.

4.32 When Installing Replacement Windows that are Double Glazed UPVC

Ensuring that the dimensions of a replacement window are as closely matching that of the original window will aid in preserving the character and appearance of the individual building concerned. To the right are acceptable sized sections through a double glazed replacement window.

4.33 However, it is recognised that some uPVC window frames can be thicker than that of traditional sash and case windows. Where this is the case, it may be acceptable to disguise the thickness of the frames by fitting them into the checks behind the stone surrounds to the windows. Where this is proposed, the applicant will be required to submit details confirming the dimensions of the window frame which will be exposed.

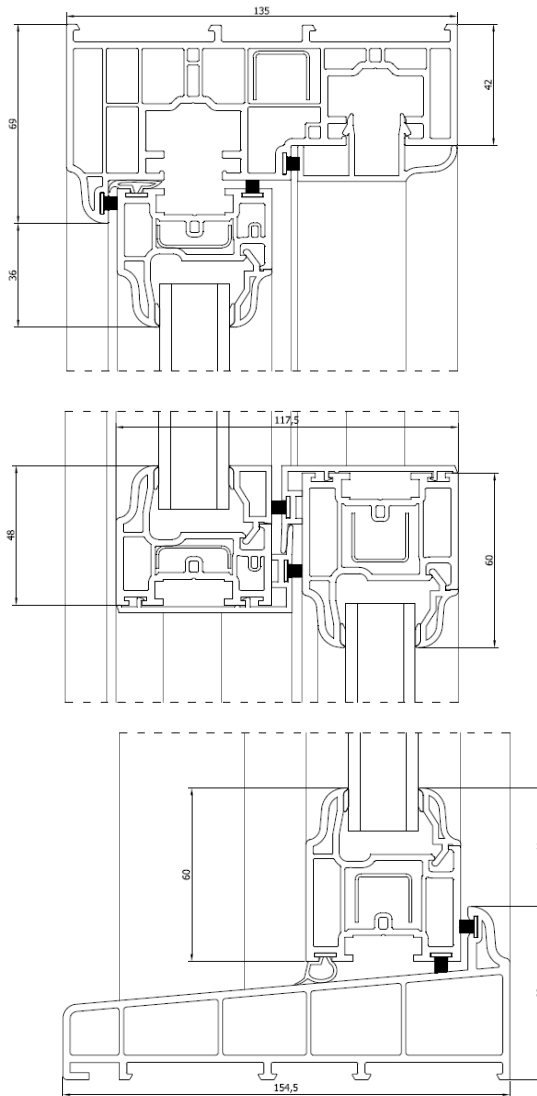


Figure 23: Sections through an acceptable uPVC Double Glazed Replacement Window

4.34 Traditional Doors

Doors contribute significantly to the character and interest of a property, and are usually a key element of its design, weatherproofing and security, as well as assisting us to understand how a building was used. It should be noted that the contribution of a single door can be greatly felt not only on the property in which it sits, but also on the group of buildings in which it sits or even its street. Whilst panelled doors (generally 6 panelled in Georgian buildings and 4 panelled in later Victorian buildings) were commonly used, especially in high status buildings; boarded doors (with beaded or “v” jointed boards) were often used in farm cottages, steadings or rear doors.



Figure 24: Example of a Panelled Main Entrance Door

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Elements of Traditional Doors



Figure 25: Traditional Door Elements



Fanlight

4.35 Appropriate Door Alterations

Alterations to a door, especially to one that is positioned on the primary or public elevation can result in a negative impact on the character and appearance of the property. Therefore only alterations that are in keeping with the character of the property should be undertaken. Proposed changes that alter the width, height or the opening arrangement of the door should be avoided. Caution is also required when proposing to introduce new materials as their use can often be inappropriate and devaluing to the original appearance.



Figure 26: Door Alteration - Replacement of upper timber panels with glazing to allow additional light internally.

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4.36 Why Retain old Doors?

Traditional timber doors can be economically repaired and made energy efficient avoiding the need for complete replacement, and there are now a number of firms who specialise in this type of work. Complete door replacement is not always required and often only specific parts require attention. Many traditional doors have often lasted for well over 100 years with regular maintenance.

4.37 Many of the problems that occur in the traditional doors can be overcome by a suitably qualified and experienced contractor. Below are some problems that owners may experience with their existing traditional doors:

Heat loss
Timber decay
Wet & dry rot
Draughts
Loose Joints

4.38 These defects are to be expected through age but can be overcome when the existing doors are renovated. Work such as repairing or replacing decayed timber parts can be carried out. Draught-proofing can also be undertaken at the same time as the doors are being overhauled to reduce heat loss and combat against draughts.

4.39 Do's and Don'ts in Door Repair

Do's

- research prior to restoration
- concentrate on repair and not just replacement
- find and remedy the root cause of the problem
- paint doors with a matt or semi-gloss finish rather than high gloss paints or stain as neither were historically used
- retain associated fixtures such as letter boxes, handles and knockers
- do consider draught-proofing and additional insulation as an alternative to complete door replacement.

Don'ts

- dip traditional doors in a caustic mix
- scrape off paint unless it is interfering with the workings of the door
- ignore dampness – it's a sign of a problem.



Figures 27 & 28: Historic Timber Boarded Doors



Figure 29: Matching Traditional External Doors (with internal door in entrance) - retaining matching doors on a street assists in protecting the character and appearance of the street.

4.40 Painting and Colour of Traditional Doors

Traditional doors would never have been painted using a high gloss finish, nor would they have been finished with a stain or varnish. Matt or a semi-gloss finishes are historically the most appropriate.

4.41 A number of paint companies offer a range of heritage colours which may be suitable, generally dark or muted colours are most appropriate for traditional properties.

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4.42 Doors on a single building or groups of buildings such as within an estate, were often painted using a uniform colour and this has often continued through to today. Where this is the case, it is often possible to sample underlying layers of paint to establish previous colour schemes. This might also be appropriate in a converted steading for example when an “estate” colour can be selected for external joinery to retain a homogenous appearance.



Figures 30, 31 & 32: Examples of Historic Doors

4.43 Insulating and Draught-Proofing Traditional Doors

Whilst it is considered that the frame of a traditional timber door generally performs well thermally, improvement may still be made if required. Where on the traditional door there can be panels which are made from a thinner wood, these could be insulated by adding a layer of insulation material on the inside of the door whilst still retaining the character of the door on the outside. The finished insulation should be kept flush with the door framework, and new beads may be required to finish the edge. Draught or weather stripping around the edge of the door and to the letter box can also be applied.

4.44 Replacing Traditional Doors

In almost all cases, repair of components on a “like for like” basis is preferable to replacement of a whole unit, as this will best maintain the character and historic fabric of the door/doorway.

4.45 Where a traditional door has deteriorated excessively and it is impracticable to repair, replacement obviously must take place. The replacement door should match the existing exactly unless it is obviously modern and out of character. Where the current door is not modern but is clearly from a later date than that of the building the question as to whether or not to revert to the original

design requires professional advice.

4.46 The use of modern materials for doors on historic buildings is rarely successful, and so careful consideration should always be given to their introduction.



Figures 33, 34, 35 & 36: Examples of New Replacement Doors

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4.47 Issues of Importance when Replacing Traditional Doors

- It is essential that any new replacement door should be in keeping with the character of the building
- Care should be taken to ensure that the new door is correctly positioned in the opening
- Existing features such as fanlights or transom lights should be incorporated into any replacements
- Doors should be painted with a matt or semi-gloss finish
- Where possible existing features such as letter boxes, handles and knockers can be reused and incorporated into the new door.

4.48 It is imperative when replacing doors, that the replacement is positioned correctly within the opening. It should be noted that the retention of existing features such as fanlights, letter boxes and handles, can contribute greatly to the character and appearance of the building.



Figures 37, 38 & 39: Images of Windows and Doors



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5 Building Regulations

5.1 Various building standards apply to the fitting of replacement windows and doors.

5.2 Where the work does not involve a complete replacement of the door or window then the replacement part(s) should be to a standard that is no worse than exists at present.

5.3 Where a window or door is being replaced in its entirety then the replacement window should fully comply with the current standards.

5.4 If the door or window opening is not being altered then a Building Warrant is not required, but the work must still comply. If however it is intended to remove mullions, raise or lower cills and lintels, increase or decrease width or form a new opening then a Building Warrant is required.

5.5 The following items require consideration when installing replacement windows and doors:

- Ventilation
- Natural light
- Safe cleaning
- Means of escape in the event of a fire
- Safety glass
- Barriers and guarding
- Security
- Thermal performance

5.6 If you have any questions regarding your proposed replacement windows please contact Building Standards.

5.7 Please note the guidance given below primarily relates to domestic properties and reflects the standards in force at the time of writing.

5.6 Ventilation

The three main considerations to satisfy the Building Regulations with regard to ventilation are:

1. Some part of the opening section of the window and the trickle ventilator should be located at a height that prevents stratification. This is generally achieved by locating part of the opening and trickle ventilator at least 1.75 metres above the floor level.
2. The opening area of the window should be a minimum of one thirtieth of the floor area of the room which it serves. The opening area may be made up with more than one window into a room. External doors can also be utilised to provide ventilation, but only in domestic properties.
3. Rooms should also have trickle ventilation. This is usually provided by the fitment of a separate trickle ventilator the head of the window but a window that is partially openable on a night latch can achieve the required performance.

On existing dwellings where infiltration rates are likely to exceed $10\text{m}^3/\text{h}/\text{m}^2$ @ 50 Pa, trickle ventilation to apartments should be at least $8,000\text{mm}^2$ and other rooms should be at least $4,000\text{mm}^2$. In newer properties where infiltration rates are lower than mentioned above trickle ventilation should be provided at the rate of $12,000\text{mm}^2$ and $10,000\text{mm}^2$ respectively.

5.7 It is also possible to provide ventilation to rooms by mechanical means.

5.8 If there are open flued combustion appliances within rooms where replacement windows are proposed you should check that sufficient permanent ventilation is maintained for combustion purposes.

5.9 Natural Light

Windows serving apartments (living rooms, lounges, sitting rooms, dining rooms, studies, bedrooms and other similar rooms) should have glazing that is a minimum of one fifteenth of the floor area of the room served.

5.10 Natural light does not need to be provided to kitchens, utility rooms, bathrooms, toilets, shower rooms or stores.

5.11 The minimum glazed area may be calculated from more than one window serving the same room. External glass

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doors also can contribute to the minimum glazed area required. The area of glazing is the glass only excluding astragals or glazing bars.

5.12 Safe Cleaning

In dwellings, any glazed surface more than 4 metres above the level of the adjacent ground should be capable of having its internal and external glazed surfaces cleaned safely. This generally should be achieved from the inside of the building but, where there are fixed panes that form a particular architectural feature alternative means of cleaning may be considered such as the use of commercial cleaning using high reach poles or self cleaning glass.

5.13 Windows to be cleaned from within should be of a design that makes it safe to do so. In general large fixed panes at upper floor levels are not suitable and as such the maximum reach from an opening part of a window should not exceed:

- 850 millimetres measured horizontally
- 610 millimetres measured vertically

5.14 Please note these figures refer to reach, the actual size of fixed pane would therefore need to be less than this to allow for cleaning into corners of the pane.

5.15 Safety depends on the act of cleaning being carried out when standing on

the floor. The use of steps to reach glazed surfaces should be avoided.

5.16 With regard to traditional sash and case windows, safe cleaning can be achieved by the fitment of a 'Simplex' hinge system or other similar devices. This type of system allows the lower sash to be opened so that its outside face can be cleaned. The top sash can then be lowered so that it too can be cleaned safely on both the internal and external faces. (Further information on this can be found within Historic Scotland's 'Looking after your Sash and Case Windows: A short guide for homeowners'.)

5.17 Side hung casements may only be cleaned safely if fitted with extended leg hinges to enable the outer surface to be reached between the frame and the wall.

5.18 The notes given here highlight some potential problems. For full information reference should be made to British Standard Code of Practice 8213: Part 1: 2004. Alternatively please contact your Building Standards who will be able to give advice.

5.19 Means Of Escape In The Event Of Fire

A suitably designed and located escape window should be provided in every apartment within a dwelling which is located on an upper storey which is not more than

4.5 metres above the adjacent ground level.

5.20 Similarly an escape window should also be provided in every inner room within a dwelling.

5.21 Escape Windows

An Escape Window should meet the criteria as set out below:

1. The Escape Window must be situated in an external wall or roof.
2. It must have an unobstructed openable area that is a minimum of 0.33m² and be at least 450 mm high and 450 mm wide. The route through the window may be at an angle rather than straight through.
3. The bottom of the openable area should be no more than 1100 mm above the floor.

5.22 The window design must be such that a person can climb through the opening window to escape the effects of fire.

5.23 Basements

A basement storey that contains an apartment must be provided with either:

1. An alternative exit from the basement storey, which may provide access to the external air from which there is access to a place of safety at ground level, or
2. A suitably designed and located escape window in every basement apartment.

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5.24 Safety Glass

The glass in windows and doors should be suitable for the purpose depending on their location. Toughened or safety glazing may be required to be provided to windows in certain circumstances and always within doors.

5.25 Barriers and Guarding

Window openings at upper floors and at ground floor where the finished surface is more than 600mm above the adjacent ground should all be provided with a suitable barrier to reduce the risk of a fall. Barriers should be at least 800 mm above the floor level and have balustrading that prevents climbing and has no gaps that would allow passage of a 100 mm sphere.

5.26 French windows and patio doors should also be provided with suitable barriers where the floor level is more than 600mm above the adjacent ground level. Barriers should be at least 1,100 mm above the floor level and have balustrading that prevents climbing and has no gaps that would allow passage of a 100 mm sphere.

5.27 Where the outer surface of windows located on floors more than 4.5 metres above ground level are to be cleaned from within the dwelling, suitable guarding should be provided to the opening.

5.28 Guarding should be at least 1,100 mm above the floor level and have balustrading that prevents climbing and has no gaps that would allow passage of a 100 mm sphere.

5.29 Security

Windows, external doors and glazing where vulnerable to unlawful entry should be designed, constructed and installed to deter housebreaking and protect the safety and welfare of dwelling occupants.

5.30 Thermal Insulation/ Insulated Glass

Windows and external doors should achieve an appropriate thermal performance. This is expressed as a U-value in W/m^2K with the lower the figure having the best thermal performance.

5.31 Generally, where the replacement windows and / or doors are being installed to a dwelling constructed after 1983 they should achieve a U value of 1.6 W/m^2K or better. Replacement windows and doors to dwellings constructed prior to this date should achieve a U value of 1.4 W/m^2K or better.

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6 Definitions

For the purposes of this document, the following definitions shall apply:

Architrave - Moulded surround to any opening.

Astragal – As known in Scotland, glazing bar between panes.

Building Standards - A section within Regulatory Services which checks proposals for building operations to ensure compliance with minimum building standards.

Building Regulations - National standards for buildings set out by the Building Standards Division (BSD)

Building Warrant - An approval issued by Building Standards following the submission of an application and after an assessment of the proposals under the Building Regulations.

Casement - A side hung hinged window.

Conservation Area - An area designated under “The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997” as being of special architectural or historic interest, the character or appearance of which it is desirable to protect.

Core Conservation Area - A group or groups of buildings and other space so defined being particularly important to the character of the conservation area.

Emergency Escape Window - A window capable of being opened sufficiently to allow persons to make their own means of escape from a building.

Fanlight - Usually a fan-shaped glazed area above a door which was designed to allow light into hallways.

Fittings/Furniture – Either door or window, can include items such as door knockers, letterboxes, window stays, finger lifts to name but a few.

Like for like - The same materials, details of construction, dimensions, opening method, decorative finish and details as existing including glazing type and fixing of glass (e.g. putty). The original proportions and glazing pattern should always be respected. This applies equally to doors as it does to windows.

Listed Building - A building of special architectural or historic interest, included on a list drawn up by Scottish Ministers (Historic Environment Scotland).

Mullion - Upright member dividing the lights of a window.

Muntin - Vertical timber central part of the door between panels.

Panels – Raised or fielded sections of door.

Panel Moulding - Mouldings holding panel in place to door.

Plinth Block - Square or rectangular blocks which the Architrave sits on.

Prime frontage - A range or ranges of properties of being particularly important to the character of the conservation area.

Rails - Horizontal members of door between panels - top, frieze, lock and bottom rail.

Replacement Door - The replacement of the door element only, not including “new” doors in structurally altered “existing” door openings.

Replacement Window - The replacement of the window element only, not including “new” windows in structurally altered existing” window openings. (e.g. new openings formed by the removal of mullions.)

Sash and Case - A form of window in which the glazing slides in two parallel frames within the case, the upper sliding outward of the lower.

Supplementary Planning Guidance: Replacement Windows & Doors

Stile - Vertical timbers on each side of a timber panel door, hanging stile and shutting stile.

Storm / Weather Bar - Bar fitted to the bottom rail of a door and is designed to keep the rain out.

Transom - Horizontal member dividing the lights of a window.

Transom Light – Rectangular window above a door.

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7 Further Information

Scottish Historic Environment Policy

Scottish Building Standards Agency)

Managing Change in the Historic Environment Guidance Notes - Doors

Buildings of the Scottish Countryside (Robert J Naismith)
Published by Victor Gollancz

Managing Change in the Historic Environment Guidance Notes - Windows

Putting Back the Style - a Directory of Authentic Renovation (Alexandra Artley (Ed))

Looking after your Sash and Case Windows: A short guide for homeowners (Historic Scotland)

Published by Ward Lock, London

Maintaining your Home: A short guide for homeowners (Historic Scotland)

Care and Conservation of Georgian Buildings (Davey, Heath, Hodges, Ketchin, Milne)
Published by Butterworth Architecture.

Inform – Information for Historic Scotland Buildings Owners: External Timber Doors (Historic Scotland)

Building Scotland – Celebrating Scotland's Traditional Building Materials (Historic Scotland)

Inform – Information for Historic Scotland Buildings Owners: Maintaining Sash and Case Windows (Historic Scotland)

Guide for Practitioners 3 - The Conservation of Timber Sash and Case Windows (Historic Scotland)

Guide for Practitioners No 6: Conversion of Traditional Buildings. Application of Scottish Building Standards.

Part 1 – Principles and Practice

Part 2 – Application

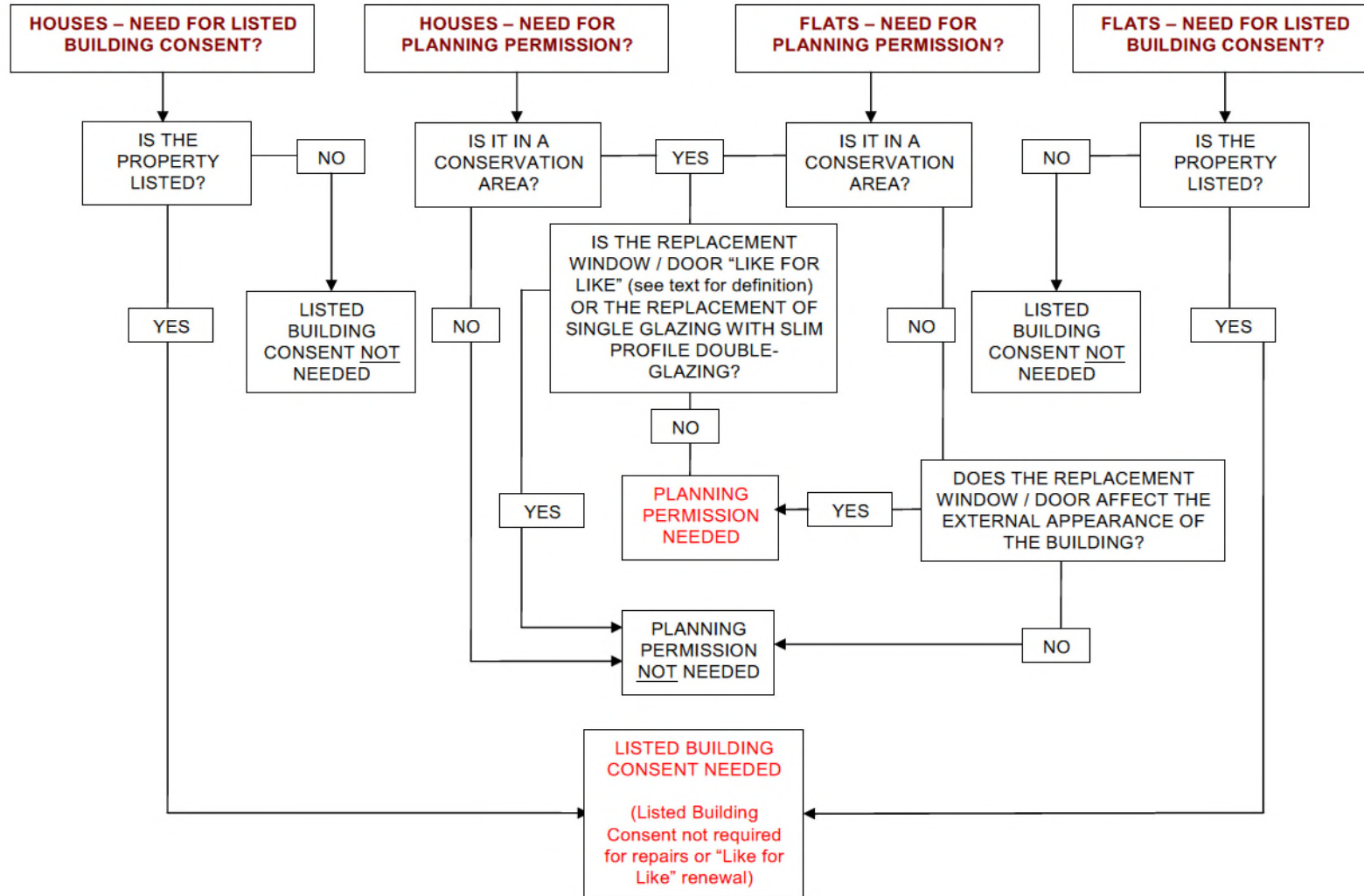
(Technical Conservation, Research and Education Group, Historic Scotland,

Supplementary Planning Guidance: Replacement Windows & Doors

Appendix 1 - Flow Chart

REPLACEMENT WINDOWS/DOORS – THE NEED FOR PLANNING PERMISSION AND/OR LISTED BUILDING CONSENT

(This chart is for domestic properties only, generally all non-domestic properties will require planning consent for alterations).



Supplementary Planning Guidance: Replacement Windows & Doors

Appendix 2 - Application Requirements

Any application for altering or replacing either a window or door should be accompanied with accurate scale drawings showing both the existing situation and the proposed works in context. It is normally helpful to provide detailed technical information and photographs. A brief description of the interest of the window/ door and an explanation of the impact of the alterations are always helpful in assessing change. Historic photographs, if available, should also be submitted, especially where it is intended to reinstate an earlier pattern.

Where an application relates to a listed building, a detailed condition survey, on a window by window or door by door basis, including the identification of any historic glass, will be required to support any application to completely replace a window/ door. (A Condition Survey template is included in Appendix 3).

Planning Application Forms, and a Guidance Note on the requirements for accompanying documentation are available on the Council Website - www.scotborders.gov.uk

In the case of applications for replacement windows and doors, it should be noted that in addition to the information noted above, a scaled site location plan at 1:1250 or 1:2500

will be required. These can be obtained from the Ordnance Survey, or their agents.

Checklist for Key Submission Requirements:

Key Parts of Submission	Included in Submission?
Accurate scale drawings showing both the existing and proposed works in context	
Detailed technical information on proposed windows / doors	
Photographs (Where the application proposes to reinstate an earlier pattern – historic photographs will also be required).	
A brief description of the window / door and an explanation of the impact of the proposed alterations	
Detailed Condition Survey (where the property is Listed – refer to Appendix 3)	
Site Location Plan at 1:1250 or 1:2500 scale	

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Appendix 3 - Window / Door Condition Survey

WINDOW/DOOR CONDITION SURVEY – SCHEDULE OF FINDINGS

ADDRESS	
OWNER / APPLICANT	
DATE:	
SURVEY CARRIED OUT BY:	

Ref No	Location	Type	Condition Joinery	Condition Decoration	Condition Fittings inc cords / weights	Draught stripping / secondary /double glazing	Glass Historic?	Overall condition
			1=excellent 5=very poor	1=excellent 5=very poor	1=excellent 5=very poor			1=excellent 5=very poor

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Telephone: 0300 100 1800.

E-mail: ped@scotborders.gov.uk

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APPENDIX B: Matrix of Consultation Responses Received

Consultee	Comment	Response/Notes	Recommendation
Scottish Environment Protection Agency	No comments.	Noted.	No change.
Scottish Water	No comments.	Noted.	No change.
Historic Scotland	<p>Historic Scotland has considered these draft documents for our historic environment interests and whilst we are broadly content in this respect, we do have some detailed comments to offer.</p> <p>Paragraph 3.7: General Principles: This sets out four general principles for assessing proposals in relation to windows and doors. The first three principles appear to be focussed on assessment of undesignated buildings in conservation areas; they are not appropriate as key criteria on which to assess alterations to listed buildings.</p>	<p>Comment noted.</p> <p>Noted. It should be noted that in relation to the General Principles the Development Management Section will require to determine the appropriate weight to be given to each application on a case by case basis. In relation to comments regarding the first and second general principles – the position of the windows/doors and any remaining original windows/doors, it is considered that the general policy and its detail contained within the SPG is sufficiently robust to deter unnecessary new replacements being undertaken; However, their relevance in the consideration of an application in relation to Listed Buildings allows officers to consider the importance of or the contribution that the existing window/door has on the character of</p>	<p>No change.</p> <p>No change.</p>

	<p>Policy for Listed Buildings: I note that the guidance provides separate policy for Category A and B listed buildings and Category C listed buildings. It also states that the policy for C listed buildings is different and less restrictive than that for category A or B. It is important to consider and understand the contribution of windows and/or doors to the character and interest of a building on a case by case basis, regardless of category. Often, the retention of original/historic windows and/or doors can be a key element of the special interest of a C listed building. Consequently, blanket application of a less restrictive approach will reduce the ability of the Supplementary Guidance to preserve features of special or historic interest.</p> <p>In practice, the detail of the policies is similar, which is welcome. I suggest that they could be combined into one single policy for all categories of listed building. Not only would this be of benefit in terms of clarity and conciseness, but would also ensure that</p>	<p>the building. It should be noted that in relation to Listed Buildings SPG states: <i>“In general the repair of components on a like for like basis is preferable to the replacement of a whole unit”</i>, also any application for replacement windows to a Listed Building require a Building Condition Survey to be undertaken.</p> <p>Noted. The SPG sets out the general policy position, but it is also noted that this is subject to consideration of all matters including consideration of the contribution that any window and/or door adds to the character and interest of a building. It should be noted that the replacement window policy as it relates to category ‘C’ Listed Buildings has not been subject to change as a result of this policy review and in that respect the policy wording as it relates to this category of Listed Building had remained unaltered from that included in the 2012 SPG. However, it is considered that in respect to this part of the policy, additional clarity could be added to the document in respect of paragraph 3.23, therefore an amendment to the wording is proposed. In respect to doors, it should be noted that the policy wording is the same for category ‘C’ Listed Buildings as it is for categories ‘A’ and ‘B’. However, it is also noted that in the</p>	<p>Amend SPG: Include additional text for clarity, paragraph 3.23 to read: <i>“The introduction of double glazing may be acceptable in the replacement windows in category ‘C’ Listed Buildings. In specific and justified circumstances it may be acceptable for replacement with uPVC. The replacement unit should have the same glazing pattern and method of opening. Where glazing bars or astragals are required these must be of the same proportion and design to match the original window. The</i></p>
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	<p>decisions are based on an understanding of the contribution of existing windows/doors to the individual special character and interest each building.</p> <p>The policy for A and B listed buildings refers in error to Historic Scotland as ‘giving approval’ to applications relating to A listed buildings. For information, Historic Scotland (acting on behalf of Ministers) is currently a statutory consultee for works to A- and B-listed buildings, and presently has 28 days to comment on applications after the planning authority has notified it of intent to grant consent.</p> <p>From 1 October 2015 Historic Scotland’s functions in relation to listed building consent will transfer to a new body, Historic Environment Scotland. Historic Environment Scotland will be a statutory consultee for certain works to A- and B-listed buildings, and will be consulted prior to determination of the application by the planning authority.</p> <p>Paragraph 3.25: What consent is needed for Category A, B or C listed buildings? : The Supplementary Guidance rightly emphasises that the windows of a historic building form an important element in defining its character. It also recognises that maintenance and appropriate ‘like for like’ repair is the best means of safeguarding the</p>	<p>consideration of any application the Development Management Officer is required to consider the General Principles set out within the SPG.</p> <p>Noted.</p> <p>It is noted that Historic Scotland’s functions will transfer to a new body, Historic Environment Scotland.</p> <p>However, it is also noted from the “The Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015” that Historic Environment Scotland will become a consultee on all applications in relation to category ‘A’ and ‘B’ Listed Buildings.</p> <p>Support noted.</p> <p>It is noted that no change in relation to “What consent is needed for Category ‘A’, ‘B’ or ‘C’ Listed Buildings?” has been proposed from the 2012 SPG on Replacement windows. It is also noted that it is for the local authority to determine what alterations require consent. In addition paragraph 3.2 states that:</p>	<p><i>use of stick-on astragals will not be permitted.”</i></p> <p>Amend SPG: Paragraph 3.13 to be reworded to refer to Historic Environment Scotland and note that Historic Environment Scotland will become a consultee on all applications relating to category ‘A’ and ‘B’ Listed Buildings.</p> <p>No change.</p>
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	<p>historic character and fabric of a window or door. It is important to remember that removal and replacement of historic windows/doors, regardless of the form of the replacement, can have an effect on the character of the building through the loss of original or historic fabric. Consequently, I welcome that the policies for listed buildings support this by emphasising a presumption in favour of like for like repair rather than replacement.</p> <p>However, Paragraph 3.25 advises that, where windows and doors are replaced 'like for like' listed building consent will not be required. As you will be aware, listed building consent is required for any works affecting the character of a listed building. In view of this, I encourage you to consider whether the exemption for 'like for like' replacements (which would allow for the removal of historic fabric without need for consent) is appropriate, given the potential for historic window/door fabric to make a contribution to the character of the building.</p>	<p><i>"It is always recommended that advice is sought from the Development Management section as early as possible and certainly before installing any new windows or doors where 'Like for Like' replacements are proposed"</i>.</p> <p>It is the view of the Council that were proposals are 'like for like' no consent is required as it is considered that the character and appearance of the property will not be altered. The SPG within section 3.4 also sets out the definition of 'like for like'. Furthermore it is noted that paragraph 3.33 of the Scottish Historic Environment Policy states:</p> <p><i>"Works of like-for-like repair or other works which do not affect a building's character, would not normally require listed building consent. Such works could include repointing a wall or altering part of a building which does not contribute to the overall special interest."</i></p> <p>Therefore it is not considered that change to this part of the SPG is necessary.</p>	
Ray Theedam Parry	<p>The contributor lives in a conservation area in Lauder and is saddened to watch the gradual removal of traditional timber sash and case windows with uPVC copies which look nothing like the original and don't even operate in the same way.</p>	<p>Noted.</p> <p>The Replacement Window policy seeks to take a balanced approach, in that the policy element for listed buildings is stricter than that for properties within the Prime Frontage/Core Areas of Conservation Areas, and then within the remainder of Conservation Areas. For that reason, the Replacement Window policy does</p>	No change.

	<p>The contributor considers that the proposed guidance is encouraging but due to the high costs of renovating or replacing with timber sash and case then many residents just can't afford it - it's a shame that there isn't some sort of Historic Scotland grant scheme to help with the high costs to help to encourage home owners to retain or reinstate original windows and doors. Many properties in our street (The Row, Lauder) no longer have their original Windows or even sympathetic replacements and it's highly unlikely that anyone would be motivated to replace them with more original-looking versions unless there was some kind of financial assistance or at least direct personal encouragement.</p>	<p>support the introduction of uPVC windows in some locations, as well as allowing an alternative method of opening in other locations.</p> <p>Noted. However, the document acknowledges that both traditional timber and metal windows can be economically repaired and made more energy efficient avoiding the need for complete replacement whilst also retaining the historic character of a property and retaining embodied energy. In addition the document notes that many traditional windows have often lasted for over 100 years with regular maintenance. However, it is accepted that often there is a desire of some home owners to replace their windows with modern replacements and as noted above the Replacement Window Policy allows for that in certain circumstances. Nevertheless the document also notes in section 3.6 that repair of components on a "like for like" basis is preferable to the replacement of the whole unit as this will best maintain the character and historic fabric if the window. In relation to grants, it is noted that Historic Scotland does provide grants to assist in the conservation of Scotland's historic environment. However, decisions on grants are influenced by the extent to which projects deliver benefits for communities, promote</p>	<p>No change.</p>
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	<p>This piece of guidance is all well and good but so many people simply do not apply for planning permission as they know that there won't be any repercussions if they don't. A planning officer ought to visit conservation areas, as well as check Listed Buildings, every couple of years and check their records to see if planning has been sought if required and enforce it if not. The planning department should not rely on neighbours reporting suspected planning violations as this system is not effective as no-one wants to create bad feeling with those living close by.</p>	<p>quality, develop knowledge and skills and build capacity for local heritage management. In addition, it should be noted that Historic Scotland's grants are in high demand and so they are not always able to offer grant to every project.</p> <p>Comment noted. The Council has powers to enforce planning requirements. However, it should be noted that planning enforcement is a discretionary power. That means that even where there is a breach of planning control, the Council has to consider if it is in the public interest to take enforcement action. It should also be noted that the Council investigates every enforcement complaint received and will maintain the confidentiality of all correspondents, at least until a case is referred to the Procurator Fiscal or an appeal is lodged. In such cases it may be necessary to divulge details about complainants.</p>	No change.
Mitchell Glazing	<p>It appears that you are relaxing a little to be more in line with Edinburgh? I can't quite decide where we can install a "composite" door from this, however. I think you are saying this will be allowed in Conservation areas and Prime Frontages?</p>	<p>Comment noted. It is considered that the policy set out within the SPG meets the circumstances within the Scottish Borders. As well as now including doors, the reviewed SPG also provides greater clarity in respect to the determination of planning applications in terms of the General Principles set out in Section 3 of the SPG. In relation to doors within the Prime Frontages</p>	No change.

		<p>of Conservation Areas, the key is what the immediate context is and what is present there already. Based on that it may be possible to replace a door with a composite door which reflects the historic character of the property.</p> <p>However, it may be that in a particular case the property concerned and its neighbouring properties retain their original doors, in those areas then Para 3.30 would apply.</p> <p>Each application would be dealt with on a case by case basis, the key is that any changes reflect the requirement to enhance the conservation area.</p>	
Berwickshire Civic Society	<p>Berwickshire Civic Society would like to thank you for inviting their comments on the above Draft SPG. We value highly the contribution of historic windows and doors to the character and appearance of individual buildings or the streetscape. Repairs to original features are preferable but if this is not practicable, then like-for-like replacements should be sourced, paying close attention to detail such as fittings and mouldings.</p> <p>We are pleased that this Draft Supplementary Guidance has been issued but would point out that there is little point in publishing the final version of this document unless your recommendations are enforced. There have been many occasions when</p>	<p>Support noted.</p> <p>The SPG acknowledges that in almost all cases, repair of components on a “like for like” basis is preferable to replacement of a whole unit, as this will best maintain the character and historic fabric of the window or door.</p> <p>Support noted.</p> <p>The Council has powers to enforce planning requirements. However, it should be noted that planning enforcement is a discretionary power. That means that even where there is a breach of planning control, the Council has to</p>	<p>No change.</p> <p>No change.</p>

	replacement windows and doors have been inserted in Listed Buildings and in Conservation Areas in the past without permission, and SBC has not required them to be replaced with appropriate designs as described in earlier versions of the SPG.	consider if it is in the public interest to take enforcement action. It should also be noted that the Council investigates every enforcement complaint received.	
Gavinton, Fogo and Polwarth Community Council	The Community Council has no comments on this draft SPG document.	Noted.	No change.
Updates	<p>Section 4 re-titled “Design and Maintenance Considerations”.</p> <p>Replacement Figure 23</p> <p>It would be helpful to expand on application requirements – what does an applicant need to submit as part of the application.</p> <p>Paragraph 1.4 omits that the SPG also applies to flats outwith Conservation Areas.</p> <p>Paragraph 1.2</p>	<p>Noted section 4 also included maintenance as well as design considerations.</p> <p>Noted that previous drawing had dimensions missing.</p> <p>Revise section 3.11 and 3.12 and include additional appendices to in relation to application requirements.</p> <p>Correct omission.</p> <p>Remove the word “current” from paragraph.</p>	<p>Amend SPG: Re-title section 4 – “Design and Maintenance Considerations”.</p> <p>Amend SPG: Replace drawing.</p> <p>Amend SPG: Amend text within Paragraphs 3.11 and 3.12 and include an additional appendix relating to application requirements.</p> <p>Amend SPG: Include text to state that the SPG also applies to flats outwith Conservation Areas.</p> <p>Amend SPG: First</p>

			sentence to read " <i>The previous Replacement Window Guide was published by Scottish Borders Council in April 2012.</i> "
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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 OCTOBER 2015

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 15/00806/FUL
OFFICER: Carlos Clarke
WARD: Lauderdale and Melrose
PROPOSAL: Erection of gallery building to house the Great Tapestry of Scotland and associated works including landscaping, access and parking
SITE: Land West Of Unit B, Tweedbank Industrial Estate, Tweedbank
APPLICANT: Scottish Borders Council
AGENT: Page/Park Architects

SITE DESCRIPTION

The site comprises land south of Tweedbank Drive in Tweedbank, and includes land either side of a road serving the Tweedbank Industrial Estate. The site is at the north-westerly corner of the estate, south of the new roundabout built to serve the new railway station located on the north side of Tweedbank Drive. The land to the west, where the building to house the Great Tapestry of Scotland would be located, comprises part of a wooded belt that separates the estate from residential properties further west. Within the belt is a path and the woodland on its east side is protected by Tree Preservation Order. The application site includes land around two industrial buildings owned by the Council on the east side of the estate road though the development proposal does not comprise any alterations to them within the scheme. Their future demolition has, however, been included during the processing of the application in order to accommodate a second phase of the development. This is explained further later in this report.

PROPOSED DEVELOPMENT

The development principally comprises a two-storey oval-shaped building designed to house the tapestry on its first floor. On the ground floor would be a café and shop, with ancillary accommodation including toilets, stores, plant and staff accommodation. Its ground floor would mainly be glazed, and its upper floor faced with concrete panels with artwork designed into it, comprising recessed circles and ceramic discs. Hard and soft landscaping would be provided around the building, extending across the estate road to the east. Planting would be delivered around the two industrial buildings, alongside alterations to the existing car park serving those buildings. The original application proposal comprised a total of 59 spaces, made up of four disabled spaces to the front of the tapestry building, 10 existing spaces and 45 spaces formed from the existing car park. It also included two coach parking spaces. The layout and number of parking has, however, changed during the processing of the application and these are considered in the assessment section of this report.

ENVIRONMENTAL IMPACT ASSESSMENT

In terms of the Environmental Impact Assessment (Scotland) Regulations 2011, this development falls within Schedule 2, Part 10a or b. It does not fall within a Sensitive Area but its size exceeds the threshold in Column 2 and therefore requires to be screened for EIA. Matters to principally consider are the characteristics of the development, its location, and the characteristics of the potential impacts. Such issues will lead to a conclusion as to whether the environmental effects of the development are sufficiently significant as to require that they be subject to EIA.

In this case, the development would comprise a single building, with associated landscaping/parking facilities. The site is within an industrial area, alongside the new railway station. Though the site includes woodland subject to Tree Preservation Order, it is otherwise distant from any natural or built heritage designations. It is expected that there will also remain a buffer between the site and residential neighbours. Its landscape setting suggests a localised landscape and visual impact. The traffic implications will be mitigated by its proximity to the railway and its associated car park. In addition, the site is off the main road leading into the village from the nearby A6091 and this road is already subject to relatively significant traffic associated with existing industrial and commercial uses

Ultimately, it is not considered that the effects of the development would be significant enough to require that an EIA is undertaken. However, the application does need supported by information including a traffic statement and information on ecological impacts for example. The application submission has provided sufficient information on which to assess the environmental implications of the development (see below).

HIERARCHY OF DEVELOPMENT

Under the Hierarchy of Developments (Scotland) Regulations 2009, the development is neither a National nor a Major development. To be a National development, it needs to be in the National Planning Framework 3 and it is not. To be Major, it needs to be or exceed 5000sqm in area or on a site exceeding 2 hectares. The site comprises 1.6 hectares and the building would be well below the floor area threshold. The application is therefore for a Local development that does not require pre-application consultation.

PLANNING HISTORY

There is no planning history relevant to the site.

REPRESENTATION SUMMARY

At the time of writing, 74 objections have been received and 7 letters of support. The representations can be viewed in full on *Public Access*. In summary, the key issues that have been raised, both against and in support of the proposed development, are as follows:

In support:

- The railway station requires a destination, and this will be of benefit to it right at the end of the line

- A new building will do the tapestry justice, the best way to house the tapestry is in a purpose built exhibition centre, the tapestry deserves a proper building and the big vision is supported
- This is a special site for a special building for a special piece of Scottish history
- It will provide an all year round attraction
- It is essential it is easily accessible and Tweedbank is the best place and inevitably attract more visitors as it is on the forthcoming Walter Scott Trail
- 12 of the 163 panels were stitched in the Borders and the Borders can be proud of its contribution. With the textile centre in Galashiels, the area will continue to be a focus for those with an interest in textiles
- It will be a fabulous venue for schools and the workshop area will encourage visitors with an interest in crafts
- Understand this is the only suitable site and it would be a pity to risk losing such a world class attraction in those circumstances. It is a tremendous opportunity and the investment will pay for itself many times over, attracting work and income
- Many people have visited the tapestry several times and would make repeat visits
- Success will depend on vigorous marketing

Against:

- This application should be subject to Environmental Impact Assessment
- The application is a major national development and should have been subject to pre-application consultation
- The process of developing the project has been undemocratic, with a lack of public consultation. Timing of the application during the holidays is also queried.
- Objectors cite a range of other possible locations, including other towns within the Borders and other existing buildings that would be a better alternative to this proposed site in their view
- The principle of spending money on the project is questioned by many who object, given the current financial climate. In short, the money spent on this project should be spent on other services and this development would be a “waste of money”, and “morally wrong”.
- The tapestry is free to view now and still hasn’t had the visitor numbers envisaged. There is widespread doubt the predicted footfall can be achieved
- There will be no great economic benefit, and siting it in Tweedbank will do nothing to regenerate local towns. Tweedbank lacks historical and cultural links and doesn’t offer the opportunity to shop locally or visit local attractions. The station lacks facilities and is already proving confusing and as a destination it will compete with the Transport Interchange in Galashiels
- The location is the wrong one and the proposal is badly thought out. It is a site within/behind an industrial estate, with no other facilities, unceremoniously dumped on an increasingly busy road junction primarily serving a bleak and low-rise industrial estate. The future Central Borders Business Park makes it even more unsuitable. It would be an unremarkable building in an insignificant location, providing a very poor first impression of the Borders, looking out of place next to prefab units.
- It will attract insufficient visitor numbers
- Impacts on road and pedestrian safety from the development and planting/structures, and it is not sensible to embark on the project when traffic levels associated with the railway station are not yet known.

- Parking inadequate/unsuitable, not within line of sight of the building, with insufficient coach parking. The parking is cobbled together with parking and pedestrian movements creating conflict and safety issues. Staff numbers may well exceed predictions. Parking should be provided from day one as the highest number of visitors will occur in the first year of opening. Parking associated with the sports centre should be factored in. A site large enough to accommodate the building with adequate integrated parking should have been investigated from the outset
- Not easily accessed from the railway station, with inadequate safe places to cross the busy road
- Loss of wildlife habitat, in addition to that associated with the railway. The woodland is a prime site for bats, notably two types of pipistrelle. There is no competent bat survey
- Loss of 123 trees within woodland protected by Tree Preservation Order. Removing them is wrong. The tree belt was planned as a buffer between houses and the industrial estate. The community of Tweedbank is an attractive modern village in a well maintained parkland with maturing trees
- Design, size and height inappropriate, and would be too large for the site. The exterior has no merit, lacking any natural lighting or interest at first floor level. It is intriguing but lacks character. It is an insufficiently robust design solution. No significant mock-up showing its true context with the railway
- There should be a firm idea of how the exterior would be treated
- It would be expensive to build, with high levels of glass (which could damage the tapestry)
- The future maintenance burden of the building is noted as it incorporates a wide gutter and flat roof, in a location next to trees in a wet climate
- Query the apparent lack of green technology. It should be carbon neutral and carbon footprint calculations provided. Zinc should not be used due to carbon emissions in production and travel
- There will be increased pollution given the numbers who will arrive by car
- The future adaptability of the building is queried
- Storm water calculations are queried, as are the parapet height and local of handrail
- Light spill nuisance
- It is a project pushed through by the Council for the Council, bypassing reports, and roughriding over TPOs and parking requirements

APPLICANT'S SUPPORTING INFORMATION

The following supporting assessments were submitted with the application:

- Design and Access Statement July 2015
- Ecology Walkover Survey June 2015
- Drainage Strategy Plan July 2015
- Flood Risk Assessment July 2015
- Transport Statement July 2015
- Masterplan Study – Tweedbank march 2015 (for information only)

During the processing of the application, an Arboricultural Assessment June 2015 was also submitted

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

Principle 1 Sustainability

G1 Quality Standards for New Development

G7 Infill Development

BE2 Archaeological Sites and Ancient Monuments

NE3 Local Biodiversity

NE4 Trees, Woodlands and Hedgerows

EP5 Air Quality

ED1 Protection of Employment Land

ED3 Shopping Development

H2 Protection of Residential Amenity

H3 Land Use Allocations

Inf4 Parking Provisions and Standards

Inf5 Waste Water Treatment Standards

Inf6 Sustainable Urban Drainage

Inf11 Developments that generate Travel Demand

Inf12 Public Infrastructure and Local Service Provision

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance: Placemaking and Design 2010

Supplementary Planning Guidance: Trees and Development 2008

Supplementary Planning Guidance: Landscape and Development 2008

Supplementary Planning Guidance: Biodiversity 2005

Scottish Planning Policy 2014

The Local Development Plan 2013 cannot yet be afforded any material weight at the time of this assessment. However, it is to be noted that it allocates Tweedbank Industrial Estate as a strategic business/industrial site. It states that it is to be subject to a Planning Brief and become a strategic high amenity site comprising primarily Class 4 office/light industrial uses

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Landscape Architect: To the west of the Industrial Estate road is grass verge with a large block of mature trees to the rear which has the function of separating the Industrial Estate from the adjacent housing immediately to the west. A path runs through the woodland in a north south direction from Tweedbank Drive and the trees to the east are covered by Tweedbank Tree Preservation Order –SBC TPO No 39 created in 2006 to protect trees planted more than 35 years ago to create a woodland framework for the development of Tweedbank.

The site is limited in size and has the constraint of having woodland on it that is covered by a TPO. While this issue is not insurmountable it does go against the reason for putting a TPO on the woodland – i.e. to preserve the amenity that trees offer to the area. It is unfortunate that woodland planted to create amenity is being lost.

Does not agree that all other potential sites were rigorously tested and suggests that the setting on the very edge of the industrial estate is not totally ideal. However the site layout and building design has made the most of the site and it will make a positive contribution to the area.

Maintaining the integrity of the planting scheme could become a problem and suggests a more imaginative choice of species could be visually stunning.

With 135 trees (1750m²) to be removed there is a need for substantial replacement planting. No report on the trees accompanied the tree survey plans so is not aware if any management proposals for the existing woodland have been made. Has concerns about interplanting within gaps in the woodland as there is potential for future issues of shadowing to gardens and houses. It would be better if a more considered approach to management and enhancement of the remaining woodland was developed with interplanting of more shrubby species that will enhance what will become an even more important and more visible screen between the site and the adjacent housing. Asks that the tree survey report is utilised to develop a management plan for the important remaining section of this screen planting woodland.

Is not convinced by detailed planting specifications especially the specification for the Proposed Native Mixed Woodland where standard trees are planted at 500mm centres and are bare rooted. In developing a revised planting scheme it should be noted that bare rooted material is strongly discouraged, preferring either cell grown stock where small size or rootballed standard and specimen trees. Nor should semi mature trees planted as avenue trees be planted at 4m centres.

Ultimately, does not object to the proposal but would like an amended planting scheme that addresses the concerns discussed above, together with a management and enhancement plan for the retained woodland belt to be a condition of any consent.

Roads Planning Service: The principle of this type of development at this location is acceptable. It is in line with the blueprint vision for the transformation of Tweedbank Industrial Estate into the Central Borders Business Park and this building should act as a catalyst and help set the scene for further development. The building will have a strong presence adjacent to Tweedbank Drive and this combined with the new roundabout and increased human activity in the area will have a positive impact on driver perception and traffic speeds. The facilities available within the building, including toilets and café, will offer a much needed service close to the end/start of the railway line to the benefit of railway customers as well as to the business park as it develops. However, the tapestry proposal is not without its challenges from a roads perspective, particularly with regards to parking, bus drop-off/lay-up and pedestrian safety:

Are supportive of the content of the Transport Statement. In particular, they welcome the specific recognition given to accessibility and sustainability for all users of the facility by actively encouraging all modes of transport, rather than there being too heavy a reliance on the private car. The tapestry building will benefit greatly from the presence of Tweedbank Railway Station immediately to the north of the site, and only a very short walk away. There is also excellent connectivity to the public transport bus route (Tweedbank Drive) which runs alongside the site, with stops located either side of the site. With the opening of the Railway, enhanced bus services are to be put in place throughout the day and particularly at weekends. The site also benefits from several available pedestrian access routes from the village itself, and also from

Melrose to the east and Galashiels to the west. The new roundabout directly opposite the site helps reduce traffic speeds, and has pedestrian islands built in to enhance road safety. Furthermore, a controlled Toucan Crossing for pedestrians and cyclists has been installed in Tweedbank Drive, just 60m to the west of the site which will also assist with crossing Tweedbank Drive safely.

To add to the impressive extent and variety of public access to the site so far, a National Cycle Route (NCR 1) also runs past the site and connects into several other locally promoted cycle routes. The proposed cycle provision of 16 spaces and 2 covered spaces far exceeds the minimum standards of 2 spaces as detailed in the SEStrans Parking Standards policy document used by SBC and is generally compliant with the recommended provision as detailed in the National Roads Development Guide.

As the site will become another popular tourist destination stop for organised coach trips, similar and in addition to those related to Melrose Abbey and Abbotsford House on a daily basis, the RPS does have some reservations that the proposed coach lay-up facilities may not cope with demand. While there are no concerns with bus passengers being dropped off at the tapestry building, they consider the proposed lay-up areas just to the south of the building, and adjacent to the proposed car parking area, to be insufficient in capacity and design terms. In particular, the buses using the bay proposed in the industrial estate road adjacent to the proposed parking would interfere with the operation of the junction serving the car park and would impact on junction visibility splays for drivers emerging from the car park onto the industrial estate road. Recommend these particular issues be investigated further, as it may be that extra land is required near the site to accommodate properly designed bus lay-by facilities, and/or other areas of the industrial estate investigated to see if other more suitable lay-up areas are readably available. They are unable to support this particular aspect of the application in its originally submitted form.

While the RPS supports the principle of the road and footway alterations together with traffic calming features fronting the site, the surface treatments between the disabled bays and the site are somewhat mixed and incoherent, and they need to be rationalised. A detailed engineering drawing showing construction details, materials, drainage, footways and paths together with street lighting proposals is required before being able to fully support this aspect of the proposal. There are suitable alternative routes for HGV traffic through the industrial estate towards Melrose Roundabout and the right design of street adjacent to the tapestry building will discourage the use by HGV traffic while not discouraging traffic associated with the sports complex.

Parking provision is arguably one of the most contentious issues regarding this planning application. It should be noted that the car park is somewhat remote from the site and is obscured by an industrial unit. It is not obvious to get to it, other than by a series of signs and poles which is not ideal. It lies within an industrial estate, surrounded by Industrial units. However, they understand this aspect of the proposal is a work in progress and that the car parking associated with the tapestry building will be adjusted as the development of the business park evolves so that the parking will relate better to the building in the future. Using the SEStran Parking Standards document the maximum/expected car parking provision for such a development is 45 spaces, 3 of which are to be disabled bays. With regards to the proposed location of the disabled bays, they are content they are correctly located in relation to the development site. However, they do not appear to have been designed to any recognisable criteria, and this needs to be addressed. In relation to parking numbers there are currently 24 car parking spaces available for the existing buildings. This

proposal increases the capacity of the car park to 55 spaces, resulting in a shortfall of 11 spaces. These spaces must be provided, or it must be demonstrated that they are not required.

The RPS advised that they would withhold their support until such time that all the issues above had been addressed.

Following the above comments, revised proposals were submitted for the parking incorporating three coach bays and 65 parking spaces. The RPS has welcomed the revised proposals, though has asked for changes to the location of the coach parking, and some relatively minor changes to the parking arrangements (the response to the revisions is considered in more detail in the assessment section of this report).

Archaeology Officer: No known archaeological implications for this proposal. Welcomes the opportunity to highlight heritage through the display of the tapestry. Notes the intention to provide artistic and landscaping elements outside the building, and a degree of interpretation within. This provides an excellent space to highlight the tremendous contribution of the Borders to the heritage of Scotland as a whole. The national historic environment strategy (Our Place in Time) which the Council supports encourages exploring the linkages between the understanding, education and promotion of heritage whenever possible. Would be very happy to help explore this potential further with the applicants if the scheme is approved. Possibilities include displays of art and information both inside and outside the building that tie themes of the tapestry to the Borders' heritage.

Ecology Officer: Is satisfied with the walkover survey. Detailed comments include:

Bats

No bat roosts were found but a small number of trees had potential to support bat roosts. The report recommends climb and inspect surveys of these trees prior to any felling. From the information submitted it appears that these trees are to be retained. The Eildon Mill buildings are considered to have low potential for bats but with the proximity of woodland habitat, a single activity survey is recommended in the report. On the basis these buildings are to be retained, no further survey is required if this is the case.

The report recommends that lighting should be designed to avoid light spill onto adjacent woodland. To address this, a mitigation plan for lighting within and adjacent to the woodland is required. This could include a 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

Badger

A single disused badger sett is recorded in the area to be developed. It will need to be confirmed that this sett is unoccupied before development (which is likely to destroy the sett) can proceed. Recommends that the sett is monitored to confirm whether it is occupied or not and then excluded prior to removal (under licence from SNH if appropriate). It would be preferable to remove this sett to avoid potential delays in development. Recommends that there is further dialogue with SNH to agree an approach to sett exclusion and removal. Mitigation measures are required to protect badgers that are foraging or commuting across the site.

Breeding birds

The site contains habitat that may support breeding birds and a number of bird nests (unidentified) were observed in the crowns of a number of trees. Mitigation will be required to avoid impacts on breeding birds.

Recommends conditions covering a Badger Protection Plan; restriction on tree felling during the breeding bird season; and, a Lighting Mitigation Plan. Opportunities exist to enhance the site through bat and bird boxes on trees or within the design of the building. Also recommends Informatives covering changes to tree felling proposals that may affect bat habitat, and that SNH be contacted if the sett/other setts are found to be occupied.

Economic Development Section: The proposal fits strongly with the aims and objectives of the Scottish borders Economic Strategy 2023, the Borders Railway Blueprint and the Scottish Borders Tourism Strategy. In particular, it fits with the Tourism Strategy by:

- Increasing level of visits to visitor attractions and activity venues (5% increase in visits)
- Increasing level of spend across visitor attractions (5% annual increase over and above entrance fee)
- Increasing overnight expenditure by individual visitors in real terms (10% increase outside the traditional main season, assuming it is open all year round)
- It also fits with the strategic aim to provide visitors with an authentic experience in Nature, Heritage and Activities; Marketing Events and Festivals.

Suggest the venue should capitalise on the excellent provenance of local food and drink and agricultural produce; and ensure it is open all year round to increase visitor demand between October and May

Statutory Consultees

Tweedbank Community Council: After long discussions, the Community Council are fully supportive and are eagerly awaiting its build and housing said Tapestry.

Transport Scotland: Do not advise against the granting of Planning Permission

Non-statutory Consultees

Visit Scotland: No reply

KEY PLANNING ISSUES:

The main planning issue is whether the development would comply with development plan policies governing development within the settlement boundary of Tweedbank and including, in particular, consideration of the potential implications of the development in terms of tree loss, ecological and amenity impacts; land use conflicts; parking and access; and design and layout considerations. Where conflict with development plan policies is identified, it must be established whether other material considerations are overriding.

ASSESSMENT OF APPLICATION:

Principle

Principle 1 of the Consolidated Local Plan 2011 requires, amongst other criteria, that developments such as this protect natural resources, landscapes, habitats and species; are energy efficient; encourage walking, cycling and public transport; minimise light pollution; and provide new jobs and support the local economy. In effect, the policy requires that developments contribute to sustainable economic development. This development would have localised environmental implications, most notably the loss of a substantial number of trees, and would generate traffic. It would also, however, contribute to local economic development, and would include measures to reduce reliance on the private car, most notably by virtue of its location near to the new railway station. The requirements of Principle 1, including matters such as energy efficiency and other impacts, such as on air quality, are embedded in the more detailed policies of the adopted Local Plan and are, therefore, more specifically considered in the matters considered further within this assessment. Provided the environmental implications of this development can be balanced with its environmental attributes and its economic and social benefits, then it can be considered not to conflict with the aims and objectives of the Local Plan contained within Principle 1.

The building itself would be located within the settlement boundary of Tweedbank, on land not subject to the allocation that covers the industrial estate. Policy Inf12 supports the provision of improvements to public services. Policy G7 applies with respect to the site of the tapestry building, and this allows for infill development provided its site-specific implications, such as visual impacts and impacts on road safety, are acceptable. The site would extend into the area allocated within the Local Plan for employment uses (Classes 4-6 of the Use Classes (Scotland) Order 1997). The Local Development Plan 2013 envisages that the estate will become a Class 4-based business park which is subject to an as-yet unpublished planning brief. This proposal would not result in the loss of industrial floorspace in its initial phase. Though, as noted below, it would include demolition of the two buildings as part of a second phase, that is expected to be followed by regeneration of the estate as a whole as part of a future larger scheme. Ultimately, the proposal would not, in the short term, affect employment land floorspace. In the longer term it would do by removing the two industrial buildings, but their replacement would be factored into the wider regeneration of the estate as envisaged by the Local Development Plan.

This application must be considered on its own merits. While other more suitable sites or buildings may well be available, this application cannot be judged on the merits of other sites. The issue is whether the site is suitable in itself, principally having had regard to the site-specific implications of the development. Neither too is the funding of the development, its cost, maintenance burden or any aspect of its financial basis relevant to determination of the application. These are matters for the Council, as developer, outside the planning process. The planning application requires to be considered with respect to its land use planning implications. There is no policy requirement to consider the financial integrity of the development, and nor is this a material planning consideration. However, the fact that it will provide a tourist attraction within the central Borders, taking advantage of its proximity to the railway station and, ultimately, increasing tourism spend within the region, is a material consideration that must be accounted for.

The development would be a tourist attraction principally, and its siting within the village, so close to the railway station, with easy access to it by bus, foot or cycle,

clearly suggests it would be a highly sustainable location as regards non-car modes of transport. Of course, car-based travel will be inevitable and this is explored in more detail further into this report. However, in terms of the principle of this type of development in this location, there is no conflict with Policy G7. The development would provide a destination point linked to the railway station, within an area that can sustainably capitalise on its proximity to the railway station. The attraction need not conflict with facilities in Galashiels or Melrose, but rather be complementary to them given their connection by a range of transport modes. Though it also includes a shop and a café, these are small scale and ancillary to the tapestry attraction, and would not conflict in a material way with town-centre first policies.

Ecology

There are no ecological designations on the site or nearby that would be affected. The application is supported by a walkover ecology survey endorsed by the Council's Ecology Officer.

Bats

There is roost potential in a number of trees, but none are proposed to be felled. There is low potential in the industrial buildings. Though not included for demolition in the original application, their demolition will form part of a second phase. However, given the low potential for bat roosts, it is reasonable to accept the principle of demolition and require a checking survey before the demolition occurs.

The survey recommends minimising light spillage into the woodland. A condition can cover this for the construction period. The development also includes lighting proposals, which have been increased since the original submission. These include lighting columns around the building, and uplighters within the hard standing areas and below trees. The information on these is not sufficient to establish that impact on bat habitat from light spillage will be minimised (particularly the columns sited to the rear) and, therefore, it is recommended that the extent of lighting be reserved for fuller consideration by condition to ensure spillage is minimised into the woodland. In any case, the wider visual implications of the lighting need fuller consideration (see later in this report).

Badger

There is currently one disused sett which would not prove a constraint on the development. It is recommended that it be closed before development (with guidance from Scottish Natural Heritage).

Breeding Birds

Prevention of felling of trees during the nesting season can be a condition of consent, if granted.

Tree loss

A key issue with respect to Policy NE4 with respect to this application is that the site for the tapestry building comprises woodland that frames the industrial estate and acts as a buffer between it and housing to the west. It includes mature trees that pre-date the estate, but fundamentally comprises trees planted as part of it. The survey submitted with the application has been followed by an arboricultural assessment submitted during the processing of the application which states that the trees have

undergone little post-planting management. Many of the younger trees have become very narrow and drawn due to mutual competition for light. Much of the understory has been suppressed by the larger trees. In the eastern section the soil quality is poor and a number of trees have fallen due to limited root-hold. A phased programme of selective thinning would be beneficial. In the western part, the soil quality is generally better and the trees are more secure, though phased thinning would also be beneficial.

The trees on the east side are subject to Tree Preservation Order and a substantial number would need to be removed to allow for the development of the building. The agents state that 123 trees would need removed specifically to allow for the development (with a small number of other trees also removed due to their condition). Selected higher quality trees would be retained to north and south, and woodland to the west of the path would be retained. However, the removals would significantly reduce the extent of the woodland belt. The loss of the trees is an unfortunate result of the development. However, there is scope to plant within the remaining woodland to the extent that it will retain its integrity as a buffer between the estate and the residential neighbours, which was the intended original purpose of the trees and a matter that will be less critical in any case given the vision for the estate as a business park. Also, the development presents the opportunity to achieve a focussed scheme of management for the wooded belt (that part within the application site), and this would remedy existing issues that have emerged as part of the survey of the woodland.

The loss of the trees must be balanced against the merits of the development in terms of its accessibility from the train station in particular; its general economic benefits in terms of tourist spend; and by the opportunity that it presents to achieve more focussed management of the woodland that would remain. The remaining belt (with replacement planting within it as proposed) will still achieve the same objectives as the original belt, retaining a buffer between the estate and housing beyond. The building itself will also benefit visually from the woodland backdrop behind. Ultimately, it is considered that the loss of trees is balanced by these factors and, therefore, the development is not in serious conflict with Policy NE4. This would be subject to protective measures being applied to the trees that are to remain.

Planting within the woodland and around the site is proposed, including screening of the industrial buildings and selected planting around the front of the building. The applicant's agents have been asked to consider different species selection and specifications for part of the new planting scheme in response to issues raised by the Council's Landscape Architect. They have responded with some amendments, but have advised that a management and enhancement plan will be developed, which will also allow for further liaison with the Council's Landscape Architect regarding the final planting proposals. A condition can require a final detailed scheme, and a long term management scheme, all to be agreed. The agents have also amended proposals for planting around the industrial buildings so that, initially, they will be screened by easily removable pre-planted ivy screens, rather than trees.

To the front of the building, the planting, and street furniture, appears somewhat busy and the logic a little unclear as regards positioning. However, the agents advise that the scattered individual trees are designed to challenge the radial pattern of hard surfaces, and to break up the larger sections of space. They consider that these, and other street furniture, will allow direct movement of pedestrians and views of the building. They advise that they have considered the needs of disabled persons when selecting locations for planting and furniture and will continue to do so on behalf of the applicant as the design develops.

Traffic, access and parking

The application is supported by a transport statement. It is highly accessible to the railway, bus route and cycle routes. The proposal includes significant shared surfacing to reduce the attractiveness of this part of the estate road to vehicle drivers. It includes 16 cycle spaces and staff cycle spaces. The original proposal included two coach parking spaces and 59 car parking spaces overall (including existing spaces). However, the Roads Planning Service did not endorse the original scheme with the main concerns being the lack of car parking and coach parking. The location of the car parking would also not be ideal owing to their separation from the site by the existing industrial buildings.

In response, the applicants have submitted a three phase scheme of parking. This would allow the scheme to develop over time, in tandem with the regeneration of the estate. This would accord with the Local Development Plan, and complement a key project of the Borders Railway Blueprint.

The first phase would comprise additional parking and coach bays which (in a revised scheme) amount to three coach spaces on the estate road to the south of the site, and a total of 65 parking spaces. This is a clear improvement on the original proposals and aligns more with the Roads Planning Service's advice regarding parking requirements for the development. This shortfall is only one space lower than the RPS's recommendation and the single space needed can be provided in Phase 2. In any case, the revised proposal also has one more disabled space than recommended standards. At the time of writing, the Roads Planning Service are supportive of this phased arrangement, but they have raised a number of issues with the agents regarding the layout. The changes to the car park that they require are relatively minor, though the applicant has been asked to clarify how the parking may affect the occupied building adjacent to it. Three coach bays are also supported, though their precise positioning needs finalised, and a management scheme for drop-offs/pick-ups is recommended by the RPS. This can be covered by condition. Members will be updated as to the agent's response to these issues.

The second phase would comprise the demolition of the industrial buildings. This second phase, as currently proposed, needs to be improved upon, however, so that the parking can be rationalised as far as possible, so as to achieve a more cohesive arrangement of both coach parking and car parking, with an improved relationship with the tapestry building itself. However, because this would then set the framework for future development of this part of the estate (i.e. replacement buildings would need to be developed alongside it), it is considered reasonable for the final layout of this second phase to be covered by condition, which would include an agreement for a timescale for implementation. The third phase would not form part of this development itself, and would be subject to a further planning application for development of replacement buildings.

The levels across the site are generally flat, so disabled access should be accounted for (subject to a final scheme being agreed by condition). The applicant's agents have advised that they have also accounted for disabled access when selecting locations of street furniture and planting. Disabled access within the building itself is a Building Standards matter. Detailed construction details for all the parking/access arrangements will be required by condition, as sought by the RPS.

Land use conflicts

The application is supported by noise and odour statements which suggest the main noise from the development would be from roof-mounted plant for heating/cooling and ventilation. The main ventilation would be from the kitchen flue extract, all of which would be behind the roof parapet. Given the location of the development (with a woodland belt between it and nearest houses), there appears to be no significant risk of impacts on air quality or amenity as a result of noise or odour. This would be subject to conditions governing these aspects. Noise during construction would be guided by standard guidance and regulated, if required, by separate environmental health powers.

One concern, however, is the potential for conflict between visitors to the attraction and existing businesses within the estate. However, subject to a final scheme for the first phase of parking being agreed (as noted above), this does not raise any road or pedestrian safety concerns and would be a short term concern. A second phase would then remove the conflict completely, and should be designed to facilitate any future replacement of the buildings so the various uses can comfortably co-exist.

Design and layout considerations

The site is locally prominent, which is appropriate given the proposed use, but its development would have no wider landscape implications beyond the immediate local area comprising the estate, roads and railway station. The development would benefit from the backdrop of woodland that would remain behind it. Aside from the industrial estate, it has no strong building context to relate to, and is somewhat detached from the railway station on the other side of the road. To a significant degree, the proposal is justifiably a bespoke, unusual and memorable design both because of the context and because of its purpose. The building would be large and iconic, visible to all entering and leaving the railway station. Its design is specifically tailored to suit its purpose, with the oval shape allowing the radial arrangement of the tapestry on the upper floor, a design approach which extends into the hard surfacing arrangement around the building. The roof design is based on a thistle shape. Functional elements are hidden round to the rear. A zinc roof, concrete panels and aluminium framing would be agreeable visually (subject to care over finishes of the roof particularly). The apparent lack of carbon credentials of the zinc is noted, though it is a common material for modern building designs. The sustainability credentials of the building are, however, a Building Standards matter.

The design of the first floor concrete panelled walls currently comprises a relatively basic design of circles and ceramic discs with added motifs. The agents advise that the design is still being developed, and is partly dependant on funding. It may take the form of the current proposal, or a simplified version of it. Or it may take a more elaborate form with a stronger narrative depicting the tapestry itself. From a planning perspective, the design of the panels is agreeable in principle. Both the purpose and location of the building (subject to redevelopment of the estate), would allow for an original, eye-catching design. While it would be ideal to have the final arrangement confirmed now, it is acknowledged that the design is evolving, and it is accepted that the final arrangement can be the subject of a condition.

The surrounding landscape would comprise a range of hard surface materials, bollards, uplighting and free standing lighting columns, and statues (the design of which has yet to be finalised). The overall arrangement has been simplified since the original submission to an extent, though the level of lighting has been increased. Detailed specifications for the furniture would be needed and the level of lighting

proposed needs considered further. Levels across the sight are relatively flat, though a finalised scheme of levels is needed to support the final plan. Ultimately, the proposal would be designed to open up the immediate frontage of the development as far as is practicable and provide the building with the setting it requires.

A key issue however, with respect to both the building and its arrangement of shared surfaces and street furniture, is the fact that, by being immediately adjacent to the industrial estate buildings, it will rather appear out of context, as it would initially have only a limited setting of its own. The industrial buildings are low, simple and functional. This proposal is clearly designed to attract attention, with a relatively elaborate arrangement of surfaces and street furniture. The separation of the development from the car parking associated with it by the industrial buildings is a shortcoming of the first phase of the scheme

As noted above, however, the applicants propose that the initial phase of development would include retention of the industrial buildings because the buildings are still currently in use. However, a second, future phase would comprise their demolition. Though this is not included in this application, demolition of these buildings does not require planning approval. Because the regeneration of the estate will be subject to a planning brief, it is considered that the principle of this phased arrangement is agreeable. Though the initial phase is unsatisfactory because the building would be seen in the context of the industrial buildings, it is recognised that it would be short term until the applicant is in a position to demolish them. In the interim, the buildings would be screened by new planting.

The original application submission included a second phase which would comprise landscaping in place of the buildings and, during the processing of the application, this been amended to open up the view towards the building more and provide a more appropriate and grander setting for a building of this significance. However, the arrangement still requires further attention, to secure a wider setting for the building. This may best be in the form of a plaza which continues the radial pattern and so maximises the views of the building and allows it to sit more comfortably in the wider, more open context. The arrangement for this, however, will also need to dovetail with proposals for replacing the buildings themselves as part of the forthcoming planning brief for the estate. So too will it need to incorporate permanent parking arrangements to overcome shortcomings of the initial phase of parking (as noted above). A condition is, therefore, recommended to require the submission of a final scheme for the second phase and its implementation within a timescale to be agreed.

Neighbouring amenity

The development would not adversely affect the privacy, daylight, sunlight or outlook available to neighbouring properties. The level of lighting does, however, require more detailed consideration to ensure no unreasonable light spillage.

Planting around the industrial buildings would comprise ivy screens placed on a temporary basis until the buildings are demolished so the effects would short term.

Services

A condition to secure mains water connections would be required. The proposal includes foul drainage to the public sewer and surface water to the sewer via attenuation by cellular storage, filter trench and porous paving. The drainage scheme will need to be updated, however, to suit the revisions to the layout and a condition

would be necessary to secure these. However, the development would appear capable of accommodating a sustainable drainage scheme. Detailed matters such as drainage from the building (and adequacy of storm water calculations) are for the Building Warrant process and SEPA regulations.

Archaeology

The development would have no implications as regards archaeology in itself so, therefore, there is no conflict with Policy BE2. How the tapestry is arranged and protected within the building and whether this is the right location or building for it are immaterial. However, our archaeology officer does note that the building has potential to display other aspects of local heritage and has offered to assist with that. This is something the applicants can be advised of by an Informative note.

Energy efficiency and future adaptability

The energy credentials of the building are a policy consideration but, ultimately one governed by the Building Standards. The applicant's agents have advised that they have reduced reliance on fossil fuels through good design, including natural ventilation and daylighting. They will have low energy engineering equipment and an air-to-water heat pump to provide space heating. Overall, they expect the development to exceed current standards by over 16% (in terms of CO₂ emission reductions). They will also facilitate a potential connection to any future district heating system that may developed for the industrial estate by providing ducts within the building. These matters are, however, for the Building Standards process.

The agents have also responded to criticism that the building will not be capable of being adapted to alternative uses in the future. They advise that the building could be used as an alternative gallery exhibition space or community centre. It could be used a conference centre, and offices could be developed too, with the first floor concrete panels being removed to provide light. This seems feasible, though care will be required on the effect of removal of panels on the overall design integrity of the cladding. This will be more difficult should a more complicated design be developed.

Conclusion

The development will accord with the Consolidated Local Plan 2011 and planning policy guidance with respect to its environmental and land use implications in the proposed location. The impact of the loss of protected trees would be balanced by the value of the trees that would remain, additional infill planting and a management scheme for the woodland, which will prolong its longevity. A number of conditions would be necessary to control detailed aspects of the development. Key issues that remain are, however, that the development may appear visually uncomfortable in the current context and that the proposed parking arrangements are not ideal. However, subject to submission of a final revised plan which includes increased parking and coach parking provision, and screening of the industrial buildings, the proposal will have an acceptable visual impact and parking arrangement in the short term.

For the longer term, however, a second phase of development, comprising the demolition of the adjacent industrial buildings, would be appropriate to enable the building to visually relate most comfortably to its surroundings. The second phase will also allow for improvements to the initial arrangement of parking and would tally with ambitions for the industrial estate as a whole. This development, therefore, has the potential to act as a significant catalyst for the regeneration of the wider estate. To

consider its impacts only with respect to the current context would be to ignore the wider potential for the estate as a whole. The arrangement of Phase 2 will have to be designed to allow for a better parking arrangement and land for replacement buildings in a manner which complements any future planning brief/guidance adopted for the estate. These matters are addressed within the schedule of conditions.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

Subject to the submission of revised plans covering outstanding issues relating to car and coach parking, I recommend the application be approved subject to the following conditions and informative notes:

1. No development shall commence until a revised soft landscaping scheme (detailing the location and schedule of all proposed planting, implementation timetable and after care arrangements) has been submitted to and approved by the Planning Authority, and which includes a management scheme for the long-term management of the trees and woodland within the application site. The landscaping and long term management of new planting/woodland shall be implemented in accordance with the approved scheme
Reason: The current landscaping proposals require further revisions to ensure the most appropriate landscape setting for the development; and to offset loss of trees required to be removed to allow for the development; and a longer term management scheme is required to maintain the integrity of new and existing planting and woodland
2. No development shall commence until a revised scheme for Phase 2 which identifies the demolition of the two industrial buildings to the west and north of the car park; incorporates a revised arrangement of hard and soft landscaping, car and coach parking; and specifies a timescale for its implementation, has been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the scheme so approved
Reason: To achieve an appropriate longer term setting for the tapestry building and to achieve a cohesive long term arrangement of parking and pedestrian access which complements both the building and regeneration proposals for the wider estate
3. No development shall commence until the following details are submitted to and approved by the Planning Authority:
 - a) Further information on external works including benches, retaining walls, statues and cycle stands, sufficient to fully establish their visual appearance;
 - b) Further information on all external lighting (notwithstanding the number, specification and locations identified on the approved plans), including a lighting mitigation plan for both the construction lighting and permanent lighting;
 - c) Construction details and dimensioned plans for all parking, road and access arrangements;

- d) A detailed scheme of surface water drainage based on the final approved surfacing and parking arrangements
- e) A scheme of finished floor and ground levels to a fixed off-site datum, and illustrating existing levels (notwithstanding level details identified on the approved plans)
- f) A scheme of bat and bird boxes within the building or trees within the application site

Thereafter no development shall take place except in strict accordance with the details so approved.

Reason: Further information is required to more fully establish the visual impact of external works including street furniture and lighting; to minimise light spillage, including on light sensitive biodiversity (particularly bats); to ensure the final scheme incorporates a sustainable urban drainage scheme; to ensure that detailed levels and construction arrangements are appropriate in terms of road and pedestrian safety; and to compensate for potential loss of bat and bird habitat

- 4. No development shall commence until evidence is provided to the Planning Authority on behalf of Scottish Water that mains water, foul and surface water drainage connections have been approved. The development shall operate only with the approved servicing arrangements in place

Reason: To ensure the development can be adequately serviced

- 5. No development shall commence until a management scheme for coach/bus parking/drop-offs/pick-ups has been submitted to and approved by the Planning Authority. The development shall operate only in accordance with the approved management scheme

Reason: To minimise the potential impact of coach manoeuvres on road and pedestrian safety as far as is reasonably practicable

- 6. No development shall commence until the following have been submitted to and approved by the Planning Authority:

- a) Samples of all external building and hard surfacing materials
- b) A final detailed scheme for the design of the concrete panelling on the first floor of the building

The development shall be carried out using the approved samples and in accordance with the approved design for the concrete panelling

Reason: Further information is required on the external materials and design treatment of the building to fully establish their visual appearance

- 7. No development shall commence until a Badger Protection Plan has been submitted to and approved by the Planning Authority. The development shall be implemented in accordance with the approved plan

Reason: To minimise potential risk to badger habitat and foraging/commuting badgers

- 8. The development shall not become operational until all approved parking, access and servicing arrangements, and all cycle stands/storage have been implemented in accordance with the approved plans and drawings, and in accordance with details approved under relevant conditions in this schedule.

Reason: To ensure the development is adequately serviced in the interests of road and pedestrian safety

9. Only those trees identified for removal on the approved Tree Felling plan shall be so removed. Remaining trees shall not be lopped, felled or otherwise disturbed without approval in writing by the Planning Authority (which shall include submission of a rechecking survey for bats should these include trees identified within the ecology walkover survey as having roost potential). The development shall be carried out only in accordance with the protection measures specified on the approved Tree Constraints plan

Reason: To ensure only trees identified for removal are so removed and ensure protection of trees that are to remain, in addition to potential bat habitat

10. No tree felling or habitat clearance works shall commence during the breeding bird season (March-August) without the written approval of the Planning Authority. A supplementary breeding bird survey and subsequent mitigation may be required if works are to commence during the breeding season.

Reason: To minimise risk of impacts on breeding birds

11. Any noise from plant/machinery on or within the building shall not exceed Noise Rating Curve NR20 between the hours of 2300-0700 and NR30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise shall not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2. All external plant and machinery on the exterior of the building shall be located behind the parapet and no higher than the parapet unless otherwise agreed in writing with the Planning Authority

Reason: To minimise potential noise disturbance and visual impacts associated with plant and machinery within/on the building

Informatives

1. With respect to the Badger Protection Plan, the unused sett should be subject to further monitoring to establish use, licencing requirements and subsequent exclusion of sett as appropriate. It would be preferable to remove this sett to avoid potential delays in development. It is recommended that there is further dialogue with SNH to agree an approach to sett exclusion and removal. If the sett or other setts are found to be in use, a badger development licence will be required from SNH. Measures should also be included to protect badgers 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 and timing of works). Supplementary survey for badger should be included prior to commencement of works.
2. The Council's Environmental Health Service should be contacted with respect to food registration requirements for the café and to ensure ventilation/extraction complies with guidance with respect to odour control

3. Demolition of the buildings within Phase 2 should be subject to a checking survey for bats. Best practice for this, and checking surveys for trees, should be applied - Bat Survey Good Practice Guidelines. 2nd Ed (Hundt, L 2012). Bat Conservation Trust
4. External signage is outwith the scope of this application. External signage may be require Advertisement Consent depending on the location, size and specification of the signage
5. The Council's Archaeology Officer would welcome discussions on how to maximise local heritage interpretation within the building

DRAWING NUMBERS

Final schedule to be confirmed

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

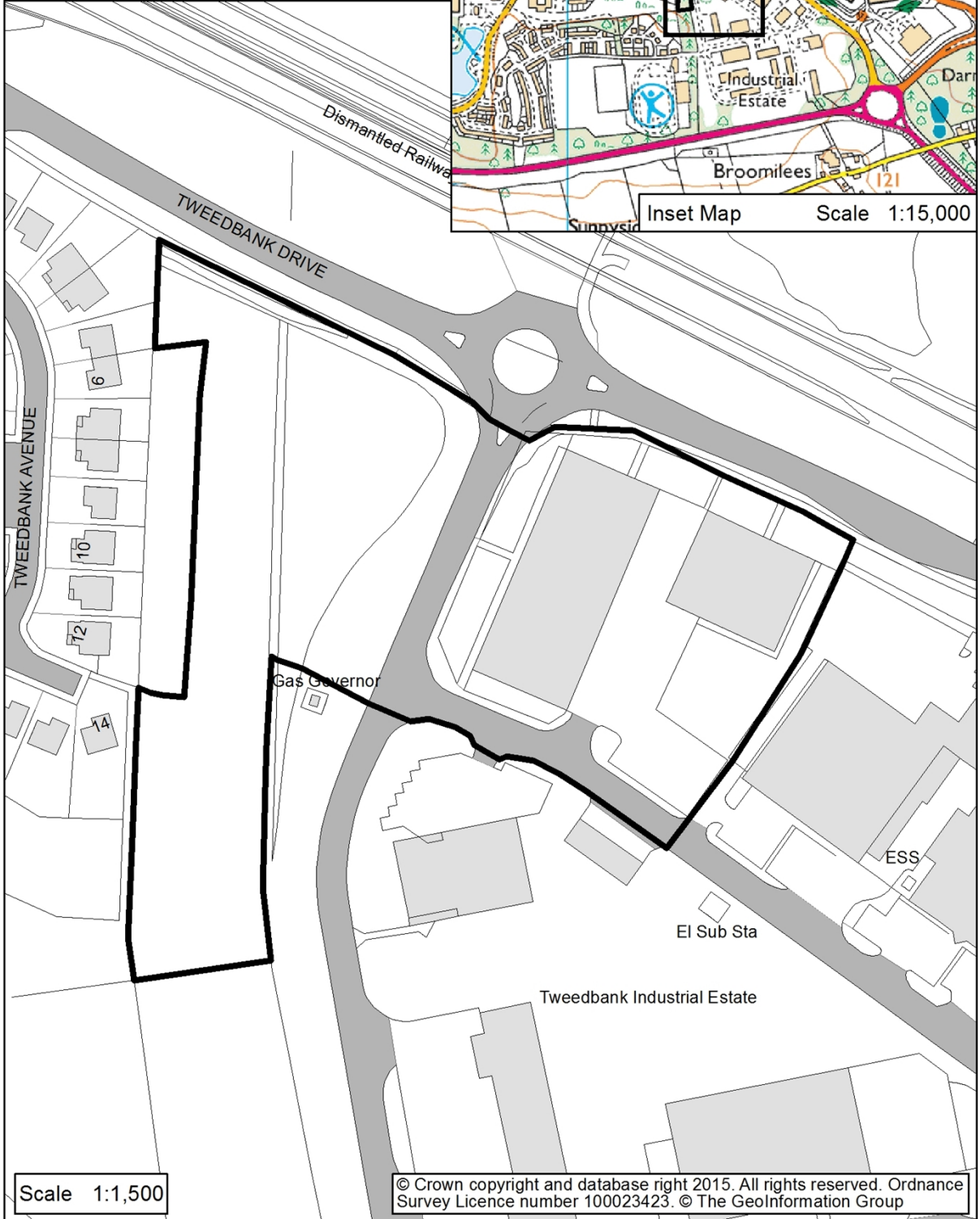
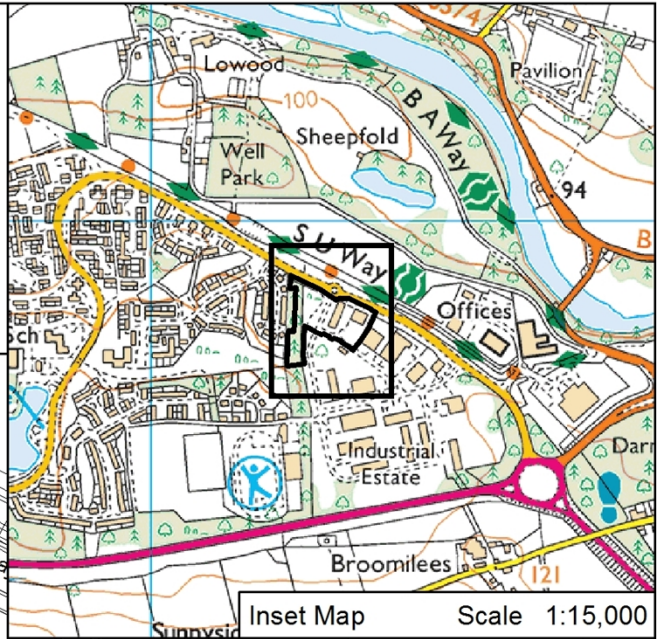
The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Carlos Clarke	Lead Planning Officer



15/00806/FUL
Land West Of Unit B
Tweedbank Industrial Estate
Tweedbank



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 OCTOBER 2015

APPLICATION FOR PLANNING PERMISSION

ITEM: 15/00792/FUL
OFFICER: Lucy Hoad
WARD: Berwickshire
PROPOSAL: Installation of 125 KW anaerobic digester plant and associated work
SITE: Land North East Of Ravelaw Farmhouse Whitsome Scottish Borders
APPLICANT: Ivor Gaston
AGENT: Bain Swan Architects

SITE DESCRIPTION

The site is located to the north west of Whitsome along a minor C class road which links between the B6437 and the B6460. The proposal lies to the east of Ravelaw Farm, 350m to the east of the farm buildings, farm cottages and private residential housing. Open fields surround the site, which lies adjacent to a small watercourse The Leet, tributary to River Tweed (SAC). An archaeological trace of a medieval feature known as Reavelaw Farmstead lies 20m to the north of the site.

PROPOSED DEVELOPMENT

The proposal is for an anaerobic digestion plant and associated works to generate electricity and inert fertiliser from manure. The plant would be sited within a low area of agricultural land to the east of the steading.

The plant comprises of a digester set underground (36.3m by 6.3m) with solids feeder, separator and tower, and an underground liquid digestate store (45.9m by 9.3m), The digester tank would be constructed of concrete (outer membrane cover coloured green) and the store would be constructed of concrete panels with panel 'roof'.

The proposal also includes a feedstock bunker (18 x15 x 6m), a 124kWe combined heat and power unit (CHP) sited within a 6 x 6m farm building with lean to roof at ridge 6m, (box profile cladding Juniper Green), and a gas holder 8.0m diameter x 4.0m height (concrete base, outer membrane Green RAL 6026),

The anaerobic digester would use agricultural waste to produce electricity and heat energy. All feedstock would come from the farm, comprising farm yard manure (FYM) pig slurry and bedding/straw. The inert end product is then spread on the land as fertiliser. Gas from the digester tanks is fed to the CHP container. Electricity produced by the CHP unit will be exported to the grid; given the distance from the site to the farm steading no heat will be used within the farm buildings.

PLANNING HISTORY

There is a history of development at Ravelaw Farm to include the erection of modern sheds and new build dwelling houses having been granted consent previously.

01/00991/FUL	Erection of general purpose agricultural building	21.08.2001
05/00833/OUT	Erection of dwellinghouse Plot 1	21.07.2005
05/00834/OUT	Erection of dwellinghouse Plot 2	21.07.2005
05/00835/OUT	Erection of dwellinghouse Plot 3	21.07.2005
05/00836/OUT	Erection of dwellinghouse Plot 4	21.07.2005
06/01148/REM	Erection of dwellinghouse, carport, workshop	11.08.2006
06/02455/REM	Erection of dwellinghouse	08.02.2007
07/01184/REM	Erection of dwellinghouse with integral garage	08.08.2007
09/00893/FUL	Erection of dwellinghouse/detached double garage	20.11.2009
11/00453/FUL	Erection of replacement agricultural building	06.06.2011
12/00549/FUL	Erection of agricultural building	14.06.2012

Other applications

06/01979/OUT	Erection of four dwellinghouses Refused	27.02.2007
07/00251/REM	Erection dwellinghouse/ integral garage withdrawn	14.06.2007
14/00296/FUL	Installation of anaerobic digestion sustainable energy plant Withdrawn	03.07.2014
14/00763/FUL	Installation of AD Sustainable Energy Plant Refused	08.12.2014
PPA-140-2051	Appeal dismissed by Reporter	22 April 2015

REPRESENTATION SUMMARY

Members are reminded that all comments are available for Members to view in full on the Public Access website.

A letter of support has been received from the National Farming Union, main points:

This development compliments the Scottish Government's promotion of the increased use of renewable energy sources.

Reduction of carbon emissions/greenhouse gas emissions.

Benefit in respect of climate change issue.

Diversification/ income generating stream.

Project will help sustain a local family farm business.

Part of wider rural development.

Contributes to healthy growing rural community.

Employment opportunities.

Positive for business.

The local community have expressed concerns over the proposed development. Representations (objections and some supportive remarks) have been received from 8 Households. The following issues have been raised:

Siting Design and visual impact

This is farm scale AD plant

Screening embankment and native planting welcome

The proposal would be visible from a wide range of local viewpoints.

An industrial unit in an open field out of keeping with the surrounding countryside.

Adverse visual impact.

The proposal would sit isolated and remote from existing farm buildings.

Development on greenfield/ prime agricultural land.
Piggery buildings should be moved closer to the proposed AD
Not an extension of any existing buildings or development.
May give rise to future development on green field site.
New development within 400 metres on non-associated dwellings.
Positive elements- distance from residential receptors and no use arable land for growing fuel crops.

Economic

No benefit to the wider community.
Unable to sell properties (not a planning matter).
Impact on local economy, tourism and leisure.

Access and traffic to site

Increase in traffic on public road
Single track road with dangerous bends

Amenity

Ravelaw is a private residential area and not just a farm
Noise and odour nuisance
Existing complaints to include mucking out and bedding
Contrary to local planning policies G1 and H2 INF7
Loss of residential amenity
Movement and storage of manure increasing
Quality of the odour management plan
Good that manure will be loaded on to trailer at entrance and not be stored outside livestock sheds.
Mucking out/bedding increasing
Most manure is stockpiled around the fields before being ploughed in.
No details of through-put tonnage for the AD plant.
Applicant states that 3,588 tonnes per year will be required.
Potential to add generating capacity in the future.
Environmental Health have no means of monitoring or measuring odour.
Refrain from mucking out when the wind is in the north
All pig manure now being transported close to houses to one stockpile
New development within 400 metres on non-associated dwellings.
Protection against odour nuisance during transportation
Residents sited downwind of Piggery operations in Northerly wind.
Proximity to dwellings - farm track (15 metres) pig shed (19 metres)
Positive elements- distance from residential receptors,
No use arable land for growing fuel crops.
Noise from bedding machinery.
Noise from vehicular movements.
Lack of baseline level of nuisance especially noise.
Timing of operation of farm machinery.
Noise of construction traffic

Watercourse and ecology

Contamination of Leet water
Impact on biodiversity to include otters and other wildlife.
Provision of a 10-metre buffer zone from Leet water. (River Tweed SAC)
Contamination of watercourse from construction
Disturbance to animals in their natural habitat.
Stability of tank in high water table

Process

Request for extension to make further comments.

Request for analysis details by EHO.

Conditions sought in respect of:

Removal, loading and transportation of FYM – suspend in northerly wind.

Plant operated in accordance with the environmental statement and odour management plan.

Noise limit conditions sought on associated machinery and vehicular movements.

Maximum annual tonnage that can be used at Ravelaw.

Conditions should be clear, specific and enforceable

History of lack of planning control through enforceable conditions.

Lack of clarity on conditions that may be proposed.

APPLICANTS' SUPPORTING INFORMATION

The application is accompanied by site location and layout plans, elevations and drawings, statements to include an environmental statement, odour management plan and manufacturer's report. These are available for Members to view in full on the Public Access System.

The main points covered include:

Business Case

The applicants seek to reduce both their energy costs and carbon footprint by reducing their present imported energy costs and a reduction /elimination in the use of artificial fertilizers. The installation of a small-scale Anaerobic Digester will provide a sustainable waste to energy development. The AD process will operate on a continual 24hr/day, 365 days/year basis. There will be employment opportunities in the construction phase and maintenance/running of the plant.

Siting, scale and design

- The proposed AD plant is a small-scale modular unit
- The site at low point has been selected to minimize/eliminate any audible and visual impact from neighbouring receptors
- Sited to minimize the visual impact particularly from the adjacent housing group and Whitsome village
- Surplus soil from excavation works to be used to form a contoured embankment to the west of the complex to fully screen the complex from the west
- The embankment is to be planted with native plants
- Planting to southern edge of burn to be retained/increased

All feed materials are sourced on the farm

- Farm Yard Manure (FYM) to be sourced from the existing livestock buildings
- The weekly tonnage approximately 69 T will be transported/fed to the AD
- The proposal will not require any increase in livestock numbers at Ravelaw (currently 1800-2000 pigs).
- No supplementary crops are grown as feedstock
- The AD plant will be inspected and fed once/day using a front loader vehicle

- No mucking out of FYM when there is Northerly wind

Traffic movement and supply

- The Farm Yard Manure is sourced directly from the livestock buildings
- No feedstock is transported by public road.
- No transportation of FYM when there is Northerly wind
- FYM would be transported along the existing track to the AD plant
- 10T FYM to be transported on a daily basis (one journey)
- Flexible to amend trips to weekly basis (5 trips)
- The concrete bunker has storage capacity of 2-3 weeks

Water supply and discharge

- Water for the AD is required to maintain the operating temperature range of 37-42degC by circulation of hot water through an internal heat exchanger, this water is re-circulated.
- The water supply will be sourced from a borehole on the farm with a maximum daily requirement of 10m³ maximum.
- There is no discharge of water from the AD
- Any surplus water is re-circulated through the Digester

Safety

- The construction process of the plant ensures that the installation is fully watertight
- The commissioning process is air tested to ensure no leaks with a commissioning certificate being issued only when no leakage is detected.
- The operation of the AD plant is fully automated via control systems located within the CHP building
- Full training is provided relating to the operation of the plant
- On-going service provided throughout its working life
- With most systems, in the event of a situation where the gas generated cannot be provided to the CHP there is a requirement to “flare off” the gas.
- With the Evergreen Gas system there is no flame “flare off”.
- As an alternative this is managed by the presence of a biogas hot water boiler which is specified to take up to 100% of the delivered biogas.
- This biogas is the fuel for the boiler to generate hot water which is circulated through a fan cooled radiator system thus providing the “heat dump” until the CHP is brought back on-line.

Odour

- Odour Management Scheme will be in place designed to minimise potential odours and deal with complaints.

Noise

- The Combined Heat & Power (CHP) is a 124kWe TED0M Cento (decibel reading of 70dB(A) at 1.0m from sound enclosure).
- Noise levels will be monitored as part of the system management documentation.

Construction works

- Works will be carried out in accordance with the HSE Construction (Design and Management) Regulations 2015.
- Traffic movement during construction would be daily
- Traffic delivery of parts 1.5 lorries average per week for 10 – 12 weeks.
- Preferred route of construction traffic is the minor access road from the North from its junction with the B6460 road near Blackadder West.
- This route relatively straight and includes 4No passing places

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Landscape Architect: No objection. The proposed site by the Leet Water is acceptable in landscape terms. The unit, although industrial in appearance, is quite small scale in the wider landscape and is also distant from sensitive receptors. The proposed boundary planting and colour treatment should more than suffice to address any visual impacts.

Environmental Health: No objection subject to conditions in respect of odour, noise control, plant maintenance, and time restriction of use of the hopper and movement of manure.

Odour: The information provided on how the anaerobic digester operates and the chemical reactions should mean that no odour is produced. The proposal includes the storage of farm yard manure near the anaerobic digester – FYM was being stored at this location on the day of the site visit and no odour was noted at the site or receptors from the muck heap. The submitted Odour Management Plan (August 2015) identifies the activities of potential risk for odour and how this will be managed. Should the plant be managed in this way there should be no odour issue at the nearest receptors from the anaerobic digester. A condition is advised to ensure the plant is operated in accordance with the Odour Management Plan unless otherwise agreed in writing with the Planning Authority.

Farm operations: The use of the hopper and movement of farm yard manure to the anaerobic digester shall only occur between the hours of 0900 and 1800 Monday to Sunday. Regarding mucking out in a northerly wind whilst this is omitted from the odour management plan may not be a matter to be controlled given this is also an existing practice at the farm. Vehicle movements will involve use of an established farm track to and from the plant. As this track is already in use and is part of a working farm with existing traffic movements it is not considered there will be additional amenity issues from its use as part of this proposal

Noise: The CHP generator will produce a noise level of 70dB(A) at 1 meter from the enclosure (to include use of silencer). Given the distance to noise sensitive dwellings and background noise to include masking effect of vegetation it is unlikely that the noise from the CHP would be heard at the receptors. A condition is advised to control noise levels to below Noise Rating Curve NR20 (2300-0700 hours) and NR30 at all other times (measured from nearest noise sensitive dwelling). The EHO has undertaken a basic desktop noise assessment and hemispherical point source calculation to inform her assessment details of which are available to view on the public portal. The operation of the hopper would provide a source of noise. The

hopper is to be used once a day. The noise is not inconsistent with daily farm operations. A condition is advised to restrict the timing of use of the hopper (0900-1800 hours Monday to Sunday).

A condition is advised that all plant must be rigorously maintained in accordance with the manufacturers' instructions.

Contaminated Land: No comment

Archaeologist: No objection. There are no known archaeological implications. The post medieval farmstead Reavelaw, 20m north of the proposal should be avoided by construction traffic.

Roads Planning: No objection. Main points raised:

Construction phase will increase traffic movements significantly on the single track public road for a limited period of time only

No need for input of materials outwith the farm

With use of internal farm tracks it is unlikely there will be any significant increase in traffic on public roads

Should any vehicle movements require to use the public road the C99 benefits from having a number of constructed passing places between the B6460 (Blackadder West) and B6437 (Whitsome). There are a number of informal passing places such as field entrances.

Ecologist: No objection subject to conditions and informatives in respect of protected species.

The development site is located on arable land adjacent to the Leet Water. A Construction Environmental Management Plan (adopting SEPA Pollution Prevention Guidelines PPG1 PPG5 and PPG6) should be submitted for prior approval. This could include a survey for otter presence. A Landscape and Habitat Plan, including measures for small woodland and hedgerow creation to benefit biodiversity and water quality, should be submitted for prior approval. Works to be carried out in accordance with the approved schemes. No site clearance or disturbance of habitats shall be carried out during the bird breeding season (March – August) without express written permission. Checking surveys and mitigation required if habitat clearance commences during the season.

Flood Risk Officer: No objections to the proposal on the grounds of flood risk. Informative advised in respect of use of water resilient materials and construction methods as appropriate. Indicative maps (SEPA) indicate that the site may be at risk from a flood event with a return period of 1 in 200 years. That is a 0.5% annual risk of a flood occurring in any one year. Only a small area in the South West of the site is anticipated to be inundated with flood waters during a 1 in 200 year flood. Significantly, no buildings are shown to be placed within this flood plain in the layout plan. There is a minimal risk to the buildings. It is estimated that no flood plan storage is to be taken up.

Statutory Consultees

SEPA: No objection to the development subject to condition (Construction Method Statement) and informatives in respect of regulatory advice

Flood risk

No objections on flood risk grounds.

Regulation

The plant will be regulated by SEPA under a Waste Management Licensing Regulation exemption. The activity is subject to statutory controls to prevent environmental pollution (including odour and noise) and harm to human health.

Layout

Provided there is a 10m buffer between the facility structure containing the effluent and the Leet Water the layout is acceptable

Site drainage and pollution prevention

Potentially contaminated surface water and effluent will be contained within the AD plant compound and discharges to the AD plant for treatment. There should be no direct or indirect discharge into the Leet water or ground water.

Clean roof water can discharges outwith the AD compound to ground or the Leet as appropriate in accordance with SUDs principles.

Particular care must be taken when constructing the facility due to its proximity to the Leet Water. A Construction Method Statement to be agreed with the authority (in consultation with SEPA). The CMs should include detail of how run off and pollution of oils will be controlled and the measures that will be employed to prevent discharge of concrete to the Leet Water.

Community Council: Supportive in principle, points raised:

Any conditions applied must be clear and enforceable

Conditions must reflect the methodology and safeguards outlined in the Environmental Statement and replies of the statutory consultees.

The location and scale of the proposed development, and the plans to mitigate the visual impact and other potential impacts are welcomed.

The lack of a need for crops to be used as feedstock is welcomed.

Construction traffic should utilise the road running north of Ravelaw to the B6460 to avoid passing properties to the south and dangerous bends. The CC wish to be included in any future consultations with regard to this matter.

As feedstocks to be used equates to what is currently being produced by existing livestock there should be no increase in numbers to supply AD

SEPA to provide advice on any risk to Leet Water/ground water in respect of siting and design and advise appropriate conditions

Further details sought with regard to:

Connection of output of CHP to farm via buried cable

Relationship of development to village of Whitsome/properties on lane south of Whitsome

Mucking out in wind directions should be clarified/controlled as part of the odour management statement

Other Consultees

None

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

G1: Quality Standards for New Development

H2: Protection of Residential Amenity
Inf7: Waste Management Facilities
D1: Business, Tourism and leisure Development in the Countryside
D4: Renewable Energy Development

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy 2014
Supplementary Planning Guidance: Renewable Energy June 2007

KEY PLANNING ISSUES:

- Whether the proposal would harm the environment, visual amenities of the area or residential amenities of occupiers of nearby residential properties.
- Whether the proposal would affect water supplies to neighbouring properties.
- Access and the impact of the proposal on the local road network

ASSESSMENT OF APPLICATION:

Background

Members will recall considering an earlier planning application for an anaerobic digester on a site immediately to the north of the farm complex at Ravelaw, which was refused for the following reason:

Having regard to the 250m appropriate separating distance between the proposed anaerobic digester and any sensitive receptors recommended by Scottish Planning Policy, the proposed development would give rise to unacceptable impacts on the living conditions of neighbouring residents, by particular reason of odour, contrary to Policies G1 and H2 of the Scottish Borders Local Plan.

The subsequent appeal was dismissed by the Reporter, whose concluding paragraphs set out the reasons for her decision, were as follows:

21. The lack of specific information on likely odour and noise impacts at Ravelaw Farm and how they would be perceived at the houses, as I have described above, means that it is not possible for me to assess with any certainty what the impact on the residents to the south would be. I cannot tell whether this impact would be significantly worse than the existing situation or whether there would be no significant difference.

22. As I have explained above, SPP guidance is that there should be a 250 metre buffer between sensitive receptors and anaerobic digestion operations. In this case there are only 68 metres between the edge of the proposed development and the nearest house. Even the distance to the anaerobic digesters themselves is only 115 metres. Where the distance would be so much less than the guideline figure, it is particularly important for sufficient information to be submitted to justify a possible exception. The lack of such information in this case is, therefore, a serious deficiency.

23. As it is not possible to judge whether there would be an adverse impact on residential amenity, I cannot say whether the proposed development would comply with local plan policy H2. With regard to local plan policy G1 – Quality standards for new development, it is also not possible for me to conclude that the proposed development would be compatible with neighbouring uses. I reach a similar conclusion in relation to policy D1 – Business, tourism and leisure development in the countryside, as I cannot assess whether the proposed development would respect the amenity and character of the surrounding area. Policy D4 – Renewable energy development states that waste to energy schemes involving farm waste will be assessed against policy Inf7. However, as I have concluded that it has not been satisfactorily demonstrated that potential noise and odour impacts would be within acceptable levels, I consider that the proposed development would not comply with local plan policy Inf7. I consider that this policy conflict is sufficient for me to conclude overall that the proposed development does not comply with the development plan.

The full decision is available on the Public Access website in relation to the original planning application.

The primary concerns were derived from the location of the proposed digester within the 250m of the nearest houses; in essence, she considered there to have been insufficient evidence to accurately assess the effects of the development on these houses that would justify an exception to the 250m guidance set out in Scottish Planning Policy.

The current application seeks permission in a location away from the farm complex, some 350m away from the nearest houses.

Planning Policy

Policy D4 of the Scottish Borders Consolidated Local Plan Adopted 2011 states that the Council will support large and community scale renewable energy development where it can be accommodated without unacceptable impacts on the environment. The siting and design of all renewable energy developments should take account of the social, economic and environmental context. Renewable energy developments will be approved provided that there are no unacceptable adverse impacts on the natural heritage, water environment, landscape, biodiversity, built environment, archaeology, recreation or tourism or that any adverse impacts can be satisfactorily mitigated. Waste to energy schemes involving farm waste will be assessed against Policy Inf7: waste management facilities. This policy states that applications for waste management facilities including waste to energy schemes will be assessed against the principle of the development in terms of its location and the details of the application. In principle, the Council will support proposals for sustainable waste management facilities provided that certain criteria are met.

Policy D1 of the Local Plan states that business development in the countryside will be approved and rural diversification initiatives will be encouraged provided certain criteria are met; these will be addressed within this report.

Policy D1 requires that the development must respect the amenity and character of the surrounding area. The development should be appropriate to the rural character of the area and require a particular rural location and cannot be reasonably accommodated within the development boundary of a settlement. Policy G1 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. Policy Inf7 requires that the impact of the proposal on the environment, biodiversity, the landscape and archaeology are considered, minimised and managed.

The Council's Supplementary Planning Guidance: Renewable Energy June 2007 states that combined heat and power systems are not strictly speaking a form of renewable energy as they generally run on gas or diesel fuel. However, where the fuel source is renewable such as wood chip, then it is considered to be a form of renewable energy. The main advantage of a CHP system is that it is a more efficient way to generate heat and power. The cost-effectiveness of CHP schemes comes from the reuse of heat generated in the production of electricity.

Siting, Design and Visual Impact

Concerns have been raised by the community in relation to the nature and scale of the proposed development to include concerns over visual impact, landscape impact and the remote distance of the plant from the existing farm complex.

Given the nature of the development, the source of the feedstock and the overall purpose of the plant to be installed, it is reasonable that the proposal requires a rural location. Whilst the development is not immediately related to the existing farm buildings at the steading, being sited in the adjacent fields, the plant is situated within a natural dip in the landscape at a distance (350m approximately) from sensitive receptors, serviced by an existing farm track. The reasons for that relative isolation from the farm itself are a direct attempt to overcome the reasons for refusal of the earlier application and the subsequent appeal.

Consideration has been given to scale, mass and form, as well as design, materials and finishes. The buildings and plant to be installed would be of a size appropriate to agricultural uses. The CHP building is of a similar scale and height to the existing agricultural buildings. The buildings would be coloured green to ensure that their appearance would blend in with the rural environment.

Whilst there is separation in terms of distance from the steading, the site allows for an opportunity to reduce the vertical emphasis of the development with the plant being situated at a lower level in the landscape than the farm buildings. The proposal includes the partial underground installation of the digester plant which will also reduce visual impact.

Consideration has been given to topography and natural screening and landscaping capabilities. In long views into the site (1km) the farm is visible at a distance from properties to the north and north east, and from Whitsome Village and dwellings to the south (1km).

With the formation of an embankment and native planting to the west of the site and additional planting on the river bank, there will be limited visibility from surrounding roads or residential properties.

The Landscape Architect has been consulted on the application and has raised no objections to the proposals subject to a condition in respect of proposed landscape planting. The Officer is content that the proposed buildings are well screened and distant from potential sensitive residential receptors.

It is considered that the proposal would not be unduly prominent in the landscape and would not harm the visual amenities of the area or views into or out of the area. The character and appearance of the plant is similar to agricultural buildings evident in the local rural environment. A condition in respect of external finishes is recommended to ensure a high quality of design.

Flood risk

Policy G4 requires that development be sited in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. Concerns have been raised by the community in respect of the proximity of the site to the Leet Water, a small tributary to the River Tweed SAC. SEPA and the Council's Flood Officer have reviewed the siting and design of the plant and do not object to the proposal on flood risk grounds. SEPA's indicative mapping indicates that a small portion of the site may be at risk of flooding (South West of the site) during a 1 in 200 year flood. It is significant that no buildings are shown to be placed within this flood plain in the layout plan. The Flood Officer advises that that no flood plain storage is to be taken up and that there is minimal risk to the buildings. The proposal would comply with the requirements of policy G4 in that the siting of the plant is unlikely to increase the probability of flooding elsewhere, and the positioning of the buildings lies outwith the flood plain.

Protection of the Watercourse and Biodiversity

Policy NE3 advises that development should be sited and designed to minimise adverse impacts on biodiversity of the site including its environmental quality and, ecological status and viability. Policy NE5 seeks to protect the quality of the water resource and ensure that development does not adversely affect the complex components that comprise the water environment or degrade ecological or landscape status.

The development site is located on arable land adjacent to the Leet Water, a small tributary to the River Tweed (SAC). The community have raised concerns with regard to the proximity of the plant to the watercourse and potential impact on the water course from pollution, and the impact on biodiversity in the area, to include otter that frequent the river.

Site drainage and the construction phase of the plant are identified as key aspects of the development in terms of proximity to The Leet.

The Environmental Statement advises that the proposed development includes all associated new concrete aprons and hardstandings required by the development along with collection and storage of silage effluent and surface run-off with the contents of underground storage facilities being used as Feedstock for the Anaerobic Digester. The underground tank is designed to provide a minimum of six months storage. The tank will be fully sealed to prevent any ingress or egress of water/liquid.

Potentially contaminated surface water and effluent will be contained within the AD plant compound and will be discharged the AD Plant for treatment. Thus there should be no direct or indirect discharge to the Leet Water or ground water. The ES advises that clean roof water is to be discharged to soakaway adjacent to the building. SEPA has advised that the discharge to soakaway is acceptable outwith the plant to ground and/or the Leet, subject to Sustainable Urban Drainage (SUDs) principles. It is advised that details of SUDs be secured by condition.

At the pre-application stage, SEPA advised that the plant should be sited at a minimum of 10m away from the Leet watercourse. The submitted plans indicate that that, with the exception of the gas holder, all other elements of the plant are in excess of 10m from the watercourse. The agent advises that to reposition the site further north may impact on the medieval feature Reavelaw farmstead, through re-alignment of the existing track. SEPA in their subsequent response to the application have advised that, provided there is a 10m buffer between the facility structure containing the effluent and the Leet Water, the submitted layout is acceptable.

SEPA confirm that they will not object to the proposed development provided a Construction Method Statement is submitted for prior approval of the authority (in consultation with SEPA). The CMS should include detail of how run off and pollution of oils will be controlled, and the measures that will be employed to prevent discharge of concrete to the Leet Water. The Council's Ecologist has also recommended a Construction Environmental Management Plan (adopting SEPA Pollution Prevention Guidelines) to be submitted for prior approval and this requirement can be secured by condition. As a precautionary measure the CEMP should include a survey for otter presence (keystone species).

The applicant proposes additional planting/screening on the bund to the west and along the river boundary (north side) which will enhance the biodiversity value of the site by creating additional woodland and hedgerow. The Ecologist has advised that a Landscape and Habitat Plan be sought to protect the watercourse and secure enhancement of the value of the site, and precautionary measures be implemented in regard to any potential impact on breeding birds. The proposed planting would strengthen screening in views from the south/Whitsome village.

It is recommended that conditions be applied in respect of protected species and the watercourse to secure mitigation to reduce any risk to the watercourse and wildlife.

It is noted that the farm lies within the Nitrate Vulnerable Zone (South-East Scotland) and the spreading of fertilizer is restricted to March to October. The AD plant will produce digestate (relatively benign and odour free) as fertilizer on land in comparison to the pig muck currently spread on the land.

Residential Amenities

Concerns have been raised by the community with regard to the potential impact on residential amenity in particular from noise nuisance and odours. Residents consider the proposed development to be inappropriate in nature given the proximity of the development to residential houses.

An earlier application 14/00763/FUL for the installation of a larger AD plant immediately adjacent to the farm buildings was refused by committee in December 2014 for the following reason:

Having regard to the 250m appropriate separating distance between the proposed anaerobic digester and any sensitive receptors recommended by Scottish Planning Policy, the proposed development would give rise to unacceptable impacts on the living conditions of neighbouring residents, by particular reason of odour, contrary to Policies G1 and H2 of the Scottish Borders Local Plan.

The Reporter dismissed a subsequent appeal to the decision in April 2015 citing a lack of specific information on odour and noise, resulting in her being unable to

conclude that the proposed development would be an appropriate use of the land. The reporter cited a lack of assessment of data (baseline and proposed) at this site within the farm complex.

Buffer zone

Scottish Planning Policy recommends a 250m buffer may be appropriate for operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant.

The current application proposes a smaller scale AD plant to be sited at a distance of approximately 350m to the east of the steading and sensitive receptors, thus falling well beyond the buffer zone as recommended for consideration by SPP.

In terms of separation distances SEPA have provided a general statement that considers the proximity of sensitive receptors to AD plants in terms of bio aerosols and refers to national advice that odour emissions should be no worse than from the pig farm itself and if there are open slurry tanks it might be better. The applicant has confirmed that there is an effluent tank at Ravelaw, to collect any liquid run-off from livestock buildings, which is cleaned out annually with a slurry tanker and spread on stubble land.

It should be noted that should permission be granted for the AD Plant, the applicant would need to apply to SEPA for an exemption under the Waste Management Licensing (Scotland) Regulations 2011. Although the activity may be exempt from waste management licensing, it is still subject to statutory controls to prevent pollution or harm to human health and would be subject to a condition that nuisance will not be caused through noise or odours.

The farm and private residential properties have co-existed at Ravelaw for a number of years. Mucking out and transport of manure is an essential and normal farm practice for the business. The applicant has proposed to locate the development to land east of the farm buildings, at a distance of approximately 350m away from the building group. Whilst the AD plant would be remote from the steading in layout terms the applicant seeks to locate the development at a much greater distance away from sensitive receptors in order to address neighbours' concerns.

Policy D1 of the Local Plan requires that development has no significant adverse impact on nearby uses, particularly housing. Policy H2 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. Policy Inf7 states that it must be satisfactorily demonstrated that the impacts of the proposal are within acceptable levels and can be properly managed including the impact on local communities in terms of noise, odours and traffic generation.

Consideration has been given to the potential impact of the development on residential amenities to include noise disturbance and odour.

Noise

Equipment that has the potential to generate noise nuisance has been identified by the Environmental Health Officer to include the proposed Combined Heat and Power (CHP) generator equipment and the Feed Hopper located at a distance of approximately 350m from residential properties.

The Combined Heat & Power (CHP) unit (which generates power from burning the gases produced by the Digester) would be a 124 kWe TEDOM Cento with noise levels monitored as part of the system management documentation.

Environmental Health has reviewed the details submitted by the applicant. The CHP generator will produce a noise level of 70db(A) at 1 metre from the sound enclosure. Given the distance to noise sensitive dwellings and background noise to include masking effect of vegetation it is unlikely that the noise from the CHP would be heard at the receptors. The EHO has undertaken a basic desktop noise assessment and hemispherical point source calculation to inform her assessment. A condition to restrict noise levels is advised in this instance. The operation of the hopper (to be used once a day) would provide a source of noise. However the noise is not inconsistent with daily farm operations. A condition is advised to restrict the timing of use of the hopper 0900-1800 hours Monday to Sunday).

Members will need to consider whether the inclusion of such a condition is appropriate, given that it would impinge upon normal farming activity, including mucking out, which may result in the unintended consequence of manure being cleared from the steading but unable to be put into the digester. A restriction on hours would also need to be derived from evidence based on likely disturbance, with the hours of operation themselves also being specifically justified.

Given the officer's assessment of low risk with respect to noise nuisance, the distances involved and the use of conditions to control noise, it is considered that noise disturbance would not be an issue significant enough to warrant refusal of the application.

Odour

As stated previously mucking out and transport of manure is an essential and typical farm practice for the business. It is noted that the applicant has advised that pig numbers at the farm are to remain static and that there will be no stock pile of manure created within the farmyard adjacent to dwellings with manure being loaded to trailers and removed to the plant (10T per day/1 trip).

Mucking out will take place more frequently than at present and it is anticipated that this should reduce the build-up of manure and subsequent odours. The applicant states in the Environmental Statement that he will refrain from mucking out and transporting of manure if there is a north wind which is likely to disperse pig manure odours towards neighbouring residential properties. Prevailing wind is from the south west. Under these conditions, the potential for nuisance is negligible.

The applicant's supporting statement advises that the resulting digestate from the anaerobic digestion process would be less odorous than raw slurry as the more odorous compounds in the slurry are broken down during the process. It concludes that negative impacts due to odours associated with animal slurries will therefore be reduced by the proposal. An odour management plan has been submitted as part of the application and reviewed by Environmental Health.

Digestate (relatively benign and odour free) will be spread as fertiliser on arable land by a tanker designed for this operation from March to October (Nitrate Vulnerable Zone).

Environmental Health has advised that the plant be operated in accordance with the Odour/Risk Management Plan August 2015 and that all plant must be rigorously

maintained in accordance with manufacturers' instructions. The applicant's submitted Environmental Statement and Odour Management Plan must be adhered to at all times to ensure there are no unacceptable impacts upon residential amenity.

Any consideration of these issues needs to acknowledge the ongoing operation of the farm, which is not affected by this application; livestock is already present at the farm and the normal husbandry, including any mucking out, associated with that livestock is necessary regardless of the decision on this application.

Given the mitigation proposed and the Officer's assessment of low risk with respect to odour nuisance arising from the development proposed, it is considered that odour would not be an issue that warrant refusal of the application.

The applicant has offered to be flexible to movement/number of trips.

Outlook and access to light

There are no immediate neighbours to the proposed plant and thus no issues of a loss of light or outlook.

Traffic and Access

The community have raised concerns about the transport of manure from the sheds to The AD site, rather than to individual fields within farm control for spreading. The applicant has explained that manure is removed from the pig pens located within the sheds on a rotational basis. The cycle of removal of manure from the pens timeously will result in less time/opportunity for the manure to degrade/omit odour into the air at the sheds. Rather than further breaking down and releasing chemicals whilst sitting in the fields, waiting to be ploughed into the soil, it is proposed that the manure be taken away from the sheds and fed into the digester where it will be broken down within a sealed environment.

The community have raised road safety concerns with regard to access to the site and an increase in traffic movement on the narrow single road. Policy D1 requires that accessibility is taken into account in assessment of the proposals.

Construction traffic would utilise the existing access to the farm from the public road with a significant increase in traffic movements during this phase. The supporting statement advises that all feedstocks would be sourced from the farm and the digestate will be spread back to the farm land. The proposed feedstock is based on the current slurry production on the farm and it is proposed to supply all feedstock using internal farm tracks. The Roads Planning Service has no objections to the proposed development. Given low traffic volumes and existing passing places available on the single track there are no significant road safety issues in respect of the local road network. The farm yard manure which is to be fed into the digester is already contained within the farm steading, so it will not require to be transported to the farm.

Given the absence of any adverse comments from Roads Planning it is considered that road safety would not be an issue significant enough to warrant refusal of the application.

To ensure feedstock to the AD plant is sourced from Ravelaw Farm only, it is recommended that a condition be attached to any permission granted. Thus no importing of feedstock from outwith the farm would occur.

Storage of hazardous substances

Concerns have been raised by the community in respect of health and safety.

Policy G3 of the Scottish Borders Consolidated Local Plan Adopted 2011 states that proposals for hazardous developments as defined under the relevant legislation will be subject to strict controls on siting to maintain appropriate separation from residential areas and areas frequented by the public, major transport routes, and areas of national heritage importance.

Developments will be refused, if guided by the advice of the Health and Safety Executive (HSE) and other consultees as appropriate:

1. the proposal would cause unacceptable levels of pollution or public nuisance or result in an unacceptable hazard to the public, or the environment, or
2. the proposal is located in close proximity to existing facilities or infrastructure that would result in the development causing unacceptable levels of pollution or nuisance or result in an unacceptable hazard to the public or the environment.

Health and Safety

The applicant has provided documentation that states that the operation of the AD plant is fully automated via control systems located within the on-site CHP Building located as shown on the Layout Plan. The installed AD plant and controls are specifically designed and tailored by the manufacturer to the requirements of each AD installation relative to the feedstocks to be used in running the AD. Full training is provided relating to the operation of the plant along with an on-going service provided throughout its working life to ensure safe and efficient operation.

In most systems in the event of a situation where the gas generated cannot be provided to the CHP there is a requirement to “flare off” the gas. With the Evergreen Gas system there is no flame “flare off”. As an alternative this is managed by the presence of a biogas hot water boiler which is specified to take up to 100% of the delivered biogas. This biogas is the fuel for the boiler to generate hot water which is circulated through a fan cooled radiator system thus providing the “heat dump” until the CHP is brought back on-line.

The Planning (Hazardous Substances) (Scotland) Act 1997 states that a planning authority is a Hazardous Substances Authority when quantities of hazardous substances are held. Only if the Act comes into play will the HSE have any role. The Act states in Section 3 that the Secretary of State shall designate what substances are Hazardous Substances and in what Quantities they may be held. Biogas which is 55 - 65 % methane is a hazardous substance. The controlled quantity is 10 tonnes.

The above is confirmed by the Scottish Government's Planning Circular 2/2011 made under The Town and Country Planning (General Permitted Development) (Non-Domestic Microgeneration) (Scotland) Amendment Order 2011. Which states (paragraph 35) Hazardous Substances -

Biogas is a dangerous substance as defined by the Chemicals (Hazard Information and Packaging for Supply) Regulations 2009, with classification as extremely flammable (F+, R12). Where the storage and use of biogas exceeds 10 tonnes, The Control of Major Accident Hazards Regulations 1999, The Planning (Hazardous Substances) (Scotland) Act 1997, The Town and Country Planning (Hazardous

Substances) (Scotland) Regulations 1993 and The Planning (Control of Major-Accident Hazards) (Scotland) Regulations 2000 as amended will be applicable. It is for the individual operators of the Anaerobic Digestion equipment to determine whether The Control of Major Accident Hazards Regulations 1999 and the relevant hazardous substances consent legislation apply and notify the relevant enforcing authorities as required by the legislation."

The applicant has advised that the gas holder has a capacity of 100m³ of gas at a maximum operating pressure of 20mbar. This equates to the same size gas holder proposed in the earlier application to which the agent confirmed the tonnage was around 4 tonnes. At this quantity, the storage would be under the 10 tonnes and thus Hazardous Substance Consent would not be required.

The HSE has advised that there are no Major Hazard Sites or Major Accident Hazard Pipelines near the location of Ravelaw Farm.

The Environmental Health Officer did not raise any adverse comments in relation to the issue of safety. In carrying out activities related to gas production, holding, transfer and use it is expected that the applicant will abide by all required common law and statutory requirements. A condition is recommended in order to ensure the plant will be operated and maintained in line with the manufacturer's instructions.

In terms of waste management SEPA have provided regulatory advice.

Regulatory requirements

The activity appears to be exempt from waste management licensing however, it is still subject to statutory controls to prevent environmental pollution and harm to human health, which are controlled by SEPA. SEPA advise that the applicant contacts the Borders Operations team if any further guidance is required with respect to the waste management exemption.

Water supply

Environmental Health have confirmed previously that Ravelaw residents' properties are supplied by a mains water supply. The applicant is installing a private borehole. Any water abstraction will require authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).

Prime Agricultural Land

This is a farm scale sized development. Given the footprint proposed it is not considered that there would be a significant impact on the resource.

CONCLUSION

The application is consistent with national and local policy on waste management and renewable energy. The installation of the anaerobic digester assists in the sustainable management of the land and minimises waste. Appropriate conditions will protect the environment, public health and safety.

The development will aid diversification of income generating streams to support the farm business through the conversion of waste to generate energy and reduction in farm costs (fertilisers) for improvement to yields. Employment opportunities will be created in associated business (construction/operation/maintenance).

It is considered that the proposal complies with policies G1, H2, NE3, NE4 Inf7, D1 and D4 of the Scottish Borders Consolidated Local Plan Adopted 2011. The location of the development 350m from nearest residential properties is such that impacts on those properties is not significant. Potential environmental effects can be controlled to an acceptable level by planning conditions so that the proposal does not harm visual amenities of the area or residential amenities of occupiers of adjacent properties.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application be approved subject to the following conditions and an informatives:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details.

3 The details and samples of all external finishing materials of the gas holder and CHP building shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in the materials so approved.

Reason: To ensure the high quality design of the development in the interests of visual amenity.

4 Only waste/feedstock produced on Ravelaw Farm shall be used to feed the anaerobic digester plant.

Reason: To reduce the potential for further intensification of development at the site in the interests of the local residential amenities and to minimise vehicle movements on the surrounding road network.

5 Any noise emitted by plant and machinery associated with the anaerobic digester shall not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwellings (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason: To protect the residential amenity of nearby properties.

6 The anaerobic digestion plant shall be constructed and operated in accordance with the Ravelaw Farm Environmental Statement (08 July 2015) and Odour/Risk Management Plan (05 August 2015) unless otherwise agreed in writing with the Planning Authority.

Reason: To safeguard residential amenities

7 All plant must be strictly maintained in accordance with manufacturer's instructions and timescales, as submitted as part of this planning application.

Reason: To safeguard residential amenities

8 Any works to be undertaken during the bird breeding season shall require to be carried out in accordance with details that have first been submitted to, and agreed in writing by the Planning Authority.

Reason: To ensure that impacts on breeding birds are minimised.

9 The facility structure containing the effluent shall be sited at a minimum distance of 10m away from the Leet Water.

Reason: A minimum 10 metre buffer is required to protect the water environment.

10 Prior to the commencement of works a Construction Environmental Management Plan, adopting SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses), and PPG 6 (construction and demolition) as appropriate, is to be submitted to for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

In particular the CMS should include details of; i) how run off and pollution from oils will be controlled, and ii) the measures that will be employed to prevent discharge of concrete to the Leet Water.

Reason: To protect the watercourse and ecological interest

11 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 Local 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, extended hedges grassed areas and ponds
- 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.

12 Prior to the commencement of works, a Landscape and Habitat Management Plan, including measures for small woodland and hedgerow creation to benefit biodiversity and provide additional screening shall be submitted to and agreed in writing by the Planning Authority. Thereafter the works shall be carried out in accordance with the approved scheme.

Reason: To provide screening function to site and enhance ecological interest

13 Prior to commencement of works details of measures to be undertaken in order to ensure construction traffic avoids the post-medieval farmstead 'Reavelaw', as depicted on the Archaeology Map 1 (16 Aug 2015 attached)(approximately 20 metres north of the proposal) shall be submitted to and agreed in writing by the Planning Authority. Thereafter the development will be carried out in accordance with the approved plans.

Reason: To protect the archaeological feature.

14 All potentially contaminated surface water and effluent shall be contained within the AD plant compound and shall be discharged to the AD plant for treatment.

Reason: To protect the water course and ground water.

15 No development shall commence until a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights specified on drawing number 300B has been agreed on site with the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

Informatives

The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site may be at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

The applicant is advised to adopt water resilient materials and construction methods as appropriate in the development as advised in PAN 69 and raise above ground equipment that may be sensitive to flooding above ground level or protected against flooding to avoid any residual impact and damages.

The plant will be regulated by SEPA under a Waste Management Licensing Regulation exemption – specifically under the terms of a Paragraph 51 exemption (the anaerobic digestion of agricultural or distillery waste). Although the proposed activity may be exempt from Waste Management Licensing it is still subject to statutory controls to prevent environmental pollution (including odour and noise) and harm to human health.

SEPA advise that the applicant contacts the Borders Operations team if any further guidance is required with respect to the waste management exemption. Contact SEPA on 01896 754797.

Any water abstraction will require authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).

The silage clamp will be regulated by way of the Silage, Slurry and Agricultural Fuel Oils Regulations.

The abstraction of water from the borehole will be regulated under the terms of General Binding Rules of the Water Environment (Controlled Activities) (Scotland) Regulations (CAR).

Details of regulatory requirements and good practice advice for the applicant can be found on the website at www.sepa.org.uk/planning.aspx

Supplementary checking surveys and appropriate mitigation for breeding birds will be required if habitat clearance is to commence during the breeding bird season.

DRAWING NUMBERS

100A Site Location Plan 10 August 2015

200A Site Layout Plan 10 August 2015
300B Elevations 10 August 2015
L/01 Location Plan 08 July 2015

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

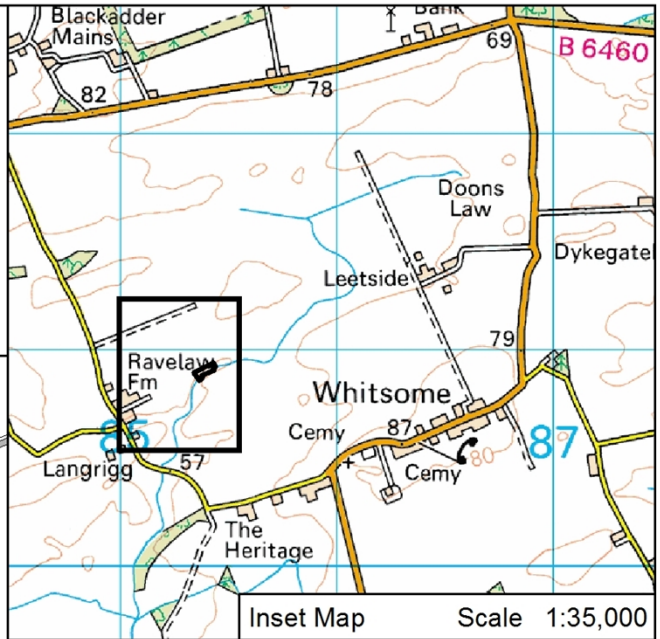
The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Lucy Hoad	Planning Officer



15/00792/FUL
Land North East Of Ravelaw -
Farmhouse
Whitsome



Scale 1:3,500

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 OCTOBER 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 15/00681/FUL
OFFICER:	Barry Fotheringham
WARD:	Kelso and District
PROPOSAL:	Erection of 18 Dwelling Flats and Associated Parking
SITE:	Land West of 24 Bowmont Street and Car Park, Roxburgh Street, Kelso
APPLICANT:	Eildon Housing Association
AGENT:	Assist Design Ltd

SITE DESCRIPTION

The application site is made up of 3 separate but linked pieces of ground on Roxburgh Street, Union Street and Bowmont Street, Kelso. The three pieces of ground consist of temporary car parks on Roxburgh Street and Union Street as well as an area of vacant back land accessed off Bowmont Street. All three sites are owned by Scottish Borders Council and are identified in the Scottish Borders Consolidated Local Plan 2011 as a redevelopment opportunity (zRO3 – Roxburgh Street)

The application site is located within the Kelso Conservation Area and is situated within the Town Centre Boundary as defined by the Local Plan settlement profile.

The site is located between Roxburgh Street and Bowmont Street, linked by Union Street to the south east. To the north west and north east of the Bowmont Street site is a modern residential development comprising flatted dwelling units arranged over 3 and 3.5 storeys. There is a range of traditional listed buildings to the south of the site at the junction with Union Street and Roxburgh Street consisting of residential and commercial properties. Of particular relevance is the Category C Listed building at No 6 Union Street which is located immediately south west of the Union Street site.

A large 3m high wall defines the north west boundary of the Union Street site. This area of land sits higher than the street level and is accessed by pedestrian steps and a vehicular ramp servicing the car park. There are mature trees on the south east boundary but these appear to have outgrown their location. To the north east of the Union Street site is Bowmont House, a 3 storey, Category B Listed Building.

To the rear of the Union Street site is an area of vacant land accessed directly off Bowmont Street. This was originally known as the Back Yard and was previously used as a carpenter's yard.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection of 18 dwelling flats over 2 separate buildings. It is proposed to create 2 individual blocks of affordable housing, one for SBC and one for Eildon Housing Association, serviced by a shared surface parking court accessed from Roxburgh Street.

It is proposed to erect a block of 12 affordable units on Roxburgh Street and a block containing 6 affordable units on Union Street. The Roxburgh Street block would be made up of 2 common-stair entrances with 6 flats accessed from each stair. The flats would be arranged over 2½ storeys and would be stepped to take account of changes in ground levels. This block has been designed to bridge the gap between the existing traditional buildings to the south east which have developed from the town centre and the new block of flats on the site of the former bus depot. The building would incorporate dormer windows to allow for room in the roof accommodation helping to break up the mass of the block. The Roxburgh Street block would feature angled windows to the rear to avoid direct window to window over-looking of the properties on Scott Place and would be finished using a combination of cream coloured dry dash render, smooth facing block, brindle brick and Eternit Garsdale slate roofing. Windows would be large, almost floor to ceiling height to Roxburgh Street, and would be framed in dark grey coloured upvc.

The Union Street block would be largely located on the site of the existing car park, with the rear stairwell straddling the existing boundary at the back of the site. The existing 3m high stone wall would be removed in order to accommodate the development. This block would incorporate 6 no 2 bedroom flats as required by SBC and would be arranged over 3 storeys. The building would feature wall head dormer windows and projecting stair tower to the rear. The proposed block would sit forward of number 6 Union Street but would be set back from the side elevation of Bowmont House, presenting a uniform frontage to Union Street. The principal living spaces are orientated to the street with the bedrooms located to the rear courtyard area. The Union Street block would be finished using materials to match those proposed for Roxburgh Street as well as accoya pre-painted cladding to the stair tower and wallhead dormers.

Access to the site would be via an un-adopted route from Roxburgh Street only with the existing vehicular access from Bowmont Street being closed off. Local access serving Nos. 24 and 28 Bowmont Street would be retained. 140% parking would be achieved with all but 2 spaces being located to the rear of the block within the parking court. 2 spaces are proposed to be located on Union Street and 2 disabled bays are proposed to the rear of Roxburgh Street block. Refuse collection is designed for kerb-side collection from bulk bins located within the Roxburgh Street building and within a bin shelter located on Union Street.

A drainage strategy has been developed which connects with the surrounding infrastructure. Attenuation for surface water drainage is proposed on site and foul water will connect directly into the existing public drainage systems on Roxburgh Street and Union Street.

PLANNING HISTORY

There is no relevant planning history associated with this site.

REPRESENTATION SUMMARY

A total of 8 letters of objection and one representation have been received in connection with this application. The principal grounds of objection can be summarised as follows:

- Loss of public car parking
- Over development of the site
- Right of access to existing parking and garaging
- Adverse impact on residential amenity of neighbouring properties
- Loss of sunlight
- Loss of privacy and over looking
- Density of development
- Proposed buildings would dominate the surroundings
- Lack of parking – only 1 parking space per unit
- Traffic congestion
- Loss of footpath on Union Street
- Other, more suitable sites are available
- Adverse impact on the sale/rent of existing properties
- Delivery vehicles and hours of construction

Copies of all objection letters are available for Members to view on Public Access.

APPLICANTS' SUPPORTING INFORMATION

The applicant has submitted a design and access statement in support of the application. The statement gives a brief background to the proposed development, describes the site location and historical context and discusses the development proposal in terms of layout, access, drainage, materials and sustainability.

The supporting statement is available for Members to view in Public Access.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy G1 – Quality Standards for New Development
Policy G2 – Contaminated Land
Policy G5 – Developer Contributions
Policy G7 – Infill Development
Policy BE1 – Listed Buildings
Policy BE2 – Archaeological Sites and Ancient Monuments
Policy BE4 – Conservation Areas
Policy ED5 – Town Centres
Policy H1 – Affordable Housing
Policy H2 – Protection of Residential Amenity
Policy H3 – Land Use Allocations
Policy Inf3 – Road Adoption Standards
Policy Inf4 – Parking Provisions and Standards
Policy Inf5 – Waste Water Treatment Standards
Policy Inf6 – Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Proposed Local Development Plan (PLDP) 2013

Policy PMD2 – Quality Standards
Policy PMD3 – Land Use Allocations
Policy PMD5 – Infill Development
Policy ED3 – Town Centres and Shopping Development
Policy ED5 – Regeneration
Policy HD1 – Affordable and Special Needs Housing
Policy HD3 – Protection of Residential Amenity
Policy EP7 – Listed Buildings
Policy EP8 – Archaeology
Policy EP9 – Conservation Areas
Policy EP16 – Air Quality
Policy IS2 – Developer Contributions
Policy IS6 – Road Adoption Standards
Policy IS7 – Parking Provision and Standards
Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage
Policy IS13 – Contaminated land

SBC SPG – Affordable Housing
SBC SPG – Placemaking and Design
SBC SPG – Privacy and Sunlight Guide
SBC SPG – Landscape and Development

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: The site subject to this application is partially occupied by two public car parks at present. The Roxburgh Street car park was constructed after the previous buildings on the site were demolished and it was always on the understanding that this car park was to be temporary, until such a time as the site was identified for redevelopment. It should be noted that this is part of the reason why the car park accessed from Roxburgh Street has never been properly surfaced.

It is certainly unfortunate that valuable town centre parking is being removed with this proposal. However, given the history of the site, there is no objection on these grounds.

The proposed layout, whilst generally acceptable will require some minor amendments before full support can be given. In particular, the junction with Roxburgh Street is too narrow for two vehicles to pass, and it will need to be widened at this location, as well as over its initial length into the site. This will require the gap between the existing building and the proposed building to be widened or the area immediately after the end of the proposed new building to be widened, this however may have a slightly detrimental impact on the proposed parking layout (*Since these comments were made, amended drawings have been submitted to address these points*).

The following points need be addressed, either through amended plans and/or conditions:

- The two proposed parking bays on Union Street to be a minimum of 3m deep.
- A stopping up order is required to be carried out for the two public car parks. The costs involved in this will require to be borne by the developer.
- Detailed engineering drawings will be required for the footway crossing on Roxburgh Street and the proposed parking bays on Union Street.
- The developer will be responsible for removing all existing signage associated with the public car parks.

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

Education & Lifelong Learning: The proposed development is located within the catchment area for Edenside Primary School and Kelso High School. Due to his application relating to affordable housing, there will no contributions sought for this application.

Development Negotiator: This application would appear to generate the following Development Contribution requirements. This response is predicated on the understanding that all of the residential units proposed will fully comply with SBC Affordable Housing policy requirements. Official Consultation Responses providing definitive advice will be forthcoming in due course. An off-site Commuted Sum to provide additional play equipment at an existing Play Facility in the Kelso area will be sought at a rate of £500/unit for each of the residential units subject of this application.

Housing Strategy: Support of the regeneration of this site for affordable housing as is currently being proposed by Eildon Housing Association. The above site has been identified as a potential affordable housing site for many years. The Union Street Gap site is considered to be part of the same regeneration site. This has not been actively progressed until recently, in order to wait for Council initiated traffic management and parking improvements to have been completed and impact assessed.

The site has been identified as an affordable housing opportunity in the Council's current agreed Strategic Housing Investment Plan 2015/20. Scottish Government are also aware of this matter and are supportive of this project, and have programmed grant funding to assist Eildon HA to construct the proposed flats. In addition SBC Officers from Housing Strategy and Estates have been in discussion with Eildon HA seeking to explore the opportunity for the Association to lead the development process, but with the intention towards Bridge Homes acquiring potentially 6 flats upon completion so that these can be provided for mid-market rent. This is dependent on flat acquisition costs being viable for Bridge Homes. Failing which, it is envisaged that the Association would develop and own all the flats constructed and rent these for Social Rent. Bridge Homes is the SBC/Scottish Futures Trust limited liability partnership vehicle created in order to deliver new supply affordable housing for mid-market rent.

Landscape: The site layout drawing does not illustrate well how the new buildings would relate to their surroundings and gives no impression of the external spaces that the development would create. The submitted Design and Access Statement also lacks any detailed explanation of the site analysis which might be expected, in particular, an analysis of the external spaces (and is more a description of the proposed design). Perhaps as a result, the proposed layout seems to be determined

entirely by the objective of maximising parking provision. Queries a shortage of communal open space

The Roxburgh Street elevation seems to fit with adjoining buildings although this could be more clearly demonstrated on elevations (or perhaps using a photomontage) to more clearly show the neighbouring buildings. However, the Union Street frontage removes existing steps and trees which currently form part of the character of the street, in order to allow two more parking bays. This seems an unnecessary intrusion into the Conservation Area for which there is no clear explanation in the Design Statement. There are also issues of privacy for existing neighbours where gardens may become overlooked and there are issues relating to existing access and parking within the rear yard area which again are not fully explained.

Although the general principle of residential development at this location can be supported, it is not clear that the design has achieved the best possible fit. It needs to be reconsidered to respond to all the interests that need to be allowed for; in particular the needs of the new residents and the existing neighbours. It also needs to be based on a more visible and understandable analysis. Some compromises may be necessary.

Archaeology: There are potential implications for this proposal. The site in question sits within the medieval core of 'Easter' Kelso. The general layout of the centre of Kelso appears on maps as early as the late 16th century. The part of the street incorporating the development site was certainly developed by the 18th century, and the site was occupied by tenements with backland development on Roxburgh Street, and buildings with substantial yards facing Bowmont Street, by the time first Ordnance Survey map in 1858.

Given the history and archaeological context, there is a moderate to high potential for encountering buried medieval and later archaeology within the proposed development area. While there will have been substantial disturbance, the evidence from the site itself suggests that buried archaeology of some significance will exist. The best course of action is to first evaluate through trial excavation to inform further decision making. This can be achieved with trial trenching covering 10% of the total development area. Depending on the results, further investigation may be needed either during or prior to development. Recommends that the evaluation takes place **well in advance** of any other development works requiring excavations. Also suggests that any ground investigations requiring test pits be done in association with archaeological advice, if not with an attending archaeologist to monitor excavations.

All future investigations will be guided by an archaeological evaluation conducted by a suitably qualified archaeologist(s) familiar with urban archaeology. Recommends that a Developer Funded Programme of Archaeological Investigation condition in line with Local Plan Policy EP8 is added to cover this. The condition should not be discharged until all archaeological work has been implemented to the satisfaction of the Council.

Heritage and Design: No formal response has been received however the Council's Heritage and Design Officer has been involved in pre-application discussions as well as detailed negotiations throughout the application process.

Environmental Health: It may be appropriate for this site to submit a construction method statement. As the development appears to include the a number of systems for heating the development a condition relating to air quality has been proposed.

The application appears to be proposing the redevelopment and change of use of land which was previously housed a 'works' and a 'depot'. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

Statutory Consultees

Kelso Community Council: The Community Council objects to the application on the following grounds:

- Density of development
- Inadequate access
- Increased Traffic
- Insufficient parking space

More parking is required as there is only 1 parking space per flat. As a number of the flats have 2 bedrooms more parking is required.

Is there a real demand for this type of property in Kelso? There seems to be a continuous number of flats for rent in existing developments.

The CC has no objections to the building plans but discussions need to take place with the owners of 34 and 38 Bowmont Street if they are to lose their vehicle access from Bowmont Street. Also the pavement in Union Street can take a buggy but this is not big enough for a wheelchair or a pram and there is no pavement at all on the side where the flats are to be built. The footpath should be widened and level crossing points formed at the top and bottom of Union Street.

Scottish Water: No response

Other Consultees

Kelso Amenity Society: The amenity society likes the projecting bedrooms on the Roxburgh Street block and the colour of the proposed render. The amenity society does not like the open plan kitchen/dining/living room. The pavements on Roxburgh and Union Streets are in a bad condition and should be repaired to benefit any elderly or disabled residents. Loss of vehicular access for 24 and 28 Bowmont Street. A question also arose if wood would be the best surface treatment for the rear elevation of Union Street flats

KEY PLANNING ISSUES:

The key planning considerations with this proposal are:

- Whether the proposals are considered to be an appropriate infill development and redevelopment opportunity consistent with the established land use of the area, consistent with the character and amenity of the surrounding area;
- Whether the proposed development would have an adverse impact on the character and appearance of the Conservation Area;
- Whether the siting, design and external materials of the buildings proposed are appropriate for this location;
- Whether the proposed development is appropriate for this town centre location;
- Whether the proposed development would result in an adverse impact on the residential amenity of existing and proposed dwelling units in terms of overlooking, loss of privacy, over shadowing and loss of daylight.
- Whether the proposed development would result in an unacceptable adverse loss of parking and whether adequate parking and access are being proposed.

ASSESSMENT OF APPLICATION:

Planning Policy

The application site is allocated as a redevelopment opportunity in the Consolidated Local Plan 2011 (CLP) and is covered by Policy H3 – Land Use Allocations. Where land is identified in settlement profiles as a redevelopment opportunity, they have the potential to be developed for a variety of uses including (but not limited to) housing, employment, retailing or a mix of uses that could include community facilities and open space. These sites can also be developed for a single use, subject to compliance with other related local plan policies. As the proposed development seeks consent for the erection of 18 dwelling flats the principle of development can be considered acceptable and in accordance with the development plan allocation for this site.

Infill Development

Within development boundaries, development on infill or windfall sites, will generally be supported provided a number of criteria as required by Policy G7 of the CLP and Policy PMD5 of the Proposed Local Development Plan (PLDP) can be met. The application site is located within the town centre boundary as defined by the settlement profile for Kelso where a mix of uses is evident. It is situated just outside the core retail activity area of the town centre where residential use becomes the norm. In this case, the proposed use of the site for residential development would be acceptable in principle and would not conflict with the established land use of the immediate surrounding area.

It is accepted the proposed residential development is of a high density, but this is consistent with the general pattern of development in the area, with higher density development around the town centre. The 2.5 and 3 storey blocks of flats would not detract from the character and amenity of the area and it is considered that the proposals would respect the scale, form, design, materials and density of surrounding buildings. The development also represents an efficient use of land, in a

brownfield location that can accommodate it, thus reducing the need to release additional land for the purpose.

Design

Policy G1 of the CLP and Policy PMD2 of the PLDP supplemented by approved planning guidance on Placemaking and Design, aim to ensure that all new development, not just housing is of a high quality and respects the environment in which it is contained. It is considered that the proposed amended layout creates a sense of place based on the existing built form and surrounding context. It will clearly read as a modern development close to the historic core of the town but the revised proposals are designed in sympathy with Borders architectural styles taking account of the character of the surrounding area and neighbouring built form.

Members should be aware that the applicant and agent engaged in a number of very productive discussions with the Council officers throughout the application process. These have culminated in the revised drawings submitted 18 September 2015. The bulk and mass of the proposed residential blocks has largely remained constant but changes to the fenestration, materials and dormer windows – particularly those on Roxburgh Street and Union Street elevations have resulted in a significantly improved scheme that can be satisfactorily accommodated within the site, compatible with the architecture locally and the character of the surrounding area. The precise details of all external materials, with the exception of the roofing material which must be natural slate, can be controlled by condition.

Conservation Area

The application site is located within the Kelso Conservation Area, close to the town centre and Kelso Square. The site, and particularly the Roxburgh Street element sits at a transition between the more modern flatted residential developments immediately to the north and north west of the site, and the more traditionally built properties which have developed from the historic core of the town. Consideration must therefore be given to the wider conservation area setting and the impact that the proposed development will have on the special architectural and historic character of the area.

Policy BE4 of the CLP and Policy EP9 of the PLDP seek to preserve or enhance the character or appearance of conservation areas. Development within, or adjacent to a conservation area that would have an unacceptable adverse impact on its character and appearance will be refused. In considering proposals for development in conservation areas, Policies BE4 and EP9 also state that full consideration will also be given to the guidance contained in the Scottish Historic Environment Policy (SHEP).

The application site effectively has 2 public elevations – Roxburgh Street and Union Street. The proposed block of flats on Roxburgh Street is stepped and fits well with adjoining properties in terms of scale, mass, design and material. The revised drawings have addressed concerns raised through the application process and it is considered that a much improved scheme has been submitted. The principal elevation to Roxburgh has been broken down into 3 distinct 'blocks' by utilising a combination of breaks in the roof line, the incorporation of a 'shop front' façade to the lower block and the use of complementing external materials. This helps to bridge the gap between the traditional shop front elevations of the properties to the south east of the site and the modern residential development to the north west. It is

considered that this is an acceptable design approach for this principal street elevation and the revised elevations, which incorporate our suggested changes, would have positive impact on the special architectural and historic character of the conservation area.

The elevation to Union Street initially proposed a full 3 storey block of 6 flats with on-street vehicular parking. This was a little more challenging than the Roxburgh Street elevation as the width of Union Street is narrower and the scale of existing properties, particularly those opposite the site, are much more domestic. The original proposals indicated the removal of existing steps and trees (which it is accepted have outgrown their location to the point that they are damaging the existing wall) which currently form part of the character of this street. It was considered that the steps are an integral feature to the character of the street and should remain and, indeed, that the wall should be extended along the remaining frontage in order to maintain and enhance this important and attractive feature. Furthermore, it was felt that the scale and mass of the proposed block was too big and would have an adverse impact on the street scene and on the setting of the adjacent listed building (6 Union Street). This will be discussed in more detail below.

The revised proposals for the Union Street block are a significant improvement over those originally submitted. The flatted properties have been arranged over 2½ storeys, incorporating room in the roof accommodation. This reduces the height and scale of the block so that it sits more comfortably opposite the existing terrace on Union Street. In addition, the principal elevation has been designed to read like 2 semi-detached dwellings with pitched roof dormer windows. Again, this is more appropriate for this location and would be consistent with the character of the street.

It is proposed to re-instate the steps to Union Street and plant new trees either side of this pedestrian entrance. A new wall, rendered to match existing will be formed to replace the existing angled wall at the entrance to the car park and a new pedestrian access, incorporating bin store, will be formed. This retains the historic feature and is to be welcomed. Subject to the approval of external materials it is considered that the amended proposals are a significant improvement over those originally submitted and will have a positive effect on the character of the street and the wider conservation area.

Listed Buildings

Policy BE1 of the CLP and Policy EP7 of the PLDP seek to protect listed buildings from works that would spoil their historic and architectural interest. This is not restricted to works or alterations to the fabric or interior of listed buildings and includes works that would affect the setting of a listed building. Whilst there are no listed buildings on site, there are a number of listed properties located adjacent to the application site. Of particular interest is 6 Union Street, a Category C listed building located adjacent to the Union Street car park. This is an attractive late 18th century, 2 storey and attic, 3 bay dwelling with skewed gables, slate roof and white painted render. Whilst the properties on Union Street opposite the site are also listed, it is this property in particular that adds to the special character and appearance of the street and it is important that the proposed development does not have an adverse impact on its setting.

It is considered that the revised plans, which reduce the scale and mass of the block will not have a significant adverse impact on the setting of No 6 Union Street or the other listed properties in the street. The proposed block will sit forward of the principal elevation of No 6, but the revised design and reduction in scale are

considered to be sympathetic to the integrity and setting of the listed building. It could be argued that the new building would help frame the front garden of no.6, reflecting the situation on its south-western boundary. The position of no.6, set back from the road, was always intended to be distinct from the character of the remainder of the street, with its front garden deliberately creating a grandeur absent in the remainder of the street. Setting the new build forward of this, in some ways, reinforces the distinctiveness of that building. In addition, the proposals will sit behind the side (south east) elevation of No 22 Bowmont Street (Category B Listed) protecting the character of the street scene and the setting of this listed building. The proposed block of flats would also be considerably smaller in scale and height to No 22 and its location will not impact on the principal elevation to Bowmont Street.

Access and parking

The proposed residential development would utilise space within the town centre that is currently used predominantly for public car parking. The Roxburgh Street car park was constructed after the previous buildings on the site were demolished in 1994. This car park was always considered to be a temporary measure until such times as the site was identified for redevelopment. This is evidenced by the fact that the car park is not properly consolidated or finished. Whilst it is regrettable that valuable town centre parking will be lost to this proposed development, the Council's roads planning service does not object to the redevelopment proposals.

The initial layout was considered acceptable in principle but required some minor alterations before Roads Planning were in a position to fully support the proposals. The proposed development of 18 flats would normally require between 150% and 175% provision of parking for normal communal parking schemes, however this level is reduced to between 100% and 125% for town centre redevelopment sites. The original layout provides for 26 car parking spaces (2 of which are identified as disabled) which would equate to 144%. Throughout the application process discussions were ongoing with regards to the layout of the site and the proposed number of parking spaces. This has been amended and the revised plans now show a total of 25 car parking spaces within the communal parking area. Whilst it is unfortunate to see a reduction in the number of parking spaces to 138%, this exceeds the accepted thresholds for town centre redevelopment. The application site is centrally located within the town and benefits from excellent pedestrian links and easy access to public transport.

Through the application process, a number of minor alterations to the internal layout of the site have been adjusted and the Roads Planning Service has confirmed their acceptance of the revised scheme. It is considered that the proposed development is now consistent with the terms of Policy Inf4 of the CLP and IS7 of the PLDP

Members should be aware that the applicant has recognised and taken into account the various rights of access and parking requirements for properties neighbouring the site. Vehicular access to the garage serving 51 Roxburgh Street as well as the parking area to the rear of 24 Bowmont Street will be retained. In addition, vehicular parking and turning will be available for Nos. 24 and 28 Bowmont Street on the land between the two properties. It is considered that the proposed layout, whilst removing public parking, will not compromise the access and parking rights of immediate neighbouring dwellings.

Landscape and visual impacts

Given the nature of the existing use of the application site, there are limited landscape implications for this development. It is proposed to remove a small number of semi-mature trees from the site including those on Union Street. These trees however, have outgrown their location and are causing structural damage to the existing wall and steps. The revised proposals would allow for these trees to be removed, the wall and steps re-instated and new trees planted between the wall and the residential development. In time, these trees will mature and contribute positively to the character of the street and the wider conservation area.

Unfortunately, the inner courtyard is largely given over to vehicular parking, although this will have limited effect on the wider public domain and has the clear benefit of minimising on-street parking. Limited areas of landscaping are proposed but this will contribute positively to the overall character and appearance of the development. The precise details of landscaping, programme for implementation and completion, as well as on-going maintenance can be controlled by condition.

Cultural heritage and archaeology

Policy BE2 of the Consolidated Local Plan and Policy EP8 of the Proposed Local Development Plan aim to give Scheduled Ancient Monuments and any other archaeological or historic asset strong protection from any potentially damaging development. The Council will always seeks to have remains reserved in situ and within an appropriate setting and where this is not possible, a full assessment of the value of the archaeology to establish the likely impacts will be required. This may also require appropriate levels of mitigation.

The Council's Archaeologist confirms that there are archaeological implications associated with this site. The application site sits within the medieval core of 'Easter' Kelso and is located on the main thoroughfare into the town from the north. There is clear evidence from the first Ordnance Survey map in 1858 that the application site was developed and occupied by tenements with backland development.

When the site was cleared in 1994 the building was found to have construction characteristics consistent with the 15th to early 18th centuries. The backlands were found to have been heavily disturbed by 19th and 20th century development but it was suggested by our Archaeologist at that time that there is potential for archaeological features from earlier periods. Given the history of the site, the surrounding area and the archaeological context, there is moderate to high potential for encountering buried medieval and later archaeology within the proposed development area.

It is suggested that the best course of action is to evaluate through trial excavation to inform further decision making and depending on the results, further investigation may be needed either during or prior to development. The Council's Archaeologist has recommended the use of an archaeological condition requiring the developer funded programme of archaeological instigation. This will be carried out in accordance with a written scheme of investigation (WSI) outlining a programme of archaeological investigation. Under normal circumstances this would be submitted post decision and prior to commencement of development but a WSI was submitted by AOC Archaeology Group on behalf of Eildon Housing on 12 August 2015. Trial trenches and evaluations are proposed to be carried out on site on Tuesday 29th September, after the preparation of this report.

The Council's Archaeologist has confirmed his acceptance of this WSI and suggested an alternative condition requiring the submission of a data structure report which shall inform the need for a post-consent addendum to the submitted WSI. This will ensure full compliance with Policies BE2 and EP8 and allow archaeological remains to be recorded in situ.

Servicing/Infrastructure

The design and access statement submitted in support of the proposed development indicates that a drainage strategy has been developed in conjunction with engineers which will address the sites compact nature connecting with the surrounding infrastructure. Local attenuation of surface water is proposed and foul water will connect directly into existing public drainage systems on Roxburgh Street and Union Street. The application forms indicate that the development will receive its water supply from the public mains supply.

Unfortunately, Scottish Water did not respond to the consultation sent on 18 June 2015. It is therefore not possible to confirm whether or not an adequate supply of water is available to serve this site and whether the existing drainage systems are adequate to accommodate additional development, although there are not known to be any capacity issues in these regards.

It would nevertheless be appropriate to add suitably worded planning conditions to any grant of consent requiring the developer to provide precise details of both surface water and foul water drainage for prior approval by the planning authority. It would also be appropriate to add a condition in respect of water supply. These matters should be addressed before development commences to ensure that the site is adequately serviced in accordance with Policy Inf5 of the CLP.

Policy Inf6 of the CLP requires surface water management for all new developments to comply with best practice on sustainable urban drainage systems (SUDS) to the satisfaction of SBC and SEPA. It is noted that a drainage strategy has been developed for this site but this has not been submitted with the application. It would therefore be appropriate to add a suitably worded condition to ensure that a scheme for SUDS for surface water treatment has been submitted to and approved in writing by the planning authority, in consultation with SEPA.

Residential Amenity

Policy H2 of the CLP and Policy HD3 of the PLDP aim to protect the amenity of both existing established residential areas and proposed new housing developments. These policies relate to areas where the predominant land use is residential, and will be applicable for redevelopment or brownfield sites, as well as gap sites within settlement boundaries.

It is accepted that the proposed development would be consistent with the general pattern of development in the area and would be of a scale, mass and material appropriate to the surrounding area. The application site occupies a prominent location on Roxburgh Street where housing densities are marginally lower than they are closer to the Square. It is acknowledged that higher densities in historic town centres will often lead to overlooking to some degree. The extent of overlooking and the level of privacy that residents enjoy are dependent on a range of factors including the proximity, height and orientation of other properties, visibility from public spaces and the existence of intervening boundaries and screens. Therefore, the level of privacy and amenity that exists will vary according to location.

The rear elevation of the block to Roxburgh Street has been designed in such a way that the bedroom windows of the flats towards the north west corner of the site have windows angled to the rear parking court. This will avoid direct window to window over-looking of the flats in Scott Place. Whilst this would be an unusual design feature, it will be on the rear elevation of the building, will not be visible from the public domain and will not have an adverse effect on the character or appearance of the surrounding area.

It is accepted that the block proposed to Union Street would be located within the accepted privacy zone as defined by adopted Supplementary Planning Guidance on Privacy and Sunlight; however, the SPG acknowledges that in some instances, particularly in town centre locations, these standards cannot be met particularly where property frontages, such as those on the south side of Union Street, are already exposed to public view. 'Front to front' distances for residential properties are therefore best determined by the local context, the established building lines and the dimensions of the street. Union Street is narrow and the existing properties on the south side of the street occupy a strong building line at the back of a narrow footpath. The proposed new block on Union Street will, to a certain degree, continue this trend and will retain the stepped pedestrian access which adds to the character of this attractive street.

Generally, new development should not cause an unacceptable loss of daylight to habitable rooms of neighbouring properties. The layout has been design to avoid, as far as reasonably practicable, loss of daylight to neighbouring properties. The properties either side of the Union Street building will experience some loss of daylight – in the case of the nearest, no.6 to the west, the new building has been located forward of a larger principal window facing the site so as to avoid light loss to that window, and although a smaller secondary window at a higher level in the same elevation is more likely to be affected, it is understood that the window serves a room with another light source. To the east, the rear of Bowmont House, is slightly further away with, in this direction, much of the new block sitting beyond existing windows. Owing to the orientation of the buildings, there would still be an open southerly aspect and the higher positions of the windows relative to the eaves height of the new building is also significant in this regard. It is inevitable that there will be some loss of daylight particularly in high density locations such as this, however, it is considered that the proposed development will not result in an unacceptable adverse impact on the residential amenity of neighbouring dwellings as a result of loss of daylight. Whilst there may be an element of overlooking and loss of daylight, it is considered that this would not be significant enough to warrant a refusal in this case, particularly in the context of the wider benefits in terms of both townscape and access to affordable housing. The development would be consistent with the pattern of development in the surrounding area and would comply with the aims of Policies H2 and HD3.

Affordable Housing

Where the Local Housing Strategy identifies a local affordable housing need, the Council will require the provision of a proportion of land for affordable housing. This is currently set at 25% on allocated and windfall sites. Affordable housing is broadly defined as housing of a reasonable quality that is affordable to people on modest incomes. More detailed definitions are available in the approved supplementary planning guidance on affordable housing

The proposed residential development seeks the erection of 18 flats, 12 of which will be operated as social rented housing by Eildon Housing Association (EHA) with the remaining 6 units being acquired by Bridge Homes (SBC/Scottish Futures Trust) for mid-market rent. This would result in 100% affordable housing on this site.

Members should be aware that the site has been identified as an affordable housing opportunity in the Council's current agreed Strategic Housing Investment Plan 2015/20 and the Scottish Government are supportive of this project having agreed programmed grant funding to assist Eildon Housing Association to construct the proposed flats. Once complete, the development provides a mix of social rented housing and mid-market rental accommodation in a town centre location. The use/occupation of these units for affordable housing purposes can be controlled through appropriately worded planning condition ensuring full compliance with the terms of prevailing development plan policy. In this case, a legal agreement and/or development contributions towards affordable housing will not be required.

Developer Contributions

Where a site is otherwise acceptable in terms of planning policy but cannot proceed due to deficiencies in infrastructure and services which will be created or exacerbated as a result of the development Policy G5 of the Local Plan and Policy IS2 of the PLDP will require developers to make a full or partial contribution towards the costs of such deficiencies. The Council's Development Negotiator has confirmed that his response is based on the understanding that all of the residential units proposed will comply fully with SBC policy requirements for affordable housing. In this case, an off-site commuted sum to provide additional play equipment at an existing play facility in the Kelso area will be sought at a rate of £500 for each of the residential units subject of this application. This will be secured through a legal agreement in line with prevailing policy.

Contaminated Land

The Council's Environmental Health Officer (EHO) advises that the application site previously housed a 'works' and 'depot'. This land is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the proposed residential use. It is therefore recommended that development is not permitted to commence on site until a site investigation and risk assessment has been carried out, submitted to and approved in writing by the planning authority. Any requirement for mitigation will also be required and controlled by a suitably worded condition. This would ensure compliance with Policy G2 of the Consolidated Local Plan and Policy IS13 of the Proposed Local Development Plan which aim to allow for the development of land where contamination is known or suspected but in a manner that ensures redevelopment without risk to human health and the wider environment.

In addition, it is recommended that a construction method statement is submitted and an applicant informative covering construction noise is added to any grant of consent.

Air Quality

Policy EP16 of the PLDP aims to protect air quality and in doing so contribute towards the Council's commitments to addressing climate change. Where proposals, individually or cumulatively, could adversely affect human health and wellbeing or the integrity of the environment the Council may request that an Air Quality Assessment is undertaken to support the development. As the proposed method of heating the development is not clear from the plans the Council's EHO advises that a condition

relating to air quality is added to any consent. This would ensure compliance with Policy EP16.

CONCLUSION

Subject to appropriately worded planning conditions and the conclusion of a legal agreement to secure development contributions towards improving play facilities locally, it is considered that the proposed development is acceptable and in accordance with development plan policies relating primarily to infill development, conservation areas and the protection of residential amenity. The revised proposals are a significant improvement over those originally submitted and it is contented that the development will have a positive effect on the street scene and wider conservation area. It is regrettable that the public parking will be lost to this development but the existing parking arrangements have always been considered a temporary measure since the original buildings were demolished.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement addressing contribution towards play space provision and the following conditions:

1. The development hereby approved shall be carried out wholly in accordance with the amended plans dated 18 September 2015.
Reason: To ensure that the development is carried out as approved by the Local Planning Authority.
2. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development proceeds in an orderly manner.
3. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
4. Sample panels of the external wall finish to be prepared on site for prior approval by the Planning Authority.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
5. The roofing shall be natural slate.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
6. No development shall commence until precise details of all windows have been submitted to and approved in writing by the local planning authority and thereafter no development shall take place except in strict accordance with the approved scheme. The details shall include material, colour, glazing, glazing pattern opening method and frame thickness.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development, which contributes appropriately to its setting.

7. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.

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

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

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

9. Details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before work on the site is commenced.

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

10. The area allocated for parking on the amended plan dated 18 September 2015 shall be properly consolidated, surfaced and drained before the buildings are occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

11. No development shall commence until detailed engineering drawings for the proposed footway crossing on Roxburgh Street have been submitted to and approved in writing by the local planning authority and thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: In the interests of road safety.

12. The residential units hereby approved shall meet the definition of 'affordable housing' as set out in the adopted Scottish Borders Local Plan 2011 and accompanying supplementary planning guidance on affordable housing (January 2015) and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first be submitted to and approved in writing by the local planning authority.

Reason: To ensure the properties hereby approved are retained for affordable housing.

13. No development shall take place pending the approval of an archaeology evaluation Data Structure Report, with the understanding that the evaluation of the development site commenced per an approved Written Scheme of Investigation prior to consent. The results and conclusions of the Data Structure Report will be assessed by the Council's Archaeology Officer. If archaeologically sensitive areas are identified no development shall not take place until the developer has secured the further implementation of a programme of archaeological work in accordance with an Addendum to the existing Written Scheme of Investigation which has been submitted by the developer, agreed by the Archaeology Officer and approved by 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.

14. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.** The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council **prior to** addressing parts b, c, d, and, e of this condition. and thereafter;
- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, **shall be required by the Developer before any development hereby approved commences.** Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

15. No development shall commence until an assessment of the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in strict accordance with the recommendations/findings of the report. The assessment should quantify the levels of pollutants likely to arise from the development, with reference to the Scottish Air Quality Objectives. The applicants should demonstrate that the proposed flue height is adequate to allow proper dispersal of the products of combustion.
Reason: In the interests of the amenity of the neighbouring properties, to protect the quality of air in the locality and to protect human health and wellbeing.
16. No development shall commence until a detailed Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in strict accordance with those details.
Reason: To ensure that the development of the site proceeds in an effective and orderly manner.
17. No development shall commence until precise details of water supply have been submitted to and approved in writing, in consultation with Scottish Water, by the planning authority. Thereafter no development shall take place except in strict accordance with those details.
Reason: To ensure an adequate supply of water is available to serve the site and to ensure that existing users are not compromised.
18. No development shall commence until a scheme for sustainable urban drainage (SUDS) for surface water treatment has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter no development shall take place except in strict accordance with the approved scheme.
Reason: To ensure adequate protection of the water environment from surface water runoff.
19. No development shall commence until precise details of both surface water and foul water drainage have been submitted to and approved in writing by the local planning authority, in consultation with Scottish Water. Thereafter, no development shall take place except in strict accordance with the approved scheme.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

Informatives

1. 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. For more information or to make a request to carry

out works outside the above hours please contact an Environmental Health Officer.

2. A stopping up order from the Roads Planning Service of the Council is required for the two existing public car parks. Any costs incurred in this process will be borne by the developer. The stopping up order must be carried out prior to development commencing on site.
3. The developer will be responsible for removing all existing signage associated with the public car parks. These must be removed when use of the car parks cease.

DRAWING NUMBERS

14-10-10 01	Site Survey
2260 A(20)01	Location Plan
2260 L(21)01 Rev D07	Proposed Site Layout
2260 L(21)07 Rev D03	Union Street Elevations, Plans and Section
2260 L(21)08 Rev D03	Roxburgh Street Flat Plans
2260 L(21)09 Rev D03	Roxburgh Street Elevations and Section

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

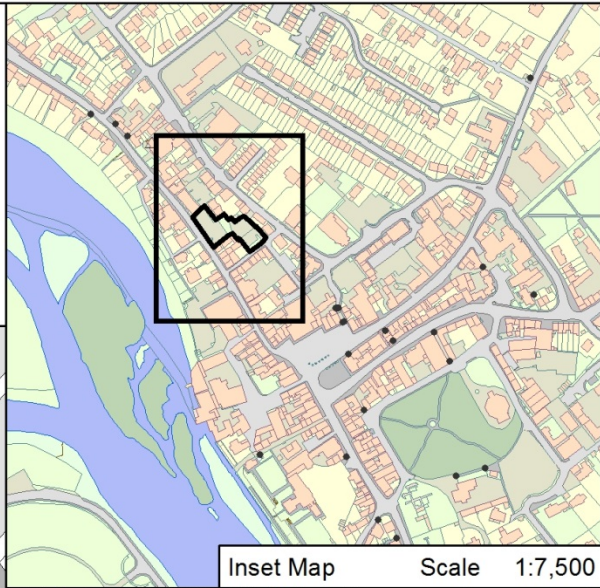
The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

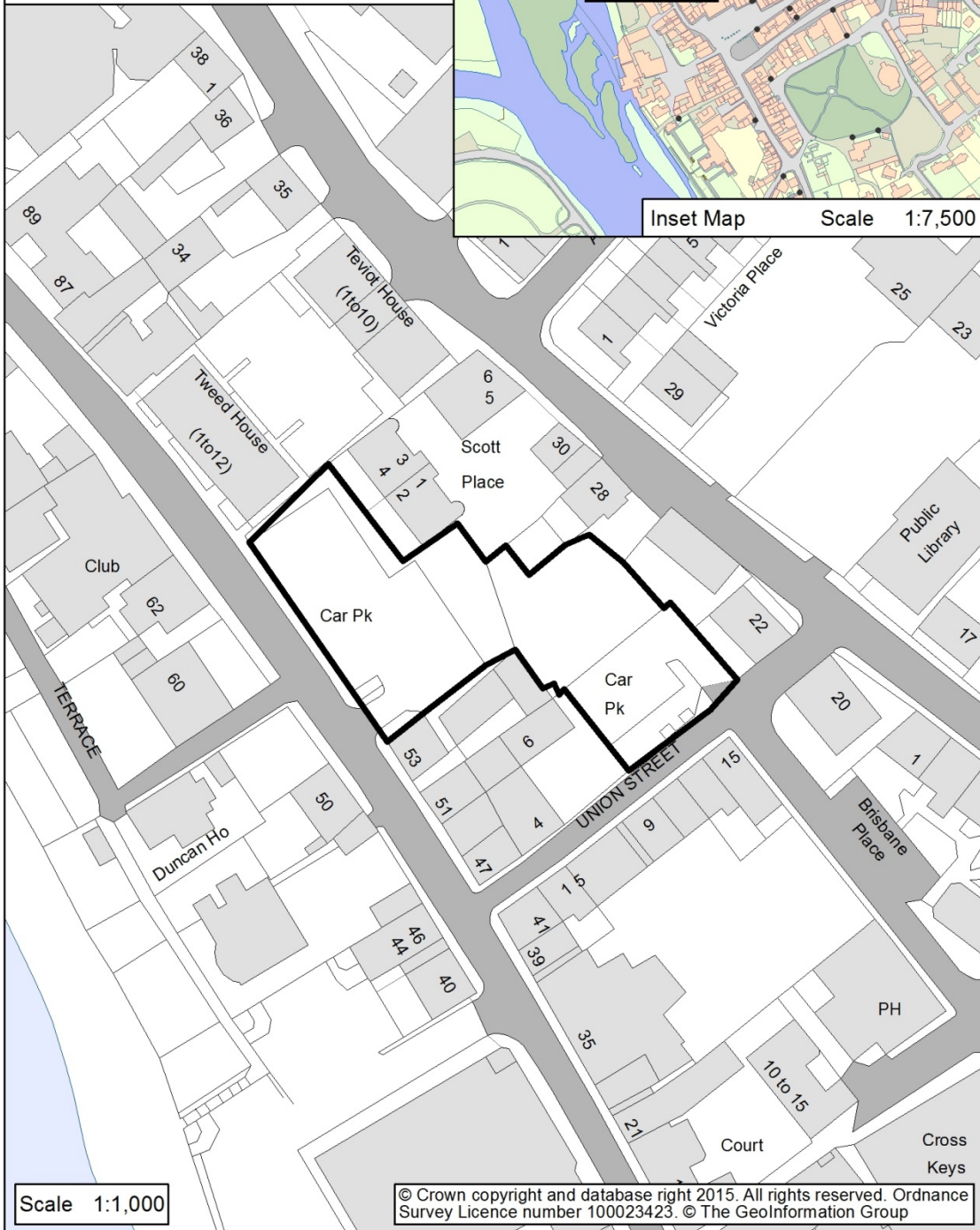
Name	Designation
Barry Fotheringham	Lead Planning Officer



15/00681/FUL
Land West Of 24 Bowmont Street
And Car Park Roxburgh Street
Kelso



Inset Map Scale 1:7,500



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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

5th October 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

Reference: 14/00738/FUL

Proposal: Construction of wind farm consisting of 8 No turbines up to 100m high to tip with associated external transformers, tracking, new site entrance off A701, borrow pit, underground cabling, substation and compound and temporary construction compound.

Site: Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge

Appellant: Stevenson Hill Wind Energy Ltd

Reason for Refusal: 1. The proposed development would be contrary to Policies G1, BE2 and D4 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) and the Council's Supplementary Planning Guidance on Wind Energy in that the development would unacceptably harm the Borders landscape including Historic Landscape due to: (i) the prominence of the application site and the ability of the turbines to be seen as highly prominent and poorly contained new components of the landscape from a wide area, as represented by viewpoints and ZTV information within the ES. (ii) the unacceptable vertical scale of the turbines in relation to the scale of the receiving landscape and absence of good topographical containment, causing the underlying landscape/landform to be overwhelmed. (iii) the impacts on landscape character arising from a high level of intervisibility between several landscape character areas/types with recognised landscape quality (including the Upper Tweeddale National Scenic Area). (iv) the appearance of the development resulting from its placement on a line of hills ridges, linear layout design, its scale in relation to other wind energy development with which it has cumulative landscape effects and the potential visual confusion caused by the proximity of the proposed Cloich Wind Farm to Hag Law, there being no visual coherence between the two windfarms. (v) the siting and prominence in a Historic

Landscape, within which the development would appear as an incongruous and anachronistic new item; and (vi) the introduction of a large commercial wind farm in an area which does not have the capacity to absorb it without causing overriding harm, and which is presently wind farm free. 2. The proposed development would be contrary to Policies G1, D4, BE2 and H2 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) and the Council's Supplementary Planning Guidance on Wind Energy in that the development would give rise to unacceptable visual and residential amenity effects due to: (i) the high level of visibility of the development and lack of good topographical containment. (ii) the adverse effects experienced by users of the public path network, in particular the Scottish National Trail, and areas generally used for recreational access (including vehicular access routes to such areas) (iii) the potentially unacceptable level of visual impact caused by the design of the development, in particular the dominance of the turbines in proximity to sensitive receptors (residences, school, public buildings), within the settlements at Romannobridge/Halmyre, Mountain Cross and West Linton (iv) the lack of certainty relating to the application of noise limitations in relation to certain noise sensitive receptors, in particular because it has not been demonstrated that it is possible to meet recommendations within ETSU-R-97 due to the potential cumulative noise effects from Hag Law and Cloich Wind Farms; and (v) the overriding harmful visual impacts relating to settings of a range of scheduled monuments within a culturally rich landscape.

Grounds of Appeal: The Proposed Development is well-designed and sensitively sited. The 'in principle' objection of the Council is not supported by the development plan or any material considerations. The objection from HS is overly cautious and does not withstand careful scrutiny. The majority of the statutory consultees including SNH, SEPA, the MoD, Transport Scotland, Edinburgh Airport, NATS (En Route) PLC, and RSPB Scotland are content that the Proposed Development be consented.

Method of Appeal: Written Representations

- 2.1.1 Reference: 14/01081/FUL
 Proposal: Wind farm development comprising 7 No wind turbines 110m high to tip with ancillary equipment, access track and associated works
 Site: Land West of Muircleugh Farmhouse, Lauder
 Appellant: Airvolution Energy Ltd
 Reason for Refusal: 1. The development would result in unacceptable individual and cumulative impacts (combined with existing wind farms and proposed developments at Girthgate and extension to Long Park) on the landscape character of the surrounding area, most notably the Lauder Common, contrary to Policies G1 and D4 of the Consolidated Local Plan 2011, by virtue of the location and scale of the development. 2. The development would result in unacceptable individual and cumulative impacts (combined with existing wind farms and proposed developments at Girthgate and extension to Long Park) on visual receptors, including the Lauder Common, B6362, A68 and A697, the Southern Upland Way, Girthgate route, Eildon Hills and Thirlestane Castle, which combine to conflict with Policies G1 and D4 of the Consolidated Local Plan 2011 by virtue of the location and scale of the development. 3. There would be an unacceptable cumulative impact (combined with Girthgate) on the setting of the Cathpair Scheduled Monument, contrary to Policies D4 and BE2 of the Consolidated Local Plan 2011. 4. Inadequate evidence has been provided to demonstrate that the development will not lead to

unacceptable impacts on residential receptors as a result of noise both individually and cumulatively (combined with existing wind farms and proposed developments at Girthgate and extension to Long Park) contrary to Policy D4 of the Consolidated Local Plan 2011. 5. The development would contribute to loss of wader habitat as a result of the siting of Turbine 6, contrary to Policies D4, NE3 and NE5 of the Consolidated Local Plan 2011.

Grounds for Appeal: 1. The international legislative framework places significant weight behind the reduction in CO2 emissions and the subsequent requirement for deriving electricity from renewable means. This has been translated at a United Kingdom and Scottish level through ambitious targets. The 2020 Routemap target is for the equivalent of 100% of Scotland's electricity demand to be met by renewable sources by 2020. 2. The proposed development is predicted to have an annual output of 51,509 MWh per annum, based on a load factor of 28% as published by Energy Trends 2010. It is estimated that enough electricity could be generated by the proposed development to supply the equivalent of approximately 12,420 households. Based on current figures, this could potentially displace the equivalent of up to approximately 22,149 tonnes of CO2 emissions per year from conventional forms of electricity generation. 3. The proposed development will make an important contribution to national renewable energy targets. There is very strong Government support of the development of further renewable energy projects, and the valuable contribution the proposed development makes towards this should be given appropriate weight in the determination of the application. 4. The principle in favour of renewable development is reiterated in planning policy at a national level by the NPF3, which recognises the importance of maintaining focus on delivering wind energy projects. NPF3 accepts that constraints can exist and reiterates that in general wind energy development should avoid internationally protected areas. 5. The SPP maintains the support for renewable energy development in principle, and includes guidance for local authorities in the preparation of planning policy and spatial strategies relating to wind energy development. 6. The development plan at a local level consists of the SESPlan and the Scottish Borders Consolidated Local Plan. The detailed policies in each of these have been assessed in this statement. The key policy for consideration is Policy D4 of the Local Plan. 7. This policy states that the Council will support proposals for both large scale and community scale renewable energy development, including commercial windfarms where they can be accommodated without unacceptable impacts on the environment. The policy makes clear that where significant adverse impacts are identified, the Council is required to balance these with the benefits of the proposal when assessing its acceptability. The presence of significant adverse impacts is not enough on its own to justify the refusal of an application. 8. The proposed development will make a notable contribution to the ambitious national renewable energy targets. It would also promote local employment and provide community benefit for communities in the local area. 9. A detailed Environmental Impact Assessment has been undertaken, the findings of which are set out in the ES which accompanies the application. This has identified relatively few significant impacts, predominantly in relation to localised landscape and visual impacts. 10. It is therefore considered that, on balance, the application is consistent with the applicable national and local planning policies.

Method of Appeal: Written Representations

2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

Nil

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 23rd September 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 |
|--|---|

5 REVIEW REQUESTS RECEIVED

5.1 Reference: 15/00504/FUL
Proposal: External alterations and erection of 4 No flagpoles
Site: Office West Grove, Waverley Road, Melrose
Appellant: Rural Renaissance Ltd

Reasons for Refusal: 1. The proposed development is contrary to Adopted Local Plan Policy G1, in that the erection of the four no flagpoles, would not be compatible with, or respectful of, the character of the surrounding area and neighbouring built form. 2. The proposed development is contrary to Adopted Local Plan Policy BE4 in that the erection of the four no flagpoles would have an unacceptable adverse impact upon the character and appearance of the Conservation Area as a consequence of the unusual character of this aspect of the development; its siting immediately adjacent to the Conservation Area; and the high visibility of the site, which would mean that the aforementioned impacts would go unmitigated.

5.2 Reference: 14/00996/PPP
Proposal: Erection of dwellinghouse
Site: Plot A Chirside Station, Chirside
Appellant: G Drummond

Reason for Refusal: 1. The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications

14/00997/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside. 2. The proposal would be contrary to policy INF2 of the Scottish Borders Council Consolidated Local Plan 2011 in that the dwelling would have an adverse effect on the continued use of the access route/railway, which is promoted under Policy EP12 of the Proposed Local Development Plan 2013.

Reason: To protect general rights of responsible access.

6 REVIEWS DETERMINED

6.1

7 REVIEWS OUTSTANDING

7.1 There remained 5 reviews previously reported on which decisions were still awaited when this report was prepared on 23rd September 2015. This relates to sites at:

• Raebank, Chapel Street, Selkirk	• Land South West of Clackmae Farmhouse, Earlston
• Land South West Pyatshaw Schoolhouse, Lauder	• Land South of Riding Centre, Newlands, Sunnyside, Reston
• 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.

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