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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 1ST JUNE, 2015

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the SCOTTISH BORDERS COUNCIL, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS TD6 0SA on MONDAY, 1ST JUNE, 2015 at 10 A.M.

J. J. WILKINSON,
Clerk to the Council,

25 May 2015

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 1 - 16) Minute of Meeting of 27 April 2015 to be approved and signed by the Chairman. (Copy attached.)
5.	Applications. Consider the following application for planning permission:-
	(a) Erection of Dwellinghouse - 15/00220/AMC (Pages 17 - 26) Erection of dwellinghouse (approval of matters for all conditions pursuant to planning permission 10/00154/PPP) on Land East of Northwood House, Whitfield, Coldingham - 15/00220/AMC. (Copy attached.)
	(b) Erection of commemorative stone plaque - 15/00452/FUL (Pages 27 - 34) Erection of commemorative stone plaque at Hornshole Monument, Hornshole Bridge, Hawick – 15/00452/FUL. (Copy attached.)
	(c) Internal extension alteration to form Dwellinghouse an Change of Use - 15/00024/LBCNN & 15/00025/FUL (Pages 35 - 48) Internal extension alteration to form dwellinghouse and change of use from former meeting hall and alterations to form dwellinghouse at Hall 2 - 6 Old Manse Lane, Hawick – 15/00024/LBCNN & 15/00025/FUL. (Copy attached.)
	(d) Variation of planning condition No 6 of planning consent R025/92 (Pages 49 - 56) Variation of planning condition No 6 of planning consent R025/92 relating to delivery hours at Morrison Supermarkets Plc, Mart Street, Hawick – 15/00456/FUL

	Copy attached.)
6.	Appeals and Reviews. (Pages 57 - 62) Consider report by Service Director Regulatory Services. (Copy attached.)
7.	Any Other Items Previously Circulated.
8.	Any Other Items which the Chairman Decides are Urgent.
9.	Items Likely To Be Taken in Private Before proceeding with the private business, the following motion should be approved:- “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.”
10.	Minute (Pages 63 - 64) Private Minute of Meeting of 27 April 2015 to be approved and signed by the Chairman. (Copy attached.)

NOTE

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

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

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

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

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

MINUTE of MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE held in the Council Headquarters, Newtown St. Boswells on 27 April 2015 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne (from para 3), J. Brown, J. Campbell, J. Fullarton, I. Gillespie, S. Mountford, B. White..
Apologies:- Councillor D. Moffat.
In Attendance:- Development Standards Manager, Major Applications, Review and Enforcement Manager, Principal Roads Planning Officer, Forward Planning Officer, Solicitor (G Nelson), Democratic Services Team Leader, Democratic Services Officer (F Henderson).

MINUTE

1. There had been circulated copies of the Minute of the Meeting held on 27 March 2015.

DECISION

APPROVED for signature by the Chairman.

ORDER OF BUSINESS

2. 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.

DRAFT SUPPLEMENTARY PLANNING GUIDANCE: REPLACEMENT WINDOWS AND DOORS

3. There had been circulated copies of report by the Service Director Regulatory Services which sought agreement on the Draft Supplementary Planning Guidance on Replacement Windows and Doors contained in Appendix A to the report. The report explained that the current Supplementary Planning Guidance on Replacement Windows was approved in April 2012. The revised Supplementary Planning Guidance (SPG) had come forward following a request by Planning and Building Standards Committee in June 2014 to review the SPG. The key changes to this revised SPG were the provision of greater clarity on the key principles and their policy use, and the inclusion of doors as well as windows. It was proposed that the Draft SPG be subject to public consultation for a period of 12 weeks. Following consultation, it was intended that a report be brought back to the Planning and Building Standards Committee to seek final agreement. It was also proposed that the Draft SPG be adopted as interim policy guidance. The Forward Planning Officer was present to answer Members questions and the Chairman thanked him and his Team for a very thorough and well thought out piece of work. A proposed amendment to the wording of Paragraph 3.28 to allow the use of uPVC in certain circumstances was tabled at the meeting and this was approved.

DECISION

(a) AGREED:-

- (i) **the use of the document as a Draft Supplementary Planning Guidance on Replacement Windows and Doors to be used as a basis for public consultation; and**
- (ii) **the use of the document as Interim Supplementary Planning Guidance in the determination of planning and listed building applications;**

(iii) that following the public consultation period the Draft Supplementary Planning Guidance on Replacement Windows and Doors be brought back to the Planning and Building Standards Committee; and

(iv) that the full wording of paragraph 3.28 of the proposed Guidance be deleted and be replaced with the following amended wording :-

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.

APPLICATIONS

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

DECISION

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

APPEALS AND REVIEWS

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

DECISION

NOTED that:-

- (a) an appeal decision had been received in respect of the Discharge of planning obligation pursuant to planning permission 06/01404/FUL on Land South of Meigle Row, Clovenfords – 14/01231/MOD75
- (b) there remained two appeals outstanding in respect of:-
- Ravelaw Farm, Whitsome, Duns
 - Land West of Kingledores Farm (Glenkerie), Broughton, Biggar
- (c) a review request had been received in respect of replacement windows at 27-29 Eastgate, Peebles EH45 8AB – 14/01400/FUL
- (d) the Local Review Body upheld the Appointed Officers decision to refuse, subject to amending the terms of the refusal, a change of use from store, partial demolition and alterations to form 3 No garages at Store, Union Street, Hawick – 14/01074/FUL

PRIVATE BUSINESS
DECISION

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

SUMMARY OF PRIVATE BUSINESS

Minute

1. The Committee considered the private section of the Minute of 30 March 2015.

Urgent Business

2. Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

Developer Contributions

3. Members noted a report on levels of developer contributions for certain developments

The meeting concluded at 1.30 p.m.

APPENDIX

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
13/00332/FUL	Erection of 54 dwellinghouses and associated infrastructure	Land South of the Old Manse, Gavinton

Decision: Approved subject to a legal agreement addressing contribution towards Education and Lifelong Learning and Play Facilities, the normal directions and the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority as specified in the drawing list on this consent notice.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development of the estate proceeds in an orderly manner.
3. Upon completion of each phase, as required by Condition 2, the developer carrying out the development shall give notice of that completion to the planning authority.
Reason: To comply with Section 27B of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
4. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

Development at (Note 1)

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

The development comprises (Note 5)

Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).
Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
5. No development shall commence until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details unless otherwise agreed in writing with the Planning Authority.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
6. All trees and hedging within the site shall be retained as specified on drawing 00620_Mp_05 Revision D. No development shall commence until a Tree Protection Plan has been submitted for the approval of the Planning Authority which demonstrates measures to be undertaken to protect the trees during construction in accordance with BS5837:2012. During the period of construction of the development the following requirements will apply:
 - (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
 - (b) No fires shall be lit within the spread of the branches of the trees;

- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

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

7. No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing tree(s) represent an important visual feature which the Planning Authority considered should be substantially maintained.
8. The three Ash trees numbered 6546, 6547 and 6548 upon Drawing Number; 00620_MP_07 shall not be felled, lopped, lifted or disturbed until bat checking surveys have been carried out by a suitably qualified person and submitted for the approval of the Planning Authority. Once the biological value of each of these trees has been established it shall thereafter be agreed with the Planning Authority if these trees should be retained with reduced crowns or removed, through the submission of a Tree Works Plan for the approval of the Planning Authority. Once approved, all works to the three Ash trees shall be carried out in accordance with the approved Tree Works Plan.
Reason: To ensure local habitats are protected and trees with biological value are retained.
9. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.
 - viii. Expected water levels to be retained within the SUDS pond.
- Reason: To ensure the satisfactory form, layout and assimilation of the development.
10. All planting, seeding or turfing comprised in the approved details of landscaping required by Condition 9 shall be carried out in strict accordance with the programme of implementation set out in the phasing plan required by condition 2 and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.
11. No development shall commence until a scheme of precise details of junction improvement works (including the provision of associated junction signage that may be required) which are to be carried out to the C101 junction with the A6105 have been submitted to and approved in writing by the Planning Authority and thereafter no development shall take place except in strict accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority. The approved junction works shall be completed before site development works commence upon the residential development hereby approved.
Reason: To ensure that the junction can safety cope with its increased use as a result of this development.
12. No development shall commence until a scheme of details for improvement to the local public bus transport waiting/stopping area for west bound journeys has been submitted to and approved in writing with the Planning Authority. The scheme shall include provision for a handrail to be constructed along the footpath known as Red Braes from the village to the bus stop. The approved scheme shall be implemented before completion of the development unless any changes are otherwise agreed in writing with the Planning Authority.

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

13. The areas allocated for parking on the approved plan shall be properly consolidated, surfaced and drained before the dwellinghouses in each phase of this development (as required by Condition 2) are occupied, and shall not be used other than for the parking of vehicles on connection with the development hereby permitted.
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.
15. The proposed roads, footpaths and turning spaces indicated on the approved drawings shall be constructed in such a manner as to ensure each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced carriageway and footpath.
Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic.
16. No development shall commence until a Drainage Impact Assessment has been submitted to and approved in writing with the Planning Authority in consultation with Scottish Water. The assessment shall establish if there is sufficient capacity within Scottish Water's infrastructure to accommodate foul drainage demands of the development, in the event that there are any deficiencies, details of proposed upgrades shall be provided. Once approved, the development shall be carried out in strict accordance with the approved details and any required upgrades to the drainage network infrastructure shall be completed before occupation of the first dwellinghouse.
Reason: To ensure that the existing drainage infrastructure has the capacity to service the development.
17. Prior to the commencement of the development, details of measures to control Greenfield Run-Off rates shall be submitted to and approved by the Planning Authority. Once approved, the measures shall be completed in strict accordance with the approved details and to agreed time scale as set out in phasing plan required by condition 2.
Reason: To ensure appropriate greenfield run-off rates which do not result in posing a flood risk.
18. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
19. No vegetation or scrub clearance shall be carried out during the breeding bird season (March – August) without the express written permission of the Planning Authority. If works are to be undertaken during the bird breeding season, checking surveys and appropriate measures of mitigation will be required to be submitted for the agreement of the Planning Authority and thereafter all works shall be carried out in accordance with the agreed details.
Reason: To safeguard the ecological interests of the site.
20. No development shall commence until a Badger Protection Plan and Biodiversity and Habitat Management Plan have been submitted to and agreed in writing with the Planning Authority. Once approved the development shall be undertaken in accordance with the approved details unless any variation is agreed in writing with the Planning Authority.
Reason: To safeguard and enhance the ecological interests of the site.

21. A scheme for the relocation and /or repositioning of the existing 30mph signs on the C101 leading into the village from the A6105 and on Fogo Road (C102) shall be submitted to approved in writing by the Planning Authority before the commencement of the development. Thereafter, the scheme shall be implemented in accordance with an agreed programme of works.
Reason: In the interest of road safety.

Informatives

1. The Planning & Building Standards Committee agreed that the carriageway width of Fogo Road (C102) did not need to be widened to the south of its junction with Maitland Row. In addition, it may not be necessary to extend the new footway along this road to the south beyond Maitland Row.
2. Members also highlighted that they were supportive of the proposal from the Community Council that existing bus service be directed into the village. Officers were asked to open discussions with the bus operators to establish whether this was a feasible option.

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

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

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

Note 3: Insert the name and address of the developer

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

Note 5: Insert the description of the development.

Note 6: Insert the application reference number.

NOTE

Mr John Marjoribanks and Prof Donald Ritchie spoke on behalf of 10 Residents in Gavinton against the application

Prof Dickinson, Chairman of Gavinton, Fogo and Polwarth Community Council spoke against the application.

Reference

14/01146/FUL

Nature of Development

Erection of dwellinghouse
with detached garage

Location

Garden Ground of the Old School
High Street, Ayton

Decision: Approved subject to satisfactory conclusion of a legal agreement in respect of developer contributions, the standard directions and the following conditions:

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

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

- 2 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 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.

- 3 Sample panels of the external wall finish shall 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.

- 4 The development hereby approved shall be constructed of natural slate on the roof, a sample of which shall first be submitted to and approved in writing by the planning authority prior to commencement of works. Any alternative roofing material shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

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

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

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

- 6 The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site.
Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.
- 7 No development shall commence until a construction method statement is submitted to and agreed in writing by the Planning authority. . The statement shall detail how materials will be delivered to, and stored within, the site and how construction traffic will access the plot along with measures to prevent any damage to the buildings adjacent to the lane. Thereafter, the development shall be carried out in accordance with the approved scheme.
Reason: In the interests of road safety
- 8 Development shall not begin until details of proposed drainage works have been submitted to and approved in writing by the Local Planning Authority and development shall only be carried out in strict accordance with the approved drainage arrangements.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 9 No development shall commence until details of all the surface treatments are submitted to and agreed in writing by the Planning Authority. Thereafter, the surface treatments shall be implemented in accordance with the approved details. .
Reason: To ensure a safe and satisfactory form of development appropriate to its surroundings.
- 10 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.

NOTE

Mrs Margaret Carey spoke against the application.

Ms Anthea Drysdale, Applicant spoke in support of the application.

Reference
15/00189/PPP

Nature of Development
Residential Development

Location
Specialist Laminates Ltd
Station Road
Gordon

Decision: Approved subject to the normal directions, a legal agreement addressing contribution towards local education provision and affordable housing provision, and the following conditions:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto, and the landscaping of the site, have all been submitted to, and approved in writing by, the Planning Authority. These details shall be informed by a professionally prepared tree survey (the results of which shall be submitted in the form of a report at the time of the first AMC application submitted subsequent to this planning approval). Further, these details shall additionally take full account of the requirements and considerations of: (a) Informative Note 1 with regard to the layout, siting, design, external appearance of the building(s), the means of access to the site and the landscaping of the site; and of (b) Informative Note 2 with regard to the landscaping of the site. Thereafter, the development shall be implemented in accordance with the approved details.

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

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

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

3. Notwithstanding the details submitted in support of the planning application, the development shall not be commenced until a scheme of details has first been submitted to, and approved in writing by, the Planning Authority, which describes how appropriate surface water drainage, foul drainage and water supply arrangements are to be achieved. (Please see Informative Note 3 for clarification with regard to the information that is required to address the requirements of this planning condition). Thereafter, the surface water drainage treatment, foul drainage treatment and water supply shall all be implemented in accordance with the approved details. Further, no dwellinghouse hereby consented shall be occupied until (i) the approved surface water drainage arrangements to serve the entire site are fully functional; and (ii) both the foul drainage and water supply arrangements to serve the dwellinghouse are fully functional.

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

4. No dwellinghouse hereby consented shall be occupied until on-site parking appropriate to accommodate the parking and movement of at least two vehicles has first been completed and is available for use by the occupants of that same dwellinghouse.

Reason: In the interests of road safety to ensure that provision for the parking of occupants' vehicles is complete and available for use prior to their occupation of their property.

5. The finished floor levels and roof ridge heights of all the dwellinghouses, and any

associated ancillary buildings, and the finished ground levels within the site, shall all be consistent with levels indicated on a scheme of details that shall first have been submitted to, and approved in writing by, the Planning Authority at the detailed planning application stage, and prior to the commencement of development. Such details shall include:

- (i) the heights of the roof ridges of all adjacent existing buildings including those of the dwellinghouses at No 4 Station Road, No 6 Station Road, No 8 Station Road, Woodside Cottage, Blackrigg Park; and the existing storage building at 'Ingleside';
- (ii) the proposed finished floor levels and roof ridge heights of the consented dwellinghouses;
- (iii) the existing and proposed ground levels within the curtilage of the site; and
- (iv) a clearly identifiable datum point, or clearly identifiable datum points, located out with the site and sufficient for the purpose of establishing the heights of the existing and proposed levels detailed in items (i) to (iii) above, relative to the level(s) of the existing public road.

Reason: To ensure that the consented development does not have any detrimental impact upon the appearance of the surrounding area or upon the amenity of neighbouring properties as a consequence of the levels within the site being raised to any inappropriate heights.

6. Unless otherwise agreed in writing and in advance of the commencement of development, the trees within the shelter belt to the immediate east of the site shall all be fully protected in accordance with the requirements of BS 5837:2012. All measures required on-site to protect these trees for the duration of construction works shall be maintained in accordance with the requirements of BS 5837:2012. There shall be no other construction works, including storage of plant or machinery within the Root Protection Areas (RPAs) of these same trees, and there shall be no services installed within their RPAs unless such works are compliant with NJUG Guidelines. Any variations to the above requirements shall not be implemented unless subject to the prior written approval of the Planning Authority.

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

7. Noise emitted by any plant and/or machinery used on the premises of any of the dwellinghouses hereby consented and in connection with their heating systems, shall not individually or collectively exceed Noise Rating Curve NR20 between the hours of 2300 and 0700; and shall not individually or collectively exceed Noise Rating Curve NR30 at all other times, when measured within the nearest noise sensitive dwelling (even when windows at that same noise sensitive dwelling are open for ventilation). Further, the noise emanating from any plant and/or machinery used on the premises of any of the dwellinghouses hereby consented and in connection with their heating systems, shall 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 and prevent noise generated by any plant and/or machinery used on the premises of any of the approved dwellinghouses and in connection with their heating systems from causing any unacceptable noise nuisance to the occupiers of any neighbouring premises.

8. No development shall commence until the results of an assessment of the impacts of the development upon local air quality, has first been submitted to, and approved in writing by, the Local Planning Authority in the form of a report. The assessment and the report shall respectively be carried out and prepared, taking full account of the advice and requirements of Informative Note 4. The report shall identify any mitigation measures required to ensure that there would not be any unacceptable air quality impacts. Thereafter the development shall only be implemented and operated in strict accordance with the approved details.

Reason: In the interests of protecting the amenity of neighbouring properties, protecting the quality of air in the locality, and protecting human health and well-being.

9. Unless otherwise agreed in writing and in advance by the Planning Authority, no development shall commence until a ground investigation report has first been submitted to and approved in writing by the Planning Authority. The report shall include identification and assessment of potential contamination on the site [in accordance with PAN 33 (2000) and BS10175:2011 or any subsequent revisions/replacements to these documents] and shall include [as applicable] a remediation strategy, validation report and monitoring statements, including timescales for the implementation of all such measures. Development shall not commence until the report is approved by the Planning Authority. Thereafter, the development shall be carried out only in accordance with the approved report, including all approved remediation, validation, monitoring measures and timescales for their implementation. (Please see Informative Note 5 for additional information).

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.

10. The first Application for Approval of Matters Specified in Conditions submitted in relation to this approval shall include a report of surveys of the site for bats and breeding birds. The surveys shall include (i) all buildings on the site to be converted or demolished, and (ii) all mature trees on the site to be felled. Both the bat survey, breeding bird survey and the report of the same, shall be carried out and prepared by a suitably qualified person (preferably a member of the Institute of Ecology and Environmental Management or a licensed bat worker). Please see Informative Note 6 for additional information/clarification with regard to the bat survey requirement. In the event that evidence of bats and/or breeding birds is found in the surveys, the Applicant shall additionally submit a Mitigation Plan at the time of the submission of the first Application for Approval of Matters Specified in Conditions that is submitted in relation to this approval. This Mitigation Plan shall again, have been prepared by, or with the input of, a suitably qualified person (preferably a member of the Institute of Ecology and Environmental Management or a licensed bat worker) and shall take full account of the guidance and advice of Informative Note 7. The Mitigation Plan shall thereafter be implemented and maintained in accordance with the approved details.

Reason: To ensure that the development would have no unacceptable impacts upon a protected species, bats, breeding birds or their habitat.

11. This permission shall not permit more than seven dwellinghouses.

Reason: The submission of details required by this permission will be necessary to demonstrate the appropriate amount of development that can be accommodated within this constrained site, but submitted illustrative drawings indicate that seven houses is likely to be the maximum that can be achieved without representing overdevelopment or adversely affecting the amenity of adjoining existing residential properties.

Informatives

1. INFORMATIVE NOTE 1:

With regard to the information required by Planning Condition No 1 to describe the layout, siting, design, external appearance of the building(s) and the means of access to the site, the following matters observed with respect to the indicative layout, require to be addressed within a revised detailed proposal:

(1) The accommodation of a new dwellinghouse on the site of 'House 2', and in the circumstances described on the indicative site layout, is not supported by the Planning Authority. The proposal requires to be revised to ensure that there would be no unacceptable impacts upon the residential amenity of either of the properties at No. 4 and/or No. 6 Station Road. The concerns relate, firstly, to the indicated proximity of the proposed dwellinghouse to the boundaries with these other two properties, and secondly, to the lack of any screen planting (and any meaningful opportunity to establish and maintain any such screen planting) along the boundaries with these same properties. It is with the Applicant to demonstrate that a dwellinghouse could be accommodated acceptably on this site without having any unacceptable impacts upon the amenity of either of these, or any other, existing residential properties. However, the Planning Authority, taking account of some of the other factors noted below, considers that the 'House 2' plot would be more appropriately deleted from the scheme.

(2) The proposed turning head is too small and needs to be enlarged to provide sufficient capacity for a Refuse Lorry to turn safely;

(3) Provision for visitor (public) parking needs to be incorporated;

(4) It is anticipated that the deletion of the indicated 'House 2' plot would be liable to allow all three of the above noted matters (1 to 3 inclusive) to be appropriately addressed, with the space being reused to accommodate the required turning area and visitor parking provision;

(5) In the event of 'House 2' being deleted, it is considered that there may be an opportunity to re-accommodate a dwelling within a scheme including semi-detached properties in place of detached houses within the eastern part of the site. Semi-detached properties would have some capacity to allow for more generous distances of set-back between both proposed (where not immediately adjoining) and existing properties, with potential to ensure a higher level of amenity than would be secured through the scheme described by the indicative layout;

(6) The detailed site layout and design of the houses should be informed by the Council's adopted Supplementary Planning Guidance Note on Householder Developments, incorporating appropriate provision to conserve an appropriate level of residential amenity for existing properties within the surrounding area;

(7) Any dwellinghouse on the 'House 1' site would require to be sympathetic in its design to the buildings with which it would be viewed alongside in Station Road. It is anticipated that this would be most satisfactorily achieved by a building of traditional design. Its south elevation would also more appropriately be aligned to reflect the orientation of the 'existing shed' building to the south of it. Its west elevation would be appropriately aligned to accord with the building line established by No 4 Station Road to the north. In this way, it is anticipated that a dwelling would be more sympathetically sited and orientated relative to the surrounding streetscape;

(8) Consideration needs to be given to the potential to ensure that there would be no unacceptable level of overlooking of windows at No 4 Station Road from any dwellinghouse sited on the 'House 1' plot. It is with the Applicant to demonstrate a satisfactory treatment, but the Planning Authority would anticipate that this might require to be a single storey property in order to omit any first floor windows directly opposite the larger ground floor windows at No 4;

(9) There should be no "kink" in the road at the entrance to the site;

(10) Revisions to the layout of the car parking spaces in the private drive are required to enable these to work better;

(11) Insufficient account has been taken within the indicative proposals of existing trees and hedges along the eastern and northern boundaries of the site, including impacts upon these relating to proposed buildings, areas of hard standing and the siting of fences;

(12) Clarification is required with regard to the treatment of the existing stone boundary walls. These are an attractive feature of the site, which the Planning Authority considers should be substantially retained or recreated; and

(13) Clarification is required with regard to the treatment of the southeast corner of the site, where ground levels have been built up. In the interests of the visual amenities of the area, the Planning Authority considers that surface levels in this area would be appropriately restored to pre-existing levels, which should also help conserve the stone boundary walls at this point.

2. INFORMATIVE NOTE 2:

The tree survey required by Planning Condition No 1 should take account of all existing mature trees (including canopies and Root Protection Areas) within the site and on the site boundary.

This survey should directly inform the landscaping proposals for the site, which should identify all areas in which development would be liable to directly impact any existing trees (including canopies and Root Protection Areas).

Planting plans must provide sufficient information to be enforceable, by detailing the following:

- i.) Plan is to an identified true scale (e.g. 1:200).
- ii.) Boundary of the application site is clearly marked.
- iii.) Site orientation is indicated by a North point or OS grid lines.
- iv.) All existing trees, shrubs and hedges to be retained are clearly marked.

- v.) Take account of site factors such as slope, aspect, soil conditions, proximity of buildings and minimum distances from pipe and cable runs, when choosing planting positions. Where necessary, seek professional landscape advice.
- vi.) Planting positions are clearly marked showing individual trees and shrubs and / or planting area boundaries using dimensions as necessary.
- vii.) All species of plants identified using their full botanical name (e.g. oak - *Quercus robur*)
- viii.) All plant numbers to be identified individually or by group or area as appropriate. Species mixes can be identified by percentages and an overall number or a specified area and a planting density (e.g. *Betula pendula* 30%, *Quercus robur* 70%, 120 square metres @ 1 plant per 4 square metres = 9 *B. pendula* & 21 *Q. robur*)
- ix.) A planting schedule identifies all the proposed planting by species and specification indicating size and nature of plants to be used (e.g.: Extra heavy standard tree 14-16cms girth or shrub 60-75cms high in 2 litre pot.)
- x.) Notes on the plan describe how the planting is to be carried out and maintained to ensure successful establishment.
- xi.) The plan indicates when the work will be completed and ready for inspection taking account of planting seasons (e.g. November to end March each year for bare rooted plants.)

N.B. Planting conditions are only discharged following an inspection of the completed work.

Please also note that the programme for completion and subsequent maintenance must include action points describing actions that will definitely be taken by the Applicant, and must also note precisely when these are to be carried out (i.e. definite actions to be carried out at clearly identifiable times). Use of ambiguous, vague or otherwise non-committal words or phrases (including "should", "could" or "may") must be avoided in favour of words and phrases that are clear and definite (such as "will" and "shall") when detailing these actions that the Applicant will carry out. A critical concern is that the detail and timing of the measures are capable of being checked if necessary by a third party, rather than left as discretionary or optional.

3. INFORMATIVE NOTE 3:

If proposals to service the site from the public network are to be maintained within the detailed proposal, then the information provided to address the requirements of Planning Condition No 3 should include correspondence from Scottish Water clarifying the position with regard to the potential capacity for achieving public mains connections.

However, and in any event, SUDS proposals are required for both the road and the private driveway and appropriate details are required for review at the detailed application stage.

4. INFORMATIVE NOTE 4:

With respect to the requirements of Planning Condition No 8, the air quality assessment report should quantify the levels of pollutants likely to arise from the development, with reference to the Scottish Air Quality Objectives. The Applicant should demonstrate that the proposed flue height is adequate to allow proper dispersal of the products of combustion.

5. INFORMATIVE NOTE 5:

Please note that Planning Condition No 9 has been imposed to minimise all risks to human health from any potential contamination on-site. This includes the health not only of the occupants, but also that of all persons employed in the service of the Developer, including building contractors, as well as those engaged to investigate particular concerns that may be regulated by other planning conditions attached to this planning consent.

Accordingly, the Developer needs to ensure that all investigations and works required in advance of the commencement of development are accommodated appropriately around the need for the potential contamination issues to be investigated and remediated appropriately. The timing and arrangements for the investigation and remediation of any potential contamination issues on-site, must take full

account of the need to ensure that no persons are at any point in time, exposed to any unacceptable health risks from contamination and as a consequence of inadequate or unsatisfactory arrangements having been put in place to manage the timing and circumstances of their site visits.

6. INFORMATIVE NOTE 6:

Following guidance from the Scottish Government, bat surveys and any subsequent licensing requirements will need to be resolved before the planning application is determined. Impacts on bats will be assessed against the three key tests. Surveys likely to involve disturbance to bats or their roosts can only be carried out by a licensed bat worker. Activity surveys for maternity roosts and occasional roosts in buildings and trees should be conducted between May and September (optimally May - July). Preliminary roost assessments can be undertaken at any time of year.

7. INFORMATIVE NOTE 7:

With respect to the requirements of Planning Condition No 10, please note that any Mitigation Plan must include action points describing actions that will definitely be taken by the Applicant, and must also note precisely when these are to be carried out (i.e. definite actions to be carried out at clearly identifiable times). Use of ambiguous, vague or otherwise non-committal words or phrases (including "should", "could" or "may") must be avoided in favour of words and phrases that are clear and definite (such as "will" and "shall") when detailing these actions that the Applicant will carry out. A critical concern is that the detail and timing of the measures are capable of being checked if necessary by a third party, rather than left as discretionary or optional.

8. INFORMATIVE NOTE 8:

It should be noted that ALL information requirements identified in the planning conditions attached to this planning consent require to be made the subject of a subsequent application, or subsequent applications, for Approval of Matters specified in Conditions (AMC).

When making an AMC application to address the information requirements of the Planning conditions attached to this planning consent, the Applicant should explicitly state the reference numbers of the relevant planning conditions in the appropriate place (currently Section 5b) on the Planning Application Form.

In the event that the Applicant would seek to address the information requirements of ALL planning conditions attached to this planning consent within one AMC application, they must ensure that they supply information that fully and properly addresses ALL information requirements identified within ALL planning conditions.

9. INFORMATIVE NOTE 9:

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.

10. INFORMATIVE NOTE 10:

The Developer is reminded that this permission does not convey approval for works affecting third party rights which may exist on the land (site) or any adjoining land. The Developer is therefore advised to seek the approval of any parties having an interest in any land affected by this permission. (In this specific case, this is liable to include impacts upon shared boundaries and buildings on or within close proximity to the boundary of the site).

INFORMATIVE NOTE 11:

11. For the avoidance of doubt, the illustrative layout submitted as part of this application is not approved; notwithstanding these submissions, further details will need to be submitted, in accordance with condition 1, to demonstrate an appropriate form and layout of development, and the appropriate position and scale of buildings.

The details required in respect of condition 1 will need to safeguard provision for street linkages from the site to the adjoining land to the east, so that appropriate connectivity can be achieved in the event that this land comes forward for development in the future.

NOTE

Mr James Lofthouse, Applicant spoke in favour of the application.

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SCOTTISH BORDERS COUNCIL**PLANNING AND BUILDING STANDARDS COMMITTEE****1 JUNE 2015****APPLICATION FOR PLANNING PERMISSION**

ITEM:	15/00110/AMC
OFFICER:	Lucy Hoad
WARD:	Berwickshire
PROPOSAL:	Erection of dwellinghouse (approval of matters for all conditions pursuant to planning permission 10/00154/PPP)
SITE:	Land East Of Northwood House Whitfield Coldingham
APPLICANT:	Mr T Mansfield And Ms Khin Tye
AGENT:	Nigel Chandler Architect

SITE DESCRIPTION

The application site is located on the south side of the minor public road between Alemill and Cairncross to the west of Eyemouth. It is currently overgrown vacant land and is defined by a timber fence on the west boundary, a dry stone dyke on the north boundary and post and wire fencing with mature hedging on the east and south boundaries. The small building group at Whitfield comprises several dwellings that have developed in a linear arrangement with the site set within the confines of the group (east end).

PROPOSED DEVELOPMENT

This is a full planning application which seeks to address the conditions attached to the planning permission in principle for the erection of a dwellinghouse on land to the east of Northwood House, Whitfield near Eyemouth (10/00154/PPP). The proposed house type is of a traditional design with slate roof and external walls of wet dash render/cast stone. Windows and doors are to be constructed of timber. The design provides for a linked element to a single storey garage and the site provides for a parking/turning area with access taken from the minor road to the north. It is proposed to install an oil tank adjacent to the garage.

The site layout has been modified to include a small triangle of ground to roadside omitted in the original site plan and the dwelling house has be re-orientated slightly from its original position with neighbours re-notified.

PLANNING HISTORY

06/02326/OUT Erection of dwellinghouse Refused 17.02.2007
10/00154/PPP Erection of dwellinghouse Approved 18.12.2014

REPRESENTATION SUMMARY

Objections to the development have been received from 6No households, main points raised include:

- Scale and mass of building in relation to small plot
- Visual impact on the character of the area
- Density more in keeping with urban development
- Height of building - 1.5 storey would be less intrusive
- Windows overlook neighbour Northwood House
- Loss of privacy
- Loss of light to the Lodge
- Loss pressure water supply concerns/shared private arrangements
- Use of water tanks for storage not satisfactory
- Incorrect site boundary lines
- Increased traffic
- Road safety
- Construction works/access

The full content of each letter can be found on the Council's *Public Access* website.

DEVELOPMENT PLAN POLICIES:

Consolidated Local Plan 2011

- D2 Housing in the Countryside
- G1 Quality Standards for New Development
- G5 Developer Contributions
- H2 Protection of Residential Amenity
- Inf 3 Road Adoption Standards
- Inf 4 Parking Standards
- Inf 5 Waste Water Treatment Standards
- Inf 6 Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

None

CONSULTATION RESPONSES:

All consultation responses can be read in full on the *Public Access* website.

Scottish Borders Council Consultees

Environmental Health: No objection subject to an informative. The applicant has provided additional details in respect of water supply to include provision of new infrastructure (pipework). The source will provide adequate water for all of the properties listed by the applicant and the proposed property. An informative in respect

of water treatment is advised.

Roads Planning: No objection subject to conditions and informatives in respect of layby construction, provision of visibility splays and a passing place at a location to be agreed with the authority. The passing place proposed is considered to be acceptable.

Statutory Consultees

Community Council: The Council neither objects to nor supports the application.

Comments were made to include consideration should be given to::

Closeness of dwelling to neighbours boundaries.

Scale of the dwelling – a reduction from 2 to 1½ storeys may provide a step down between houses

Window proportions

Overlooking

Increase in traffic/requirement for 2 passing places

Water supply issues– connection is to public mains is via private pipework

The CC is aware that there is a large diameter main running West to East in the field to the South of Whitfield and wonder whether the applicant (and the existing residents at Whitfield) should consider applying to Scottish Water for a connection to this pipe.

Drainage – capacity of septic tank

SUDs

Scottish Water: Water supply. The Developer would need to apply to Scottish Water for a new connection. This would need to be assessed due to the close proximity of the point of connection to Scottish Water's storage reservoir which may require the supply to be pumped.

Scottish Water cannot give permission for the property to connect to a private supply pipe; the developer would need to obtain the permission of the owner(s) of the pipe. Scottish Water is not responsible for assessing the adequacy of the existing private pipework to support additional demand.

KEY PLANNING ISSUES:

The key issues are whether the development complies with development plan policies and planning policy guidance regarding the provision of housing development in the countryside, specifically in relation to the appropriateness of the proposal as an infill development into an existing building group, taking into consideration the character of the group and impacts on neighbouring houses.

ASSESSMENT OF APPLICATION:

Policy

The principle of the development on this site has already been established by the grant of planning permission in principle and this application seeks approval only of details required by that permission. The principle of a house is not therefore in question.

The key policies against which the proposal needs to be assessed include policies G1, D2, and H2 of the Consolidated Local Plan 2011.

Policy G1 sets out the standards of quality of design against which new development shall be judged and states it must be compatible with and respect the character of the surrounding area, neighbouring uses and built form. Developments should be finished externally in materials, the colour and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building.

Policy D2 states that the Council wishes to promote appropriate rural housing development in village locations in preference to the open countryside, or associated with existing building groups where this does not adversely affect their character or that of the surrounding area. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area, will be taken in to account when determining new applications.

Policy H2 states that development judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted.

Layout and design

Policy G1 advises that proposals should create developments with a sense of place, designed in sympathy with Scottish Borders architectural styles and having regard to the location of the development. The spatial character of this area of Whitfield is one of a linear development of detached houses of a variety of ages and designs within a rural setting.

The application site is located towards the eastern end of Whitfield lying between Northwood House to the west and Whitfield Lodge to the east, and is regarded as an infill development opportunity within this building group, with permission in principle having been granted for a dwelling on the plot in 2014. The site is situated within the identifiable limits of the group and the group has the potential to absorb additional residential development. The principle of the dwelling is thus established and the assessment of the current application relates to the matters arising out the conditions attached to this parent permission.

The plot is approximately 27m wide at the road frontage, broadening to about 36m to its rear, comparing favourably with other plots in the group, and able to comfortably accommodate a house.

In terms of orientation, there is no set pattern within the wider building group, with a variety of house positioning evident in the locality. In repositioning the house very slightly within the plot, the applicant has attempted to ensure that front corners of the house align with those of the immediate neighbours to east and west. Properties within the group comprise a mixture of modern and traditional styles and materials. There are already some sizeable two storey buildings in the group, with some having a substantial presence, including the immediate neighbour to the west, Northwood House. That is significant in determining relationships between existing and

proposed, although individual impacts on these neighbours also need to be assessed. There are other plots of similar size within the group and this site provides adequate room for the provision of amenity space and parking.

In terms of layout and siting, the proposed dwelling house sits in a central position within the plot, set back from the minor road to the north in order to provide for the necessary parking and access arrangements to serve the property. The house sits approximately in line with the property Northwood to the west, and is orientated to front the roadside. The footprint includes a small garage to the east of the house accessed via a linked element to the main house.

In terms of design, the house is traditional in style, rectangular plan, two storeys high with pitched roof, and includes a front porch, and narrow projection to the rear. It is proposed that the walls of the house be constructed of a wet dash render with the roofs covered in natural slate. Windows and doors are to be constructed of timber. The single storey garage displays a pitched roof and is to be constructed of similar materials to the main house.

Policy G1 requires that housing development should be of a scale, massing, height and density appropriate to its surroundings. It should be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality.

It is considered that the traditional design of the proposed dwelling reflects, and is in keeping with the adjacent property Northwood, itself a two storey rendered property with a slate roof. The proposed materials are considered to be of a high quality. The style and proportions of the windows and doors are considered to be suitable in relation to the main house.

Concerns have been raised in representations with regard to the proposed layout and design of the dwelling, which is considered results in an overdevelopment of the site.

There was no restriction on the height or scale of the property in the original permission and, against that background, it is correct that impacts and relationships are assessed once the detail of the proposal has been submitted.

In terms of scale, the property steps up in height from Whitfield Lodge to the east, and sits below the ridge height of the larger property Northwood to the west. A cross section drawing has been submitted by the applicant to demonstrate the relationship to adjacent properties. The ground level of the site is slightly lower than Northwood and slightly higher than Whitfield Lodge. In terms of character and appearance, taking into account the variety of house designs in this group, the proposed height and mass of the house is considered to be acceptable for the plot. Shortest distances between the gables of the new house and those of neighbouring properties are 8.8m to the west and 13.8m to the east. Taking account of the spacing between the proposed house and dwellings to either side, the proposal is not considered to be cramped or an overdevelopment of the plot. Impacts on adjoining occupiers are addressed separately later in this report.

Overall, taking into account the particular setting of this plot, and long views back in to the site, the proposed form of the development is considered to be visually acceptable for this rural environment.

Landscaping

The site plan indicates that the applicant seeks to retain the existing fencing and hedging to the southern and eastern boundaries of the plot. There is an existing fence to west boundary. The walling to northern boundary to roadside is to be partially removed and re-sited (set back) in order to provide the required visibility splays. The front and rear lawn is to be grassed over with provision of a paved area to front and rear of dwelling, and gravel paving. This simple approach is deemed appropriate for the rural location.

Access and parking

Concerns have been raised in representations about road safety and specifically the increase in traffic and provision of passing places on the minor road. The plans provide for a vehicular turning area and two parking spaces as required by roads standards. The Roads Officer has been consulted on the application and advises that he is supportive of the proposals on the basis that the service layby is completed to his detailed specification, with visibility splays and a passing place to be provided. These requirements are covered in the conditions attached to the planning permission in principle which remain relevant. The applicant has submitted details of the proposed passing place (road verge), and the Roads Officer has confirmed that this location is acceptable. There are no overriding issues with respect to road safety stemming from the development.

Services

Concerns have been raised by the community in respect of potential impact on the existing water supply to include low pressure issues in the locality and damage to pipework on site. The present situation is that properties are served by a mains water supply with a private pipe connection, rather than by a private water supply. It is intended to connect to the mains public supply via a new private pipe.

Scottish Water has been consulted on the application and advises that the applicant would need to apply for a new connection to their infrastructure. They advise that the connection would need to be assessed due to the close proximity of the point of connection to their storage reservoir which may require the supply to be pumped. The issue is therefore one for Scottish Water to determine rather than for the Council through the planning process, since it is now confirmed that an adequate supply *can* be achieved.

For building work purposes prior to the installation of the new pipe, the applicant intends to utilise the existing water supply via a storage tank and trickle fill it during the night. The applicant has submitted further details in respect of water supply in terms of quantity and quality. The Environmental Health Officer (EHO) has been consulted on the application and has no objections to the development. It is confirmed that the source will provide adequate water for the residents and proposed property. The EHO advises that a treatment system is installed to ensure water to the property meets the

required standard of quality. This can be dealt with via an informative attached to consent.

In respect of foul drainage it is intended to connect to an existing septic tank shared with Northwood House. Surface water is to be directed to soakaway. Drainage arrangements shall require to be assessed through the building warrant process.

Residential Amenity

Concerns have been raised in representations with respect to the potential impact on residential amenity including loss of light, privacy and overlooking stemming from the development. In response, the applicant has submitted further details which include a street elevation to demonstrate the relationship of the proposed house to the adjacent neighbouring properties.

Revised plans have been submitted to detail the removal of two windows at ground floor level of the house (west elevation) facing Northwood.

The western gable of the new house, although wider, is broadly in line with that of Northwood House to that side. That existing property has no windows of its own in its gable, with the result that, at the closest point of the two houses there is no risk of overlooking in either direction, nor of any loss of daylight to existing windows. Although Northwood has a rear wing on its southern elevation, which does have windows facing the site, these are around 12m from the site boundary, and beyond the rear wall of the proposed house and so would not be affected unacceptably.

To the east, the relationship with Whitfield Lodge, which is smaller scale and lower lying, has also been accommodated within the design. It is the garage of the proposed house which would site closest to the Whitfield Lodge, at 2.7m from the eastern site boundary. A field access of around 4m in width would also be retained between the two property boundaries, resulting in an overall distance of 13.8m between the closest walls of the two properties. The two storey element of the new house would be a further 8.3m back from this nearest point.

It is acknowledged that there are a number of windows in the facing elevation of Whitfield Lodge, and having had regard to that, the applicant's agent has carried out an assessment of the impact on daylighting to these windows. This demonstrates that the proposal is consistent with the Council's daylighting standards, largely as a result of the distances involved and the positioning of the single storey garage toward that boundary.

A single bedroom window faces Whitfield Lodge, over the proposed garage. This has been shown as being obscure glazed, eliminating any potential for overlooking.

The only other windows facing side boundaries would have been at a high level in a rear stairwell projection. It is intended to use obscure glazing in those windows facing adjacent neighbours.

Having regard to these assessments, it is considered that the proposals meet supplementary planning guidance in respect of access to light and privacy issues.

Development Contributions

A Section 69 Legal Agreement in respect of development contributions (Education provision) was entered into in December 2014 in relation to application 10/00154/PPP. No further contributions need be sought in respect of the current application, which related only to the details of the previously approved scheme.

Summary

The principle of housing on the site has been established by the Planning Permission in Principle application. The layout and design of the house is appropriate for this rural site and it is contended that the proposed dwelling would sit comfortably within the landscape, without giving rise to unacceptable impacts on neighbouring properties. Visually, the proposed development is deemed acceptable.

This application has dealt with the matters specified in the conditions attached to the earlier permission in principle for residential housing (10/00154/PPP).

It is considered that the submissions addressed matters relating to conditions numbers 1, 2, and 4. Condition 3 remains in place until AMC conditions are met. Conditions 5 (relating to parking and turning), Condition 7 (design and specification of the access/layby and timing of works), and Condition 8 (relating to the construction/specification of the passing place and timing of works) shall not be considered discharged until the works have been completed. Condition 6 (visibility splays) shall remain in place in perpetuity

On balance, taking into account the full facts and circumstances, it is considered that this development can be supported.

REASON FOR DECISION :

The proposed design and layout of the development is considered to be acceptable in terms of layout, design and landscaping in accordance with development plan policies. The proposals are considered to be appropriate for this rural location group compatible with the character of the surrounding area, neighbouring uses and built form. They do not rise to unacceptable impacts on neighbouring properties.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

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

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.

2. A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

3. The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site.
Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.

4. The windows indicated as being obscure glazed on the approved drawings (serving the stairwell and the first floor bedroom) shall remain obscure glazed in perpetuity.
Reason: To remove any potential for overlooking of adjoining residential properties.

Informative

It is recommended that a treatment system is installed to ensure that the water supply meets the required quality standard.

DRAWING NUMBERS

	Location Plan	26 Feb 2015
TMTK/1A	NE Elevation/Ground Floor Plan	19 May 2015
TMTK/2	SW Elevation/First Floor Plan	04 Feb 2015
TMTK/3A	SE & NW Elevations and garage elevations	19 May 2015
TMTK4A	Section/Roof Plan	20 April 2015
TMTK5A	Site Plans	20 May 2015
TMTK8	Section Garage	20 May 2015
TMTK/10A	Street view/elevations	14 May 2015
TMTK/11	Passing Place	14 May 2015

Approved by

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

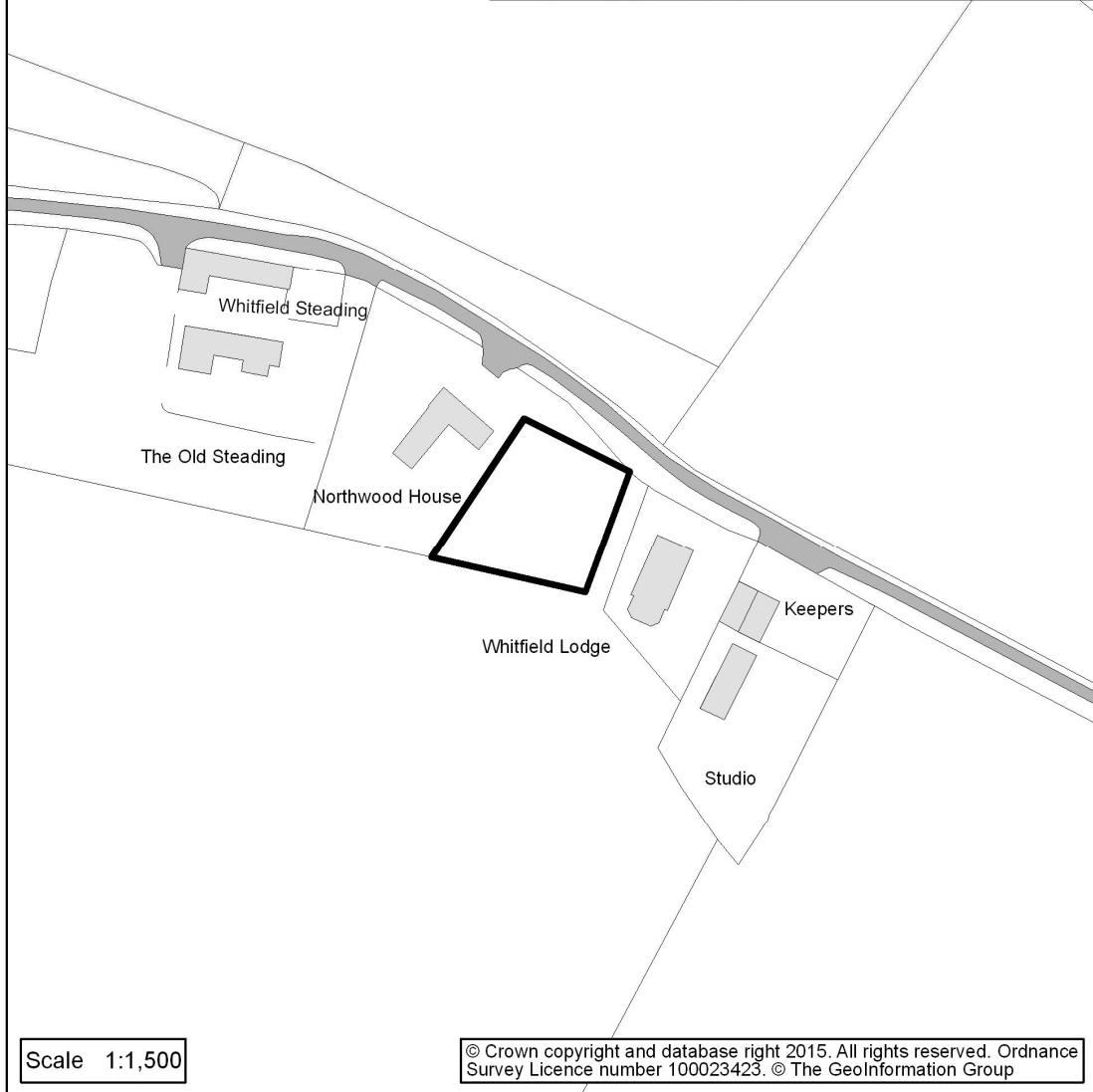
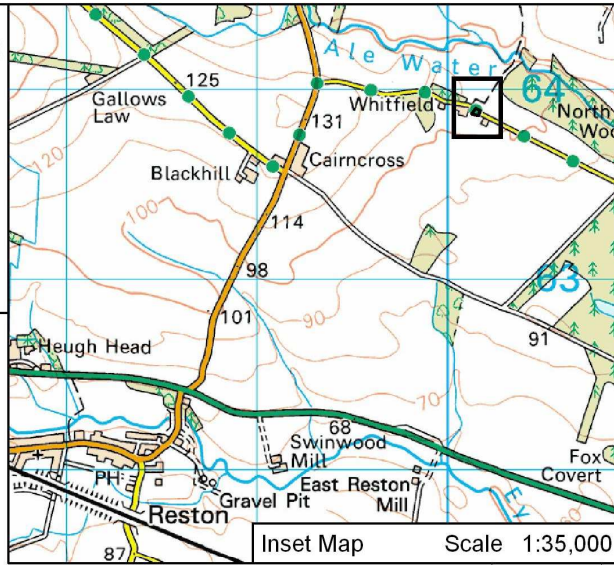
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Lucy Hoad	Planning Officer



15/00110/AMC
Land East Of Northwood House
Whitfield
Coldingham
Scottish Borders



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

1 JUNE 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 15/00452/FUL
OFFICER:	Julie Hayward
WARD:	Hawick and Denholm
PROPOSAL:	Erection of commemorative stone plaque
SITE:	Hornshole Monument Hornshole Bridge Hawick
APPLICANT:	1514 Club
AGENT:	Frank Scott (Scottish Borders Council)

SITE DESCRIPTION

The site is situated to the north east of Hawick. It is an area of open space to the north of the A698 Denholm to Hawick road. The site is a triangle of land with the main public road on higher ground to the south and two minor roads from the main road converging to the north. The minor road to Appletreehall crosses the River Teviot to the north of the site; Hornshole Bridge is a category C listed structure.

The site is a well maintained area of open space. The flat area adjacent the minor road is grassed and has planters and flowers within it. There is a recently refurbished memorial to the 1514 battle and a small stone plaque. The embankment to the south is planted with trees and shrubs.

PROPOSED DEVELOPMENT

The proposal is to erect a commemorative stone plaque on the site. This would be positioned 3m back from the minor road to the north. The structure would be 1648mm by 240mm and 950mm in height. A paved area would be formed from the public road to the structure which is intended to match that to the existing memorial.

The plaque would commemorate the Battle of Hornshole that took place in 1514 between an English raiding party and youths from Hawick. The latter were victorious and captured the English flag; this event and therefore the site are a significant part of the Hawick Common Riding ceremonies.

PLANNING HISTORY

There is no planning history.

REPRESENTATION SUMMARY

To date, eleven representations objecting to the proposal have been received and these are available to view on the Public Access System of the Council's website. The application was advertised in the Southern Reporter and the period in which to

submit representations expires on 29th May 2015. Any further representations will be reported verbally at the meeting.

The following planning issues have been raised:

- The plaque will detract from and dominate the existing Hornshole memorial due to its size and position. It is out of scale and character with the existing monument and out of keeping with the site;
- The plaque is unnecessary as the existing monument contains all the relevant information and there is already a small plaque;
- The proposal would distract motorists negotiating an already dangerous intersection and narrow bridge.

APPLICANTS' SUPPORTING INFORMATION

None.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: Reply awaited.

Archaeology Officer: While I fully support the intention to interpret this locally significant skirmish site, I feel that this proposal may be slightly at odds with the existing memorial. If possible, consideration should be given to a redesign that enhances rather than detracts from the existing memorial while still providing information for the public about the skirmish and its continuing resonance in the community.

There are potential archaeological implications. While the exact location of the skirmish at Hornshole is unknown, this traditional site is nevertheless sensitive. Excavations below 200mm may reveal objects or features (such as the fire pits used by the English in their encampment) relating to the skirmish. It is therefore important that excavations not go below that proposed in the application. I recommend that this depth be conditioned in order to preserve in situ any archaeological evidence that may exist below top-soil depth. There remains a remote possibility that archaeology exists within and immediately below the top-soil.

I therefore also recommend a suitably worded condition asking for any discoveries of buried artefacts or features to be reported immediately to the Archaeology Officer for further discussion.

Statutory Consultees

Hawick Community Council: Reply awaited.

Other Consultees

None

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 1B: The Spatial Strategy: Development Principles

Consolidated Scottish Borders Local Plan 2011

Policy G1: Quality Standards for New Development

Policy BE1: Listed Buildings

Policy BE2: Archaeological Sites and Ancient Monuments

Policy H2: Protection of Residential Amenity

Policy Inf4: Parking Provisions and Standards

Policy D1: Business, Tourism and Leisure Development in the Countryside

Proposed Local Development Plan 2013

Policy PMD2: Quality Standards

Policy ED7: Business, Tourism and Leisure Development in the Countryside

Policy HD3 Protection of Residential Amenity

Policy EP5: Special Landscape Areas

Policy EP7: Listed Buildings

Policy EP8: Archaeology

Policy IS7: Parking Provision and Standards

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance: Local Landscape Designations August 2012

KEY PLANNING ISSUES:

- Whether the proposal would have an adverse impact on the Special Landscape Area, the visual amenities of the area, the existing memorial and residential amenities.
- Whether the proposal would have implications for road safety.

ASSESSMENT OF APPLICATION:

Whilst there are clearly historic and cultural aspects associated with the site and the development being proposed, consideration of the application can only be considered in the context of planning policy and other material considerations.

Planning Policy

Policy D1 of the Scottish Borders Consolidated Local Plan Adopted 2011 states that proposal for tourism developments in the countryside will be approved provided certain criteria are met. The development must be appropriate to a countryside location.

The commemorative stone plaque is proposed to aid interpretation of the battle that took place at Hornshole in 1514 and so is specific to this particular site. As such, it is

accepted that the proposal is appropriate to this rural location and could not achieve its aims if located within Hawick or another settlement.

Landscape and Visual Impacts

Policy 1B of the SESplan states that Development Plans should have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live. Development Plans should have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.

Policy G1 of the Local Plan requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development. Policy D1 requires that the proposal respects the amenity and character of the surrounding area.

This is a small structure constructed of natural stone. The scale, design and material are considered to be acceptable for this rural location.

Concern has been expressed within the representations received regarding the scale of the proposed plaque and its impact on the existing memorial. The memorial was refurbished last year and the surrounding ground is landscaped, providing an attractive setting. It is not, however, listed and is therefore not the subject of statutory or policy protection. As such, in planning terms, the proposal can only be considered on its own merits, having regard to the wider context.

The proposed stone plaque would be 1648mm by 240mm and 950mm high. This is a small scale structure and the use of natural materials would be appropriate to the rural setting. The plaque would be sited to the west of the existing memorial. It is considered that, if the structure is set back close to the embankment to the south, its scale combined with the backdrop of the embankment would mean that it would not appear prominent or detract from the existing memorial. It would complement the existing memorial by providing additional information and interpretation. A condition would ensure that the exact siting is pegged out before the stone plaque is installed to ensure that its position is accurately assessed.

The site is situated within the Teviot Valleys Special Landscape Area. This area covers sections of the Teviot, Jed and Rule valleys as they converge to the north-east of Hawick. Policy ED5 of the Local Development Plan states that in assessing proposals for development that may affect Special Landscape Areas the Council will seek to safeguard landscape quality and will have particular regard to the landscape and visual impacts of the proposal. The Council's Supplementary Planning Guidance: Local Landscape Designations advises that this area covers a series of distinctive Borders valleys and hills, and has been defined to draw together a number of landmark features with their pastoral and woodland settings.

The plaque would be sited below the level of the main A698 public road and so would not be visible from it. The embankment to the south would act as a backdrop when viewed from the north. There are mature trees in the surrounding area that provide a degree of containment and screening. Taking into account the small scale and height of the structure it is considered that the proposal would not harm the visual amenities of the area or the special qualities of the Special Landscape Area.

Impact on the Listed Bridge

Policy BE1 of the Local Plan states that the Council will support development proposals that protect, maintain, and enhance active use and conservation of Listed Buildings. All Listed Buildings contained in the statutory list of Buildings of Special Architectural or Historic Interest will be protected against all works which would have a detrimental effect on their listed character, integrity or setting.

Hornshole Bridge to the north is a category C structure. The distance from the proposed plaque from the bridge, and its scale, mean that the proposal would not harm the setting of this listed structure.

As previously noted, the existing memorial is not listed and is therefore not afforded any additional statutory protection.

Impact on Residential Amenities

Policy D1 requires that the 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.

There are a number of properties on the southern side of the A698 and one to the north west of Hornshole Bridge, Briery Lodge, although none has a direct view of the application site. There are no residential properties within the vicinity of the site that would be affected by the proposal.

Access and Parking

Policy D1 states that the development must take account of accessibility considerations and policy Inf4 requires that car parking should be provided in accordance with the Council's adopted standards.

No on-site parking is proposed for visitors to the memorial by car.

The consultation response from the Roads Planning Service will be reported verbally at the meeting. When the Roads Planning Service was consulted at the pre-application enquiry stage they had concerns regarding the potential traffic which may be associated with the memorial. The existing monument is visited regularly, and in swelled numbers during the common riding, and there have been no complaints raised with this Department. There is no dedicated parking area where visitors will be able to park; this could be a concern although the southern section of the Y shaped junction layout is one-way north and this will allow a couple of cars to park on that section and not interfere with the flow of traffic. There are a couple of locations where further vehicles could stop on the minor roads, but these are not dedicated parking spaces. The Roads Planning Service concluded that whilst a more appropriate location for a memorial could be found, which would be more accommodating to those visiting it by car, they understand the desire to have a memorial commemorating the battle located at this site.

It can be argued that visitors already come to the site to view the existing memorial and the proposed plaque would enhance this visitor experience rather than attracting additional visitors.

Archaeology

Policy EP8 of the Local Development Plan states that developments that adversely affect a locally important archaeological asset will only be permitted if it can be demonstrated that the benefits of the proposal outweigh the heritage value of the asset.

The Councils Archaeology officer advises that the proposal has potential archaeological implications. This is a sensitive site and excavations below 200mm may reveal objects or relating to the Hornshole skirmish. It is therefore important that excavations do not go below that proposed in the application to preserve in situ any archaeological evidence that may exist below top-soil depth. There remains a remote possibility that archaeology exists within and immediately below the top-soil. This can be controlled by a planning condition.

Whilst other comments have been made about the relationship with the existing memorial, these are unlikely to represent grounds to object to the proposal and, as noted above, if sited toward the back of the site and away from the memorial, there is no reason to consider that the scheme would compete with the existing monument.

CONCLUSION

It is considered that the proposal complies with policies D1, G1, BE1 and H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policies EP5 and EP8 of the Proposed Local Development Plan 2013 in that the proposed commemorative plaque would not harm the setting of the existing memorial, the visual amenities of the area, the special landscape qualities of the Special Landscape Area or residential amenities. In addition, the proposal would not result in any significant road safety issues.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

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

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. The precise location of the plaque to be pegged out on-site and agreed in writing by the Planning Authority before the development commences. The plaque then to be installed as per the agreed siting.
Reason: To safeguard the setting of the existing memorial.
3. The foundations of the plaque to be no deeper than 200mm below ground level.
Reason: To preserve in situ any archaeological evidence that may exist below top-soil depth. There remains a possibility that archaeology exists within and immediately below the top-soil.

4. The proposed paved area shall be completed in accordance with a scheme of details and materials that shall first have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the proposals are appropriate to the setting.

Informative:

In respect of condition 3, any discoveries of buried artefacts or features found during the development of this site to be reported immediately to the Council's Archaeology Officer for further discussion.

DRAWING NUMBERS

- 1 Location Plan
- 2 Site Plan
- 3 Elevations

Approved by

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

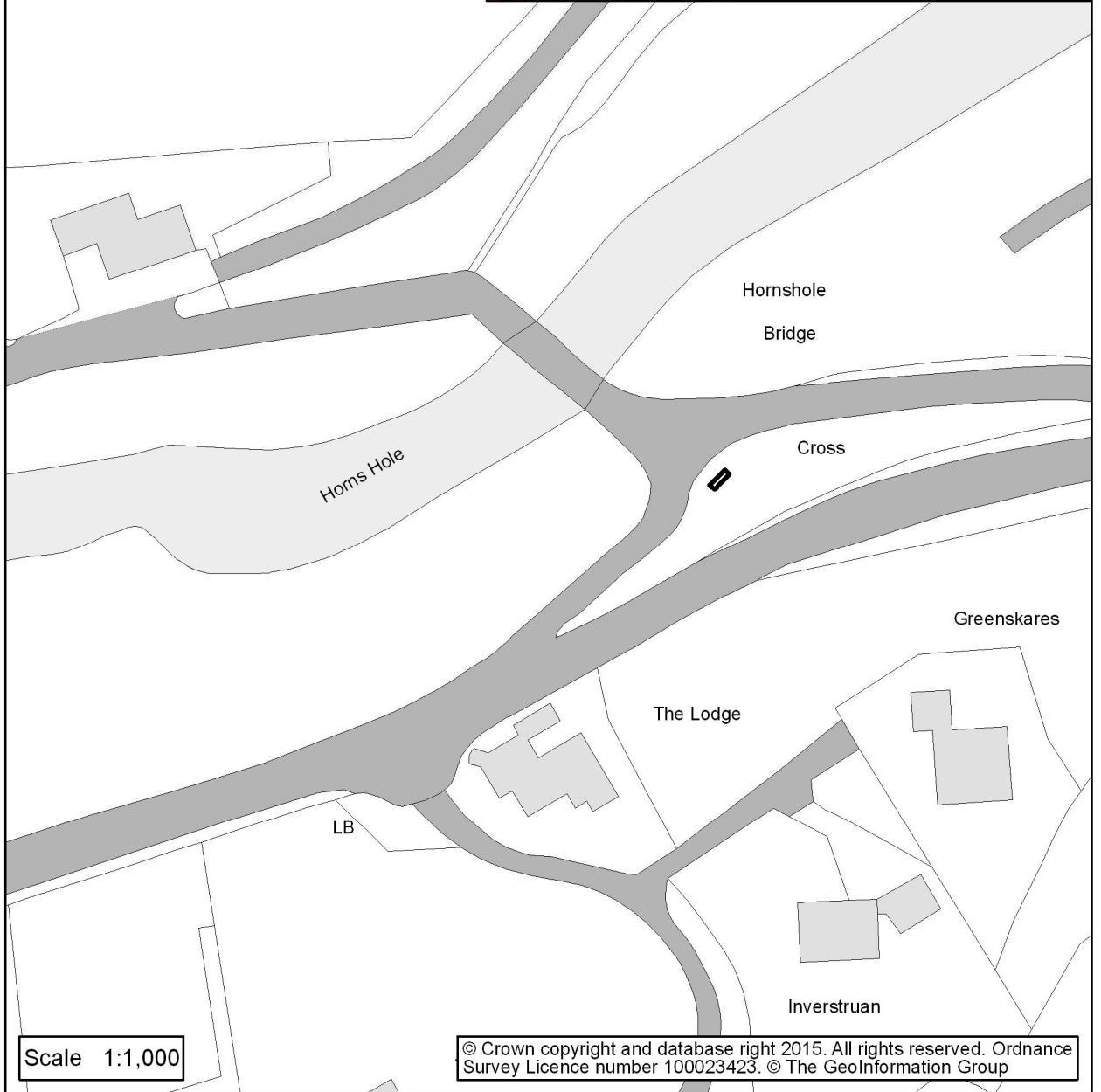
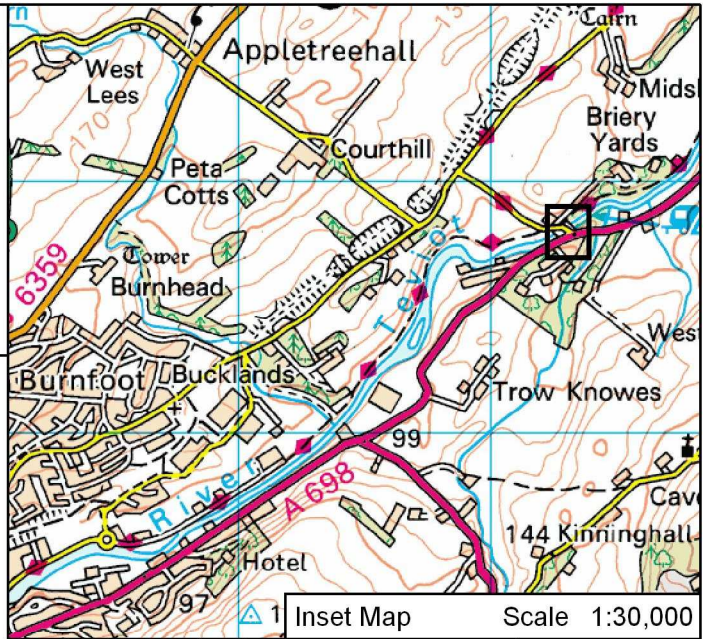
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Julie Hayward	Principal Planning Officer



15/00452/FUL
Hornshole Monument
Hornshole Bridge
Hawick
Scottish Borders



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

1 JUNE 2015

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 1. 15/00024/LBCNN
2. 15/00025/FUL

OFFICER: Julie Hayward

WARD: Hawick and Hermitage

PROPOSAL: 1. Internal and external alterations to form dwellinghouse
2. Change of use from former meeting hall and alterations to form dwellinghouse

SITE: Hall 2 - 6 Old Manse Lane Hawick

APPLICANT: Mr And Mrs J Gillespie

AGENT: Stuart Patterson Building & Timber Frame Design

SITE DESCRIPTION

The property is situated at the eastern end of Old Manse Lane, within the Hawick Conservation Area. To the north is garden ground belonging to adjacent properties, to the east is the Slitrig Water, to the south west are residential properties in Slitrig Bank and to the west is St Mary's Church. The building is a category C Listed Building.

The building was built as the original fire station for the town in 1857; this use ceased when the fire station in Commercial Road was built in the early 1900s and the building was converted to a meeting hall. The building is semi-detached, two storey with white rendered walls and a slate roof. It is stepped to take into account the sloping ground levels from the church to the river. The building has predominantly grey painted, timber sash and case windows in the front elevation with a four-on-four and six-on-six glazing pattern, one top hung eight-paned window and a circular window at first floor level above the original arched entrance to the fire station, which was blocked up at some point in the past. There is a six-on-six sash and case window in the side elevation adjacent to the Slitrig Water and there are no openings to the rear.

The ground floor of the building is divided into a meeting hall, hall, kitchen and toilets and there is a meeting room at first floor level.

PROPOSED DEVELOPMENT

The proposal is to convert the building into a dwellinghouse. The ground floor would be divided into a lounge, kitchen, shower room and bedroom and there would be one bedroom and an en-suite bathroom at first floor area with a gallery, provided by installing a mezzanine floor, overlooking the lounge. The following external alterations are proposed:

- The existing eight-paned casement window at ground floor level would be replaced with two timber sash and case windows each with a four-on-four glazing pattern separated by a solid timber mullion.
- A 1200mm by 1200mm level landing would be formed outside the entrance door; the door may need to be replaced but this would be of a similar style.
- The timber and glazed fire exit door in the front elevation would be replaced by hardwood French doors painted grey to match the existing windows.
- The blocked-up entrance archway would be re-opened and a non-opening glazed screen inserted with a grey painted, timber frame and a vertical, central glazing bar. A precast/stone cill would be installed.
- A cantilevered balcony with a glazed balustrade would be fitted to the side elevation over the Slitrig Water. The existing window would be replaced with a fully glazed door with a fanlight above and a grey painted timber frame.

PLANNING HISTORY

There is no planning history for this building.

REPRESENTATION SUMMARY

There are no representations.

APPLICANTS' SUPPORTING INFORMATION

Design Statement:

- The building was originally used as a fire station, dating from 1857, but since the late 1960's it has been used as a meeting hall by several local churches.
- The site has a distinctive slope and the building is stepped. It has a segmental arched opening which formed the original fire engine entrance but this has been blocked up. The windows are single glazed, most vertical sliding sash with various glazing patterns providing a lack of conformity. There is a non-opening roundel window above the archway.
- There are few original features retained internally.
- The building has been vacant for a number of years and is starting to fall into a state of disrepair. The conversion would allow the building to be occupied again.
- The proposed works are sympathetic to the building, with few external alterations. The fire engine entrance would be opened up to a full size glazed screen with a central mullion similar in shape to the doors that would have been fitted. No structural alterations are planned for the opening.
- The existing casement window to the WC would be replaced with a timber sliding sash style window to match the existing windows, though the window would require to be double glazed to comply with the Building Regulations.

- A cantilevered balcony is proposed for the south east elevation overlooking the river. The property has no garden ground and the balcony would provide an external seating area, whilst not affecting adjacent properties. The design is of modern style to differentiate between the old and new, similar to the recent modernisation of Tower Mill.
- The internal layout has been designed to retain the open plan layout of the meeting hall, but with the provision of a mezzanine floor and staircase overlooking the lounge area and utilising two high level windows within the hall.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: Whilst there is no dedicated parking for this property there is on-street parking available in the vicinity of the site. A meeting hall could generate a generally large volume of traffic whereas a dwelling will have a maximum of 2 or 3 cars. When you consider this and that there is a general support for the change of use of buildings within town centres, I shall have no objections to this proposal.

Flood Protection Officer: In terms of information that this Council has concerning flood risk to this site, I would state that 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.

I would state that only a very small part of the east of the site would be affected by flooding from the Slitrig Water. This application is for the change of use at a current site and although the site is changing to residential housing, I would not object to this proposal on the grounds of flooding.

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

Archaeology Officer: The former fire station and hall is of local heritage interest. It is therefore desirable for a record of the building to be made during redevelopment. This should take the form of a basic historic building record incorporating existing elevation drawings and photos into annotated ground plans. The photos should cover the external and internal elevations both before any works to the property and after the internal soft-strip when the stone walls and any original features may be revealed. All drawings, plans and photos should be incorporated into a single Historic Building Survey Report and submitted to the Archaeology Officer for inclusion in the Historic Environment Record. If the Council is minded to approve this application, I recommend a condition to secure this.

Ecology Officer: Adopting the Council’s Supplementary Planning Guidance for Biodiversity from the information provided the proposed development and type of structure proposed for alterations conforms to the type of development requiring a bat survey and breeding bird survey. The existing old, stone built property with slate roof has potential to support bats and their roosts.

The habitat in the surrounding landscape is of moderate-high quality for bats. Although in an urban location, the property is immediately adjacent to the Slitrig

water (River Tweed Special Area of Conservation) and there is an area of tree cover next to the property. Riparian habitats connect the site to the wider woodland and riparian habitat network that has potential to support bats and their roosts.

Measures will be required to ensure that materials and debris are not stored or dumped in areas that may impact on the River Tweed SAC (Slitrig Water). The bankside should be avoided and best practice measures adopted. A bat and breeding bird survey is required for all the buildings to be converted.

Re-consultation: I am satisfied with the bat and bird survey carried out by Stone's Wildlife Management (April 2015). No evidence was found of use of the built structures by bats and breeding birds.

Principal Officer (Heritage and Design): The building was built as the original fire station for the town in 1857, it ceased use when the fire station in Commercial Road was built in the early 1900s and was converted to a meeting hall. The building was originally added to the statutory list in 1977 and the description was updated as part of the resurvey of Hawick Burgh in 2007 and the building remained listed at category C.

The interior of the building had been remodelled when the hall(s) were created and no obvious traces of the former use as a fire station were evident. The current partitions, stair and internal lining are of no particular historic significance and I have no objection to the proposed alterations to the layout.

There is a possibility that once internal wall linings have been removed that there may be traces evident of its former use as the fire station and we should require these to be recorded. I have suggested an appropriate condition.

There are very few external alterations proposed. I support the general approach taken of retaining the existing sash and case windows (and the replacement of the current casement windows in the main bedroom). I also support the insertion of the fully glazed screen in the former fire station entrance doorway. I would prefer to see the frame of this screen painted either dark grey (darker than the current surrounds which are mid grey) or possibly a dark green or blue but not white, the darker colour will allow the frame to visually "die" into the opening.

I have no objection to the proposed enlargement of the existing gable window to the Teviot and the insertion of a fully glazed door with light above, or to the introduction of a small cantilevered balcony as shown. I would prefer to see the door, frame and over light painted a dark grey or similar colour; to match the arched glazed door screen on the front elevation. Again this will help to make the opening visually recede.

Statutory Consultees

Hawick Community Council: No response.

SEPA: Object to the application on the grounds of lack of information in relation to flood risk.

The application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of fluvial flooding. The Slitrig Water is susceptible to flash flooding.

Insufficient information is provided with this consultation for us to assess flood risk at this site. The 1 in 200 year flood level is required together with topographic information and proposed finished floor levels to compare this with the flood levels. In the event that these flood levels cannot be provided, we would require a Flood Risk Assessment which considers all sources of flooding to the site.

The door opening out to a balcony over the Slitrig Water is unlikely to ever be supported as it will act as a trap for debris and should water gain access to the property through this opening, it could potentially flood other properties.

Evidence is required that the building is elevated above the 1:200 year flood level and that finished floor levels provide a freeboard in addition to this level to allow for downstream blockage of the bridge.

Re-consultation: Having considered the new information available to us, we object to this planning application on the grounds of flood risk in that it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69.

Given the location of the proposed development within the functional floodplain we do not consider that it meets the requirements of Scottish Planning Policy and our position is unlikely to change. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance.

Other Consultees

Architectural Heritage Society of Scotland: No response.

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 1B: The Spatial Strategy: Development Principles
Policy 15: Flooding

Consolidated Scottish Borders Local Plan 2011

Policy G1: Quality Standards for New Development
Policy G4: Flooding
Policy G5: Developer Contributions
Policy G7: Infill Development
Policy BE1: Listed Buildings
Policy BE2: Archaeological Sites and Ancient Monuments
Policy BE4: Conservation Areas
Policy NE3 Local Biodiversity
Policy ED5: Town Centres
Policy H2: Protection of Residential Amenity
Policy Inf4: Parking Provisions and Standards
Policy Inf6: Sustainable Urban Drainage

Proposed Local Development Plan 2013

Policy PMD2: Quality Standards
Policy PMD5: Infill Development
Policy HD3: Protection of Residential Amenity

Policy EP3: Local Biodiversity
Policy EP7: Listed Buildings
Policy EP8: Archaeology
Policy EP9: Conservation Areas
Policy IS2: Developer Contributions
Policy IS7: Parking Provision and Standards
Policy IS8: Flooding
Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy June 2014

PAN 69: Planning and Building Standards Advice on Flooding

Scottish Historic Environment Policy 2011

Supplementary Planning Guidance: Replacement Windows April 2015

Supplementary Planning Guidance: Household Development July 2006

KEY PLANNING ISSUES:

- Whether this is an appropriate use for this part of Hawick.

The impact of the proposal on the character and setting of the Listed Building, on the character and appearance of the Conservation Area and on visual amenities.

- The impact of the proposal on the residential amenities of occupants of residential properties in the surrounding area.
- Access, parking and road safety issues.
- Whether the site is at risk of flooding.

ASSESSMENT OF APPLICATION:

Planning Policy

Policy G7 of the Local Plan allows the re-use of buildings provided certain criteria are met. The proposal should not conflict with the established use of the area. This part of Hawick is predominantly residential, with the adjoining property and those in Slitrig Bank to the south west being in residential use. The proposal would therefore, be in keeping with the residential character of the area.

The property is within the town centre, as defined in the Local Plan, and Policy ED5 supports a wide range of uses, including residential.

Impact on the Listed Building

Policy BE1 of the Local Plan states that the Council will support development proposals that protect, maintain, and enhance active use and conservation of Listed Buildings. All Listed Buildings contained in the statutory list of Buildings of Special

Architectural or Historic Interest will be protected against all works which would have a detrimental effect on their listed character, integrity or setting.

The proposal involves a number of internal and external alterations to convert the meeting hall into a dwellinghouse. As a general principle, the proposal would bring a vacant listed building back into use and that is welcome.

The main internal alterations are the formation of a mezzanine floor to provide a gallery at first floor level, a staircase providing access to it and internal partitions to provide the individual rooms. The interior of the building had been remodelled when the halls were created and no obvious traces of the former use as a fire station were evident. The current partitions, stair and internal lining are of no particular historic significance and there are no objections to the proposed alterations to the layout. There is a possibility that once internal wall linings have been removed there may be traces evident of the building's former use as the fire station and these should be recorded. This will be secured via a condition.

The external alterations involve a replacement window to match the sash and case style of the existing windows, the opening up of the archway and infilling with glazing, the formation of French doors from a window and the formation of a balcony and door on the site elevation.

The external alterations are minor in nature. The general approach taken of retaining the existing sash and case windows and the replacement of the current casement windows in the bedroom is consistent with policy and good practice more generally and is therefore supported. The insertion of the fully glazed screen in the former fire station entrance doorway is also acceptable, though the frame of this screen should be painted either dark grey, darker than the current surrounds which are mid grey, or possibly a dark green or blue but not white. The darker colour will allow the frame to visually "die" into the opening and this can be controlled by a planning condition.

Impact on the Conservation Area and Visual Amenities

Policy 1B of the SESplan states that Development Plans should have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live. Development Plans should have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.

Policy G7 requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming; the proposal should not detract from the character and amenity of the surrounding area.

Policy G1 of the Local Plan requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

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

The Council's Supplementary Planning Guidance: Replacement Windows April 2015 states that the introduction of double glazing may be acceptable in replacement

windows in category C Listed Buildings but the replacement unit should be of the same material as the original window, have the same glazing pattern and method of opening.

The external alterations are minor in nature, as outlined above. The existing windows would be retained with the exception being the replacement of the ground floor bedroom casement window with a timber sash and case window, which complies with the guidance contained within the SPG.

These alterations are considered acceptable. The building has been vacant for some time and the conversion to a dwellinghouse would bring the building back into use, preventing it from falling into disrepair, which is to be supported. It is considered that the proposed external alterations would not harm the character or appearance of the Conservation Area or visual amenities of the area. Conditions would require the approval of the colour of the external joinery.

Impact on Residential Amenities

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

The previous use of the building was a meeting hall, which would have generated a certain amount of noise and traffic. That remains the authorised use of the building. The proposed use as a dwellinghouse, it can be argued, would have less of an impact on the residential amenities of occupants of neighbouring properties.

No windows are proposed for the rear elevation and so there would be no overlooking to the garden ground to the rear of the building, which belongs to the adjoining dwellinghouse. There is a terrace of three storey properties in Slitrig Bank to the south west and a blank gable end faces the site and so there would be no overlooking or loss of privacy to existing properties. No extensions are proposed and so the proposal would not result in any overshadowing or loss of light to the occupants of these properties.

Ecology

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

The Council's Ecology Officer requested a bat and breeding bird survey. This has now been submitted by the agent and this concludes that no signs were found to show any historic or recent use by bats for maternity roosts, though there was still a lot of bat activity in the area. There were no issues with the proposed refurbishment, especially as the roof is not being altered.

The Council's Ecology Officer has been consulted on this and is satisfied with the survey and no evidence was found of use of the built structures by bats and breeding birds.

Access and Parking

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

No on-site parking is proposed, however, there is on-street parking available outside the property.

The Roads Planning Service advises that whilst there is no dedicated parking for this property there is on-street parking available in the vicinity of the site. A meeting hall could generate a large volume of traffic whereas a dwelling will have a maximum of 2 or 3 cars.

Taking this into account, and the general support for the change of use of buildings within town centres, they have no objections to this proposal.

Flooding

SPP states that development should be located away from functional flood plains and medium to high risk areas. Development that would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should be avoided. Residential development in built-up areas in medium to high risk areas would only be acceptable if flood protection measures are in place but where built development is permitted, measures to protect against or manage flood risk and water resistant materials will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome.

Policy 15 of the SESplan states that Local Development Plans should avoid any new development in areas at medium to high flood risk. Policy G4 of the Local Plan refers to developments where there is an identified flood risk; developments will not be permitted if it would be at significant risk of flooding or would materially increase the risk of flooding elsewhere.

SEPA initially objected to the application due to the lack of information in relation to flood risk and requested information on flood levels or a Flood Risk Assessment that considered all sources of flooding. The site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent and may be at medium to high risk of fluvial flooding. Slitrig Water is susceptible to flash flooding and there have been a number of flood events in this area. SEPA would only support the redevelopment of this building to a more vulnerable use if evidence is submitted that the building is elevated above the 1:200 year flood level and that finished floor levels provide a freeboard in addition to this level to allow for downstream blockage of the bridge.

SEPA advises that they unlikely to ever support the proposed balcony as it will act as a trap for debris and should water gain access to the property through this opening, it could potentially flood other properties.

The agent submitted additional information, with a flood level drawing which identifies the existing/proposed levels in relation to the 1 in 200 calculated flood level for this area, based on the latest Hawick Flood Prevention study carried out by the Council. The agent advised that there are no proposals to raise the existing floor levels as the upper section (hall/bedroom and bathroom) are outwith the flood risk level. However, the lower area (lounge/kitchen) is below the 1 in 200 year flood risk level by 267mm.

SEPA were consulted on this information but maintain their objection on the grounds that the proposal may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69.

The Council's Flood Protection Officer advises that only a very small part of the east of the site would be affected by flooding from the Slitrig Water and has no objections to this proposal on the grounds of flooding.

It is accepted that, based on historical evidence, the site may flood, due to its proximity to the Slitrig Water. The building has been vacant for some time and given the current economic climate, the chances of the building being re-used for any community or commercial use is low. The building adjacent to it is an existing residential property, also at risk of flooding. The use of the building for residential purposes, whilst increasing its sensitivity, appears to be the only realistic future use of the property and is likely to be more compatible with the surrounding character than the re-introduction of non-residential uses. This is an existing building and so opportunities for altering the building to reduce the risk of flooding and damage to property are limited. To refuse this application would blight the building and it is very likely that it would remain empty for the foreseeable future, possibly falling into a state of disrepair. Moreover, such a decision would create a precedent that could limit the scope for the use of other land and buildings within Hawick town centre. Against that background, the more pragmatic response would be to consider the most appropriate mitigation to address the issue of flood risk.

SEPA's concerns regarding the balcony proposed to overhang the Slitrig Water are accepted, however. This element introduces a greater risk and has the potential to make the building more vulnerable than at present. The agent has been requested to remove the balcony from the applications and a condition will exclude this element from any planning permission and Listed Building Consent for this proposal.

A condition would require the submission of mitigating measures to be incorporated into the design of the development and details of how the impact of flooding would be dealt with by future residents.

Taking all these issues into account, it is therefore recommended that the planning application be approved with the objection from SEPA in place. If Members are minded to approve the application, it would then have to be referred to Scottish Ministers.

Developer Contributions

Policies G5 of the Scottish Borders Consolidated Local Plan Adopted 2011 states that where a site is acceptable but cannot proceed due to deficiencies in infrastructure or due to environmental impacts the Council will require developers to make contributions towards the cost of addressing such deficiencies.

No financial contributions are required towards affordable housing or education facilities in the local area.

CONCLUSION

The proposed development is considered acceptable and in compliance with policies G1, G7, BE1, BE4, H2 and Inf4 of the Scottish Borders Consolidated Local Plan Adopted 2011. The proposal would not negatively impact upon the character or setting of the Listed Building, character or appearance of the Conservation Area,

residential amenities or the visual amenities of the area and would bring a vacant building back into use.

It is accepted that the site is at risk of flooding and there is no flood prevention scheme in place in Hawick at the moment. It is unlikely that the proposed building would be used for any community or commercial use, given the current economic climate in Hawick. To refuse this application would mean that the building is blighted and remains vacant for the foreseeable future, to the detriment of the area and the Listed Building, and so it is recommended that the application be approved subject to mitigation measures to be submitted by the agent.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

In respect of application 15/00024/LBCNN

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with 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 development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. Prior to commencement of development the applicant will create a digital photographic record of all internal and external elevations. Following the soft strip of the interior, the applicant will take further digital photographs of exposed walls and original features. All existing elevation drawings, photographs and plans annotated with photograph locations, will be submitted to the Planning Authority and Archaeology Officer in a high resolution (above 200dpi) pdf format for approval in the form of a Historic Building Survey Report.
Reason: To preserve by record a building of historical interest.
4. The colour of all external decoration and joinery, including window frames and doors, to be submitted to and approved in writing before the development commences. The development then to be completed in accordance with the approved colours.
Reason: To safeguard the character and appearance of the Listed Building and Conservation Area.
5. All existing windows to be retained and repaired where necessary, unless otherwise agreed in writing by the Planning Authority, with the exception of the proposed ground floor window in the front elevation shown on Drawing Number: 15-491-2002. Details of the material, colour, thickness of the frame and astragals and method of opening of this window to be submitted to and approved in writing by the Planning Authority before the development commences. The window then to be replaced in accordance with the approved details.

Reason: To safeguard the character and appearance of the Listed Building and Conservation Area.

6. The alterations to the existing opening and formation of a balcony proposed for the side (south east) elevation of the property are specifically excluded from this permission. No works forming part of these elements shall be undertaken.

Reason: The balcony would increase the vulnerability of the property to flooding.

In respect of 15/00025/FUL:

I recommend the application is approved subject to the approval of the Scottish Ministers and the following conditions and informative:

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

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

2. Prior to commencement of development the applicant will create a digital photographic record of all internal and external elevations. Following the soft strip of the interior, the applicant will take further digital photographs of exposed walls and original features. All existing elevation drawings, photographs and plans annotated with photograph locations, will be submitted to the Planning Authority and Archaeology Officer in a high resolution (above 200dpi) pdf format for approval in the form of a Historic Building Survey Report.

Reason: To preserve by record a building of historical interest.

3. Measures to ensure that materials and debris are not stored or dumped in areas that may impact on the River Tweed Special Area of Conservation (Slitrig Water) to be submitted to and approved in writing by the Planning Authority before the development commences. These approved measures to be implemented during the development. The bankside should be avoided and best practice measures adopted, in accordance with SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses) and PPG 6 (construction and demolition) as appropriate

Reason: To protect the water body (Slitrig Water, River Tweed Special Area of Conservation) adjacent to the development area.

4. The colour of all external decoration and joinery, including window frames and doors, to be submitted to and approved in writing before the development commences. The development then to be completed in accordance with the approved colours.

Reason: To safeguard the character and appearance of the Listed Building and Conservation Area.

5. All existing windows to be retained and repaired where necessary, unless otherwise agreed in writing by the Planning Authority, with the exception of the proposed ground floor window in the front elevation shown on Drawing Number: 15-491-2002. Details of the material, colour, thickness of the frame and astragals and method of opening of this window to be submitted to and approved in writing by the Planning Authority before the development

commences. The window then to be replaced in accordance with the approved details.

Reason: To safeguard the character and appearance of the Listed Building and Conservation Area.

6. Mitigation measures to lessen the impact of the potential flooding of the building to be submitted to and approved in writing by the Planning Authority before the development commences. The approved measures then to be implemented as part of the development and following occupation of the dwellinghouse.

Reason: To lessen the impact of potential flooding at the site.

7. The alterations to the existing opening and formation of a balcony proposed for the side (south east) elevation of the property are specifically excluded from this permission. No works forming part of these elements shall be undertaken.

Reason: The balcony would increase the vulnerability of the property to flooding.

Informative:

If bats are discovered following the commencement of works, works should stop immediately and the developer must contact Scottish Natural Heritage (tel: 01896-756652) for further guidance. Works can only recommence by following any guidance given by Scottish Natural Heritage. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles are available at:

http://www.bats.org.uk/pages/bats_and_buildings.html

http://www.bats.org.uk/pages/existing_buildings.html

DRAWING NUMBERS

15-4910-1001 Existing Layouts
15-491-2001 Proposed Floor Layouts
15-491-2002 Proposed Elevation and Sections

Approved by

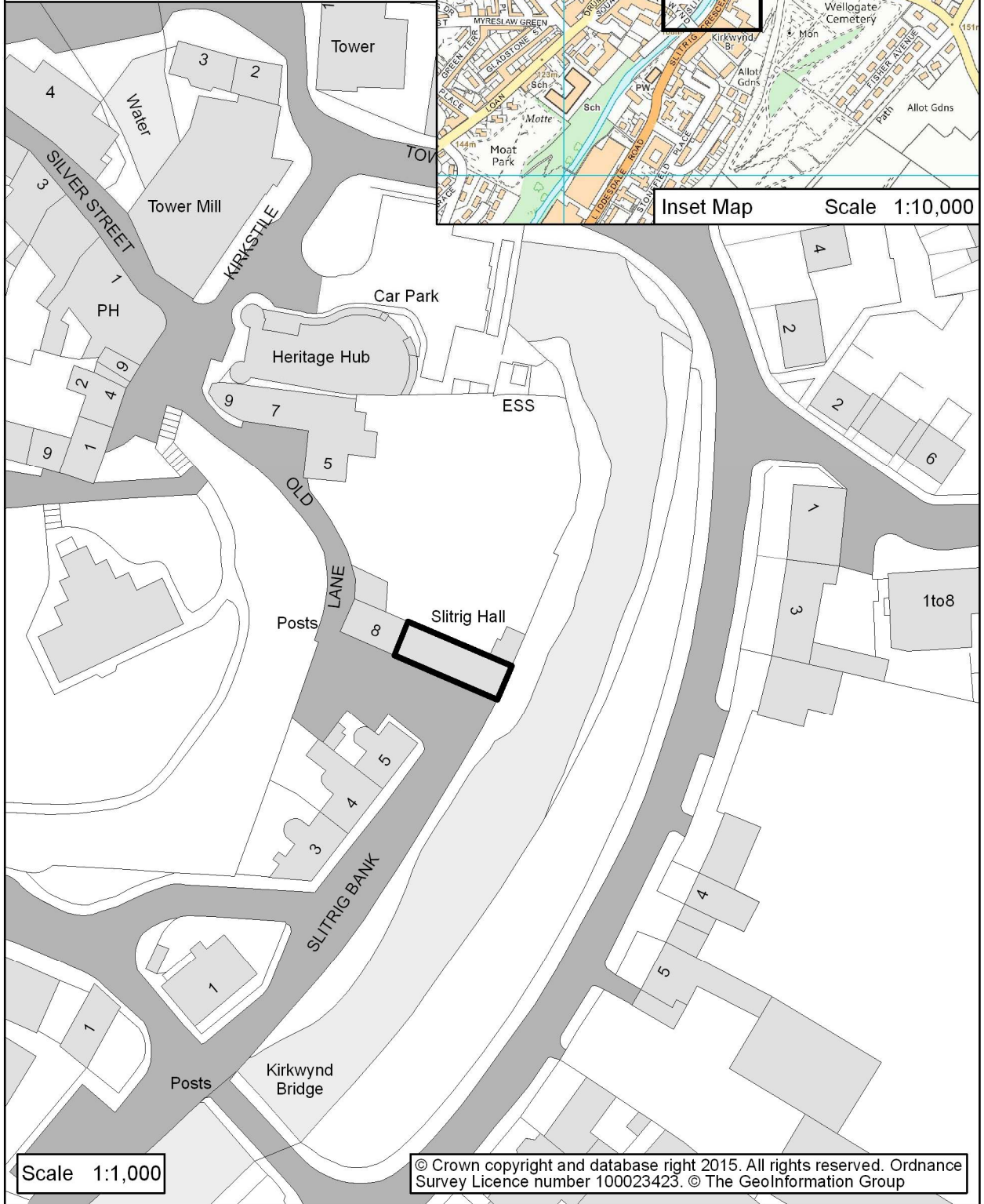
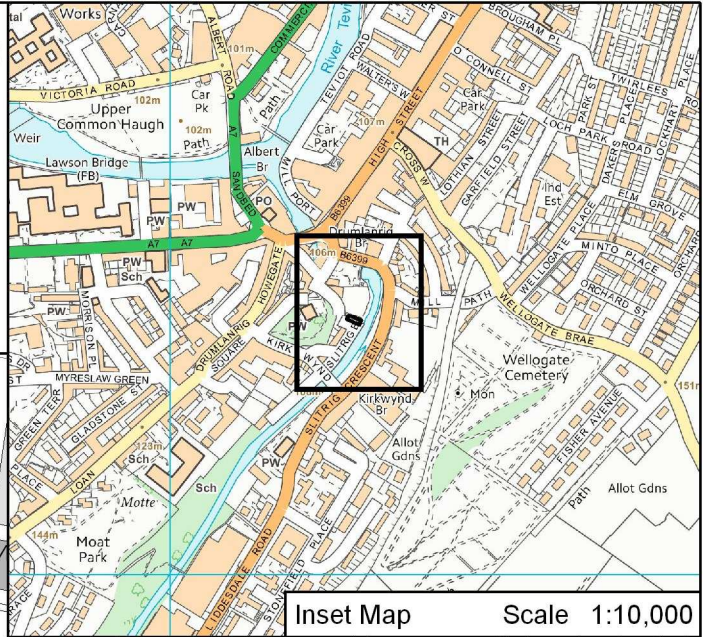
Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

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

Author(s)

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 TD9 0AG



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

1 JUNE 2015

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 15/00456/FUL
OFFICER: Julie Hayward
WARD: Hawick and Hermitage
PROPOSAL: Variation of planning condition No 6 of planning consent R025/92 relating to delivery hours
SITE: Morrison Supermarkets Plc Mart Street Hawick
APPLICANT: Wm Morrison Supermarkets Plc
AGENT: GVA James Barr

SITE DESCRIPTION

The Morrison's food store is situated in the town centre of Hawick bounded by Duke Street to the north, Earl Street to the east, Trinity Street and Weensland Road (A698) to the south and Mart Street to the west. The area is predominantly residential in character but Hawick Cashmere of Scotland is on the opposite side of Earl Street, there is a vets surgery and hotel adjacent the site in Trinity Street and a public car park to the west accessed from Mart Street.

The site comprises of the food store, petrol station and car park. The service yard is accessed from Earl Street and enclosed by metal fences and gates.

PROPOSED DEVELOPMENT

Outline planning permission (R025/92) was granted for a new supermarket and filling station on the Hawick Auction Mart site in 1992. Condition 6 states:

No deliveries shall take place before 7am or after 10pm.
Reason: To safeguard the amenity for neighbouring residents.

This current application seeks to vary this condition so that deliveries can take place between 05:00 and 23:00 Monday to Friday and 07.00 to 22.00 Saturdays and Sundays in accordance with a Quiet Delivery Scheme.

The application has to be determined by the Planning and Building Standards Committee as it constitutes a major development due to the site area.

PLANNING HISTORY

R025/92 (92/00792/OUT): New supermarket and filling station. Hawick Auction Mart, Mart Street Hawick. Approved 11th May 1992.

R187/92 (92/00793/REM): Erection of 49,450 square feet gross internal floor area supermarket, car parking, petrol filling station and landscaping in respect of R025/92. Approved 24th August 1992.

93/00809/ADV: Erection of signs. Approved 29th April 1993.

95/00752/FUL: Installation of satellite antennas. Approved 10th May 1995.

95/00753/FUL: Erection of ATM room. Approved 19th December 1995.

96/00694/ADV: Erection of signage. Approved 16th July 1996.

01/00334/ADV: Erection of banners and sign. Approved 22nd May 2001.

01/01044/FUL: Extensions to supermarket. Approved 10th December 2001.

02/01795/ADV: Installation of illuminated signage. Approved 13th January 2003.

05/00471/FUL: Installation of illuminated signage. Approved 27th May 2005.

05/00622/FUL: Erection of steel gates and palisade fence to service yard perimeter and extension to food store within existing covered trolley bay. Approved 23rd June 2005.

07/00139/FUL: Relocation of existing refrigeration plant from service yard to roof and installation of new refrigeration plant on roof. Approved 1st March 2007.

13/00624/FUL: Variation of planning condition No 6 of planning consent R025/92 relating to delivery hours. Approved 2nd September 2013.

REPRESENTATION SUMMARY

There are no representations.

APPLICANTS' SUPPORTING INFORMATION

The following information has been submitted by the agent and is available for Members to view in full on the Public Access System:

Supporting Letter:

- This Section 42 planning application on behalf of Wm Morrison Supermarkets Plc relates to non-compliance with condition 6 of planning permission R025/92 to allow for a variation to delivery times at the Hawick store. This application will formalise arrangements granted on a temporary basis by planning permission 13/00624/FUL.
- Permission 13/00324/FUL allowed deliveries to the supermarket between 05:00 to 23:00 Monday to Friday and 07:00 to 22:00 Saturday and Sunday for a temporary period of one year.
- Store deliveries are driven by customer demand, where today's customer wants to purchase merchandise at its maximum freshness and with the longest possible shelf life. The pattern of shopping has also changed from

the traditional 9 to 5, and to meet these demands, Morrison's stores rely on a robust and consistent delivery schedule to underpin retail demand.

- Morrison's are reducing their carbon footprint and helping their customers make the right choices and have a range of products to deliver carbon savings throughout the supply chain. Decreasing times that HGV delivery vehicles are idling in congested traffic at peak times of the day assist in reducing CO2 emissions from HGV's thus reducing the carbon footprint of Morrison's as a company and improving the environment.
- The Freight Transport Association recognises that out-of-hours deliveries to retail premises have the potential to offer significant environmental and social benefits. These can be:
 - reduced round trip journey times
 - reduced vehicle turnaround times at stores
 - reduced fuel consumption from less time spent stationary in congestion
 - improved shift productivity from drivers and vehicles
 - increased product availability within store
 - Less conflict between deliveries and customers on the shop floor.
- Noise from vehicle manoeuvring and loading/unloading activity can impact on local residents, which is why HGV movements in urban areas are often constrained by local curfew regulations. For these regulations to be relaxed, retailers must demonstrate that out-of-hours deliveries will be undertaken with minimal disturbance to local residents, while continuing to meet the needs of the business.
- Morrison's are keen that the deliveries arrive at the stores in advance of the store opening. In order that their stores are safe environments for members of the public, Morrison's require fresh produce to be on the shelves by the time the doors open to the public.
- Permission for the extended hours was granted in 2013 on a temporary basis to enable Morrison's to implement a Quiet Delivery Scheme (QDS) where best practice are used to mitigate disturbance caused by deliveries. This enabled both Morrison's and Scottish Borders Council to appraise the performance of any potential mitigation measures. The Council has confirmed that no complaints arose during the temporary trial period.

Quiet Delivery Scheme

Areas of Responsibility:

- Morrison's Plc will issue the Vehicle Driver Charter and ensure that drivers are aware of the charter and will ensure driver compliance via strict supervision by store management.
- Monitoring of complaints system.
- Communication with local residents, by a system to be agreed.

- Production of a plan for dealing with complaints should these arise, including noise monitoring conducted at the boundary of nearby properties, meetings with complainants and the development and introduction of further mitigation measures, if necessary and possible.

Vehicle Driver Charter:

- Contact store ahead of delivery to ensure that gates are open on arrival;
- Switch off refrigeration unit prior to arrival at the store;
- A banksman will provide assistance when reversing. Reversing beepers / alarms to be switched off;
- Engines are to be switched off when vehicles are not manoeuvring;
- Radios must be switched off prior to arrival at store;
- Ensure that doors are not slammed when alighting from the cab;
- Be mindful of how far voices carry when talking;
- No whistling or shouting to get the attention of store employees;
- Do not sound the horn;
- If opening a gate / roller shutter door to gain access, be sure to open / raise it gently to minimise noise;
- Any load restraining bars need to be removed carefully and the gently placed in the stowage points and not dropped;
- Any empties / salvage are not to be collected during out-of-hours deliveries.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Environmental Health: No comments or objections.

Statutory Consultees

None

Other Consultees

None

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 1B: The Spatial Strategy: Development Principles

Policy 3: Town Centres and Retail

Consolidated Scottish Borders Local Plan 2011

Policy ED5: Town Centres

Policy H2: Protection of Residential Amenity

Proposed Local Development Plan 2013

Policy ED3: Town Centres and Shopping Development
Policy HD3: Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy
PAN 1/2011: Planning and Noise 2011

KEY PLANNING ISSUES:

- Whether the change in delivery times would harm the residential amenities of occupiers of nearby properties.

ASSESSMENT OF APPLICATION:

Planning Policy

The Morrison's food store is situated within the town centre, as designated in the Scottish Borders Consolidated Local Plan Adopted 2011. Policy ED5 allows a wide range of uses appropriate to a town centre, including retailing.

Residential Amenity

SESplan Policy 1B requires that Local Development Plans will have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live. Policy H2 of the Local Plan states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

Outline planning permission (R025/92) was granted for a new supermarket and petrol filling station on the Hawick Auction Mart site in 1992 with a condition that no deliveries shall take place before 7am or after 10pm. The reason for this condition was to safeguard the amenity of neighbouring residents, as there are residential properties to the north in Duke Street and to the east in Earl Street.

Deliveries to the store have taken place outwith these hours for several years. Morrison Supermarkets Plc applied to vary this condition in 2013 (13/00624/FUL) to allow deliveries between 05:00 and 23:00 Monday to Friday and 7.00 to 22.00 Saturdays and Sundays. This application was approved by the Planning and Building Standards Committee on 2nd September 2013 subject to conditions. Consent was granted for a temporary period of 12 months, subject to the submission of a Quiet Delivery Scheme, to allow the Council to monitor and review the situation. The Quiet Delivery Scheme was submitted and agreed in February 2014.

This current application seeks to vary condition 6 to allow deliveries between 05:00 and 23:00 Monday to Friday and 7.00 to 22.00 Saturdays and Sundays on a permanent basis, in accordance with the Quiet Delivery Scheme. This contains a number of mitigating methods which would improve the functioning of the service area and reduce operational noise. The mitigation measures include drivers contacting the store ahead of a delivery to ensure that the gates are open on arrival and switching off engines when vehicles are not manoeuvring.

The agent advises that that out-of-hours deliveries to retail premises have the potential to offer operational and commercial benefits, such as reduced round trip journey times, reduced vehicle turnaround times at stores, reduced fuel consumption

from less time spent stationary idling in congestion, improved shift productivity from drivers and vehicles and increased product availability within the store.

Environmental Health has been consulted on the application and has no objections to the permanent change in delivery hours. No representations have been received from local residents in respect of this application or in respect of deliveries taking place within the approved times during the trial period.

It is clear that out-of-hours deliveries to retail premises can offer operational, environmental and social benefits. The reduction in delivery vehicles at peak times can help reduce congestion and vehicle emissions and result in improvements in air quality and road safety. However, this would only be acceptable if deliveries in the early morning or late at night do not disturb local residents; noise from vehicle manoeuvring and unloading can be a nuisance to local residents at times when ambient noise levels are low.

Deliveries to the store appear to have been made outwith the approved hours for some time without complaints being received from local residents who live close to the store. It would therefore be reasonable to amend these delivery hours on a permanent basis, in accordance with the mitigation measures contained within the Quiet Delivery Scheme to ensure that any noise nuisance can be mitigated and any complaints received from local residents considered and resolved.

CONCLUSION

It is considered that the proposal to amend the delivery hours at the store complies with policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 provided that the Quiet Delivery Scheme is implemented to allow any noise complaints to be investigated and resolved.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

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

1. Deliveries to the supermarket to be between the hours of 05:00 to 23:00 Monday to Friday. Any deliveries made on Saturday and Sunday to be between the hours of 07:00 and 22:00. Deliveries to be carried out in accordance with the approved Quiet Delivery Scheme.
Reason: To safeguard the amenities of neighbouring residents.

DRAWING NUMBERS

187/ref/01 Existing Site Plan

Approved by

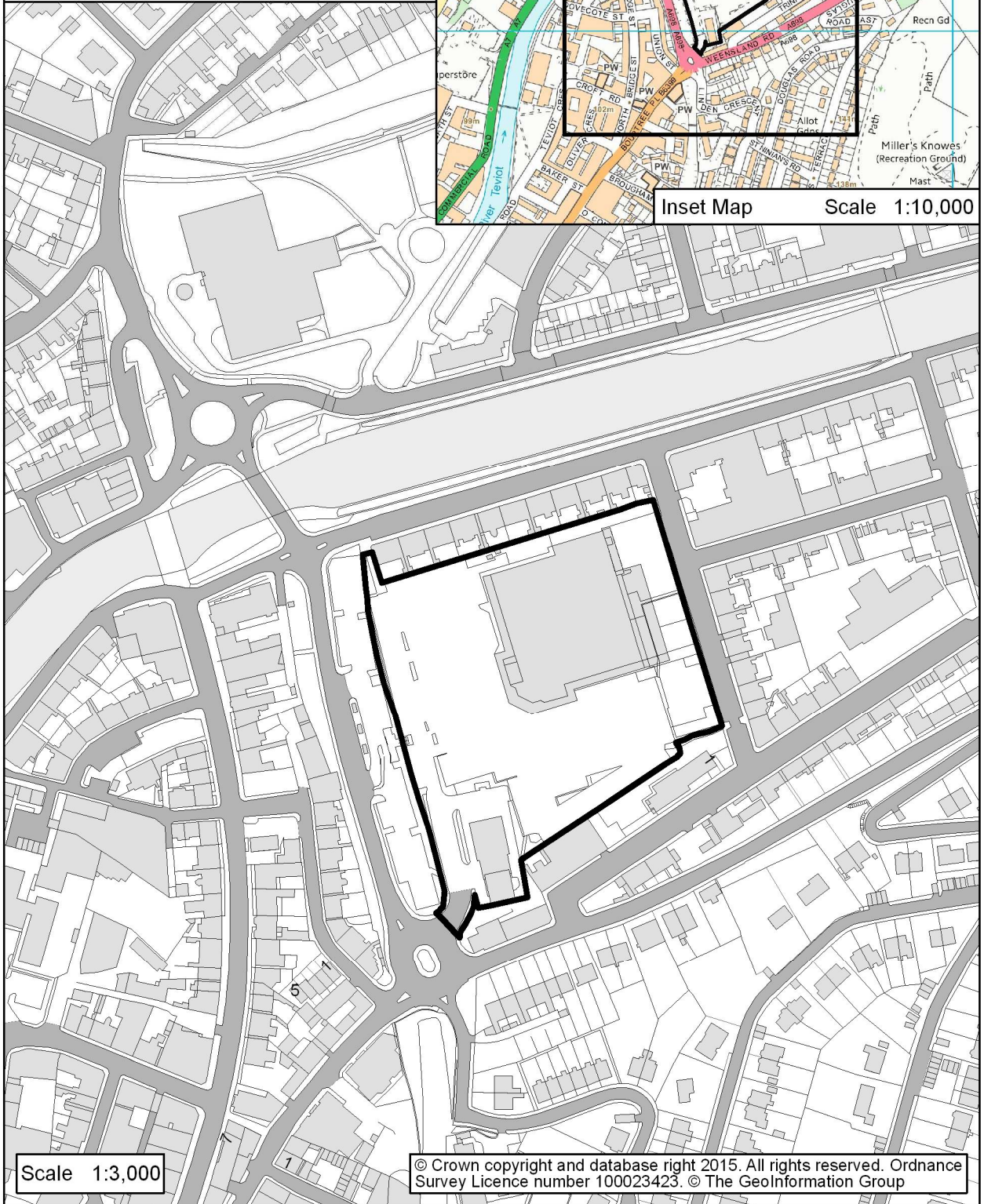
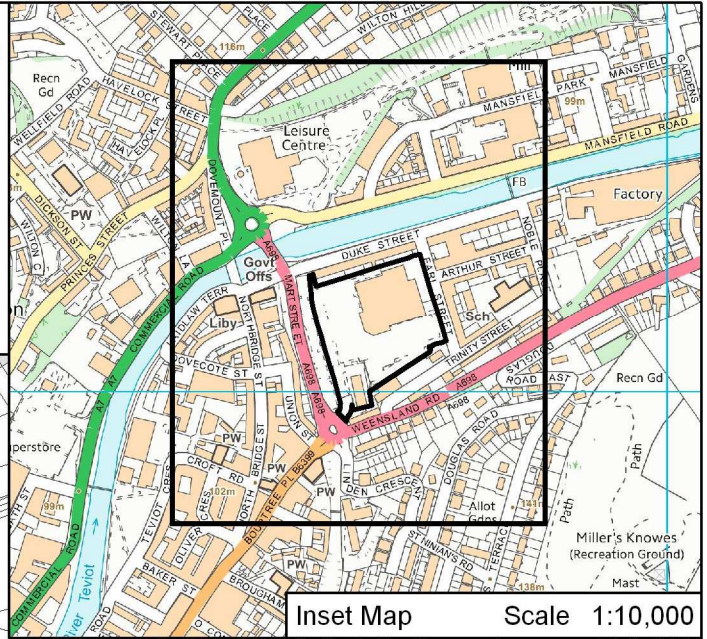
Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

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

Author(s)

Name	Designation
Julie Hayward	Principal Planning Officer

15/00456/FUL
 Morrison Supermarkets Plc
 Mart Street
 Hawick
 Scottish Borders



PLANNING APPEALS & REVIEWS

Briefing Note by Service Director Regulatory Services

PLANNING AND BUILDING STANDARDS COMMITTEE

1st June 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

- 2.1.1 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

Reasons 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. The Proposed Development complies with the development plan and the material considerations.

Method of Appeal: Because of the interconnection with the Cloich Forrest Appeal, Scottish Ministers have called in this Appeal and will make the final determination.

2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

3.1.1 Reference: 14/00763/FUL
Proposal: Installation of anaerobic digestion sustainable energy plant
Site: Ravelaw Farm, Whitsome, Duns
Appellant: Ivor Gaston & Son

Reason for Refusal: 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.

Grounds of Appeal: The appellant believes that the proposal: 1. Has no significant siting, design or visual impacts. 2. Will not have an unacceptable impact on residential amenity. 3. Adheres to criteria regarding traffic and access, storage of hazardous substances, waste, water supply and biodiversity. 4. Complies with the Development Plan and all related planning policy in particular with regard to the requirement of national and local governments to support renewable energy development. 5. Will support sustainable economic development as promoted by SPP as it will sustain a local business, create new local employment and provide other spin-off employment/business as part of constructing/servicing the plant. 6. Is smaller than AD Plant approved by SBC in the recent past and which have been approved despite the proposals being under the 250 metre guideline outlines in SPP. There is clear precedence therefore that the proposal should be treated in the same way as other AD Plants within the region.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, Karen Heywood, concluded that the proposed development does not accord with the relevant provisions of the development plan and that there are no material considerations which would justify granting planning permission. The Reporter considered all matters raised, but there were none which would lead her to alter her conclusions.

3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

4.1 There remained one appeal previously reported on which a decision was still awaited when this report was prepared on 21st May 2015. This relates to a site at:

- Land West of Kingledores Farm (Glenkerie), Broughton, Biggar
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5 REVIEW REQUESTS RECEIVED

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

Reasons for Refusal: 1. The proposal is contrary to Local Plan policy D2 in that the development is not located within a building group or with a dispersed building group close to an identified anchor point, there is no

economic justification for a residential caravan at this site and it is not of a high quality design which would be expected in a rural location. 2. The proposal is contrary to Local Plan policy G1 - Quality Standards for New Development as the caravan does not respect the character of the surrounding area, it does not create a development with a sense of place or add to any existing sense of place and in terms of materials it does not complement the highest quality of architecture in the locality.

- 5.2 Reference: 14/01342/FUL
Proposal: Erection of veterinary practice building
Site: Land South East of Paul Burton Warehouse, (Plot 8)
Pinnaclehill Industrial Estate, Kelso
Appellant: Cheviot Vets

Reason for Refusal: The proposed development is contrary to Policy ED1 of the Scottish Borders Consolidated Local Plan 2011 in that the erection of a veterinary practice building would result in the development of use class 2 business on a strategic employment site restricted to use classes 4, 5 and 6. The development of a veterinary practice on this strategic employment site would lead to undesirable precedent and the loss of strategic employment land.

- 5.3 Reference: 15/00111/FUL
Proposal: Erection of boundary fence and garden shed
(retrospective)
Site: 1 Old Mill Cottages, West Linton
Appellant: Mr Ronnie Wells

Condition Imposed: Within two months of the date on this consent the fence at the front of the property shall be painted or stained in a colour to be approved in advance by the local planning authority. Reason: To ensure that the development is appropriate to its surroundings and the setting of the listed building.

- 5.4 Reference: 15/00275/FUL
Proposal: Part change of use to form dental surgery suite
Site: 3 Cherry Court, Cavalry Park, Peebles
Appellant: J T Ceramics Ltd

Reason for Refusal: The proposed change of use of part of the premises to dental surgery suite would be contrary to Adopted Local Plan Policy ED1 in that it is not a Class 4, Class 5 or Class 6 use, and the site (Cavalry Park) is safeguarded for employment uses in the Adopted Local Plan, having more particularly been identified as a Strategic Employment Site; a designation which requires that all other uses be resisted.

6 REVIEWS DETERMINED

- 6.1 Reference: 14/01400/FUL
Proposal: Replacement windows
Site: 27-29 Eastgate, Peebles, Scottish Borders, EH45
8AB
Appellant: Mr David McGrath

Reason for Refusal: The application is in contravention of Policy BE4 of the Consolidated Local Plan 2011 and the terms of the "Replacement Windows" SPG in that the proposed replacement window material is not in

accordance with that required for designated Prime Frontage within Peebles Conservation Area and the replacement of the existing windows, which represent a significant proportion of the building frontage, would be to the detriment of the character of the building in particular and the Conservation Area more generally.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

7.1 There remained no reviews previously reported on which decisions were still awaited when this report was prepared on 21st May 2015.

Approved by

Brian Frater
Service Director Regulatory Services

Signature

Author(s)

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

Background Papers: None.

Previous Minute Reference: None.

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

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