

Public Document Pack



LOCAL REVIEW BODY MONDAY, 18 APRIL, 2016

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 18 APRIL, 2016 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,
11 April 2016

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	<p>Consider request for review of refusal of planning consent in respect of external alterations and erection of 4 No flagpoles at West Grove, Waverley Road, Melrose. 15/01354/FUL 16/00004/RREF</p> <p>Copies of the following papers attached:-</p>	
	<p>(a) Notice of Review</p> <p>Including Decision Notice (Page 29) Officer's report (Page 31)</p>	(Pages 1 - 36)
	(b) Papers referred to in report	(Pages 37 - 48)
	(c) Consultations	(Pages 49 - 50)
	(d) Objectors	(Pages 51 - 54)
	(e) List of Policies	(Pages 55 - 60)
5.	<p>Consider request for review of refusal of planning consent in respect of erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping on land and buildings at Wilton Mills, 31 - 32 Commercial Road, Hawick. 15/00100/FUL 16/00005/RREF</p> <p>Copies of the following papers attached:-</p>	
	(a) Notice of Review	(Pages 61 - 310)

	Including Decision Notice (Page 108) Officer's Report (Page 111)	
	(b) Drawings	(Pages 311 - 322)
	(c) Consultations	(Pages 323 - 366)
	(d) Objectors	(Pages 367 - 398)
	(e) Support comments	(Pages 399 - 402)
	(f) General comment	(Pages 403 - 404)
	(g) Additional representation	(Pages 405 - 406)
	(h) List of policies	(Pages 407 - 426)
6.	Consider request for review of refusal of planning consent in respect of erection of dwellinghouse and detached garage/annex on land west of Whistlefield, Darnick. 15/01491/FUL 16/00006/RREF	
	Copies of the following papers attached:-	
	(a) Notice of Review	(Pages 427 - 450)
	Including Decision Notice (Page 431) Officer's report (Page 433)	
	(b) Consultations	(Pages 451 - 458)
	(c) Representations	(Pages 459 - 462)
	(d) List of policies	(Pages 463 - 478)
7.	Any Other Items Previously Circulated	
8.	Any Other Items which the Chairman Decides are Urgent	

NOTES

1. Timings given above are only indicative and not intended to inhibit Members' discussions.
2. 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.

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

Please direct any enquiries to Fiona Walling 01835 826504
email fwalling@scotborders.gov.uk

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see attached Appeal Statement and supporting material

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1. Planning Application Submission 2. Location Plan 3. Application Drawings 4. Supporting Statement and Correspondence 5. Planning Officer's Report 6. Decision Notice

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

23/02/10

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

Appeal Statement

External alterations and erection of 4 No flagpoles

West Grove Waverley Road Melrose TD6 9SL
Application Ref 15/01354/FUL

February 2016

1.0 Introduction

Felsham Planning and Development is planning adviser to Rural Renaissance Ltd. We are instructed to submit an appeal following Scottish Borders Council's decision to refuse our client's application for *External alterations and erection of 4 No flagpoles* using its delegated powers.

The site lies just outside of, but adjacent to, the Conservation Area in Melrose, and fronts Cross Avenue, on the main approach to the town centre at Melrose from the north and west. The building was originally a Congregationalist Church.

The application was refused on 18th January 2016 for the following reason:

1. *The proposed development is contrary to Adopted Local Plan Policy G1 in that the erection of 4 no flagpoles would not in its scale (principally in the height and number of flagpoles featured) in culmination with its siting, be compatible with or respectful of, the character of the surrounding area and neighbouring built form.*

The Town and Country Planning (Scotland) Act requires full disclosure of an appeal case at the outset. The reasons for refusal cannot be added to or amended. Having regard to the above, we consider the main determining issues to be:

- Whether the proposed development is unusual and out of keeping in this location
- Whether there would be an *unacceptably adverse impact* on the character and appearance of the conservation area
- The policy test, both national and local, dealing with such impact
- The Council officer's assessment and reasoning and whether that is competent or reasonable.

2.0 Planning Policy

The relevant development plan is the Consolidated Scottish Borders Local Plan 2011

Policy BE4 - Conservation Areas is criteria based policy. Its provisions are as follows:

- Development within or adjacent to the conservation area should not have an adverse impact on its character and appearance
- Development must be located to preserve and enhance the special character of the conservation area. It should accord with scale, proportion, density and alignment and boundary treatment of the conservation area
- Full consideration will be given to Scottish Historic Environment Policy (SHEP) when considering development in the conservation area

Policy G1 - Quality Standards for New Development is a criteria based policy and requires that new development should, inter alia:

- Be of a high quality and be designed to fit into the townscape
- Be compatible with the surrounding area and neighbouring uses
- Be satisfactorily accommodated within the site
- Able to allow for contemporary or innovative design
- Incorporate hard and soft landscaping
- Provide appropriate boundary treatments
- Be of a scale, mass and density compatible with the surrounding area

- Colours, textures and materials should complement surrounding architecture

Policy G7 - Infill Development. This policy states that, inter alia, development should not detract from the established land use or the character and appearance of the surrounding area. Scale, materials, form and density should be appropriate to its surroundings.

Policy H2 - Protection of Residential Amenity states that development should be compatible with a residential area and that visual impact will be a consideration.

Regard must also be had to the Scottish Government's statement on planning policy contained within SPP (Revised). Paragraph 137 states that the planning system should:

Enable positive change in the historic environment which is informed by a clear understanding of the importance of heritage affected....change should be sensitively to avoid or minimise adverse impacts on the fabric and setting of the asset and ensure that its special characteristics are protected, conserved and enhanced

Paragraph 141 deals with listed buildings and conservation areas and states:

...the materials...scale and setting...of any development which will affect the setting of a listed building or conservation area...should be appropriate to the character and appearance of the building or conservation area...

Therefore, the recently published SPP has clarified the policy test, which is development appropriate to the conservation area. The Local Plan contains a presumption in favour of alterations subject to no adverse impact on the character of the building and those alterations being in keeping with the building. In our view, the nature of the proposed use should not impact on the character of the conservation area.

The Scottish Historic Environment Policy (SHEP) sets out Scottish Ministers' policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations. Paragraph 2.37 states that conservation areas are defined as 'areas of special architectural or historic interest. Paragraph 2.44 states:

2.44. Once an area has been designated, it becomes the duty (see Note 2.23) of the planning authority and any other authority concerned, including Scottish Ministers, to pay special attention to the desirability of preserving or enhancing the character and appearance of the area when exercising their powers under the planning legislation and under Part I of the Historic Buildings and Ancient Monuments Act 1953, the character or appearance of which it is desirable to preserve or enhance.

3.0 Basis for Determination of a Planning Application

The Town & Country Planning (Scotland) Act requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The same principles apply to an appeal. We set out below the basis for determining a planning application and we then consider the reasons for refusal against the prescribed methodology.

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:

Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.

This judgement sets out a clear approach to determining a planning application and clarifies how the development should be used:

1. Identify any provisions of the Development Plan that are relevant to the decision.
2. Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.
3. Consider whether or not the proposal accords with the Development Plan.
4. Identify and consider relevant material considerations for and against the proposal.
5. Assess whether these considerations warrant a departure from the Development Plan.

The determining authority must first consider whether the proposal accords with the development plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the development plan, it follows that consent should be granted unless any site specific matters preclude consent.

The House of Lords has ruled that material considerations must satisfy two tests:

1. They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
2. They must be material to the circumstances of the case and they must relate to the proposed development.

In assessing this proposal we believe that it is also relevant to refer to have regard to Tesco Stores v. Dundee [2012] PTSR 983 case. Paragraph 18 of the Dundee decision states:

The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and the planning authority...the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.

Paragraph 19 continues:

The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract...development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another...many of the provisions of the development plan are framed in language whose application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

4.0 Assessment

Having regard to the House of Lords methodology we note:

Identify any provisions of the Development Plan that are relevant to the decision – the relevant policy is that identified in the reasons for refusal, namely G1. There is no objection on the grounds of impact on the conservation area (BE4), infill development (G7) or residential amenity (H2)

Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies – the aims and objectives of the development plan that are relevant to this proposal are to maintain the character and appearance of the conservation area; to protect residential amenity; and to ensure that the scale, design and materials that are used are appropriate to the area.

Consider whether or not the proposal accords with the Development Plan – There is no objection to the external alterations. The second reason for refusal attached to the previous planning consent has been removed. The only issue is whether the proposal satisfies the criteria of policy G1

Therefore, the wider alterations must be judged to be in accordance with the development plan and it is only the impact of the flagpoles that need to be considered.

It should be noted that prior to Rural Renaissance buying the site, NHS had approached SBC Planners and discussed the possibility of demolishing the building for housing to which SBC were agreeable in principle. Having regard to the Council's position regarding those discussions it can be deduced that the Council considers that this building and its associated fixtures and fittings do not have any significant meaning or purpose that contributes to the character and appearance of the conservation area.

In order to consider the flag poles in policy terms it is necessary to consider why the planning officer thought the development should be refused and to set his argument against wider policy considerations, in particular SHEP and SPP, which both anticipate that change is

inevitable in a conservation area. SPP contains a presumption in favour of positive change to the built environment. The test is no adverse impact; therefore, some change is anticipated. The officer accepts our argument that there is no impact on the conservation area.

The LRB on behalf of the Council has accepted the principle of the flagpoles, subject to resolving the details. In October 2015 it took two and a half hours to debate this matter and gave the applicant a firm direction on what to do to make the proposal acceptable. We believe that we have now prepared a scheme that addresses the concerns of the LRB, who stated in their deliberation that they wanted to provide an effective brief to ensure that a resubmitted application would be successful.

This is a former church. Its past use would have involved signs and notice boards outside. It would not have had a clear or uncluttered external appearance. Introducing flagpoles will not block a previously unobstructed view nor will it introduce clutter. Nevertheless, we have had regard to the comments made by the Planning Officer's report and the LRB and have moved the flagpoles from the front of the building and reduced the height so that they are comfortably below the 8m level the LRB considered acceptable.

The alterations to the building have been accepted, subject to the minor changes shown on the current applications, which would have been conditioned if the earlier application had been granted consent. Flagpoles do not make an irrevocable alteration to the appearance of the building and are a minor alteration. On the approach into the town and in all views of the building what will be seen is a large building that will be judged as having an historic ecclesiastical use with 4 flagpoles alongside. The flagpoles and the flags will not obscure the vision of the building and may heighten the perception of its historic importance to this part of Melrose, thus adding to the feeling of grandeur and spectacle around the building and its immediate surrounds not undermining the character and appearance of the conservation area.

The LRB in its previous decision gave a clear steer about what would be required to make the proposal acceptable. The required changes were:

- Reduce height to 8m
- Remove from the front of the building

These changes have been made. The officer's assessment is clearly contrary to the direction previously given by the LRB in October 2015. He considers 5.2m to be excessive. The LRB considered 8m would be acceptable.

Flagpoles are not an unusual or alien feature in a town and they are often associated with a church, particularly a non-established church, where flags and banners whether placed inside or outside the church are an important part of its ceremony and function. Whilst the use has changed the building remains unmistakably ecclesiastical and flags are not out of keeping with the perception people are likely to have of the building and the features they would expect to find outside such a building. Therefore, the flagpoles should not be judged as having an unacceptable harmful impact on the character of the conservation area.

The planning officer's report seems confused. It states:

With respect to whether or not the revised flag poles proposal, per se, would otherwise be compatible with, and respectful of, the character of the surrounding area and neighbouring built form, positive regard can be had to the reduced height of the proposed flag poles relative to what was previously proposed. There are no concerns with respect to the principle of erecting 5.2m high flag poles at the site, but regard is necessarily still had to precisely where and how flag poles of this height would be accommodated on the site.

The officer is accepting the arguments presented and appears to have no objection to either flag poles or the effect they may have on the conservation area. His view on height is at odds with the direction given by the LRB that 8m would be acceptable. As the officers present at the hearing will know the members sought to be helpful and give guidance to the applicant. Their comments are material to this application.

The officer then adopts an approach which can only be described as *splitting hairs*, as follows:

At 5.2m in height, these poles are still in absolute terms, only reasonably characterised as being high structures within the context of this site and setting. Further, and at four in number, arranged in a row staggered at intervals of approximately half a metre from one another, and set back only around 1.5m from the site boundary with Waverley Road, these flag poles would be liable to have a cumulative visual impact that would be significant, particularly taking into account the immediacy of their proximity to the public road and the lack of any mitigation of their visual impact beyond the containment of their bases by the existing boundary fence.

The officer accepts that the flagpoles are not high and there will be no impact on the character and appearance of the conservation area. He then appears to contradict his conclusion that the proposal is acceptable in terms of these elements by concluding that there will be a cumulative impact. If there is no impact on the character and appearance of the conservation area it follows that there can be no

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unacceptable cumulative impact. In the light of the clear steer given by the previous LRB consideration and the applicant's response to that advice by altering the proposals we are at a loss to understand why this officer maintains his objection.

The officer then states:

Given that this siting would be detached some distance from the buildings within the employment site (and moreover, would be situated almost equi-distant between surrounding houses and the former church building), the flag poles would be liable to be viewed in isolation from the site's main buildings; particularly within views from closer proximity (notably from Waverley Road itself, and from within the vicinity of the junction at Tweedmount Road).

It was the criticism that the flag poles would obscure the building that led to the LRB suggestion that they could be re-sited in a location such as this. The applicant has responded to a very clear steer they were given by LRB in October 2015 about what would be acceptable.

The officer further states:

In these views, the installation would be liable to register visually, as an isolated, prominently-located, high group of structures, which would be significantly out-of-scale with their surroundings. This visual impact would be highly visible, unusual and incongruous. It would if anything, appear more civic than commercial in its inspiration, suggesting the context of a landmark, memorial or public space rather than an ancillary use of a salient area within the grounds of an office premises. It is considered that flags of the proposed height, would only be appropriately accommodated at a greater distance from the site boundary; and specifically within the interior of the site, ideally at lower level, in the vicinity of the car park, where any flags flown might still be visible from Waverley Road, but so sited, would be both capable of being more discreetly accommodated, in scale with their surroundings, and more intelligibly related to, and integrated within, the context of a business premises. It is also considered that a reduction in number from four flag poles to three or two, would more appropriately help maintain a scale more in keeping with an ancillary component of the business use.

The officer clearly does not like the flagpoles and has, in our submission, allowed his own subjective judgement to inform his assessment rather than carrying out a systematic assessment against policy. The officer has not demonstrated:

- How or why an unacceptably harmful impact will arise
- Given consideration to the need to maintain prominent buildings in a beneficial use
- Assessed the flagpoles against the street furniture that would have been associated with the previous use
- Given any weight to the fact that flagpoles can be an iconic and attractive feature or given weight to the fact that the display of flags is long associated with buildings of many different kinds and that such display is not harmful or unusual
- Given any thought to the fact that the flying of flags is not restricted to civic or institutional buildings but has a long history of private use
- Given any consideration to the reasons for the flag poles, set out in our client's email to the officer (submitted with this appeal) or the controls our client intends to use (again set out in that email)

The only policy relevant to determination of this application is policy G1. It requires the following

- Be of a high quality and be designed to fit into the townscape – the officer accepts our argument that there is no impact on the character and appearance of the conservation area. Having reached that conclusion it cannot then be asserted that there will be a negative cumulative impact
- Be compatible with the surrounding area and neighbouring uses – this is a former church. The use for which it was built establishes its character. It is usual for a church building to have signs, noticeboards, and even flagpoles. The proposed flagpoles are not out of character
- Be satisfactorily accommodated within the site – the flagpoles have been re-sited to ensure no impact on the front of the building
- Able to allow for contemporary or innovative design – the wider proposals for the building are accepted by the Council
- Incorporate hard and soft landscaping – this is not relevant to this proposal because these elements already exist. Flagpoles are an acceptable item commonly associated with church buildings
- Provide appropriate boundary treatments – as noted above flagpoles are acceptable for this type of building

Therefore, we consider that the proposal complies with the development plan.

Identify and consider relevant material considerations for and against the proposal – Despite the alleged prominence of the site there were only 4 representations, two of which are in support. The consultation responses were as follows

- Roads Planning Section: has not responded but their response to the previous application was to state *I am content that the poles do not interfere with visibility sightlines for drivers exiting the site. No roads objections.*

- **Economic Development Section:** has no objections and supports the improvements proposed for the frontage of this building.

SPP gives weight to representations in the planning process. The lack of objections is a material consideration when set against the assertion made in the reason for refusal. Clearly the community and local residents i.e. those most affected do not share the planning officer's concerns.

To reiterate the case in support, Rural Renaissance wrote to the planning officer on 7th July 2015 to address issues raised in discussions, including the flying of flags. That submission remains relevant and was included in the papers for this application. It noted:

1. ***Flying of flags at West Grove compliments and supports the positive aspects of SBC's recent decision on flags:-***

All modern business organisations must be inclusive and flying flags helps us to promote this policy, the removal of these flags would inhibit this. SBC report supports this argument.
2. ***Promotes Melrose and reflects positively on its community:-***

We have been flying flags at our Priorwood Offices for a number of years. Initially just recognising the national days of countries within the UK, more recently we have expanded this to include a number of countries around the globe that we have a connection with. This has proved very popular.

Our welcome for the visiting teams at this year's Melrose 7s was retweeted by North Western University (South Africa) to their 10,600 followers. Not only did this promote Melrose and the Scottish Borders to an international audience, but promoted discussion within the town – as do most of our flags. Many people have told us they look to the Crawford's flags to see which national holiday it is! We share photographs of our flags on Facebook to enhance their reach. Our posts have a large, worldwide audience; one of our posts reached 3400 people, of which 1600 interacted with the post. This promotes the Borders – as a place to live, visit and do business.

Melrose is a cosmopolitan community with visitors and residents hailing from all across the globe. These flags generate the welcoming and inclusive image.

The flags are removed and raised every day and never has there been an incident of vandalism. They do not interfere with any views or pose any threat to the community, but contribute to the surroundings.
3. ***Flags are commonly found in conservation areas, and are not limited to public or government buildings – banks, hotels and offices fly flags.***
4. ***We will not fly advertising banners from these poles, and as you have stated, this would require separate consent.***

Assess whether these considerations warrant a departure from the Development Plan – we believe that we have prepared a scheme that addresses the previous concerns and satisfies the requirements of the relevant policies. Therefore, the proposal is in accordance with the development plan.

5.0 Conclusion

Having regard to the reasons for refusal we conclude:

1. The council has not justified its policy objection. The building's established use, appearance and role and function are different from the surrounding area. The only issue is the erection of 4 flagpoles, which in our submission will be distinctive and attractive and will have a lesser impact than the street furniture associated with the historic use as a church
2. The alterations to the building are all considered acceptable. The flag poles do not make an irrevocable alteration to the appearance of the building and are a minor alteration. On the approach into the town and in all views of the building what will be seen is a large building church building with 4 flagpoles close to the boundary. The flagpoles and the flags will not obscure the vision of the building and may heighten the perception of its historic importance to this part of Melrose, thus adding to the feeling of grandeur and spectacle around the building and its immediate surrounds not undermining the character and appearance of the conservation area. The issue of the flag poles must be set against the wider benefits of continued occupation and use of this building.
3. Flagpoles are not an unusual or alien feature in a town and they are often associated with a church, particularly a non-established church, where flags and banners whether placed inside or outside the church are an important part of its ceremony and function. Whilst the use has changed the building remains unmistakably ecclesiastical and flags are not out of keeping with the perception people are likely to have of the building and the features they would expect to find outside such a building.

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Therefore, the flagpoles cannot be judged as having an unacceptable harmful impact on the character of the conservation area. That being the case in our submission there is no other sustainable objection to this proposal.

Having regard to the above, we conclude:

1. The proposal complies with the aims and objectives of planning policy and is therefore in accordance with the development plan
2. Material considerations support the proposal

For these reasons we conclude that there is no basis to support the reason for refusal and respectfully request that they be overturned and the appeal be granted.



Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000135349-002

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="OFFICE WEST GROVE"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="WAVERLEY ROAD"/>	Town/City/Settlement:	<input type="text" value="MELROSE"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="TD6 9SL"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="634260"/>	Easting	<input type="text" value="354106"/>
----------	-------------------------------------	---------	-------------------------------------

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this submission)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Cameron's Architects
Ref. Number:	
First Name: *	Hamish
Last Name: *	McAndrew
Telephone Number: *	01896753077
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	hamish.mcandrew@camerons.ltd.uk

You must enter a Building Name or Number, or both:*

Building Name:	
Building Number:	1
Address 1 (Street): *	Wilderhaugh
Address 2:	
Town/City: *	Galeshiefs
Country: *	UK
Postcode: *	TD1 1QJ

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	
Other Title:	
First Name:	
Last Name:	
Company/Organisation: *	Rural Renaissance Limited
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:*

Building Name:	Priorwood
Building Number:	
Address 1 (Street): *	
Address 2:	
Town/City: *	Melrose
Country: *	United Kingdom
Postcode: *	TD6 9EG

Case Number Details

Please provide the case number from the planning authority for the original application(s).

Case Number: *

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

This is a re-submission following a refusal.

Checklist - Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your submission.

The additional documents have been attached to this submission *

Yes No

Declare - Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.


Declaration Name: Hamish McAndrew

Declaration Date: 29/10/2015

Submission Date: 29/10/2015



Prepared for permission. Design shown as issued at 1:1250
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 10/10/18 14:30:00

 camerons 1 Windy Grove West Grove, Wiverny Road Melrose, TD9 9SL Tel: 01453 883799 Fax: 01453 883798 www.camerons.co.uk		architecture design development
client	Rural Renaissance Limited	
project	West Grove, Wiverny Road Melrose TD9 9SL	
title	Location Plan	
scale	1:1250	①/AS
date	21/10/18	
drawn	HAM	
file	9208.2.01	
number		rev

LOCATION PLAN 1:1250



PROPOSED SIDE ELEVATION



EXISTING SIDE ELEVATION

MATERIAL KEY

K-Rend Silicone FT Render - ATREN.



cameron's
architecture

156646027
Cambridge
1700
1711777 732777
Fax: 01223 2088244
www.cameronsonline.co.uk
info@cameronsonline.co.uk

client **Rural Renaissance Limited**

project **West Grove, Waverly Road
Melfosse
TD9 8SL**

title **Existing & Proposed
Side Elevation**

scale **NTS**

date **27/10/15**

drawn **HJM**

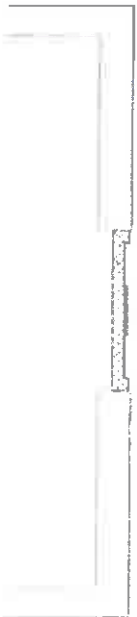
file: **g:\projects\west_grove\wp15\wp15_elevation_sides.dwg**

number **9208.2.05** rev **new**

architecture

design

development



PROPOSED ATTIC PLAN (1:100)



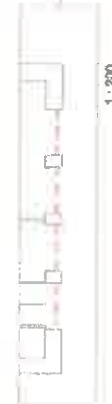
ATTIC PLAN (EXISTING)



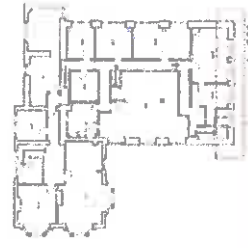
1:500



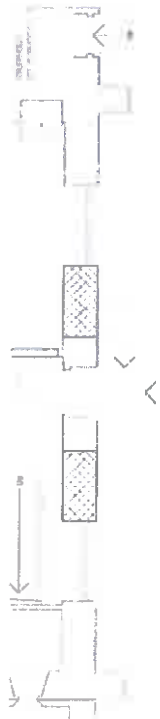
PROPOSED FIRST FLOOR PLAN (1:100)



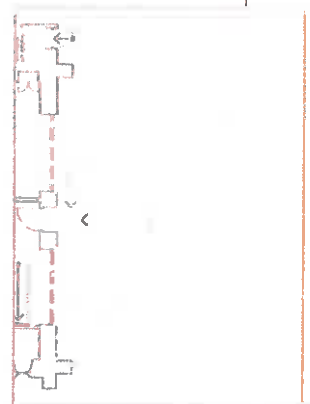
FIRST FLOOR PLAN (EXISTING)



1:500



PROPOSED GROUND FLOOR PLAN (1:100)



GROUND FLOOR PLAN (EXISTING)



1:500



EXISTING INTERIOR VIEW



DOWN TAKINGS SHOWN WITH
DOTTED RED LINE



client:	Rural Renaissance Limited
project:	Westgrove, Waverley Road Melrose TD6 9SL
title:	Existing and Proposed Plans
scale:	1:100, 1:200 & 1:500
date:	21.10.15
drawn:	HAM
file:	4 Westgrove - ground, existing and proposed plans.dwg
number:	9208.2.03
rev:	



PROPOSED FRONT ELEVATION



EXISTING FRONT ELEVATION

MATERIAL KEY

1. K-Rend Silicone FT Render - Arran.
2. Aluminium cladding (Dark Finish).
3. Vertical Sun. del.
4. Natural Stone.
5. Tempered Glass Door Canopy.
6. Intercom.
7. Aluminium Framed Glass Panel Door.
8. Aluminium Framed Glazing (Dark Finish).

architecture

design

development

Plot 10
11 Peabody, Suite
100
West Grove, Waverly Rd
MA 01983
Tel: 508.883.7200
Fax: 508.883.7201
www.cameron.com
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client Rural Renaissance Limited

project West Grove, Waverly Road

location Melrose

title TD6 SSL

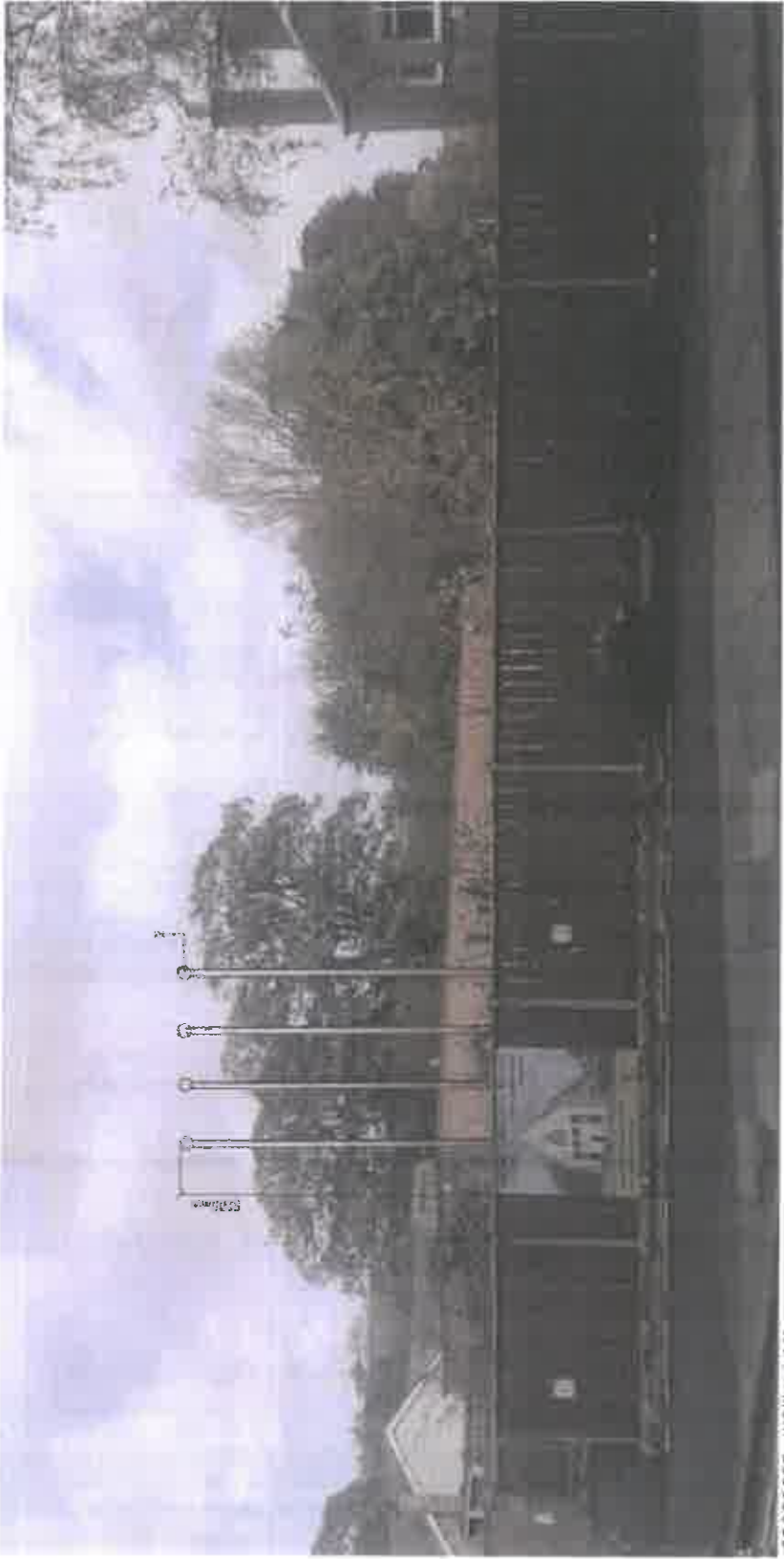
scale Existing & Proposed

date 21/09/15

drawn HAM

number 9208.2.04

rev 1



PROPOSED VIEW with 15x



--- P PROPOSED FLAGPOLE POSITIONING
1:500



EXISTING VIEW



MATERIAL KEY

- 1. K Road Mirrored CT Borders - Green
- 2. Aluminium flagpole

CATERPOILS
 100 SULLIVAN BLVD
 WESTPORT, MAINE 04091
 TEL: 207 553 3333
 WWW.CATERPOILS.CO.UK

date	1.10.17	1:500	30x2	RTS	03 84
drawn	JMM				
file					
number	9208.2.02				A

Director of Planning
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

23rd November 2015

Dear Sir,

Application for External Alterations and Erection of 4 No Flagpoles

West Grove Waverley Road Melrose TD6 9SL, Rural Renaissance Ltd

1.0 Introduction

Felsham Planning and Development is planning adviser to Rural Renaissance Ltd. We are instructed to submit a supporting statement for *Application for External alterations and erection of 4 No flagpoles* at West Grove Waverley Road Melrose TD6 9SL.

The site lies just outside of, but adjacent to, the Conservation Area in Melrose, and fronts Cross Avenue, on the main approach to the town centre at Melrose from the north and west. The building was originally a Congregationalist Church.

An earlier application ref 15/00504/FUL was refused on 14th July 2015 for the following reasons:

1. *The proposed development is contrary to Adopted Local Plan policy G1 in that the erection of four flagpoles would not be compatible with or respectful of the character of the surrounding area or neighbouring buildings*
2. *The proposal is contrary to Adopted Local Plan policy BE4 in that the erection of 4 flagpoles would have an unacceptably adverse impact on the character and appearance of the conservation area as a consequence of the unusual character of this aspect of the development; its siting immediately adjacent to the conservation area; and the high visibility of the site, which would mean that the aforementioned impacts would go unmitigated*

This was subject to a Notice of Review, which was heard by the Local Review Body on 19th October 2015. The appeal was refused on a 3 to 2 vote. Councillor Ballantyne supported the principle of flagpole but was not convinced that 4 could be fitted into space in front of the building.

The Chair was at pains to state that the remainder of the proposal was supported. The principle of flagpoles is accepted but greater detail about how they fit onto site and impact on neighbours is required.

Councillors Fullerton and Mountford moved that the matter be deferred for further written submission or a hearing. They were out voted by Councillor Ballantyne coming down on the side of the chair but stating she accepts principle of flagpole.

The LRB decision notice dated 2nd November 2015 stated:

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice

LRB members noted the full extent of all parts of the application proposal, and whilst not located within the Conservation Area the application site immediately adjoined it. Some concerns were raised regarding the proposed colour of the external render and that details of the proposal sun dial were limited. However, it was considered that appropriately worded conditions could be attached to any consent issued requiring the agreement of an alternative render and the submission of further details for

approval regarding the sun dial. It was therefore not considered there would be any insurmountable issues to resolve these matters.

Members noted that information regarding the flagpoles was limited, particularly that no specific heights were stated and that it could only be estimated they would be between 8 and 9 metres taking cognisance of plan ref 9208.1.03 which suggests they may be approximately 1 metre above the existing lighting column on site.

Whilst having no general objections in principal to flagpoles, the LRB considered that in this specific instance their perceived overall heights, their prominent appearance due to their locations close to the roadside, their cluttered nature, the impact on the adjoining Conservation Area and that they were considered out of character with the residential area prevented members supporting the proposal. Although members considered that an alternative proposal for the siting and scale of the flagpoles could be more acceptable, members agreed that the application required to be judged as submitted.

Account has been had to these comments in preparing the revised application submission, as follows:

1. Drawing ref 9208.02 shows the flagpoles relocated away from the front of the building. The flagpoles are 5.2m high, which is comfortably within the 8m height that the Local Review Body considered conditioning. The relocation addresses the LRB concern about visual clutter at the front of the building
2. Drawing ref 9208.04 illustrates the treatment of the frontage and drawing ref 9208.05 illustrates the treatment of the side elevation. These drawing address the points of detail raised by the LRB.

We consider the main determining issues to be:

- Whether the proposed development is unusual and out of keeping in this location
- Whether there would be an *unacceptably adverse impact* on the character and appearance of the conservation area
- The policy test, both national and local, dealing with such impact

2.0 Planning Policy

The relevant development plan is the Consolidated Scottish Borders Local Plan 2011.

Policy BE4 - Conservation Areas is criteria based policy. Its provisions are as follows:

- Development within or adjacent to the conservation area should not have an adverse impact on its character and appearance
- Development must be located to preserve and enhance the special character of the conservation area. It should accord with scale, proportion, density and alignment and boundary treatment of the conservation area
- Full consideration will be given to Scottish Historic Environment Policy (SHEP) when considering development in the conservation area

Policy G1 - Quality Standards for New Development is a criteria based policy and requires that new development should, inter alia:

- Be of a high quality and be designed to fit into the townscape
- Be compatible with the surrounding area and neighbouring uses
- Be satisfactorily accommodated within the site
- Able to allow for contemporary or innovative design
- Incorporate hard and soft landscaping
- Provide appropriate boundary treatments
- Be of a scale, mass and density compatible with the surrounding area
- Colours, textures and materials should complement surrounding architecture

Policy H2 - Protection of Residential Amenity states that development should be compatible with a residential area and that visual impact will be a consideration.

Regard must also be had to the Scottish Government's statement on planning policy contained within SPP (Revised). Paragraph 137 states that the planning system should:

Enable positive change in the historic environment which is informed by a clear understanding of the importance of heritage affected....change should be sensitively to avoid or minimise adverse impacts on the fabric and setting of the asset and ensure that its special characteristics are protected, conserved and enhanced

Paragraph 141 deals with listed buildings and conservation areas and states:

...the materials...scale and setting...of any development which will affect the setting of a listed building or conservation area...should be appropriate to the character and appearance of the building or conservation area...

Therefore, the recently published SPP has clarified the policy test, which is development appropriate to the conservation area. The Local Plan contains a presumption in favour of alterations subject to no adverse impact on the character of the building and those alterations being in keeping with the building. In our view, the nature of the proposed use should not impact on the character of the conservation area.

The Scottish Historic Environment Policy (SHEP) sets out Scottish Ministers' policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations. Paragraph 2.37 states that conservation areas are defined as 'areas of special architectural or historic interest'. Paragraph 2.44 states:

2.44. Once an area has been designated, it becomes the duty (see Note 2.23) of the planning authority and any other authority concerned, including Scottish Ministers, to pay special attention to the desirability of preserving or enhancing the character and appearance of the area when exercising their powers under the planning legislation and under Part I of the Historic Buildings and Ancient Monuments Act 1953, the character or appearance of which it is desirable to preserve or enhance.

3.0 Basis for Determination of a Planning Application

The Town & Country Planning (Scotland) Act requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The same principles apply to an appeal. We set out below the basis for determining a planning application and we then consider the reasons for refusal against the prescribed methodology.

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:

Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.

This judgement sets out a clear approach to determining a planning application and clarifies how the development should be used:

1. Identify any provisions of the Development Plan that are relevant to the decision.
2. Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.
3. Consider whether or not the proposal accords with the Development Plan.
4. Identify and consider relevant material considerations for and against the proposal.
5. Assess whether these considerations warrant a departure from the Development Plan.

The determining authority must first consider whether the proposal accords with the development plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the development plan, it follows that consent should be granted unless any site specific matters preclude consent.

The House of Lords has ruled that material considerations must satisfy two tests:

1. They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
2. They must be material to the circumstances of the case and they must relate to the proposed development.

In assessing this proposal we believe that it is also relevant to refer to have regard to Tesco Stores v. Dundee [2012] PTSR 983 ~~2350~~. Paragraph 18 of the Dundee decision states:

The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and the planning authority...the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.

Paragraph 19 continues:

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The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract...development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another...many of the provisions of the development plan are framed in language whose application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

4.0 Assessment

Having regard to the House of Lords methodology we note:

Identify any provisions of the Development Plan that are relevant to the decision – the relevant policies are those identified above, namely G1, BE4, and H2.

Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies – the aims and objectives of the development plan that are relevant to this proposal are to maintain the character and appearance of the conservation area; to support employment; protect residential amenity; and to ensure that the scale, design and materials that are used are appropriate to the area.

Consider whether or not the proposal accords with the Development Plan –the site lies on the edge of Melrose town centre and planning policy seeks a mix of uses within town centres. There is no objection to the building alterations. The planning officer has noted in his previous report that:

The proposed external alterations to the building with respect to fenestration are an improvement upon the existing appearance in helping to restore a vertical emphasis. If the frames and detailing were finished in dark colours as indicated, this would be entirely beneficial in terms of the character and appearance of the building.

The proposed reinstatement of a sun dial in place of a clock-face raises no particular concerns in terms of what has been indicated, but the detail would be appropriately provided for prior approval since some recessed detail appears to be indicated but not described. This matter is capable of being addressed by planning condition.

Given the presence of render on the existing building, the proposed extension of this finish does not raise any concerns in principle.

Therefore, these alterations must be judged to be in accordance with the development plan. It should also be noted that prior to Rural Renaissance buying the site, NHS had approached SBC Planners and discussed the possibility to demolishing the building for housing to which SBC were agreeable in principle. Having regards to the Council's position about those discussions it can be deduced that the Council considers that this building and its associated fixtures and fittings do not have any significant meaning or purpose that contributes to the character and appearance of the conservation area.

The Issue in this case relates to the impact on the character and appearance of the conservation area. SHEP and SPP both anticipate that change is inevitable in a conservation area. SPP contains a presumption in favour of positive change to the built environment. The test is no adverse impact; therefore, some change is anticipated.

The LRB on behalf of the Council has accepted the principle of the flagpoles, subject to resolving the details. We believe that we have now prepared a scheme that addresses the concerns of the LRB, who stated in their deliberation that they wanted to provide an effective brief to ensure that a resubmitted application would be successful.

This is a former church. Its past use would have involved signs and notice boards outside. It would not have had a clear or uncluttered external appearance. Introducing flagpoles will not block a previously unobstructed view nor will it introduce clutter. Nevertheless, we have had regard to the comments made by the Planning Officer's report and the LRB and have moved the flagpoles from the front of the building and reduced the height so that they are comfortably below the 8m level the LRB considered acceptable.

The alterations to the building have been accepted, subject to the minor changes shown on the current applications, which would have been conditioned if the earlier application had been granted consent. Flagpoles do not make an irrevocable alteration to the appearance

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of the building and are a minor alteration. On the approach into the town and in all views of the building what will be seen is a large building that will be judged as having an historic ecclesiastical with 4 flagpoles outside. The flagpoles and the flags will not obscure the vision of the building and may heighten the perception of its historic importance to this part of Melrose, thus adding to the feeling of grandeur and spectacle around the building and its immediate surrounds not undermining the character and appearance of the conservation area.

Flagpoles are not an unusual or alien feature in a town and they are often associated with a church, particularly a non-established church, where flags and banners whether placed inside or outside the church are an important part of its ceremony and function. Whilst the use has changed the building remains unmistakably ecclesiastical and flags are not out of keeping with the perception people are likely to have of the building and the features they would expect to find outside such a building. Therefore, the flagpoles should not be judged as having an unacceptable harmful impact on the character of the conservation area.

The LRB noted that the principle of flagpoles was acceptable and that the issue was the height and location. It was suggested that their deliberation would effectively provide a brief for the applicant to resubmit an application that is likely to be considered acceptable. We believe that the current proposal reflects the guidance given about a scheme that the LRB considered would be acceptable.

Therefore, we consider that the proposal complies with the development plan.

Identify and consider relevant material considerations for and against the proposal – there are no material considerations that would prevent the grant of planning permission.

To reiterate the case in support, Rural Renaissance wrote to the planning officer on 7th July 2015 to address issues raised in discussions, including the flying of flags. That submission remains relevant and noted:

1. *Flying of flags at West Grove compliments and supports the positive aspects of SBC's recent decision on flags:-*

All modern business organisations must be inclusive and flying flags helps us to promote this policy, the removal of these flags would inhibit this. SBC report supports this argument.

2. *Promotes Melrose and reflects positively on its community:-*

We have been flying flags at our Priorwood Offices for a number of years. Initially just recognising the national days of countries within the UK, more recently we have expanded this to include a number of countries around the globe that we have a connection with. This has proved very popular.

Our welcome for the visiting teams at this year's Melrose 7s was retweeted by North Western University (South Africa) to their 10,600 followers. Not only did this promote Melrose and the Scottish Borders to an international audience, but promoted discussion within the town – as do most of our flags. Many people have told us they look to the Crawford's flags to see which national holiday it is! We share photographs of our flags on Facebook to enhance their reach. Our posts have a large, worldwide audience; one of our posts reached 3400 people, of which 1600 interacted with the post. This promotes the Borders – as a place to live, visit and do business.

Melrose is a cosmopolitan community with visitors and residents hailing from all across the globe. These flags generate the welcoming and inclusive image.

The flags are removed and raised every day and never has there been an incident of vandalism. They do not interfere with any views or pose any threat to the community, but contribute to the surroundings.

3. *Flags are commonly found in conservation areas, and are not limited to public or government buildings – banks, hotels and offices fly flags.*

4. *We will not fly advertising banners from these poles, and as you have stated, this would require separate consent.*

Assess whether these considerations warrant a departure from the Development Plan – we believe that we have prepared a scheme that addresses the previous concerns and satisfies the requirements of the relevant policies. Therefore, the proposal is in accordance with the development plan.

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T +44 (0) 131 337 9640

5.0 Conclusion

Having regard to the above, we conclude:

1. The proposal complies with the aims and objectives of planning policy and is therefore in accordance with the development plan
2. Material considerations support the proposal

For these reasons we respectfully request that planning permission should be granted.

Yours faithfully



Philip Neaves

Director

Gavin Yuill

From: Michael Crawford [Michael.Crawford@jscrawford.co.uk]
Sent: 07 July 2015 11:35
To: SHerkes@scotborders.gov.uk
Cc: Gavin Yuill; Alasdair McIlroy
Subject: West Grove 15/00504/FUL, flag poles

Stuart,

I understand that they are currently two points of dispute which require resolution in order for this application to be approved under delegated powers.

- **Colour of the external render:-** we are content that this is dealt with post approval, as a condition, when we are able to produce sample colours, rather than rely on the computer generated image.
- **Flag poles:-** These are an essential part of our proposals for this development.

Background:-

My pension fund acquired the former NHS offices on 1st July, our plans are to market the offices for commercial lettings. The main building as offices and conference facilities and the rear as a wellness centre. Most other bidders, I understand, are proposing to develop the site for flats.

For this to be successful the building internal and externally must support the marketing strategy. The building must appear contemporary, international, cosmopolitan and welcoming.

We request that you consider the following prior to finalising your recommendation:-

1. Flying of flags at West Grove compliments and supports the positive aspects of SBC's recent decision on flags:-

A report to councillors said: "This option allows Scottish Borders Council to actively and openly demonstrate its commitment to equality, to celebrate the diversity within our community and promote inclusion."

Councillors agreed to implement the policy and erect three flagpoles at a meeting of the full council on Thursday.

All modern business organisations must be inclusive and flying flags helps us to promote this policy, the removal of these flags would inhibit this. SBC report supports this argument.

"However, this option may inhibit Scottish Borders Council's ability to actively demonstrate the two other elements of its equality duties (to promote equality of opportunity and to foster good relations) in relation to flag flying."

2. Promotes Melrose and reflects positively on its community:-


We have been flying flags at our Priorwood Offices for a number of years. Initially just recognising the national days of countries within the UK, more recently we have expanded this to include a number of countries around the globe that we have a connection with. This has proved very popular.

Our welcome for the visiting teams at this year's Melrose 7s was retweeted by North Western University (South Africa) to their 10,600 followers. Not only did this promote Melrose and the Scottish Borders to an international audience, but promoted discussion within the town – as do most of our flags. Many people have told us they look to the

Crawford's flags to see which national holiday it is! We share photographs of our flags on Facebook to enhance their reach. Our posts have a large, worldwide audience; one of our posts reached 3400 people, of which 1600 interacted with the post. This promotes the Borders – as a place to live, visit and do business.

J.S. Crawford 3rd Generation Limited
Published by Annabel Crawford (9) · 7 April · Edited ·

The flags are up to welcome the Sevens teams from North West University (RSA) and Germany, who arrive this week for the Melrose Sevens. Good luck in the tournament on Saturday, we look forward to watching you play




539 people reached Boost Post

Like · Comment · Share

J.S. Crawford 3rd Generation Limited
Published by James Crawford (1) · 5 February ·

To all our Kwi friends and customers - Happy Waitangi Day! Bit belated as our flag raiser was on holiday on Friday!



353 people reached Boost Post

Melrose is a cosmopolitan community with visitors and residents hailing from all across the globe. These flags generate the welcoming and inclusive image.

The flags are removed and raised every day and never has there been an incident of vandalism. They do not interfere with any views or pose any threat to the community, but contribute to the surroundings.

3. Economic benefits to Melrose:-

When occupied by the NHS over sixty people worked there, this generated additional economic activity within Melrose. At present the building is empty, and will remain until we can complete the refurbishment and successfully market it. We do not expect to be able to secure a single tenant, as is the nature of the commercial property market in the Borders, instead we will need to attract many smaller companies on short flexible terms. To do this we must create the necessary ambiance, the flags will support this.

4 Flags are commonly found in conservation areas, and are not limited to public or government buildings – banks, hotels and offices fly flags.

5 We will not fly advertising banners from these poles, and as you have stated, this would require separate consent.

6 There were only three objections.

As a concession we can reduce the height of the poles.

We hope you will appreciate the positive impact these flags will have on this important development and the town of Melrose, and your department will be able to support the flags inclusion.

Best Regards

Michael Crawford

Michael J. Crawford BSc. MSc. MCIQB, MAPM

J.S Crawford 3rd Generation Ltd

Priorwood

Melrose

TD6 9EG

Tel: 01896 822030

Visit our website: www.jscrawford.co.uk

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 15/01354/FUL

**To : Rural Renaissance Ltd per Camerons Ltd Per Hamish McAndrew 1 Wilderhaugh Galashiels
Scottish Borders TD1 1QJ**

With reference to your application validated on 11th November 2015 for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : External alterations and erection of 4 No flagpoles

at : Office West Grove Waverley Road Melrose Scottish Borders TD6 9SL

The Scottish Borders Council hereby refuse planning permission for the reason(s) stated on the attached schedule.

**Dated 18th January 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
01	Location Plan	Refused
02	Planning Layout	Refused
03	Floor Plans	Refused
04	Elevations	Refused
05	Elevations	Refused

- 1 The proposed development is contrary to Adopted Local Plan Policy G1 in that the erection of the four no flagpoles, would not in its scale (principally in the height and number of flag poles featured) in culmination with its siting, be compatible with, or respectful of, the character of the surrounding area and neighbouring built form.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01354/FUL
APPLICANT : Rural Renaissance Ltd
AGENT : Camerons Ltd
DEVELOPMENT : External alterations and erection of 4 No flagpoles
LOCATION: Office West Grove
Waverley Road
Melrose
Scottish Borders
TD6 9SL
TYPE : FUL Application
REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
01	Location Plan	Refused
02	Planning Layout	Refused
03	Floor Plans	Refused
04	Elevations	Refused
05	Elevations	Refused

NUMBER OF REPRESENTATIONS: 4
SUMMARY OF REPRESENTATIONS:

Four representations have been received. These object to the proposal on the following grounds:
(i) proposed flag-poles: would not be in-keeping with the surrounding area; are too high; unacceptable visual impact upon a main route into Melrose and Conservation Area; no reasonable need for flags relative to office uses; potential use for business advertisement; road safety hazard (driver and pedestrian distraction and potential to obscure sight lines); detrimental to residential amenity; and
(ii) proposed colour of render would not be in-keeping with surrounding area.

Two of the objectors explicitly state support for the alterations to the building.

Roads Planning Section: has not responded to the public consultation.

Economic Development Section: no objections and supports the improvements proposed for the frontage of this building.

Community Council: No further comments.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy BE4 - Conservation Areas

Policy G1 - Quality Standards For New Development
Policy G7 - Infill Development
Policy H2 - Protection of Residential Amenity

Recommendation by - Stuart Herkes (Planning Officer) on 18th January 2016

BACKGROUND

This report should be read in association with the Report of Handling which informed the planning decision reached in the case of Planning Application 15/00504/FUL last year. In particular, the aforementioned report's description of the site and surrounding area, and its assessment of the proposed external alterations, are maintained in full. The key differences between the current proposal and that which was the subject of Planning Application 15/00504/FUL relate to the siting and scale of the proposed flag poles installation.

Planning Application 15/00504/FUL was refused, because the erection of the four flagpoles: (1) would not be compatible with, or respectful of, the character of the surrounding area and neighbouring built form; and (2) would have an unacceptable adverse impact upon the character and appearance of the Conservation Area as a consequence of its character; its siting immediately adjacent to the Conservation Area; and the high visibility of the site, which would mean that the aforementioned impacts would go unmitigated.

The subsequent appeal was considered by the Council's Local Review Body (LRB). The LRB upheld the appointed officer's decision in full, but did not identify any objection to the principle of flag poles being erected at West Grove. More specifically, it considered that: "an alternative proposal for the siting and scale of the flagpoles could be more acceptable". However, it ultimately resolved that the specific flag poles proposal which was the subject of Planning Application 15/00504/FUL was objectionable on account of the flag poles' "perceived overall heights, their prominent appearance due to their locations close to the roadside, their cluttered nature, the impact on the adjoining Conservation Area and (their being) out of character with the residential area".

The matters that the LRB held to be salient within its assessment of the specific impacts of the previous flag poles proposal, these were the (i) height ('scale') of the proposal; (ii) the siting of the same relative to the public road ('prominence'); and (iii) the number of flag poles to be featured ('cluttered nature') within the installation, and the impacts of this overall appearance upon the Conservation Area and residential area.

The Applicant's Supporting Planning Statement advises that the current proposal is informed by, and is intended to respond to, the concerns expressed by the LRB at the time of its consideration of the appeal relating to the refusal of Planning Application 15/00504/FUL. The Planning Statement seeks to demonstrate that this revised proposal has addressed all of the LRB's concerns, and on this basis, advises that the revised proposal should be supported.

REVISED FLAG POLES PROPOSAL

The proposal which is the subject of the current application differs from that which was the subject of Planning Application 15/00504/FUL only with respect to the specific details of the proposed erection of four flagpoles on the premises at West Grove. While it was previously proposed that the flagpoles - which at that time, appeared to be in the order of 8 to 9m in height - should be erected in front of the principal elevation of the converted church building, it is now proposed that these poles should be shorter (5.2m, according to a revised Proposal Drawing) and sited in a different location, specifically in close proximity to the corner of Waverley Road and Tweedmount Road, at the southwestern extremity of the site. The flag poles, as now proposed, would be sited in a linear configuration, which would be both parallel to, and in close proximity to, the premises' boundary with the pavement in Waverley Road. They would occupy something of a 'transitional zone' between the residential areas to the south and west, and the remainder of the grounds of the converted former church site to the east and north.

It is understood from the advice provided in support of the current flag poles proposal that, as with the previous proposal, the flag poles would not be used for the flying of advertisements, but would instead fly varying international flags at the time of local events and competitions and/or upon the occasion of national and international festivals and commemorative days.

PLANNING POLICY CONTEXT

Positive regard can be had to the LRB's acceptance within its appeals decision notice, of the principle of flag poles being erected at West Grove. The main concerns would therefore be the precise form of the proposed flag poles installation, and principally the concern that the scale and siting of any such installation should be sympathetic to the particular context of what should still reasonably be discernible as an ancillary component relating to the main offices use of the premises.

SCALE, SITING AND COMPOSITION

Due to a greater distance of set-back from the Conservation Area, the current proposal would have no unacceptable impacts upon the setting of the Conservation Area, and it is accepted that the second reason for the refusal of Planning Application 15/00504/FUL would not be reasonably maintained relative to the current proposal. However, if anything, concerns with respect to impacts upon the surrounding residential area have been increased by the displacement of the proposal to the western extremity of the offices site.

With respect to whether or not the revised flag poles proposal, per se, would otherwise be compatible with, and respectful of, the character of the surrounding area and neighbouring built form, positive regard can be had to the reduced height of the proposed flag poles relative to what was previously proposed. There are no concerns with respect to the principle of erecting 5.2m high flag poles at the site, but regard is necessarily still had to precisely where and how flag poles of this height would be accommodated on the site. At 5.2m in height, these poles are still in absolute terms, only reasonably characterised as being high structures within the context of this site and setting. Further, and at four in number, arranged in a row staggered at intervals of approximately half a metre from one another, and set back only around 1.5m from the site boundary with Waverley Road, these flag poles would be liable to have a cumulative visual impact that would be significant, particularly taking into account the immediacy of their proximity to the public road and the lack of any mitigation of their visual impact beyond the containment of their bases by the existing boundary fence.

Given that this siting would be detached some distance from the buildings within the employment site (and moreover, would be situated almost equi-distant between surrounding houses and the former church building), the flag poles would be liable to be viewed in isolation from the site's main buildings; particularly within views from closer proximity (notably from Waverley Road itself, and from within the vicinity of the junction at Tweedmount Road). In these views, the installation would be liable to register visually, as an isolated, prominently-located, high group of structures, which would be significantly out-of-scale with their surroundings. This visual impact would be highly visible, unusual and incongruous. It would if anything, appear more civic than commercial in its inspiration, suggesting the context of a landmark, memorial or public space rather than an ancillary use of a salient area within the grounds of an office premises. It is considered that flags of the proposed height, would only be appropriately accommodated at a greater distance from the site boundary; and specifically within the interior of the site, ideally at lower level, in the vicinity of the car park, where any flags flown might still be visible from Waverley Road, but so sited, would be both capable of being more discreetly accommodated, in scale with their surroundings, and more intelligibly related to, and integrated within, the context of a business premises. It is also considered that a reduction in number from four flag poles to three or two, would more appropriately help maintain a scale more in keeping with an ancillary component of the business use.

Notwithstanding that the current flag poles proposal is preferable to that which was the subject of Planning Application 15/01354/FUL, this revised proposal should still be assessed on its own planning merits relative to the policies and guidance of the statutory development plan.

While it is accepted that the proposed height of the flag poles within the revised proposal is not objectionable per se, this still contributes to an unacceptable cumulative visual impact in association with both the proposed siting and proposed composition of the revised proposal.

In association with the proposed height and composition of the flag poles, the proposal would still be too prominently sited relative to the public realm, and too isolated from the main business premises buildings, as to be capable of being considered both 'in scale' with its surroundings and readily discernible as an ancillary component of the larger offices site. In short, the proposed siting contributes to an incongruous character for the development which would have unacceptable visual impacts upon the character and appearance of the site and surrounding area.

Although the current proposal has sought to address directly previously expressed concerns with respect to the height and siting of the flag poles, there has been no concern to address directly the Planning Department and Local Review Body's concerns that the original proposal was too cluttered in its composition as to be acceptable in terms of its visual impacts. Notwithstanding the reduction in height and removal of the proposal to the southwestern extremity of the business site, the number of flag poles proposed, continues to contribute to a cumulative visual impact that is considered to be unacceptable in its 'cluttered' appearance.

All in all, it is considered that a flag poles installation of this height and composition, sited as proposed, would be liable to appear over-dominant, out-of-scale, and incongruous relative to the grounds of a converted former church and within what is otherwise a predominantly residential area. These visual impacts would moreover be clearly visible from the 'main gateway' route for vehicular traffic approaching Melrose's town centre from the west.

MATERIAL CONSIDERATIONS

The Applicant's supporting statement includes some account of the particular views which individual members of the LRB expressed on the day of their consideration of the appeal relating to Planning Application 15/00504/FUL. These individual views are not however specifically recorded in, or recognised within, the LRB's Decision Notice. There is therefore no further requirement to go beyond the immediate record or justification of the LRB's collective decision given in the Appeal Decision Notice itself. The latter is a sufficient and appropriate record of the LRB's deliberations and decision.

In the event of refusal, it is ultimately the Applicant's prerogative to refer the application to the Local Review Body at appeal to obtain the latter's direct consideration of these matters, but as noted above, it is considered that the LRB has within its decision on the appeal relating to Planning Application 15/00504/FUL, identified considerations which the current version of the flag poles proposal has not addressed satisfactorily. The views of the LRB on the current proposal cannot of course be prejudged, but contrary to the Applicant's view, it is not considered that there are reasonable grounds to substantiate any confidence or expectation that the current proposal will have addressed matters to the Local Review Body's satisfaction.

Contrary to the advice of the Applicant's Supporting Statement it is not considered that the Local Review Body has within its appeal decision notice, reasonably indicated its support for 8m high flag poles. On the contrary, the scale of the previous proposal (reasonably including the proposed height) was specifically identified as a concern and a reason for the LRB's decision to dismiss the appeal.

Much of the Applicant's supporting case is concerned to make an assessment of the current proposal relative to the previous one. Notwithstanding that the former is generally liable to be characterised as an improvement upon the latter, assessment of the current proposal is not reasonably reduced to a relative comparison of the two - previous and current - proposals, and a relative improvement is not in itself, sufficient grounds to support the application.

The Applicant's supporting statement also finds support for the current proposal in both the national Scottish Planning Policy and Scottish Historic Environment Policy documents' concern to facilitate positive change within the historic built environment. However, this is general advice and does not override the need to assess the specific proposal in relation to the policies and guidance of the statutory development plan.

OTHER CONCERNS

As at the time of the previous determination (15/00504/FUL), it is considered that the proposed external alterations are appropriately capable of being regulated by planning conditions and informatives; with the former requiring the submission of precise details for prior approval, and the latter advising as to what would, and would not, be liable to be considered acceptable at the time of any subsequent consideration of these ulterior details. Accordingly the analysis and conclusions of the 'External Alterations' section of the Report of Handling on Planning Application 15/00504/FUL are hereby maintained in full. It is noted that objectors do specifically take issue with the proposed light colour of the render finish, and this has previously been identified as a concern within the Report of Handling on Planning Application 15/00504/FUL, but, as before, it is also one that is capable of being regularised by planning condition and informative.

As noted at the time of the determination of Planning Application 15/00504/FUL, the proposed alterations to the exterior of the building raise no residential amenity concerns for surrounding dwellings. There would however be potential for disturbance to surrounding residential properties from noise impacts associated with the flapping and rustling of flags in stronger winds. There is moreover, potential for this particular impact to be increased to a level above that which would have occurred in relation to the previously refused proposal. This is because the proposed displacement of the flags to the southwestern extremity of the offices site would bring the flags into much closer proximity to residential properties, thereby inevitably increasing the potential for disturbance to residents. However, as noted previously, it is understood from verbal advice from Environmental Health, that the extent to which this type of noise would be reasonably characterised as noise nuisance, let alone be liable for action under Environmental Health noise regulations, appears minimal. Nonetheless, since the potential for disturbance to surrounding residential properties cannot be ruled out, this would be appropriately drawn to the Applicant's attention in an informative in the event of approval.

The Roads Planning Section has not responded to the public consultation, however, given that the flags would be inside the boundary of the premises, it is not considered that the flags would obscure views from the junction for vehicles turning onto Waverley Road. Objectors' concerns with respect to driver distraction are noted, but flags, if sited out with the road/road verge, are generally not held to be liable to constitute any unacceptable distraction to drivers or pedestrians. In short, there are no road safety concerns relating to this proposal.

Economic Development's support for the proposal is noted, but no planning reasons are given for this support, and the fact of this support does not outweigh the considerations already noted above.

The Applicant has no intention to display advertisements from the flag poles but an objector perceives that the flag poles might be used for business advertisements. Advertisement Consent would be required for the display of any adverts (advertisements on flags and banners included). However, given that the site would be a business premises with potential for future occupying businesses to want to use the flag poles for advertisement, it would be reasonable to attach an informative to advise of the need for Advertisement Consent in the event of any such future proposals. Given the application of Advertisement Regulations however, there would be no necessity for a planning condition.

Although the Applicant has not applied for a change of use relative to the subject building, in the event of approval, an informative would need to advise that any proposal to accommodate conference facilities, or a wellbeing centre, would need to be discussed with the Planning Authority in case either or both of these proposals were to require to be made the subject of a planning application. Too little information has been provided, but both are potentially uses that would not be covered under use Class 4.

REASON FOR DECISION :

The proposed development is contrary to Adopted Local Plan Policy G1 in that the erection of the four no flagpoles, would not in its scale (principally in the height and number of flag poles featured) in culmination with its siting, be compatible with, or respectful of, the character of the surrounding area and neighbouring built form.

Recommendation: Refused

- 1 The proposed development is contrary to Adopted Local Plan Policy G1 in that the erection of the four no flagpoles, would not in its scale (principally in the height and number of flag poles featured) in culmination with its siting, be compatible with, or respectful of, the character of the surrounding area and neighbouring built form.

"Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling".

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00504/FUL

APPLICANT : Rural Renaissance Ltd

AGENT : Camerons Ltd

DEVELOPMENT : External alterations and erection of 4 No flagpoles

LOCATION: Office West Grove
Waverley Road
Melrose
Scottish Borders
TD6 9SL

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
9208.1.01	Location Plan	Refused
9208.1.02	Floor Plans	Refused
9208.1.04 SIDE	Elevations	Refused
9208.1.03 FRONT	Elevations	Refused

NUMBER OF REPRESENTATIONS: 3
SUMMARY OF REPRESENTATIONS:

Three representations have been received in objection to the proposal, on the following grounds:

- (i) height of flagpoles;
- (ii) detrimental to residential amenity;
- (iii) flagpoles detrimental to road safety due to limiting visibility or causing a driver/pedestrian distraction
- (iv) colour of render would be out-of-place and would have an adverse visual impact; a darker and traditional colour should be used;
- (v) appearance of flagpoles; out-of-context; flags attached to building would be preferable if flags are required.

Roads Planning Section: I am content that the poles do not interfere with visibility sightlines for drivers exiting the site. No roads objections.

Economic Development Section: has no objections and supports the improvements proposed for the frontage of this building.

Community Council: supports the external changes and improvements proposed for this building, but has a concern regarding the flagpoles in this primarily residential area (where they) may be out of place.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy BE4 - Conservation Areas
Policy G1 - Quality Standards For New Development
Policy G7 - Infill Development
Policy H2 - Protection of Residential Amenity

Recommendation by - Stuart Herkes (Planning Officer) on 14th July 2015

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The site lies just outside of, but adjacent to, the Conservation Area in Melrose, and fronts Cross Avenue, on the main approach to the town centre at Melrose from the north and west.

The building was originally a Congregationalist Church, but following some fairly insensitive alterations in the twentieth century, was converted to office use. It has served as both Council (water board), and more recently, NHS offices. The Applicant advises in an email of 07 July that their plans are now to market the offices for commercial lettings: the main building as offices and conference facilities, and the rear as a wellness centre. The current proposals are being brought forward in this context, to upgrade the exterior of the building and its setting. The Applicant specifically advises that their intention is to make the building appear contemporary, international, cosmopolitan and welcoming. The proposals that require planning approval are specifically the external alterations and the erection of four flag poles.

EXTERNAL ALTERATIONS

The proposed external alterations to the building with respect to fenestration are an improvement upon the existing appearance in helping to restore a vertical emphasis. If the frames and detailing were finished in dark colours as indicated, this would be entirely beneficial in terms of the character and appearance of the building.

The proposed reinstatement of a sun dial in place of a clock-face raises no particular concerns in terms of what has been indicated, but the detail would be appropriately provided for prior approval since some recessed detail appears to be indicated but not described. This matter is capable of being addressed by planning condition.

Given the presence of render on the existing building, the proposed extension of this finish does not raise any concerns in principle. However, the proposed colour, 'Arran' - described as a yellow or off-white colour on the photomontage - would not be sensitive either to the character of the building which is still discernibly a stone-built church building or to the appearance of surrounding properties, which are all much darker and organic stone colours. A white, bright yellow or off-white would be liable to appear notably out-of-place in this context; particularly given the prominence of this siting; and a darker stone colour for the render would be sought. The Applicant has advised that they have no particular concerns with this matter being addressed by planning condition, which would certainly allow for this concern to be appropriately regulated in the event of the proposal being considered to be otherwise acceptable. However, since it is considered that this specific proposed colour, Arran, would not be acceptable, any planning condition requiring prior approval, would appropriately include reference to an informative, advising that account should be taken of the concern that an organic colour of render be used instead of a white, off-white or bright yellow colour (such as that indicated on the supporting details).

The proposed name above the main doorway raises no concerns, largely in being visually, only a small element, but it would appear to have an unnecessarily intricate form, that might have been more appropriately simplified. It would be reasonable to require the prior agreement of the darker infill material or panels at first floor level, to ensure an appropriate appearance.

FLAGPOLES

Minimal information has been presented to describe the proposed four flagpoles. These are described only within photomontages on which they are identified as being aluminium, and appear to be a white or light colour. No advice is given as to the proposed height, but they are shown to be of equal height overtopping

existing lamp-posts by around 1m, which suggests that they would be in the order of 8m or 9m in height. In the event of approval, these details could be appropriately regulated by planning condition. However, it is considered that the impacts of the proposal, and the justification for the principle of flag poles being sited in this location at all, require further consideration.

The Applicant has provided detailed background on their reason for seeking to fly flags, which it has explicitly advised would not be advertisements, but rather, national and international flags. The Applicant advises that it seeks to fly these for broadly equivalent reasons to those identified in supporting reports presented to the last main meeting of Scottish Borders Council, when the latter considered its flag flying protocol, including the proposed erection of new free-standing flagpoles.

It is not considered that the Applicant's concern to fly flags relative to their smaller private office development, is reasonably commensurate with the display of flags at the regional headquarters of a Local Authority. A private firm or private development is self-evidently not charged with the same roles and responsibilities as local government to represent the local community in the widest sense, and reflect the sensibilities of that community. It is appreciated that the Applicant has long-standing ties with the local area and has a particular concern to represent the local community, support local events and strengthen international ties, but it is ultimately self-appointed in these roles. Its advice that it requires the flagpoles in order to fulfil equality duties and promote inclusion in the same way as the Council, appears to be an over-statement of the position. At least, it is not accepted that the Applicant has any formal or informal need, let alone any statutory requirement, that would, and could, only appropriately be met by the installation of flag poles at the site for the purpose of flying civic, national and/or international flags.

More understandably, the Applicant has advised that it considers the flags to be integral to the image it seeks to present of the redevelopment of the site, as a contemporary, international, cosmopolitan and welcoming business venue and office accommodation. However, the aforementioned desire to rebrand the building, does not in itself reasonably outweigh any need in planning terms, to consider the specific impacts of the proposed flagpoles upon the environment and amenity of the site and the surrounding area.

While business premises, particularly those with international interests, may be accompanied by flags, the flying of flags is not in itself synonymous with the creation of a contemporary, international, cosmopolitan and welcoming environment. Flags may be flown within a wide variety of contexts; while equally well, the type of environment the Applicant wishes to establish is not self-evidently solely dependent upon the erection of flagpoles for its achievement. In this particular context, the proposal is that the flags are erected in front of a building that is still reasonably interpretable as a former church, rather than in relation to a purpose-built office building. The erection of flagpoles in this context (particularly if they were to be as high and dominant as the photomontage indicates) would be liable to give the development an ambivalent appearance, which would more likely be read as a civic or institutional context, rather than interpreted as denoting a private office development or conference centre.

The unusualness of this appearance would be highlighted further, firstly, by the prominence of this elevation within views from the public realm at a junction and on a gateway approach to Melrose's town centre, making this appearance highly visible in itself. Secondly, and with regard to setting, the application site is not in fact within a central location, but lies on the approach to, rather than within, the town centre. Its appearance within an outlying and predominantly residential area, would be somewhat remarkable in itself, and arguably at odds with its surroundings. At least the appearance of flags at this prominent, outlying location relative to the town centre, would arguably be as likely, if not more likely, to denote the setting of a hotel, rather than an office or conference centre, thereby further confusing, rather than clarifying, the character of the development. Taking account of these specific circumstances, the erection of flags on this site would not clarify the function of the building or reinforce any coherent new character. On the contrary, it would instead, be liable to confuse the character of a highly visible and prominently located site, on the approach to the Conservation Area and town centre at Melrose.

There is furthermore, a lack of space at the front of the building for any display of flags and particularly any of the height proposed. Rather than being displayed on a large and spacious forecourt or apron, the flags would instead be accommodated in relatively close proximity to both the building and the public pavement. If these flagpoles were to be any height at all (and certainly if they were indeed to be higher than the lamp-posts as is currently indicated), then they would be liable to appear out-of-scale with, as well as out-of-place relative to, their surroundings. Beyond this impact however, the flag poles would at any height, contribute to a sense of unnecessary clutter next to a prominent and highly visible junction. A simpler, more open outlook

to the front, would be visually more appropriate, and more in-keeping with the character of the building and surrounding area. The introduction of an array of four flagpoles would be liable to appear somewhat overstated relative to the building's modest setting.

All in all, the proposed flagpoles would be over-dominant, relative to the principal elevation of a building with a relatively modest setting, which is nonetheless prominently located and clearly visible from the public realm, including from the surrounding road network, and, moreover, prominently located within a 'gateway' approach to the Conservation Area and town centre at Melrose. Flagpoles are not in keeping either with the predominantly traditional and ecclesiastical character of the building, or with the predominantly traditional and residential character of surrounding buildings. The erection of flagpoles, even in isolation from the other proposals, would give the building, currently in office use, a very ambivalent character, and would appear significantly out-of-place within, and also out-of-scale with, their surroundings.

With respect to the latter point, the Applicant has offered to reduce the height of the flagpoles to an unspecified but lower height. A substantial reduction in height of the flagpoles would obviously have some potential to improve the visual impacts upon the amenity and environment of the surrounding area by making these at least slightly less prominent visually. However, it is not considered that a reduction is sufficient in itself to address the above noted concerns. For clarity, the objection here is to the principle of flagpoles being erected at all, rather than to the specific height of flagpoles that the supporting details indicate.

PRIORWOOD

The Applicant wishes account to be taken of the fact that it currently flies flags at its own headquarters building at Priorwood. It envisages that the proposed flagpoles would be used in broadly an equivalent way to these existing flagpoles. The latter, it advises, are used to promote local events, and/or to respect, and raise awareness amongst the local community of, national and international celebrations and commemorations.

Three flagpoles were approved at Priorwood in 2002, as the subject of an Advertisement Consent 02/00636/ADV, which took explicit account of the fact that the Applicant wished to fly national and international flags as opposed to advertisements. These flagpoles are located at the entrance to the Applicant's site at Priorwood. However, not only are these existing flagpoles smaller and offset, so as to be less prominent than the proposed would be in relation to its site, but the site itself at Priorwood is altogether less prominently located within Melrose than the application site.

Notwithstanding that the Applicant's concern to fly flags at their existing premises has previously been supported, it is not considered that this is reasonably an equivalent context to the current proposal. Priorwood is a more appropriate opportunity to accommodate flags than the application site by virtue of it being less substantially prominent than the application site.

It is not considered that the previous approval in relation to Priorwood has set, or has established, any precedent for the current proposal which is reasonably considered on its own planning merits.

OTHER CONSIDERATIONS

Although the Applicant has not applied for a change of use relative to the subject building, in the event of approval, an informative would need to advise that any proposal to accommodate conference facilities, or a wellbeing centre, would need to be discussed with the Planning Authority in case either or both of these proposals were to require to be made the subject of a planning application. Too little information has been provided, but both are potentially uses that would not be covered under use Class 4.

While the objectors raise concerns with respect to potential road safety concerns, the Roads Planning Section has no objections.

The proposed alterations to the exterior of the building raise no residential amenity concerns for surrounding dwellings. Although it is understood from verbal advice from Environmental Health to be extremely unlikely, it is nonetheless not inconceivable that the flags might have potential for causing disturbance to surrounding residential properties, due to noise nuisance impacts in windier conditions. The point is therefore not in itself

objectionable, but an informative would in the event of approval, be appropriately included to advise of the potential risk.

CONCLUSION

Notwithstanding some concerns about specific details, all matters relating to the proposed external alterations are ultimately capable of being regulated by planning conditions. However, the erection of flagpoles is considered to be objectionable in principle, since these are not compatible with, or respectful of, the character of the surrounding area and neighbouring built form, and as a consequence of its location adjacent to the Conservation Area, would have an unacceptable adverse impact upon the character and appearance of the Conservation Area.

Although the external alterations were capable of approval (subject to conditions) the flagpoles are part of the application, and have been maintained as such by the Applicant. Accordingly the application can only be refused in its entirety.

REASON FOR DECISION :

The proposed development is contrary to Adopted Local Plan Policy G1, in that the erection of the four no flagpoles, would not be compatible with, or respectful of, the character of the surrounding area and neighbouring built form.

The proposed development is contrary to Adopted Local Plan Policy BE4 in that the erection of the four no flagpoles would have an unacceptable adverse impact upon the character and appearance of the Conservation Area as a consequence of the unusual character of this aspect of the development; its siting immediately adjacent to the Conservation Area; and the high visibility of the site, which would mean that the aforementioned impacts would go unmitigated.

Recommendation: Refused

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

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference: 15/00504/FUL

To: Rural Renaissance Ltd per Camerons Ltd Per Gavin Yuill 1 Wilderhaugh Galashiels Scottish Borders TD1 1QJ

With reference to your application validated on **19th May 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : External alterations and erection of 4 No flagpoles

at: Office West Grove Waverley Road Melrose Scottish Borders TD6 9SL

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

Dated 14th July 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed
Service Director Regulatory Services



APPLICATION REFERENCE: 15/00504/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
9208.1.01	Location Plan	Refused
9208.1.02	Floor Plans	Refused
9208.1.04 SIDE	Elevations	Refused
9208.1.03 FRONT	Elevations	Refused

REASON FOR REFUSAL

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

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

Visit <http://eplanning.scotborders.gov.uk/online-applications/>

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 15/00022/RREF

Planning Application Reference: 15/00504/FUL

Development Proposal: External alterations and erection of 4no flagpoles

Location: West Grove, Waverley Road, Melrose

Applicant: Rural Renaissance Ltd

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice on the following grounds:

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

DEVELOPMENT PROPOSAL

The application relates to external alterations and the erection of 4no flagpoles at West Grove, Waverley Road, Melrose. The application drawings consisted of the following drawings :

Plan Type	Plan Reference No.
Location Plan	9208.1.01
Floor Plans	9208.1.02
Elevations	9208.1.03 Front
Elevations	9209.1.04 Side

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 19th October 2015, that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review and accompanying papers including Decision Notice and Officer's report; b) Consultation Responses; c) Objections and d) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicants for a site inspection, further written submissions and one or more hearing sessions.

Within the Notice of Review it was noted that reference was made to a previous approval for flagpoles at the entrance to the applicant's site at Priorwood within the town. The Appellant considers this a precedent whilst the planning officer states that the site location, site characteristics and proposals are different. Members were advised that they should consider the Local Review proposals "de novo", with the issue of whether Priorwood set any precedent that was material to the current case also being a matter for the LRB to consider.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan 2013 and the consolidated Scottish Borders Local Plan 2011. The LRB considered that the most relevant of the listed policies were:

- Local Plan policies : G1 and BE4

Other material key considerations the LRB took into account related to:

Other Material Considerations

Scottish Planning Policy
 Scottish Borders Proposed Local Development Plan 2013

LRB members noted the full extent of all parts of the application proposal, and whilst not located within the Conservation Area the application site immediately adjoined it. Some concerns were raised regarding the proposed colour of the external render and that details of the proposal sun dial were limited. However, it was considered that

appropriately worded conditions could be attached to any consent issued requiring the agreement of an alternative render and the submission of further details for approval regarding the sun dial. It was therefore not considered there would be any insurmountable issues to resolve these matters.

Members considered that the most contentious part of the proposal was the erection of the 4no flagpoles. Members noted that information regarding the flagpoles was limited, particularly that no specific heights were stated and that it could only be estimated they would be between 8 and 9 metres taking cognisance of plan ref 9208.1.03 which suggests they may be approximately 1 metre above the existing lighting column on site.

In order to fully assess the proposal members visited the site. On site members took cognisance of the proposed location of the flagpoles and their estimated heights, that the surrounding buildings were primarily residential properties, they considered how prominent they may be from a number of locations within the immediate vicinity and considered any perceived impacts the flagpoles will have on the Conservation Area.

The LRB agreed with the planning officer that Priorswood did not set a precedent effecting this proposal in that the site location, site characteristics and proposals are different.

Whilst having no general objections in principal to flagpoles, the LRB considered that in this specific instance their perceived overall heights, their prominent appearance due to their locations close to the roadside, their cluttered nature, the impact on the adjoining Conservation Area and that they were considered out of character with the residential area prevented members supporting the proposal. Although members considered that an alternative proposal for the siting and scale of the flagpoles could be more acceptable, members agreed that the application required to be judged as submitted.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of

the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed....Councillor R Smith
Chairman of the Local Review Body

Date ...2nd November 2015

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 11th November 2015

Contact: Stuart Herkes ☎ 01835 825039

Ref: 15/01354/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 2nd December 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 2nd December 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Rural Renaissance Ltd

Agent: Camerons Ltd

Nature of Proposal: External alterations and erection of 4 No flagpoles

Site: Office West Grove Waverley Road Melrose Scottish Borders TD6 9SL

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

The Economic Development section has no objections and supports the improvements proposed for the frontage of this building.

From: Robin Chisholm [REDACTED]
Sent: 30 November 2015 09:01
To: DCConsultees
Subject: Comments from Melrose & District Community Council

Good Morning

Application Ref 15/01354/FUL
Office West Grove TD1 1QJ Waverley Road Melrose
External Alterations and erection of 4 flag poles
30/11/15

No further comments from M&DCC

Regards
Robin Chisholm for Melrose & District Community Council

Registered in Edinburgh, UK.
Registered Office:

The Weaving Shed,
Ettrick Mill,
Dunsdale Road,
Selkirk
TD7 5EB

[REDACTED]
Web: www.eildon.org.uk

Registered with Co-operative and Community Benefit Society 1757R
(S). Scottish Charity Number: SCO 15026.
The Scottish Housing Regulator HEP107. VAT Reg No. 898 5372 54

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Application Comments for 15/01354/FUL

Application Summary

Application Number: 15/01354/FUL

Address: Office West Grove Waverley Road Melrose Scottish Borders TD6 9SL

Proposal: External alterations and erection of 4 No flagpoles

Case Officer: Stuart Herkes

Customer Details

Name: Mr Robin Purdie

Address: 16 High Cross Avenue, Melrose, Melrose, Scottish Borders TD6 9SQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Once again, I have absolutely no objection whatsoever to the site being developed for commercial usage. Nor would I have objected if the site had been developed into flats etc.

However, I object to the proposed colour of the building, and object to the flagpoles.

The proposed colour is, quite simply, not in-keeping with the darker surrounding buildings.

With regard to the flagpoles, these are far from in-keeping with the area and would be a blight on the main route into the town. The site falls on the edge of a conservation area, and is not a new housing scheme, nor is it an Arnold Clark showroom.

And in all honesty, I find the suggestion that the non-inclusion of flags will impact on the owner's ability to attract corporate tenants to be quite bizarre. It will surely be the location/quality of premises/terms that will attract commercial tenants, and I very much doubt that flags will mean anything to a tenant one way or another (unless said tenant is able to emblazon them with their own advertising).

Application Comments for 15/01354/FUL

Application Summary

Application Number: 15/01354/FUL

Address: Office West Grove Waverley Road Melrose Scottish Borders TD6 9SL

Proposal: External alterations and erection of 4 No flagpoles

Case Officer: Stuart Herkes

Customer Details

Name: Mr Alan Young

Address: Tweedside Tweedmount Road, Melrose, Scottish Borders TD6 9ST

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to Residential Amenity
- Road safety

Comment: I refer to the previous application for flagpoles on this site and copy my objection to that application "the proposed alterations to the building are very welcomed. The flagpoles are however out of context for this residential area, their positioning will distract drivers and pedestrians at this very busy junction. Their height would also appear excessive". My previous comments apply equally to this application. The access from Tweedmount Road is already extremely difficult due to its location and speed that cars enter Melrose. The addition of flags close to the road junction only further adds to the safety issues when using this junction.

Application Comments for 15/01354/FUL

Application Summary

Application Number: 15/01354/FUL

Address: Office West Grove Waverley Road Melrose Scottish Borders TD6 9SL

Proposal: External alterations and erection of 4 No flagpoles

Case Officer: Stuart Herkes

Customer Details

Name: Mr Rodger Johnston

Address: 14 High Cross Avenue, Melrose, Melrose, Scottish Borders TD6 9SQ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Road safety

Comment: I have no objection to the proposed alterations to the building as such but the external colour of the new render is not appropriate for this style of building, however the proposed sighting of 4 No flagpoles would be unsuitable for this part of Melrose. The flagpoles could prove distracting at this fast and busy junction. The alignment of the poles would restrict the view of on coming traffic approaching town, neighbours and family find it difficult in getting onto the road on leaving the shared drive way at our property.

Application Comments for 15/01354/FUL

Application Summary

Application Number: 15/01354/FUL

Address: Office West Grove Waverley Road Melrose Scottish Borders TD6 9SL

Proposal: External alterations and erection of 4 No flagpoles

Case Officer: Stuart Herkes

Customer Details

Name: Mr Sam Whiting

Address: Rowan Tweedmount Road, Melrose, Scottish Borders TD6 9ST

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to Residential Amenity
- Road safety

Comment: I fully support the proposed enhancements to the buildings but object in the strongest terms to the proposed flagpoles.

The flagpoles are totally inconsistent with this well established residential area. Whilst this building has been used as business premises for many years, it has always maintained a marketing approach that is both proportionate and appropriate to its location. The proposed flagpoles are neither proportionate or appropriate to this residential area.

The junction when pulling out of Tweedmount Road onto the main carriageway is already extremely hazardous. On numerous occasions, I have had close encounters with speeding cars entering Melrose from the Galashiels direction. Flags and Flagpoles would serve as an additional moving distraction to these drivers (which is exactly their purpose) at a critical time as they approach this already hazardous junction.

List of Policies

Local Review Reference: 16/00004/RFEF

Planning Application Reference: 15/01354/FUL

Development Proposal: External alterations and erection of 4no flagpoles

Location: Office West Grove, Waverley Road, Melrose

Applicant: Rural Renaissance Ltd

SESPLAN 2013:

None applicable

Consolidated Scottish Borders Local Plan 2011

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will

- 10. be encouraged to support more sustainable travel patterns, it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
- 11. it provides for recycling, re-using and composting waste where appropriate,
- 12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- 13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- 14. it incorporates, where required, access for those with mobility difficulties,
- 15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

POLICY G7 – INFILL DEVELOPMENT

Within Development Boundaries, as shown on Proposals Maps, development on non-allocated, infill or windfall, sites, including the re-use of buildings, will be approved if:

- 1. in the case of a gap site, it can be justified under Policies BE6 (Protection of Open Space), Policy NE3 (Local Biodiversity) and Policy Inf11 (Developments that Generate Travel Demand);
- 2. in the case of employment land the proposed new use can be justified under Policy ED1 to prevent the loss of employment land with prospects of future use;
- 3. in the case of garden ground or backland sites, it can be justified under Policy H2 to safeguard the amenity of residential areas;

In all cases, the following criteria will apply to proposed infill development:-

- i) where relevant, it does not conflict with the established land use of the area; and
- ii) it does not detract from the character and amenity of the surrounding area; and
- iii) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- iv) it respects the scale, form, design, materials and density of its surroundings; and
- v) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- vi) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design.

POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY BE4 – CONSERVATION AREAS

1. Development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused.
2. All new development must be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.
3. Conservation Area consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:
 - i) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
 - ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character, and
 - iii) the proposal will preserve or enhance the Conservation area, either individually or as part of the townscape.In cases i) to iii) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.
4. Full consideration will be given to the guidance given in the Scottish Historic Environment Policy (SHEP) in the assessment of any application relating to development within a Conservation Area.
5. The Council may require applications for full, as opposed to outline, consent. In instances where outline applications are submitted, the Council will require a 'Design Statement' to be submitted at the same time, which should explain and illustrate the design principles and design concepts of the proposals. Design Statements will also be required for any applications for major alterations or extensions, or for demolition and replacement.

Proposed Local Development Plan 2016 (incorporating Reporter's changes accepted by Scottish Borders Council)

Policy PMD2 - Quality Standards

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,

- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

Policy PMD5 - Infill Development

Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on proposal maps will be approved where the following criteria are satisfied:

- a) where relevant, it does not conflict with the established land use of the area; and
- b) it does not detract from the character and amenity of the surrounding area; and
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- d) it respects the scale, form, design, materials and density in context of its surroundings; and
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.

Policy HD3 – Protection of Residential Amenity

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:

- (i) the scale, form and type of development in terms of its fit within a residential area,
- (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
- (iii) the generation of traffic or noise,
- (iv) the level of visual impact.

Policy EP9 - Conservation Areas

The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.

The Council may require applications for full, as opposed to Planning Permission in Principle Consent.

Conservation Area Consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:

- a) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
- b) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character, and
- c) the proposal will preserve or enhance the Conservation Area, either individually or as part of the townscape.

In cases a) to c) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.

Design Statements will be required for all applications for alterations, extensions, or for demolition and replacement which should explain and illustrate the design principles and design concepts of the proposals.

Other Material Considerations

Scottish Planning Policy



Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemsAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100004413-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="GVA GRIMLEY LTD"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="ROB"/>	Building Name:	<input type="text" value="QUAYSIDE HOUSE"/>
Last Name: *	<input type="text" value="NEWTON"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01314696019"/>	Address 1 (Street): *	<input type="text" value="127 FOUNTAINBRIDGE"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="EDINBURGH"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UNITED KINGDOM"/>
		Postcode: *	<input type="text" value="EH3 9QG"/>
Email Address: *	<input type="text" value="robert.newton@gvajb.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="127"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="FOUNTAINBRIDGE"/>
Company/Organisation	<input type="text" value="WILTON MILLS LTD C/O AGENT"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="EDINBURGH"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UNITED KINGDOM"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH3 9QG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="LAND AND BUILDINGS AT WILTON MILLS"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="31-32 COMMERCIAL ROAD"/>
Post Code:	<input type="text" value="HAWICK"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="615162"/>	Easting	<input type="text" value="350345"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

ERECTION OF CLASS 1 RETAIL FOODSTORE WITH ANCILLARY WORKS INCLUDING CAR PARKING, ACCESS AND LANDSCAPING.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

PLEASE SEE APPEAL STATEMENT

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of Appeal by GVA Grimley Ltd Please also refer to schedule of documents in the Statement of Appeal

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/00100/FUL

What date was the application submitted to the planning authority? *

30/01/2015

What date was the decision issued by the planning authority? *

18/12/2015

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

TO UNDERSTAND MATTERS RELATING TO RETAIL PLANNING POLICIES OF THE DEVELOPMENT PLAN, EMERGING LOCAL DEVELOPMENT AND SPP, AND HAWICK TOWN CENTRE, AS SET OUT IN THE STATEMENT OF APPEAL.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr ROB NEWTON

Declaration Date: 24/02/2016

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Review

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**Town and Country Planning
(Scotland) Act 1997 (as amended)
– section 43A (8)**

**Application to review refusal of planning
application 15/00100/FUL – Land and
buildings at Wilton Mills, 31-32 Commercial
Road, Hawick**

On behalf of Wilton Mills Ltd

February 2016

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Prepared By: Robert Newton

Status: Final

Date: February 2016

P:\OFFICE\PLANNING\CURRENT JOBS\Wilton Mills Ltd Hawick\Appeal\160223 Appeal Statement - Wilton Mills, Hawick
Draft.Docx

For and on behalf of GVA Grimley Limited

Executive Summary

The review site has been identified for many years now as a regeneration priority in Hawick.

It has been allocated for redevelopment in the Scottish Borders Consolidated Local Plan and emerging Local Development Plan (which is nearing adoption).

Support for redevelopment is also found in SBC's Supplementary Planning Guidance (SPG) for Commercial Road, where the review site is one of the last remaining, and arguably most prominent, opportunity still to be delivered.

At the time of producing the SPG in 2009, the 'potential concept' for the review site was that it *"is most likely to be developed for residential use"* (page 10). However, despite the repeated efforts of the landowner over many years and related marketing campaigns, no credible interest has been shown from residential developers.

The only credible and viable interest has come from Aldi Stores Ltd, who have now been working with the landowner for over two years, to deliver a new Aldi store at the site.

Both the local plan and Commercial Road SPG supports the principle of retail use at the site, subject to satisfying the sequential test. The report of handling confirms that the sequential test has been satisfied.

The SPG also makes clear that amongst the main aims for development, are to revitalise and regenerate the local area. 'Strengths' and 'opportunities' associated with the site include its proximity to the town centre, enhancing the western part of the town centre and improve connectivity to the town centre. The review proposals would help deliver these aims and opportunities.

There is clear support from the local plan (including SPG) and emerging LDP for bringing this long term derelict site back into beneficial use, which may include for retailing. Furthermore, the applicant, together with Aldi, believe their proposals would deliver a sustainable regeneration solution for this priority site.

Support can also be found in Scottish Planning Policy (SPP), which introduces a presumption in favour of development that contributes to sustainable development.

This is a 'principal policy' of the Government in SPP and is there to support its primary objective of delivering sustainable economic growth across Scotland.

It means that planning decisions (including this review) should be guided by a number of principles. Of particular relevance to this review, these include:

1 "Giving due weight to economic benefits and responding to economic issues and challenges"

The Aldi proposals would deliver up to 35 new direct jobs for Hawick, including store managers and store deputies, as well as store assistants, in addition to construction related work and indirect job generation through the supply side of the facilities. They also operate a market-leading graduate and apprenticeship scheme.

Aldi has a preference to recruit locally and from February 2016 will pay all staff at least £8.40 an hour, being well above the National Living Wage and above even the Living Wage Foundation recommended level.

They also support employment growth elsewhere through Aldi's commitment to the Scottish food and beverage industry, with a number of suppliers across Scotland and including the Scottish Borders.

2 "Making efficient use of existing capacities of land, including supporting town centre and regeneration priorities"

As set out above, the review proposals would help regenerate a priority derelict site, at a sustainable location in the town. They would also support town centre and regeneration priorities set out in the local plan, emerging LDP and Commercial Road SPG.

3 "Supporting delivery of accessible retail development"

The site is highly accessible by a choice of means of transport and offers the opportunity for genuine linked trips with other shops and services in Hawick town centre. The report of handling supports this view.

4 "Supporting good design"

Efforts have been made to respect the built heritage of the site and its location within a conservation area. On balance, this was sufficient for the report of handling to conclude that the design is acceptable.

In short, support for the review proposals can be found in each of these SPP principles. As a statement of Scottish Ministers' priorities, the content of SPP is a material consideration that carries significant weight in the determination of this review.

Listed building consent has been granted (in October 2015) for the demolition of buildings on site. We accept this does not confer approval for the development of a retail foodstore, however there is clearly now an expectation that regeneration of the site should now take place and the applicant, together with Aldi, is in a position to deliver this.

Representations were made by the landowner to the emerging LDP, seeking inclusion of the site within an expanded Hawick town centre boundary. Such representations were made on

the basis that the site could form an effective and logical extension to the town centre, sharing as it does, a number of characteristics and potentially mutual benefits; these were already acknowledged in the Commercial Road SPG.

It was also felt that inclusion would help accelerate a sustainable regeneration solution for the site, by conferring further support in principle for a wider range of land uses, including retail. Whilst the LDP Examination Reporter did not recommend any further extension of the town boundary, he did equally make it clear that other policies of the LDP already provide a reasonable basis for considering any retail proposal at the site. Such a case has been made against these retail policies and this is summarised below, focussing on the reasons for refusing planning permission in the report of handling.

The reasons for refusal in the report of handling refer to the absence of retail capacity, quantitative need and qualitative need, as well as the proposals having a 'direct detrimental impact' on Hawick town centre.

Of matters concerning retail capacity (and qualitative/quantitative deficiency), Aldi has taken a business decision to invest in Hawick, based on their own extensive in-house research, which strongly suggests that the residents of Hawick would like to shop at Aldi, or at least have the ability to do so. Indeed, this was the overwhelming feedback to their public consultation event in Hawick town centre. To put it another way, Galashiels, a town with a similar population, already boasts an Aldi amongst its food shopping offer, so why shouldn't Hawick?

Assessments of retail capacity in the manner set out in the Scottish Borders Retail Study 2011 (and upon which the reasons for refusal are based) can offer useful insight into shopping patterns and corresponding deficiencies in provision, however such findings should not then be used as a barrier to new entrants to the market. In our view, such a stance is anti-competitive and finds no support within Scottish Planning Policy.

We would suggest that Aldi's decision to invest and operate a new store in Hawick is a clear sign of 'deficiency'. As to the question of retail capacity and whether or not Aldi can be accommodated in Hawick, the key issue, as SPP states, is the corresponding implications for the vitality and viability of Hawick town centre and we move onto this further below.

In determining this review, cognisance should also be given to the age of the Scottish Borders Retail Study (now approaching five years old). Since then, the ever increasing popularity of retailers like Aldi, have dramatically changed the way we shop.

In short, consumers are now far more discerning in where they choose to shop. They increasingly expect easy access to a far wider range of foodstore operators and with Aldi being part of this mix.

The 2011 study could not have allowed for the full extent of these changes in its conclusions on retail capacity and deficiencies. Equally, however, these facts (concerning the way we now shop) cannot now be ignored in the determination of this review.

In our opinion, too much reliance has been put on the findings of a study now approaching five years old and furthermore, such a stance might also suggest that Hawick is "closed for business".

Of matters relating to retail impact and Hawick town centre, the applicant and Aldi's position has always been clear on this point. The site has all the credentials, with an Aldi foodstore in place, to have a positive impact on Hawick town centre, irrespective of wherever the town centre boundary is drawn in a local plan.

Aldi can draw on experience of delivering foodstore developments on 'edge of centre' sites of a similar nature and where they have a positive impact on the town centre.

Taking the Commercial Road site, Aldi believes that a number of shoppers will have visited, or will visit the town centre, at the same time as using their store; this is the benefit of developing a site in such close proximity and with strong pedestrian links to the town centre.

This will have a positive impact on Hawick town centre, as more shoppers will be inclined to visit the town centre and therefore, shop locally. Indeed, the council's own SPG for the site acknowledges that its proximity and linkages to the town centre is both a 'strength' and an 'opportunity'.

Our assessment of retail impact shows that any trade diversions will be limited to other foodstore operators in Hawick, based on the long established principle that 'like trades with like'. Furthermore, any such impact would not threaten the viability of any of these stores and as such, would not have a direct detrimental impact on the vitality and viability of the town centre. Finally, we expect that any such impact should be considered alongside the anticipated positive impact for Hawick town centre, already summarised above.

One final, but relevant matter to finish with concerning the reasons for refusal, is the matter of Hawick's town centre boundary in the Local Development Plan.

If one were to assume that the boundary had been extended 50 metres further north and included the review site, as we had suggested in representations, then matters concerning retail capacity, deficiency and impact would be irrelevant to the determination of the proposals.

Going by the conclusions reached on other determining issues in the report of handling, we strongly suspect the application would have been approved already.

Therefore, as the site offers the opportunity for any redevelopment proposal to effectively function as part of the town centre (a point already acknowledged in the Commercial Road

SPG), this would seem like a missed opportunity, if the Local Review Body decides not to allow this review.

To conclude, we believe that support can be found for the proposals in the development plan, the soon to be adopted LDP and SPP. We have duly made our case in light of relevant retail policy considerations also and believe they have all been satisfactorily addressed.

Accordingly, the review should be supported on its merits and we ask that the Local Review Body grants planning permission in due course.

1. Introduction

Background

- 1.1 This is an application to review a refusal of a planning application under Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 (as amended). It has been prepared by GVA James Barr on behalf of Wilton Mills Ltd (hereafter “the applicant”).
- 1.2 This statement sets out the grounds of the review against the refusal under delegated powers by officers of Scottish Borders Council (“SBC”) to grant planning permission for the erection of a Class 1 retail foodstore, with ancillary works including car parking, access and landscaping at the former Wilton Mills, 31-32 Commercial Road, Hawick (hereafter “the site”). The food store will be operated by Aldi.
- 1.3 The application (ref: 15/00100/FUL) was refused by SBC on 18 December 2015. The reasons for refusal are given on the decision notice (**Document 1**) as follows:

The proposal is contrary to policies H3 and ED3 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policy ED3 of the Local Development Plan 2013 and Supplementary Planning Guidance: Commercial Road Hawick 2009 in that there is no spare retail capacity to accommodate a Class 1 foodstore in Hawick and the quantitative need for the proposed foodstore has not been adequately substantiated. In addition, the submission has failed to identify a qualitative need for the store as the proposal would not provide a different retail offer from existing foodstores in the town. As a result, a retail store on this edge-of-centre site would have a direct detrimental impact on the vitality and viability of an already vulnerable town centre.

- 1.4 The application was refused under delegated powers. A copy of the Report of Handling is **Document 2**.
- 1.5 This statement sets out further detail regarding the proposal and the grounds of review.

Grounds of Review

- 1.6 Scottish Government confirmed in a letter to all Heads of Planning in Scotland (in 2011) that Local Reviews should be conducted by means of a full consideration of the application afresh. This is known as the ‘de novo’ approach and is similar for appeals to Scottish Ministers. See Document 3 for a copy of this letter.
- 1.7 This in effect means that the Local Review Body is entitled to consider the merits of the planning proposal afresh, bearing in mind the development plan and all material considerations and are also entitled to reach different views on the weight to be attached to key matters within the application.
- 1.8 As such, the grounds of review are as follows:

-
- This review falls to be determined in line with Section 25 of the Town and Country Planning (Scotland) Act 1997 – *'in making any determination under the Planning Acts regard is to be had for the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'*.
 - The application accords with the development plan and furthermore, there are a number of significant material considerations of significant weight which indicate that the proposals should be approved.
 - The proposals would deliver up to 35 new jobs for Hawick; a net economic benefit. They would also make efficient use of existing capacities of land and support town centre and regeneration priorities, by redeveloping a long term vacant brownfield site on the edge of Hawick town centre. Finally, they would support delivery of accessible retail development, again by virtue of being adjacent to Hawick town centre. SPP makes clear that planning decisions should be guided by these principles, all of which form part of the presumption in favour of development that contributes to sustainable development. As such, the Scottish Government is clear (in SPP) that significant weight should be attached to these material considerations in decision making and therefore, the handling of this review.
 - As noted above, the site is located in a sustainable, edge of town centre, brownfield location. It forms part of a corridor of sites known as Commercial Road (ref. zRO8 in the adopted local plan) where redevelopment is encouraged for the land use proposed, subject to satisfying the sequential test. The site is similarly allocated in approved Supplementary Planning Guidance dated February 2009.
 - This 'edge of centre' site offers excellent opportunities to promote further linked trips and drive footfall, given its close proximity to Hawick town centre. This also affords an opportunity to retain greater consumer expenditure locally.
 - In our opinion, the Council has placed too much weight on a retail study now approaching five years old and has focussed focusing too narrowly on the lack of available expenditure to support new development at that time. A stance has been adopted which is essentially anti-competitive and a barrier to new retail entrants into Hawick. Such a stance finds no support within Scottish Planning Policy (SPP).
 - The strongest indication of a deficiency, is the decision by Aldi, an award winning international retailer, to invest in Hawick. This carries far greater weight in our opinion.
 - The refusal decision incorrectly makes assumptions about associated retail impact on the town centre, without adequate evidence to reach such conclusions. Indeed, the supporting retail impact assessment and healthchecks produced to support the original planning application and updated as part of this review, demonstrate that the town centre is performing modestly compared with national average levels and that impacts will be focused principally on other mainstream food retailers and at levels that will not

affect their vitality and viability. The conclusions reached on retail impact within the decision are therefore without due consideration of established retailing trends and patterns of competition between the main food operators. They also ignore the positive impacts associated with developing 'edge of town centre' sites like this.

- Concerns over a reduction in town centre footfall and associated impacts on vitality and viability, are from the evidence available, a product of changing retail trends including an increase in internet sales and also increased competition with Galashiels. The introduction of a new Aldi foodstore has the potential to help draw more footfall back to Hawick and help address these issues.

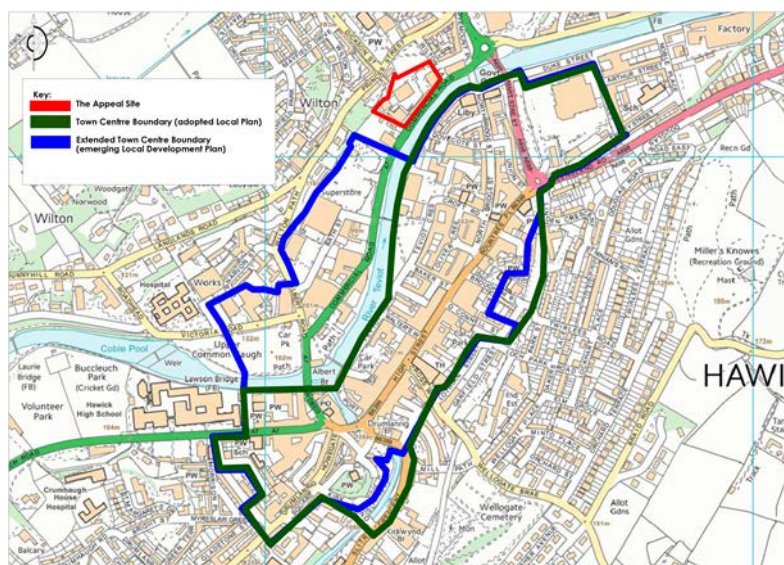
Structure of Submission

1.9 In setting out the case for the applicant, this statement comprises the following sections:

- Section 2: Site and Surroundings
- Section 3: The Proposals
- Section 4: The Development Plan and Other Material Considerations
- Section 5: The Key Issues
- Section 6: Issue 1- The principle of retail development at this location
- Section 7: Issue 2 – Retail deficiency
- Section 8: Issue 3 – Retail impact
- Section 9: Issue 4 – Economic Benefits and the presumption in favour of sustainable development
- Section 10: Issue 5 - Other issues
- Section 11: Conclusions
- Section 12: Documents

2. Site and Surroundings

- 2.1 The review site (extending to 0.9 hectares) was formerly occupied by the Wilton Mills complex of buildings, prior to their recent demolition, with the site now largely vacant. Prior to this, these buildings sat vacant for a period of over 10 years and despite successive marketing campaigns to bring the site forward for redevelopment, the only credible interest has been shown by Aldi.
- 2.2 The site forms part of a wider area along Commercial Road, known for its collection of mills and warehouses along the River Teviot. This area has been a regeneration priority for the Council for a number of years and we return to this further on in considering the development plan and other material considerations.
- 2.3 In addition to the above challenges, the site continues to comprise of a number of culverts and mill-lades, which present further technical constraints in seeking to secure a viable regeneration of the site.
- 2.4 Within the wider area, redevelopment of the Commercial Road area has come forward for principally commercial uses, including a new Sainsburys foodstore and Lidl supermarket, both located to the south-west of the review site. Other commercial uses in the area comprise a car showroom and bulky goods retailers.
- 2.5 The site occupies a prominent location on a main route into the heart of the town. Whilst it is separated from the town centre by the River Teviot, there are a number of existing crossing points which provide easy and convenient access between the two areas. Furthermore, the emerging Local Development Plan, which will, we understand, be formally adopted in a short timescale, proposes to extend the town centre boundary further, at the site's southern edge therefore bringing it closer to the review site. A diagram is provided below and at **Document 4** to help demonstrate this.



- 2.6 It is therefore clear that the site occupies a highly accessible location in close proximity to Hawick town centre and therefore offers substantial opportunity to boost patronage to the centre through increased linked trips. The potential for edge of centre developments to offer such benefits is recognised by a report produced for the Scottish Government titled 'Town Centres and Retailing Methodologies' in December 2007 at paragraph 6.269, where it states that: "*There is evidence of the role of linked trips benefiting some centres as a result of edge-of-centre development. The Hillier Parker study 2004 observed a significant level of walking between a new edge-of-centre store in Warminster and the town centre...*"
- 2.7 These considerations will be explored in further detail in later sections of this Statement.

3. The Proposals

- 3.1 As outlined in section 1, the application seeks detailed planning permission for the erection of a Class 1 retail foodstore and ancillary development relating to car parking, access and landscaping.
- 3.2 It is the intention that the foodstore will be occupied by Aldi Stores Ltd, a business who have had a keen interest in having presence within Hawick for a number of years. The review site offers the most sequentially preferable opportunity to address this, a fact which is not in dispute.
- 3.3 The scale of retail use proposed would comprise a gross floor area of 1,715sqm, of which the sales area will comprise 1,254sqm. The retail sales mix will comprise 1,003sqm convenience (food) sales and 251sqm comparison (non-food) sales. This is smaller than the other major food operators already present within the town (including the Lidl store redevelopment proposal) and will offer something different to existing provision, in the quality and nature of offer, further improving consumer choice and meeting the needs of the local community.
- 3.4 In terms of the design and materials of the foodstore building, this has been conceived to both reflect the needs of Aldi as an occupier (to deliver a store of high quality and with a contemporary appearance), whilst addressing the conservation area, through the introduction of a square tower at the store entrance, to mirror the former Clock Tower on the site, and utilising natural slate on the front elevations. Elsewhere the walls will be clad with rendered white panels and reclaimed sandstone.
- 3.5 The building is deliberately orientated with its entrance and active frontage at the south-western area of the store to address Commercial Road directly, offering an appealing first sight of the new foodstore from both sides of the River Teviot and the town centre.
- 3.6 In terms of site access, a new vehicular and pedestrian entrance would be established onto Commercial Road, with the servicing for the building positioned to the north of the store and customer car parking on the south western area of the site. 101 car parking spaces would be provided comprising 88 standard bays, 5 accessible and 8 parent and child.
- 3.7 In addition to the above, attractive boundary landscaping and retaining walls are proposed around the site to enhance views of the development, with lettering from the Wilton Mills building incorporated as a form of public art at the site entrance to recognise the heritage of the site and Hawick.
- 3.8 To assist with informing a robust handling of the planning application, it was originally supported by the following documents:
- [Design and Access Statement](#)
 - [Retail Assessment](#)

- Report of Pre-application Consultation
- Flood Risk Assessment Report
- Post Demolition Site Investigation Report
- Tree Report and Recommendations
- Transport Assessment

Listed Building Consent

3.9 In addition to the above, it is also worth noting that the detailed planning application was submitted concurrently with an application for a listed building consent (ref. 14/01437/LBC) to help facilitate the redevelopment of the site. This application was approved on 1st October 2015 and is enclosed as **Document 5** of this submission.

4. The Development Plan and Other Material Considerations

- 4.1 As outlined previously in section 1, Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the determination of planning applications to be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The Development Plan and material considerations which are of relevance to this review are outlined and appraised below.
- 4.3 It is the position of the applicant that on a proper interpretation and application of the Development Plan, the proposed development is compliant and accordingly satisfies the requirements of Section 25 of the Town and Country Planning (Scotland) Act 1997. Planning permission should therefore be granted. Furthermore it is the position of the applicant that the material considerations also support a decision to allow the review. Conversely there are no material considerations which militate against approval.

The Development Plan

- 4.4 The statutory development plan for the site comprises the South East Scotland Strategic Development Plan (SESplan), approved in June 2013, and the Consolidated Scottish Borders Local Plan, as adopted on 10 February 2010, hereafter referred to as the 'Local Plan'.

SESplan

- 4.5 The Strategic Development Plan for Hawick is SESplan, which was approved in June 2013.
- 4.6 The plan includes a central vision for the SESplan region,
- 'By 2032 the Edinburgh City Region is a healthier, more prosperous and sustainable place which continues to be internationally recognised as an outstanding area in which to live, work and do business.'*
- 4.7 Hawick itself is defined by SESplan as a 'strategic development area'.
- 4.8 To achieve this vision, SESplan identifies the following objectives which are relevant in the context of these proposals. These are to:

'Enable growth in the economy by developing key economic sectors acting as the national hub for development and supporting local and rural development'

'Integrate land use and sustainable modes of transport, reduce the need to travel and cut carbon emissions by steering new development to the most sustainable locations'

'Promote the development of urban brownfield land for appropriate uses'

- 4.9 We note that the proposed development supports these ambitions by regenerating brownfield land, helping the growth of the local economy through investment and job

creation, whilst also improving the sustainability of shopping trips within the Hawick area, by minimising the need to travel further to access an Aldi store.

- 4.10 In regards to the retail use proposed, **Policy 3** states that planning decisions should be based on a hierarchy of centres utilising the sequential approach as set out within SPP. This is considered in greater detail, by reference to local planning policy which is set out below.

Consolidated Scottish Borders Local Plan 2010

- 4.11 The Scottish Borders Local Plan was adopted in 2008 and amended in February 2010. This forms the local policy framework for decision making across the area.

Site specific policy

- 4.12 The 'Settlement Profile' and associated proposals map for Hawick allocates the site as part of a much larger '**Redevelopment Opportunity**' referred to as '**Commercial Road**' site code '**zRO8**' with a site area of 7.9 hectares. Relevant extracts from the Local Plan, including the site specific reference on the proposals map, are enclosed as **Document 6**.
- 4.13 No other site specific reference is made within the settlement profile and it is appropriate therefore to turn to policy H3 – Land Use Allocations (Volume 1, Policies).
- 4.14 Policy **H3 – Land Use Allocations**, is split into five separate parts.
- 4.15 **Part 1** states that development will be approved in principle for the land uses allocated on the land use proposals tables and accompanying proposals maps. As stated above, no specific reference is made to any land uses within the aforementioned tables with regards to the review site. It is instead referred to as a 'redevelopment opportunity'.
- 4.16 **Part 2** states that development will be in accordance with any Council approved planning or development brief. Supplementary Planning Guidance (SPG) was approved by the Council in February 2009 for site zRO8 Commercial Road.
- 4.17 Section 3 of the SPG sets out a 'Development Vision' and quotes directly from part 3 of policy H3, by stating that an allocated 'redevelopment site' may be developed for: *"housing, employment (Classes 4, 5 and 6) or retailing, subject to the sequential test, or a mix of uses that could include community facilities and open space depending on the location of the site, the needs of the community and deliverability of alternative uses. Redevelopment site may be developed for a single use"*.
- 4.18 Subject to satisfying the sequential test, the development vision therefore confirms that the site may be developed for retailing.
- 4.19 Potential development concepts are set out for each site within the SPG (sections 4 to 8 inclusive), the subject site being referred to as Site 1 (Wilton Mills). A copy of the SG is provided as **Document 7** of this submission.

- 4.20 The concept for site 1 is that it is most likely to be developed for residential use, however it does not rule out development for other land uses set out in the Development Vision (above), particularly as development purely for residential use has clearly not materialised to date.
- 4.21 Indeed, redevelopment (in part) of site 2 has come forward in a manner different from that set out within the potential concept, with a single Sainsbury's superstore being developed rather than a terrace of retail/business units as envisaged. It is therefore clear that there is an opportunity to bring forward proposals for the range of land uses set out within the development vision, subject to satisfying other planning policies, which we cover below.
- 4.22 As already noted above, **Part 3** states that sites proposed for redevelopment (ie. the subject site), may be developed for housing, employment or retailing, subject to the sequential test, or a mix of uses that could include community facilities and open space depending on the location of the site, the needs of the community and the deliverability of alternative uses. Redevelopment sites may be developed for a single use.
- 4.23 Support in principle can therefore be drawn for retail use on redevelopment sites, subject to satisfying the sequential test, which we consider further below.
- 4.24 **Part 4** is not strictly relevant, as the site is not explicitly allocated as a 'Commercial Redevelopment Opportunity'.
- 4.25 **Part 5** refers to any other uses, aside from those already covered above and is therefore not relevant.

Other Policy Considerations

- 4.26 Other main policy considerations are principally associated with the proposed retail use, design and transport matters. These are covered below.

Retail Use

- 4.27 The assessment of site specific policy above, has already demonstrated that sites proposed for redevelopment (including the subject site) may be developed for retail use, subject to satisfying the sequential test.
- 4.28 **Policy ED3 – Shopping Development** is referenced within the reasons for refusal of the planning application.
- 4.29 ED3 states that proposals for new shopping development will be assessed against Structure Plan policies E17 and E18. Although the Structure Plan has now been superseded by SESplan, until the new Local Development Plan is adopted, policies within the Structure Plan are still considered by officers to be of material relevance. These are therefore set out below.
- 4.30 Policies E17 and E18 of the Structure Plan state:

E17 'In assessing applications for retailing development, both for food and non-food shopping, the Council will seek to support and enhance the role of town centres. Town centre locations will be preferred to edge-of-centre locations which, in turn, will be preferred to out-of-centre locations. An out-of-centre location will only be considered favourably if there is no suitable site available in a town centre or edge-of-centre location.

E18 'The Council will have regard to the following considerations in assessing any application for out-of-centre retail development:

- (i) the individual or cumulative impact of the proposed development on the vitality and viability of existing town centres,*
- (ii) the availability of a suitable town centre or edge-of-centre site,*
- (iii) the ability of the proposal to meet deficiencies in shopping provision which cannot be met in town centre or edge-of-centre locations,*
- (iv) the impact of the proposal on travel patterns and car usage,*
- (v) the accessibility of the site by a choice of means of transport,*
- (vi) the location of the proposal. Sites will be located within existing settlements and, within them, preference will be given to applications on vacant or derelict sites, or on sites deemed to be surplus to requirements.'*

4.31 In respect of policy E17, the site occupies an 'edge of centre' location. It is physically adjacent to the defined Hawick town centre boundary and benefits from existing strong pedestrian links with the town centre, across the River Teviot. This will be further enhanced through the proposed changes to the boundary that are indicated within the emerging Local Development Plan.

4.32 The site's status as an 'edge of centre' location is confirmed in the SWOT analysis carried out to inform preparation of the Commercial Road SPG (Table 1, page 6), where its proximity and links to the town centre are highlighted as strengths and opportunities.

4.33 An assessment of town centre sites has therefore been completed, based on their availability, suitability and viability. The review of sequential sites takes on board development plan policy and SPP. In particular, we are mindful of SPP at paragraph 63 where it states that, "*the sequential approach requires flexibility and realism from planning authorities, developers, owners and occupiers to ensure that different types of retail and commercial uses are developed in the most appropriate locations*".

4.34 In view of this and the minimum requirements of the Aldi "Business Model" (outlined at Section 1 of the Retail Statement, appended as **Document 8** of this submission), it is important to appreciate that satisfying a number of competing factors are essential to ensure any opportunity is suitable and viable to Aldi.

4.35 It is noted that officers have agreed that the sequential test has been satisfied in respect to these proposals.

4.36 In respect to policy E18, these criteria are considered in detail below:

(i) Individual or Cumulative Impact – this will be considered further within Issue 3 of this statement,

(ii) Sequential Test - as noted above, it is accepted that the site represents the most sequentially preferable location and complies with this requirement ,

(iii) Deficiencies – this will be considered further within Issue;

(iv) Impact on travel patterns – the development proposal will help to improve the sustainability of food shopping patterns within the catchment by improving local choice and reducing the need to travel further afield to access an Aldi store.

(v) Accessibility – the site is considered to be highly accessible, in virtue of its proximity to the town centre and sitting on a main thoroughfare through the town.

(vi) Proposal Location - the development would occupy a long-term vacant brownfield site that has been recognised as a priority for redevelopment within the settlement.

4.37 On the basis of the above, the site fully complies with the requirements of criterion (ii), (iv), (v) and (vi). Criteria (i) and (iii) will be considered further in Issues 2 and 3 of this statement.

Design

4.38 Policy G1 sets out the main design led considerations for the development of sites. This requires that new proposals are compatible with their settings and contribute positively to the built environment in the local area, by retaining natural and built attractive on-site features where possible. The policy also requires the use of Sustainable Urban Drainage schemes, appropriate materials and ensuring buildings are of an appropriate scale and massing to complement the surrounding area, amongst other matters.

4.39 Policies G7 and ED5 also require that developments contribute positively to the built character of areas and avoid over-development of sites.

4.40 In this regard, a number of amendments to the design of the scheme were made through the determination process in liaison with officers of the Council. This included significant changes to help the building design reference the history of the site and incorporate re-used sandstone to ensure the building would complement the conservation area.

4.41 It is notable that overall, the delegated report found that the design and materials of the development were a significant improvement and considered to be acceptable, meeting the requirements of the policies set out above.

Conservation Area

4.42 Policy BE1 of the adopted Local Plan relates to listed buildings and BE4 conservation areas.

- 4.43 As listed building consent has been granted for the demolition of the remaining listed buildings on site, policy BE1 is considered no longer relevant to the determination of this review. This was also considered to be the case with the delegated planning report.
- 4.44 Policy BE4 states that any proposal that would have an unacceptable impact on the integrity of a conservation area will not be supported. This policy requires that development proposals within such areas are sympathetic in their design, massing and use of materials to enhance rather than detract from the quality of the conservation area.
- 4.45 In respect to the development proposals, the condition of the current derelict site and its prominent nature, have significantly detracted from the integrity of the conservation area over a number of years. The development proposals will therefore bring significant investment and improvements to the attractiveness of the area and in doing so, comply with the objectives for conservation areas.
- 4.46 It is therefore clear that the proposals satisfy this policy requirement.

Flooding

- 4.47 Policy G4 of the adopted Local Plan states that developments will not be permitted if they would be at significant risk from flooding or increase the potential for flooding elsewhere.
- 4.48 It is noted that due to the location, the site is at risk from flooding events. The development proposals however involve a number of measures to decrease this risk, including raising the level of the car park and ensuring there is safe and convenient access for pedestrians to leave the site.
- 4.49 This issue is dealt with in further detail within Issue 5 of this Statement.

Access

- 4.50 Policies G7 and ED5 relate to ensuring that new development sites have sufficient access. Furthermore, policies within the emerging Local Development Plan also sets out requirements for the provision of adequate infrastructure to support developments and sufficient car parking, to meet the travel demands of visitors.
- 4.51 In this regard, it is recognised by officers that the site is well-located and benefits from a good level of accessibility for a range of travel modes.
- 4.52 It is noted that outstanding concerns remain from the Council's Transport service in respect to conflict between servicing vehicles and customers, although Aldi operate in this manner in most of their 64 trading stores across Scotland and the wider UK, with minimal complications. This is based on the limited number of service vehicles used per day and the use of banksman at every store to eliminate risk. It is considered that these concerns could be addressed via planning condition if necessary and that this is not a sufficient reason for not supporting the development proposals.

Residential Amenity

- 4.53 Relevant policies in this regard are G7 of the adopted Local Plan and H2, with both seeking to minimise impact from new developments on aspects such as noise, daylighting, sunlighting and overshadowing on existing adjacent residential uses.
- 4.54 Information in respect to the typical noise generation from an Aldi store, in respect to plant equipment, servicing and car parking activity was provided with the application.
- 4.55 It is suggested that further information could be produced via a site specific noise survey to determine the background noise levels within the vicinity and calculate and impact on top of this that would result from the development proposals. A specific planning condition relating to this would be acceptable to the appellant if the review was to be allowed.

Other Material Considerations

Scottish Borders Local Development Plan

- 4.56 Scottish Borders Council is currently in the latter stages of preparing a new Local Development Plan. The Proposed Plan has been the subject of an Examination and the Council have confirmed to Ministers of their intention to adopt the Plan.
- 4.57 Given its advanced stage of preparation it will form a material consideration of significant weight within the determination of this review. Nevertheless, the majority of relevant planning policies within, including site specific and retail land use considerations are largely unchanged from the adopted Local Plan.
- 4.58 We would therefore refer to our assessment against development plan above.

Scottish Planning Policy (SPP)

- 4.59 Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for the operation of the planning system and for the development and use of land. The SPP is a material consideration that carries significant weight.
- 4.60 SPP advises that planning should take a positive approach to enabling high quality development and making efficient use of land to deliver long-term public benefits while protecting and enhancing natural and cultural resources.
- 4.61 SPP sets out Principal Policies (page 9 onwards), the first being 'sustainability'. The 'policy principles' that underpin this principal policy introduces a presumption in favour of development that contributes to sustainable development (page 9).
- 4.62 Paragraph 29 explains how this means that decisions (on planning applications) should be guided by a number of principles, a number of which are relevant to the assessment of review the review proposals. They include:

1. Giving due weight to net economic benefits;
2. Responding to economic issues, challenges and opportunities;
3. Supporting good design;
4. Making efficient use of land; and,
5. Supporting delivery of accessible retail development.

4.63 Further consideration of these issues in the context of the review are provided within Issue 4 of this statement.

5. The Key Issues

5.1 The subsequent sections of this report focus on the key issues relevant to the review. These are:

1. **The principle of development at this location;**
2. **Retail capacity and deficiency;**
3. **Retail impact;**
4. **Economic benefits and the presumption in favour of sustainable development;**
5. **Other issues.**

5.2 Each of these key issues has been taken in turn within the following sections of this statement.

6. Issue 1 – The principle of retail development at this location

- 6.1 A key issue to consider in respect of this review is the appropriateness of the site for redevelopment for retail use.
- 6.2 The site has long been recognised for its potential for regeneration, forming part of the wider Commercial Road ‘redevelopment opportunity’ zone ‘zRO8’. This designation within the adopted Local Plan and associated SPG, recognises that a variety of uses would be suitable for sites within the overall allocation, including residential, employment and retailing, the latter being subject to the sequential test.
- 6.3 With the sequential test having been satisfied, support for the principle of retail use can already be drawn from the development plan and supporting SPG.
- 6.4 At the time the planning brief was written for Commercial Road, the indicated preferred use for the site was housing. Despite the repeated efforts of the landowner and several marketing campaigns in the intervening period, with the site now lying vacant for a period of over 10 years, it is clear that no credible or viable interest has been shown from housing developers.
- 6.5 The only credible and viable interest in site redevelopment has come from Aldi Stores Ltd who have now been working with the landowner for over two years, to deliver a new foodstore at the site.
- 6.6 Aldi’s interest continues to remain the only viable opportunity to secure regeneration of this prominent brownfield site.
- 6.7 In addition to the above, it is noteworthy that the site is currently positioned very close to the town centre. As part of the preparation of the emerging Local Development Plan process representations were submitted to request that the site be incorporated into the enlarged town centre boundary. Please see Document 9. It should be noted that this will be extended further north and west, to incorporate the retail and commercial uses to the west of the River Teviot, within the new adopted LDP. Indeed, this new definition will bring the town centre boundary very close to the southern edge of the review site.
- 6.8 Although the town centre boundary extension request was not upheld by the LDP examination Reporter, he did acknowledge the terms of the Commercial Road SPG, the potential to contribute positively to the ambience of the town centre and benefits in securing the site’s regeneration. The Reporter also acknowledged that existing LDP policies ALREADY allowed for a retail proposal to be assessed.
- 6.9 On the basis of the above, the site is considered to be an appropriate location for retail development, with a number of significant economic benefits for Hawick set to be realised, that the current proposals should be supported.

7. Issue 2 – Retail capacity and deficiency

7.1 The reason for refusal relates to retail capacity and deficiency, and states:

“The proposal is contrary to policies H3 and ED3 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policy ED3 of the Local Development Plan 2013 and Supplementary Planning Guidance: Commercial Road Hawick 2009 in that there is no spare retail capacity to accommodate a Class 1 foodstore in Hawick and the quantitative need for the proposed foodstore has not been adequately substantiated. In addition, the submission has failed to identify a qualitative need for the store as the proposal would not provide a different retail offer from existing foodstores in the town.”

7.2 On a point of clarification, policy H3 of the local plan (and emerging LDP) supports the principle of retail development at locations including the review site, subject to satisfying the sequential test. It does not concern itself with matters of retail deficiency, which instead is covered by policy ED3 of the local plan (and emerging LDP) and is therefore the focus of this section.

7.3 Policy ED3 references Structure Plan policies E17 and E18. As noted earlier, policy E17 relates to the sequential test and has therefore been adequately satisfied. Policy E18 is a criteria based policy, where section 4 of this report established that the proposals satisfied all requirements, relating to accessibility, sequential matters and location. Criteria (i) and (iii) of this policy, relating to retail impact and deficiency respectively, will be considered within the following two sections.

Retail Capacity and Deficiency

7.4 As part of the application submission, a Retail Assessment was prepared to support the development proposals. A copy of this report is enclosed as **Document 8** of this submission and there is no intention to recap the entirety of that report. As time has progressed since the original submission, an updated set of retail tables have been prepared to revised the base and test years. This has also afforded an opportunity to factor in the Lidl redevelopment application, referenced earlier, as a commitment. These updated tables are enclosed as **Document 14** of this submission.

7.5 The main findings, in consistency with the originally submitted tables were that:

- There is a quantitative deficiency within the catchment following the Lidl redevelopment, with £3.67m, worth of consumer expenditure currently leaking from the area. This amounts to 8% of the total convenience (food) expenditure available.
- Whilst this level of deficiency is lower than the projected turnover of the Aldi foodstore based on its anticipated market share, very modest levels of trade diversion from competing foodstores in the area would be sufficient to support the development. In effect, these operators would trade at less than company average levels, but still remain

viable. Various retail studies prepared for local authorities across Scotland in recent years have recognised that this form of trade diversion can be acceptable so long as it does not challenge the vitality and viability of town centres. Examples of these are provided in **Document 10**. Matters of retail impact will be covered within the next section of this report.

- 7.6 In effect, the tables demonstrate that to accommodate the Aldi development within the Hawick retail mix, each retailer would trade slightly below their typical national average levels. A summary of this position is set out below.

Retailer	Post Lidl Redevelopment National Avg Turnover from Catchment (£m)	Post Aldi Turnover from Catchment (£m)	% of National Average
Morrisons	15.55	14.17	91%
Other Shops	3.94	3.84	97%
Total Town Centre	19.49	18.01	92%
Sainsburys	14.71	13.44	91%
Lidl (redeveloped)	5.53	5.02	91%
Iceland	3.19	3.13	98%

- 7.7 At the figures above, the viability of all of the businesses within and out with the town centre will be preserved. Retailers trade below national average levels in many towns across the UK and it is unreasonable to assume that there can be no competition to challenge this status quo position. It is therefore clear, in our view, that at these levels, the proposals can be supported.
- 7.8 In essence, the decision to refuse the application was based largely on retail capacity grounds and this resulted from the findings of a Council retail study for the entire Borders region, from 2011. We note that this was commissioned to inform the emerging Local Development Plan and help forecast potential opportunities to plan for new floorspace development, arising from population and expenditure growth, across the lifetime of the plan. It is therefore questionable if this provides sufficient reason alone, given the findings of the supporting Retail Assessment submitted with the planning application, to refuse the development.
- 7.9 To put matters simply, retail capacity is a basic calculation of turnover of existing provision, often based on forecasted national average operator levels, compared with consumer expenditure available within a catchment area. It was recognised, however, in the report 'Town Centres and Retailing Methodologies (December 2007)', commissioned by the Scottish

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- Government, at paragraph 3.45 that *"even modest changes in assumptions can have disproportionate impacts on the results of a capacity calculation"*. See **Document 13**.
- 7.10 Further industry commentary over the use of capacity assessments was also pointed out within paragraph 3.15 of the same report, where it recognises that such assessments can ignore market realities, being based on company average figures rather than actual turnovers.
- 7.11 The report of handling specifically notes that *"the quantitative need for the proposed foodstore has not been adequately substantiated."* It is therefore clear that officers made a determination that due to a lack of available spend within the area, negating any potential for acceptable levels of trade diversion and the allowance for competition, that there is no further ability for Hawick to accommodate convenience retail development. This runs contrary to the provisions within SPP and is anti-competitive.
- 7.12 The Town Centres and Retailing Methodologies report examines the concept of capacity and deficiency in some detail. This considered the differences between 'need', the term used in the English planning system at that time and deficiency, the term used in Scotland. The two considerations shared many similarities and discreet differences, at least until the 'need' test was abandoned in England.
- 7.13 This policy decision largely arose from the Competition Commission's Investigation into Grocery Market published in 2009. This report considered the entirety of the UK grocery market and so its findings are equally relevant to Scotland. Relevant extracts of this report are provided in **Document 11**.
- 7.14 Given its simplistic approach to forecasted future needs and capacity for retail development, the Commission's findings were that the 'need' test (and equally applicable to quantitative deficiency), could become a barrier in the future to new entrants into local markets and is in principle, anti-competitive. This can be the case where capacity is already absorbed by existing development and this therefore limits consumer choice, protects existing foodstore operators from new competition and leads to higher prices for goods in stores, which overall is a major disadvantage for the consumer. The planning system is after all, not to discourage competition in the market, particularly in circumstances like this review, where this can provide genuine benefits for the public.
- 7.15 Furthermore, the policy focus in SPP is now very much geared toward the promotion of town centres in the first instance and later sections of this statement demonstrate the positive impacts for Hawick town centre, if this review is allowed. We respectfully suggest that a lack of forecast spare capacity (in the manner arrived at in the 2011 Borders retail study) does not therefore carry as much weight as the decision by such a successful retailer like Aldi, who wish to invest in Hawick.

- 7.16 Furthermore, if there was no spare capacity for enhancing the retail offer in Hawick we suspect that Lidl, who are currently progressing an application to redevelop their existing store, would not be progressing with such an investment.
- 7.17 An example of the shortcomings of this approach to looking at retail deficiency is evident from a simple comparison of food retail floorspace levels and population levels for Hawick, compared with Galashiels. Please refer to **Document 12** for a demonstration of this.
- 7.18 To summarise these findings, it is evident that despite having similar population levels (approximately 14,999 according to 2011 Census, compared with 14,294 in Hawick) Galashiels boasts a total food retail floorspace level of 20,805sqm gross / 11,838sqm net, compared with 9,316sqm gross and 6,682sqm net in Hawick, i.e. double the provision. Even assuming that convenience trade inflow to Galashiels is high from other Scottish Borders regions, it is clear that having additional retail floorspace can help to boost the attraction of a centre, draw in trade from elsewhere and therefore boost the overall fortunes of the town.
- 7.19 Even if the review proposals were supported, and the Lidl redevelopment is approved, this would still only take Hawick's total to 12,267sqm gross and 8,360sqm net.
- 7.20 With this in mind, we consider it is therefore inappropriate for officers to rely solely on a Council document that is now 5 years old, that utilises a range of assumptions that by their very nature are subject to change over time and would prevent local competition within the Hawick and wider Scottish Borders retail market.
- 7.21 For example, we note that Hawick is projected to see an increase of 566 housing units over the short term period of the LDP. A further 100 housing units are also identified for the longer term although it is noted that these potentially might be brought forward, given the Reporter's requirements to provide additional housing supply.
- 7.22 Based on a typical convenience expenditure per household level of £4,896, provided by Experian, this would generate an additional £2.7m worth of food spend in the near future. If the longer term allocations are also considered this figure would rise by a further £489K, ie. £3.2m of additional spend in total.
- 7.23 It is therefore clear that as demand increases with a growing population in Hawick, so will the demand for improving choice and consumers increasingly expect Aldi to form part of this choice.
- 7.24 In summary, it is therefore concluded that:
- The Retail Assessment submitted with the planning application demonstrated that there was scope within the Hawick catchment to accommodate an Aldi foodstore. A quantitative deficiency is present and the development would help to reduce expenditure leakage, with potential to boost the retailing fortunes of the town given its close proximity to the town centre.

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- The decision to base a recommendation for refusal on the findings of a Council retail study from 2011 on a narrow calculation of capacity alone is questionable and fails to appreciate the realities of the retail market and the changing nature of consumer shopping patterns. At its core such a decision, in our view, is anti-competitive.
 - A comparison of existing food retail provision with Galashiels and Hawick demonstrates that whilst their populations are very similar, Galashiels has significantly more food retail floorspace provision including an Aldi store. Why shouldn't Hawick's residents benefit from a more proportionate amount of food retail shopping, which includes Aldi as part of that mix?
 - The limitations of the retail capacity, need and the deficiency test for decision making are clear if considered in the context of the Competition Commission's conclusions on the UK grocery market, where it can act as a significant barrier for new entrants into the market, to the disadvantage of the local consumer. Furthermore, consumer demand in Hawick is forecast to increase with £3.2m additional spend on food shopping.
 - By improving the range and quality of retail offer within the town, qualitative benefits can also be realised for the local community.
 - Lastly, even if the Local Review Body does conclude that matters of retail deficiency have not been satisfactorily addressed, we believe that other material considerations still indicate that the review should be allowed. These considerations can be found in other sections of this statement and in particular, the executive summary and grounds of review in section 1.

8. Issue 3 – Retail impact

8.1 The latter part of the reason for refusal relates to concerns over retail impact and states:

“a retail store on this edge-of-centre site would have a direct detrimental impact on the vitality and viability of an already vulnerable town centre”.

8.2 Retail impact matters are therefore fully considered within this section of the Statement. As part of this, we consider the nature of the development proposal, the level of trade diversions forecasted, the concerns raised about the vulnerability of Hawick town centre and the potential for positive impact on the town centre.

The Development Proposal

8.3 It is important to firstly consider the nature of the retail development proposed. This is explained fully within the supporting Retail Statement that was submitted with the planning application and briefly summarised here.

8.4 The development proposal comprises a foodstore of 1,715sqm gross and 1,254sqm net. Aldi’s turnover and market share projections are calculated with market intelligence by CACI Ltd. and used to justify the business case for any new store proposal. For Hawick, this has suggested that a market share of 12% is possible, resulting in a convenience turnover of £5.26m from the catchment.

8.5 Based on company average turnover levels, this compares with a turnover rate of £22.68m for the Morrisons store, £21.43m for the Sainsburys and £3.68m for the existing Lidl. If the proposed redeveloped Lidl store is considered, its turnover would be £5.34m.

Forecast Trade Diversions

8.6 In terms of forecast trade diversions, we have updated the Retail Assessment on the basis that Lidl’s application will be approved in due course. This is reflected in the summary below and updated tables at Document14.

Location	Turnover (£m)	Diversion (%)	Diversion (£m)	Impact (%)
Morrison’s, Hawick	23.93	38	2.12	9%
Sainsbury’s, Hawick	22.63	35	1.96	9%
Lidl, Hawick	6.14	10	0.56	9%
Locations out with catchment (ie. Inflow)	N/A	13	0.73	N/A

8.7 These conclusions were based on Aldi's trading characteristics elsewhere in the UK, the anecdotal evidence from national market share changes in recent years and also based on the well-established retail principle that "like competes with like". In basic terms, this means that when customers are deciding where to shop, these are most likely visiting a similar form and nature of offer, i.e. one of the 'big 4', or Lidl.

8.8 This approach is backed up by recommendations within the *Town Centre and Retailing Methodologies report* and studies prepared by GVA for the Department of Communities and Local Government in England in respect to retail impact studies. This latter report is referenced, as there are clear similarities between the Scottish and English systems in respect to the concept of retail impact assessments.

8.9 This accepted retail concept is evident in extracts from this report. In short, this study concluded that to calculate trade diversions, the following should be completed:

"Having established the likely catchment area, market position and turnover potential of the proposal, the key factors affecting judgements about where it will draw its trade from will be determined by:

- The intended market sector/role, on the basis that 'like affects like'; so the centres (stores) currently serving the intended catchment population will experience the greatest impact; and*
- Distance, on the basis that consumers will generally use the nearest centre/facility which meets their needs in terms of quality/convenience etc."*

8.10 On this basis the forecast diversions above are considered to be entirely robust.

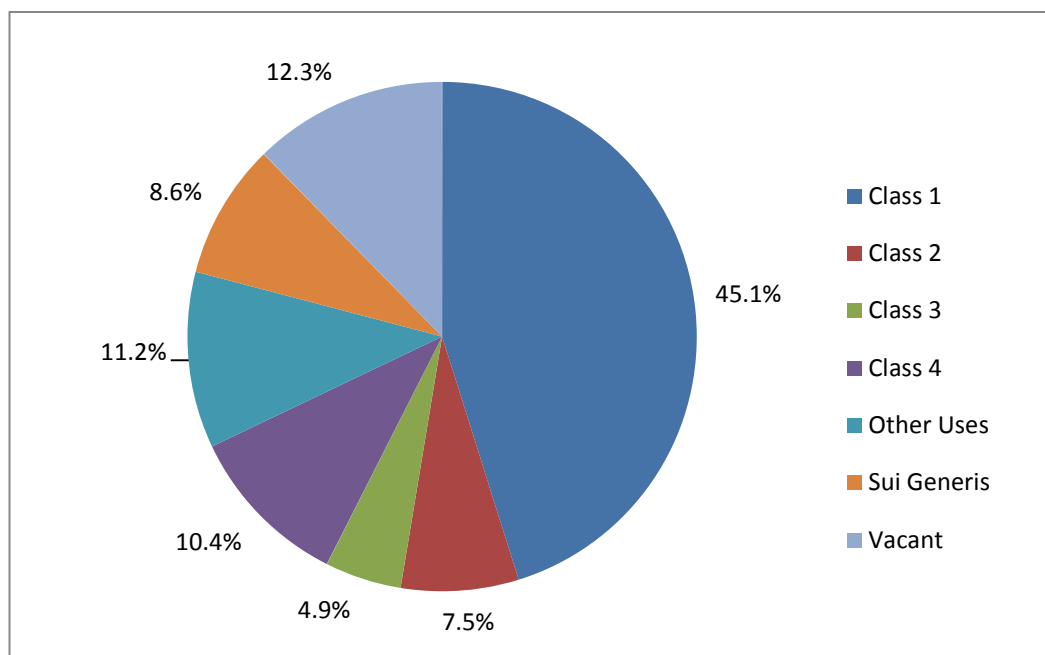
8.11 Furthermore, at these levels it is clear that the viability of these locations would not be threatened. Indeed, a number of local authority studies have utilised this approach in recent years, to identify capacity for additional convenience floorspace. Within these reports, an impact level of up to 20% has been considered acceptable, without impacting significantly on vitality and viability. Please see **Document 10** for examples of this.

8.12 In light of this, it is clear that the impact levels forecasted would in no way be 'significantly adverse', as is the test within SPP (paragraph 73). Nor would they have a "direct detrimental impact" on the town centre, as referred to in the report of handling. Instead, it is clear that the levels of trade diversion would be quite modest and could be accommodated without threatening the vitality or viability of the town centre. Furthermore, this is before you consider 'positive' impacts, which we cover further on.

The Vitality and Viability of Hawick town centre

8.13 It is notable that the reason for refusal also states that the impact associated with the review proposal would unacceptably affect the vitality and viability of an already vulnerable town centre.

- 8.14 In this regard, we refer to the original Retail Assessment submitted with the application, which included a town centre healthcheck utilising the vitality and viability indicators set out within SPP. This concluded that Hawick town centre was performing modestly, with lower than national average vacancy levels and other signs of vitality, comprising a decent mix of national multiples and independents, the presence of weekly markets and a good quality pedestrian shopping environment.
- 8.15 As part of this review submission a further town centre healthcheck was undertaken, to update on unit mix and vacancy levels. In summary, this found the following mix of uses within the town centre.



- 8.16 Based on the survey undertaken in January 2016, it is clear that the unit composition has not changed significantly, with vacancy rates remaining below the national average level at 12.3% (national average 12.9% based on Local Data Company and Stirling University).
- 8.17 What the report of handling fails to acknowledge, in our opinion, is the positive impact of delivering a new retail offer at this important edge of town centre site. Indeed, it is considered that the introduction of an operator such as Aldi near Hawick town centre would have significant benefits for the town, by retaining more expenditure locally, given that some residents already travel to Galashiels to access their offer. Given its proximity to the town centre. This could generate additional linked trips with consequent benefits for other local shops and services. We turn to the positive impact considerations below.

Positive Impact

- 8.18 As set out within the supporting Retail Statement, a clear case has been made that the development of this site, an ‘edge of centre’ location has significant potential to bring positive benefits to Hawick town centre and its vitality and viability.

- 8.19 Indeed, these benefits are recognised within the '*Town Centres and Retailing Methodologies*' report at paragraph 6.269, where it states that "*There is evidence of the role of linked trips benefiting some centres as a result of edge-of-centre development.*"
- 8.20 These positive benefits were also outlined within supporting case studies relating to Aldi 'edge of centre' stores developed elsewhere in Scotland, specifically Dundee and Greenock. In these cases, the presence of a new edge of centre Aldi store has significantly increased footfall and linked trips to the centre and helped to reduce shop vacancy levels nearby.
- 8.21 Given the ease of pedestrian movement between the site and town centre, there is no reason why a new Aldi store would not have a similar positive impact for Hawick. After all, the Council's own SPG for Commercial Road (and covering this site) already identifies its proximity to the town centre; the potential to enhance the town centre through regeneration; the potential to revitalise and regenerate the local area, and to improve connectivity to the town centre as 'strengths' and 'opportunities'.
- 8.22 The proposals subject of this review are simply seeking to help deliver against these strengths and opportunities, and the aims of the SPG for Commercial Road to revitalise and regenerate the local area, taking advantage of its location on the edge of Hawick town centre.
- 8.23 To summarise, we therefore consider the following:
- The review proposals can be accommodated within the catchment and will not lead to a 'direct detrimental' on Hawick town centre. In particular, the test within national policy, in SPP, is that proposals should only be refused if they would lead to a 'significant adverse retail impact'. This is clearly not the case for this development.
 - The forecast trade diversions are modest and would not threaten the viability of any single foodstore operator, or indeed, the vitality and viability of the town centre overall.
 - Town Centre healthchecks that have been produced to support the application proposals and updated to support this review statement, have found that vacancy levels within the town centre are below national average levels. Other signs of vitality indicate that the centre is performing modestly. The Council's concerns over reductions in footfall are most likely a result of wider national trends since 2007, relating to the global recession (and therefore affecting everywhere) and internet retailing.
 - A new Aldi development at the review site will not compound existing concerns over the health of Hawick town centre. Indeed, it has real potential to drive additional footfall into the town centre, reduce expenditure leakage and improve consumer choice within the area. All of these opportunities and strengths of redeveloping this priority edge of centre site have already been acknowledged by the Council in its own SPG for Commercial Road.

9. Issue 4 – Economic benefits and presumption in favour of sustainable development

9.1 National policy set out within SPP, 2014, clearly establishes:

“a presumption in favour of development that contributes to sustainable development.”

9.2 This is a principal policy to guide the planning system, in accordance with the Scottish Government’s primary objective, of delivering sustainable economic growth, which is seen as critical if the whole of the country is to prosper.

9.3 This policy continues that the planning system should support economically, environmentally and socially sustainable places, which means that planning decisions should be guided by a number of Principles. These include:

- Giving due weight to net economic benefit;
- Responding to economic issues, challenges and opportunities;
- Supporting good design and the six qualities of successful places;
- Making efficient use of existing capacities of land, buildings, infrastructure including supporting town centre and regeneration priorities;
- Supporting delivery of accessible housing, business, retailing and leisure development”

9.4 Many of these Principles, in our view, indicate that the proposals can be supported, particularly in light of the substantial economic benefits that include:

- Generation of 35 high quality new local jobs, that pay above the National Living wage;
- £5m capital investment into a long term vacant and derelict eyesore site;
- Retention of more convenience expenditure locally with potential spin off benefits for the town centre through generating linked trip opportunities;
- Benefits for the Aldi supply chain, which includes a product range of at least 30% Scottish sourced products.

9.5 As noted above, we believe that a case has been made already, to suggest that relevant site specific and retail planning policy considerations of the Scottish Borders Local Plan (and emerging LDP) have been substantially addressed.

9.6 However, should the Local Review Body conclude that matters of retail capacity and retail impact in particular, have not been addressed, then we respectfully suggest that sufficient weight can be found in these Planning Policy Principals alone to outweigh the stated reasons for refusal, as they stand.

10. Issue 5 - Other issues

- 10.1 The report of handling confirms that all other issues relevant to determination of this review have either been satisfactorily addressed already, or can be handled through conditions.
- 10.2 In respect of matters relating to flooding we would direct the LRB to Document 15, being a position statement by the appellants flooding and drainage advisors, Terrenus Land & Water.

11. Conclusions

11.1 This review is supported by the development plan and other material considerations. A case has been made that relevant development plan policies, specifically those set out in the reasons for refusal, can be satisfactorily addressed. Furthermore, material considerations further indicate that the review proposals can be supported. In summary,

- The site is allocated in the development plan and SPG as a priority regeneration opportunity, adjacent to Hawick town centre.
- Site specific policy further indicates that retail uses can be acceptable at the site, subject to satisfying the sequential test. The report of handling accepts that we have satisfied the sequential test.
- At the time of producing the SPG for Commercial Road (in 2009), it was stated that the site *"is most likely to be developed for residential use"*. However, despite repeated efforts by the appellant over several years, the only credible interest shown in regenerating the site has been from Aldi.
- Furthermore, we believe that the appellant and Aldi's aspirations for regenerating the site will only help deliver the strengths and opportunities already recorded in the SPG for the site. These include its proximity to Hawick town centre, enhancing the western part of the town centre, revitalising and regenerating the local area and improving connectivity to the town centre.
- Our assessment of the proposals against the development plan's retail policies (and those of the emerging LDP, as well as SPP) also indicate that the review proposals can be supported.
- Firstly, Aldi's decision to invest and operate a new store in Hawick is a clear sign of a deficiency. This was reinforced by the positive feedback to Aldi's public consultation event held before the planning application was lodged, where many residents expressed a desire to be able to shop at an Aldi store in Hawick.
- In our opinion, this evidence carries far greater weight than the assessment of deficiency described in the report of handling, which is based on a capacity study undertaken in 2011 ie. approaching five years old. Furthermore, since 2011, the ever increasing popularity of retailers like Aldi has dramatically changed the way we shop.
- In short, consumers are now far more discerning in where they choose to shop. They increasingly expect easy access to a wide range of foodstore operators, with the likes of Aldi being part of this mix. These trends have been reinforced by feedback from the public and strongly suggest that a new Aldi store would help to meet deficiencies in Hawick. The 2011 study could not have allowed for the full extent of these changes in its conclusions on

retail deficiencies. Equally, however, these facts (concerning the way we now shop) cannot now be ignored in the determination of this review.

- Our assessment of retail impact shows that any trade diversions will come from other foodstore operators in Hawick, based on the long established principle that 'like trades with like'. Furthermore, any such impact would not threaten the viability of any of these stores and as such, would not have a direct detrimental impact on the vitality and viability of the town centre. To be clear, any impact will not come from independent shops or traders in the town centre, as Aldi happily trade side-by-side with this type of offer at other 'edge of centre' locations in Scotland, without resulting in any 'direct detrimental impact'. To look at this a slightly different way, Aldi's gains in popularity and market share could only have come about as a result of their ability to compete more effectively with the 'big 4' foodstore operators.
- Our assessment of retail impact also highlights the positive impacts of developing at edge of town centre locations, like Commercial Road. Case studies from other similar developments by Aldi strongly suggest that linked trips between the Aldi store and other shops/services in the town centre would have a positive impact on vitality and viability. Indeed, the council's own SPG confirms that its proximity to the town centre is both a strength and an opportunity, when considering redevelopment proposals for the site.
- Finally, Scottish Planning Policy introduces a presumption in favour of sustainable development. This is a 'principal policy' of the Government, in support of its primary objective of delivering sustainable economic growth. It means that planning decisions (including this review) should be guided by a number of principles covering issues such as giving due weight to economic benefits and responding to economic challenges, making efficient use of previously development land, and supporting delivery of accessible retail development and good design.
- In short, support for the review proposals can be found in each of these principles.
- Aldi would create up to 35 new direct jobs, including store managers and store deputies, as well as store assistants, in addition to construction related work and in-direct generation through the supply side of the facilities. They also operate a market-leading graduate and apprenticeship scheme.
- Furthermore, Aldi has a preference to recruit locally and from February 2016 will pay all staff at least £8.40 an hour, being well above the National Living Wage and above even the Living Wage Foundation recommended level.
- They also support employment growth elsewhere through Aldi's commitment to the Scottish food and beverage industry.

-
- Finally, they are proposing to regenerate a long-term derelict brownfield site, at a highly accessible and sustainable location, adjacent to Hawick town centre and which has been a regeneration priority for many years now.
 - In summary, as these facts all support statements of Scottish Ministers' priorities set out in SPP, they should be afforded significant weight in the determination of this review.

11.2 Accordingly, the review should be supported on its merits and we ask that the Local Review Body grants planning permission.

12. Documents List

12.1 The documents submitted with the review are listed below:

Document	Description
1	Decision Notice 15/00100/FUL
2	Report of Handling 15/001/00/FUL
3	Letter from Chief Planner to Heads of Planning
4	LDP town centre boundary plan
5	Listed building consent 14/01437/LBC
6	Local Plan extracts
7	Commercial Road SPG
8	Retail Statement for 15/00100/FUL by GVA James Barr
9	Representations to LDP by Wilton Mills Ltd
10	Retail study examples Extracts
11	Competition Commission report Extracts
12	Retail floorspace comparison: Hawick & Galashiels
13	Town Centres & Retailing Methodology Report Extracts
14	Updated retail assessment tables
15	Statement on Flooding by Terrenus Land & Water

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GVA James Barr



Document 1
Decision
Notice
15/00100/FUL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 15/00100/FUL

To : Wilton Mills Ltd per Aitken Turnbull Architects Ltd 9 Bridge Place Galashiels Scottish Borders TD1 1SN

With reference to your application validated on **4th February 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

at : Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 18th December 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**



Signed

.....
Chief Planning Officer

APPLICATION REFERENCE : 15/00100/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
AT2342-LOC-01-A	Location Plan	Refused
AT2342-EX-01-B	Existing Layout	Refused
AT2342-EX-02A	Other	Refused
AT2342-PP-01K	Site Plan	Refused
AT2342-PP-02D	Floor Plans	Refused
AT2342-PP-03C	Other	Refused
AT2342-PP-04-01E	Elevations	Refused
AT2342-PP-04-02E	Elevations	Refused
AT2342-PP-05	Other	Refused
AT2342-PP-07	Other	Refused
AT2342-PP-05	Other	Refused
A086735/SK004 REV A	Other	Refused
A086735 SKA010 REV 01	Other	Refused

REASON FOR REFUSAL

The proposal is contrary to policies H3 and ED3 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policy ED3 of the Local Development Plan 2013 and Supplementary Planning Guidance: Commercial Road Hawick 2009 in that there is no spare retail capacity to accommodate a Class 1 foodstore in Hawick and the quantitative need for the proposed foodstore has not been adequately substantiated. In addition, the submission has failed to identify a qualitative need for the store as the proposal would not provide a different retail offer from existing foodstores in the town. As a result, a retail store on this edge-of-centre site would have a direct detrimental impact on the vitality and viability of an already vulnerable town centre.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997

GVA James Barr

Document 2
Report of
Handling
15/00100/FUL



SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00100/FUL

APPLICANT : Wilton Mills Ltd

AGENT : Aitken Turnbull Architects Ltd

DEVELOPMENT : Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

LOCATION: Land And Buildings At Wilton Mills
31 - 32 Commercial Road
Hawick
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY: Complex Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
AT2342-LOC-01-A	Location Plan	Refused
AT2342-EX-01-B	Existing Layout	Refused
AT2342-EX-02A	Other	Refused
AT2342-PP-01K	Site Plan	Refused
AT2342-PP-02D	Floor Plans	Refused
AT2342-PP-03C	Other	Refused
AT2342-PP-04-01E	Elevations	Refused
AT2342-PP-04-02E	Elevations	Refused
AT2342-PP-05	Other	Refused
AT2342-PP-07	Other	Refused
AT2342-PP-05	Other	Refused
A086735/SK004 REV A	Other	Refused
A086735 SKA010 REV 01	Other	Refused

NUMBER OF REPRESENTATIONS: 11

SUMMARY OF REPRESENTATIONS:

Eight representations have been received objecting to the application, including a petition with 309 signatures and a petition signed by 23 owners of local businesses, three in support and one letter of representation, which can be viewed in full on the Public Access System on the Council's website. The main planning issues raised are summarised below:

- The proposal would result in the demolition of the Clock Tower, a Listed Building and local landmark and part of Hawick's built heritage. The owner should be made to pay for repairs if the building has been neglected and find a suitable use for it.
- Trees have been felled within the site, which are covered by a Tree Preservation Order.

- The foodstore should not be built near to existing supermarkets and the High Street but in the Galalaw or Weensland areas to provide a shopping experience for outlying Hawick residents.
- The development would impact on small shop owners who are struggling to survive in the current economic climate.
- Adverse impact on the heritage value of the site and surrounding area.
- Potential retail impact and failure to address an identifiable retail deficiency (qualitative or quantitative). The proposal would have a significant impact on the vitality and viability of the town centre and there is no demonstrable benefit from the development.
- Contrary to planning policies contained in the Scottish Borders Consolidated Local Plan Adopted 2011, the Local Development Plan, SPP and SHEP.
- Council studies show that there is no spare grocery retail capacity in Hawick.
- The site is outwith the town centre.
- A discount retailer would not provide a complementary shopping facility but would provide a similar retailing experience to existing stores resulting in an adverse impact on existing retailers contrary to development plan policies ED3 and ED5.
- The application should not be determined until the Reporter's conclusions on the Local Development Plan are published.
- The development would add to the decline in the sustainability and viability of businesses in the town centre and displace customers and jobs from existing businesses without long term sustainable economic benefits to Hawick.
- The site is an edge-of-centre site and is not in line with the sequential test.
- The proposed store would be in the catchment area for existing stores such as Sainsbury, Morrison, the Co-op and Spar. The Retail Impact Assessment does not take this into account.
- Scottish Grocers' Federation believe that there is no spare grocery retail provision in Hawick
- An Aldi store would be positive for Hawick's economy, bringing in shoppers with their associated spending at other outlets, improving the look of the A7 through the town, providing employment and an improved shopping choice.
- The redevelopment of the site would improve the situation for immediate neighbours.
- The removal of a derelict eyesore on a major route would benefit Hawick.
- The creation of new jobs would benefit Hawick.
- The High Street would not be affected by Aldi and competition between the major supermarkets will protect the consumer. Niche operators need to be encouraged to help regeneration, especially with the rise in on-line retailing.
- Internet shopping has affected the High Street and national supermarket chains have had a presence in Hawick for over 20 years and any impact will not be changed by Aldi, they only impact on each other.
- Aldi would keep trade in Hawick that goes to Galashiels and bring new trade into Hawick that would benefit the High Street. There are five convenience retailers in Hawick and another supermarket would not affect those but would be of benefit to the comparison retailers. The proposal would not affect the abundance of banks, charity shops and solicitors and the food outlets, pubs and restaurants would benefit from the additional trade.

• No residential or commercial opportunities exist for this site and to refuse the application would be to ignore the jobs that would be created and to leave the site an eyesore.

• Future Hawick is concerned about the poor state of the High Street, with empty retail units, and the key purpose is to improve the physical state of the High Street, find uses for empty units, create a marketing strategy and bring in footfall. The vacancy rate in the core area is now 25. Since Aldi's survey was carried out more shops have closed. Pedestrian peak flows have fallen. They dispute the Retail Assessment's statement that the overall town centre health check found the centre is performing well. Aldi should contribute funding, should the application be approved, which could be directed towards the aims of Future Hawick, to increase footfall on the High Street.

CONSULTATIONS:

Roads Planning Service: The main road serving this site is a trunk road, and as such, the comments of Transport Scotland must be sought with regards to the junction off Commercial Road and any proposed amendments to the layout of Commercial Road.

With regards to the internal layout of the proposal, I do have some concerns as below:

- The proposed layout proposed will result in service vehicles having to reverse in areas where pedestrians will be moving between the store and car parking spaces. This is not desirable and should be discouraged, particularly when delivery times cannot be controlled.
- Provision for taxis is required.
- Provision for suitably located trolley bays is required to discourage inappropriate abandonment of trolleys.
- With regards to the level of parking, the number of spaces is above the required levels for such a store, 78 overall being considered acceptable.
- All spaces should be a minimum of 2.5m x 5m in size, with disabled and parent/child being larger to accommodate extra space for manoeuvring around the vehicle.
- There are no surface water drainage details provided. These are required to ensure there is no detrimental impact on the trunk road.
- There should be a minimum of 6 covered cycle stands provided.

Re-consultation: Further to my previous comments of 9th March 2015, it would appear that the applicant has not addressed all my concerns:

- The proposed layout still results in delivery vehicles having to reverse in areas where customers are likely to be.
- There is still no taxi provision allowed for.
- There are still no areas within the car-park to accommodate trolleys.
- There are still no drainage details included.

Furthermore, the following points relate to the trunk road but shall still have to be resolved to the satisfaction of both the Council and Transport Scotland:

- There is no tracking indicated for delivery vehicles exiting the site and turning right.
- The widening of a public road would normally require road construction consent. However this may be able to be covered by an agreement being in place between the applicant, the Council and Transport Scotland.

The above matters should all be resolved to the Council's satisfaction prior to any approval being issued.

Economic Development: Our main criterion is the indication of jobs created, lost or protected. We note the contents of the 2009 SPG: Commercial Road Hawick, which recognises the previous uses range from retail, employment, industrial and some residential units. The Development Vision for the area recognises housing, employment (Classes, 4, 5 and 6 of the Use Classes Order) or retailing, subject to sequential test, may be acceptable.

In view of the employment previously generated within this area, we would support a development which would provide the prospect of generating new employment opportunities. Should the food retail development be refused, there may be potential to develop a new high quality office scheme, or/and development within Classes 4, 5 and 6, or non-food retail. The agreement on non-food retailing would only be acceptable providing it does not have a negative impact on vitality and viability of the town centre because of the potential loss of footfall, due to relocation to the edge of the town.

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 is 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.

Hydraulic modelling was produced in the Hawick Flood Protection Scheme Report which demonstrates that the proposed development lies within the 1 in 200 year (0.5%) inundation outlines for the River Teviot and it is anticipated that there will be flood depths of between 2.51- 3.00m.

Having received the updated Flood Risk Assessment undertaken by Terrenus, I have the following comments:

It is noted that information has been provided on the Mill Lade and that it is blocked at both the inlet and outlet and that further backfilling is to be completed.

I would state that as there is no capacity for compensatory storage provisions, there should be no land raising at the site as this would further remove storage capacity. I would also agree with the comments made by SEPA which favour the car parking being left at current levels.

I would also recommend that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

Although public consultation for the Hawick Flood Protection Scheme has been undertaken, this is only anticipated to protect Hawick to a 1 in 75 year flood event. This would not protect the development to the sufficient 1 in 200 year plus climate change return period standard of protection which is a requirement of the Scottish Planning Policy. It would still be required that this flood risk be mitigated if this development is to be approved.

Environmental Health: No information has been provided regarding the plant/equipment that the shop will potentially install. In order to assess this application the applicant must provide the following information:

- List of the refrigeration, air conditioning and any other noise emitting equipment that will be installed. Included on this list should be the noise level as specified by the manufacturer and if there is any tonal characteristic associated with the equipment.
- Depending on the equipment that will be installed then I may require more noise information to be provided or a noise assessment to be carried out.
- Confirm if the retail shop will be cooking or baking any food onsite. If any cooking or baking is to be carried out then details of the ventilation system will need to be provided.
- Confirm time of the earliest and latest delivery to the retail shop.

Re-consultation: The following items were requested:

- A list of the refrigeration, air conditioning and any other noise emitting equipment that will be installed has not been supplied. A noise assessment is required.
- Confirmation of the time of the earliest and latest delivery to the retail shop has not been provided.
- No on-site cooking or baking will occur.

Re-consultation: There is still no confirmation of the delivery times. The response just says two deliveries per day, one during normal opening hours, with no clarification of the time of the other delivery. The agent advises that unloading of the articulated lorry takes 45-60 minutes, if this is early

in the morning or late at night a noise nuisance could occur. Local suppliers will deliver during normal opening hours. If the question is not answerable I would recommend a noise assessment is undertaken.

Noise levels as specified by the manufacturer and any tonal characteristic associated with the equipment are required for the refrigeration, air conditioning and any other noise emitting equipment that will be installed.

Contaminated Land Officer: The application appears to be proposing the redevelopment of land which previously operated as a woollen mill including a mill gasworks. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. It is therefore recommended that planning permission should be granted on the condition that development is not permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

Re-consultation: I have now had an opportunity to review the submitted report. My review comments are attached. Further information is required.

Archaeology Officer: There are archaeological implications that will require mitigation. Specifically, the requirement to record the historic structures on-site prior to demolition to preserve the record of these buildings.

With regard to below ground archaeology, this will be significant and will require a carefully thought out plan for mitigation by a suitably qualified archaeologist with expertise in industrial archaeology. The issues include walls, tanks, wheel pits from the mill and the Wilton mill lead system.

The application presents contradictory recommendations for the below ground archaeology. The Design and Access Statement recommends partial mitigation for the lead system, which would be acceptable. This statement is at odds with the findings of the SI report and suggests the lead system will be retained in situ and backfilled.

In my prior comments I requested: 'the structural survey work as suggested in the Design and Access Statement is undertaken prior to determination and that a report be submitted outlining the results and proposed mitigation that may be needed to either ensure preservation in situ or other measures.'

This has not been taken on board for this application and I reiterate the need to, in this instance, provide the Council with further information clarifying what is proposed for the lead system and to provide proposals for mitigation. The complexity of the site's archaeology, as highlighted in the SI report, requires an archaeological desk based assessment and proposals for mitigation be undertaken by a qualified archaeologist.

The loss of industrial heritage in the Borders has occurred at an alarming rate over the past 20 years. The heritage is of local to regional value, and per Policy BE2, proposals that seek to further erode this non-renewable resource must balance the impacts with either preserving effected assets or mitigating their loss.

I cannot support the proposal as currently submitted given the lack of information pertaining to impacts to buried archaeology.

Landscape Architect: The main issues, in landscape terms, focus on the presentation of the development onto the main street i.e. the Commercial Road frontage and also the physical backdrop to the site. To some extent the main access to the development follows the layout found at the Sainsbury site, with a junction onto the main road with a belt of planting set behind a boundary wall separating the site physically from the street. This works reasonably well. However, the following matters of detail design need to be addressed:

- The south east (street facing) frontage of the store is a blank wall without windows which is given some relief through natural 'site reclaimed' sandstone panels with buff sandstone pillars and basecourse. I am not convinced this is sufficient for the principal frontage. Some additional tree planting to reflect that shown on the southern part of the site by the car park would help reduce the visual dominance of the rectangular store building facing the street.

- The backdrop at the rear is a banking rising up to residential housing on Princes Street. There are a number of trees which have statutory protection and these need to be retained with suitable allowance for Root Protection Areas (RPA) as set out in our Trees and Development SPG and BS5837:2012. The applicant should submit a 'Tree Constraints Plan' in support of the application. This will show the retained trees together with their RPAs and the proposed measures (i.e. fencing) for tree protection during construction. Some supplementary tree planting is also needed at the rear.

- The applicant has not provided detailed hard and soft landscape plans e.g. paving materials, boundary wall details and species composition of planting areas. For a significant development such as this, these matters should be clear before the application is determined.

Re-consultation: It is good to see some windows in the street facing south east elevation shown on the revised drawing.

In relation to the Tree Report, it appears that there has been some unauthorised felling since the report was prepared and trees 279 and 283 are no longer present. It therefore is unnecessary to remove further trees near the Chicken Coops as this would create a large gap in the tree cover. This area should therefore be left alone and the proposed re-planting moved to the area alongside where trees have already been removed. The proposed tree removals at the eastern end of the site (numbers 292, 293, 294 and 295) should proceed.

Soft landscape plans have been provided. These are broadly agreeable. One change that I do request is an amendment to the 8 trees indicated along the main street frontage. These need to be trees of reasonable stature and I propose 8 lime trees, used extensively in street frontages elsewhere. It would also be prudent to allow for 75mm of medium grade bark mulch throughout the planting beds in order to minimise moisture loss and inhibit weed growth. As usual, we should request, as part of the condition, a deadline date for completion notifying the Planning Authority that the works have been completed and are available for inspection.

Subject to the above remarks, I have no objection to the proposal.

Ecology Officer: Adopting the Council's Supplementary Planning Guidance for biodiversity, from the information provided, the proposed development and type of structure proposed for demolition conforms to the type of development requiring a bat survey and breeding bird survey.

Principal Officer (Heritage and Design): The site for the proposed redevelopment was previously occupied by Wilton Mills for nearly 200 years. The buildings, which were listed at category B, ceased to be used and have been incrementally demolished in recent years. The site lies within the Hawick Conservation Area. In general terms I welcome a proposal for the redevelopment of the whole of this site, the condition of which has blighted Commercial Road for many years.

The Design and Access Statement contains information on the history of the site, the economic benefits of the development for a retail supermarket, pedestrian links etc. but only limited information about the design approach taken for the new building and its setting within the Conservation Area.

The supermarket building:

The location of the building on the site is largely dictated by the flooding issue, the north east part of the site being naturally higher. The proposed building is essentially a standard flat roof "box" with mainly solid walls (and some clerestory glazing) on the more visible walls and solid walls to the rear and far end. Sandstone panels have been incorporated on the more visible walls as cladding, but this could be considered merely "wallpaper" on a standard box. I appreciate that the internal plan of a supermarket is fairly fixed on a standard layout to suit the particular operator, but there should be more opportunity externally to ensure that the elevation treatment is a response to a particular location. I am

not against the use of modern materials or contemporary design but the view down on the building from parts of the town as well as from road and pavement level will need to be considered.

There is the opportunity to reuse the stone lettering from the demolished buildings and even to develop this by cutting a date in similar lettering. The clock tower from the building which is proposed to be demolished could be incorporated as a feature, possibly as a "campanile"; the new building could then be more understated. This could also help to allay local concerns about the loss of the clock tower from the town.

The boundary treatment and the external works:

I am pleased to see in the Design Statement that it is intended to form a boundary to the front of the site (the plan shows this to include the return up Wilton Lane) in natural stone recovered from demolition to a height of 1200mm with railings. No detail of this wall is shown and this should be a condition. The boundary treatment to the rear includes some sheet metal piling by the service yard and the boundary treatment to the south west is boarding but there appears to be a substantial return of the boundary wall.

Some boulevard tree planting is shown on the plan, but this seems to be omitted in part from the 3D visuals in front of the building. No information seems to be provided on the surface treatment of the parking, roadways and paving; this can be dealt with by a suitable condition.

There is a note on the layout plan about a "stone entrance" feature at the junction with Wilton Lane, but no details are provided and there is also a note about a signage board by the main entrance but no details. Conditions will be required for these items. An effort should be made to consider re-siting the clock cupola and faces on the site, if not incorporated into the building itself.

No details are shown of the former wheel pit and currently exposed lade system. As a minimum (and subject to LBC), it may be that the wheel pit is carefully infilled (on a separating membrane) and surface paving is used to show the former line and location of the wheel pit. I also consider it necessary to incorporate some form of interpretation board to provide details on the history of the site.

I cannot support the scheme as currently submitted but consider that there is an opportunity to build on these to improve the design quality to an acceptable level within the Conservation Area.

Forward Planning: The current proposals differ from the 2014 application in that the proposed building would have an increased footprint of 1,715sqm as opposed to 1,587sqm. Sales floor area has been increased from 1,145sqm to 1,254sqm. The design and external materials of the proposed building remain constant but the store has been relocated from the south west of the site to the north east with car parking accommodating the south west part of the site. The proposed car parking has been increased by 15 spaces from 86 to 101. The existing Clock Tower building is proposed for demolition.

The comments submitted in my earlier responses of 22 August 2014 and 16 September 2014 remain relevant and I have copied these for ease of reference.

It is acknowledged that the Retail Assessment submitted includes additional supporting information over and above that submitted with the earlier application. However, the proposals continue to be contrary to development plan policy and the aspirations contained within the supplementary planning guidance note. It is accepted that the updated sequential test does not offer any town centre locations that would be appropriate for the proposed end user in terms of availability, suitability and viability. However, Policy ED3 aims to guide new shopping development to town centres in order to protect the vitality and viability of these centres. The proposed class 1 retail development falls outwith the town centre boundary and therefore remains contrary to prevailing development plan policy.

Paragraph 7.14 of the Retail Assessment states that "the unit vacancy level within Hawick town centre currently stands at 12%" which is "lower than the national average which was 13.2% in October 2014". This is not consistent with up to date SBC figures contained within the Summer 2014 Retail Survey. Hawick's retail unit vacancy rate and total floorspace vacancy rate have both shown noteworthy improvement since the winter 2013 survey, which had highlighted Hawick as a town centre which gave cause for concern. The town's retail unit vacancy rate is now 14% (down from 17% in the last audit)

and its total floorspace vacancy rate is down to 10% (from 12% in the last audit). Whilst this is an indication that the town centre is showing signs of recovery, the current vacancy rate is still above the national vacancy rate of 13%.

The Retail Statement does not justify the erection of a discount foodstore on this edge of centre location and does not support the applicant's claims that the development would have a positive impact on the vitality and viability of the town centre. There is no spare capacity to support new stores in Hawick and it is considered that the proposed edge of centre development would have an unacceptable adverse effect on the vitality and viability of this already vulnerable town centre, which is experiencing above average vacancy levels.

The 2013 SBC Footfall Survey for Hawick has recorded rapidly declining footfall over the last six years, down 36% from 9,680 in 2007 to 6,200 in 2013. The survey also recorded a drop of 17% between 2012 and 2013. This succession of decline is causing considerable concern and the patterns of footfall decline are sufficient to warrant continued close attention going forward. It is felt that the proposed erection of a Class 1 retail foodstore in an out-of-centre location as is proposed would further exacerbate this trend and lead to further reductions in town centre footfall, which in turn would have an adverse effect on Hawick town centre vitality and viability.

The existing Clock Tower, a Category B Listed Building is proposed for demolition. As listed buildings are most vulnerable when they are unoccupied, encouragement should be given to appropriate development that would protect the long term active use and conservation of this Listed Building. The proposed loss of the listed Clock Tower building would be contrary to Policy BE1.

The Proposed Local Development Plan (LDP) is currently at Examination with an independent Scottish Government Reporter. Representations have been submitted by the applicant in respect of the proposed Redevelopment Allocation zRO8: Commercial Road on the grounds that the site should be included within the town centre boundary. Part of the redevelopment site zRO8 is shown on the proposed LDP settlement map for Hawick as being located within an extended town centre boundary and it is argued by the Respondent that there is nothing material to distinguish this land from the application site. Also, the Respondent has made representations in respect of policy ED3: Town Centres and Shopping Development and argues that the inclusion of this site within the town centre would increase the ability to deliver viable regeneration of the site and with it, make a positive contribution to the Conservation Area.

The proposed development should not be assessed against proposed LDP policy as this would be premature in advance of the Reporters examination and recommendation. The proposed development must therefore be assessed against prevailing development policy contained within the Consolidated Local Plan. The proposal would be contrary to established development plan policy ED5: Town Centres and policy H3: Land Allocations as well as the Commercial Road SPG as there is no spare retail capacity to support new stores in Hawick and the erection of a store on this edge of centre location would have an unacceptable adverse impact on the vitality and viability of the town centre.

Transport Scotland: The Director advises that conditions relating to the access junction, lighting, frontage landscaping treatment, drainage and the submission of a Travel Plan be attached to any permission the Council may give.

Hawick Community Council: Although it is not ideal to have another discount supermarket located in Hawick, with the adverse effect it will have on the established supermarkets and independent service shops in the town, it would provide improved and more varied customer shopping choice and an opportunity to provide around 30 new jobs. It would encourage more foot-fall into the town with the added benefit that shoppers would also filter on to the High Street and other areas for goods and services.

We would prefer that some of the original stonework to be used as cladding to the elevations of the new building to give character to the structure, as well as re-use of the existing stone lettering incorporated into the building/landscape area. The existing clock tower/roof could be integrated into the proposal as a possible entrance to the area. Information boards and finger-post signage could be erected directing shoppers to the High Street area.

The state of the area as it stands at present, being located on the A7 trunk road between Carlisle and Edinburgh, is not welcoming and is an eyesore and must be improved one way or another to benefit the town.

SEPA: Object on grounds of flood risk. The proposed development may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. We wish to receive evidence that land-raising will be kept to an absolute minimum and car parking will be kept to existing ground levels.

The FRA notes that both the inlet and outlet of the lade structures beneath Wilton Mill have been blocked hence there is no direct connection and the lades will be further in-filled during the development of the site. As such, the risk from the lades to the site can be mitigated.

The FRA notes that surface water will pass quickly and directly to the River Teviot and that the SUDS design will include non-return valves to prevent the River Teviot backing-up. The FRA also notes that the "time to peak for such extreme storm events is considerably longer than that of the site itself and closure of the non-return valves along the watercourse is unlikely to result in a surcharging of the drainage system during the peak storm event." We would stress that, depending on what level the discharge pipe outlet is set at, it may still result in the drainage system being unable to drain during less extreme events.

By land-raising the site to enable development this will permanently remove an area of floodplain storage. As such we cannot support the current proposal as no compensatory storage can be provided for the site.

The proposed floor level of the food store is 102.15mAOD. The inability to offer compensatory storage prevents us from supporting raising floor levels as the site is to be land-raised to enable this. In addition, the Design Statement also mentions that the building occupies a reduced ground area thus providing compensatory storage. We do not accept this statement as our understanding is that the whole site is to be raised and no additional storage is proposed to replace that which will be lost.

APPLICANT'S SUPPORTING INFORMATION:

- Retail Assessment January 2015
- Case Study: Developing Edge of Town Centre Locations - Aldi Stores Ltd, Greenock
- Case Study: Developing Edge of Town Centre Locations - Aldi Stores Ltd, the Stack/Lochee Dundee
- Report of Pre-application Consultation January 2015
- Flood Risk Assessment November 2014
- Design and Access Statement
- Transport Assessment January 2015
- Post Demolition Site Investigation Report March 2015
- Bat and Bird Survey March 2015
- Tree Report and Recommendations
- Tree Constraints Plan
- Trees Survey
- Tree Retention and Replacement Planting

PLANNING CONSIDERATIONS AND POLICIES:

SES Plan Strategic Development Plan 2013

Policy 1B: The Spatial Strategy: Development Principles

Policy 3: Town Centres and Retail

Policy 15: Water and Flooding

Scottish Borders Consolidated Local Plan Adopted 2011

G1: Quality Standards for New Development

G2: Contaminated Land

G4: Flooding

G7: Infill Development

BE1: Listed Buildings

BE2: Archaeological Sites and Ancient Monuments

BE4: Conservation Areas

NE3: Local Biodiversity

NE4: Trees, Woodlands and Hedgerows

ED3: Shopping Development

ED5: Town Centres

H2: Protection of Residential Development

H3: Land Use Allocations

Inf4: Parking Provisions and Standards

Inf6: Sustainable Urban Drainage

Inf11: Developments that Generate Travel Demand

Proposed Local Development Plan 2013

PMD2: Quality Standards

PMD3: Land Use Allocations

PMD5: Infill Development

ED3: Town Centres and Shopping Development

ED5: Regeneration

HD3: Protection of Residential Amenity

EP3: Local Biodiversity

EP7: Listed Buildings

EP8: Archaeology

EP9: Conservation Areas

EP13: Trees, Woodlands and Hedgerows

IS7: Parking Provisions and Standards

IS8: Flooding

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

IS13: Contaminated land

Supplementary Planning Guidance:

Contaminated Land Inspection Strategy September 2001

Guidance on Householder Developments July 2006

Placemaking and Design January 2010

Trees and Development March 2008

Landscape and Development March 2008

Biodiversity December 2005

Commercial Road Hawick February 2009

National Planning Framework 3 June 2014

Scottish Planning Policy June 2014

Scottish Historic Environment Policy December 2011

Planning Advice Notes:

33: Development of Contaminated Land October 2000

52: Planning and Small Towns 1997

59: Improving Town Centres October 1999

2/2011: Planning and Noise

2/2011: Planning and Archaeology

On-line Planning Advice on Flood Risk June 2015

Recommendation by - Julie Hayward (Lead Planning Officer) on 18th December 2015

Site and Proposal

The site is 0.9 hectares and is situated on the north western side of Commercial Road Hawick, within the Conservation Area. There is a hall on the opposite side of Wilton Lane and residential properties within Laing Terrace to the north east, the A7 trunk road (Commercial Road) and River Teviot are to the south east. There is a builder's yard and two dwellinghouses to the south west and a wooded embankment to the north west with residential properties and public open space on Princes Street beyond.

The mill buildings on this site dated back to the nineteenth century. The main High Mill building and former YM RFC Social Clubrooms were demolished in 2014 and two modern buildings relating to the previous use of the site as a Council depot were demolished several years ago. The stone and slate former lodge/outbuilding on the Commercial Road boundary and the Clock Tower building, a three storey sandstone and slate building with a square clock tower, were demolished in December 2015 (Listed Building Consent was granted in October 2015 to demolish the lodge and Clock Tower). The buildings within the site were category B Listed Buildings and were on the national Buildings at Risk Register maintained by the RCAHMS for some years. There are still mill lades and the original wheel pit within the site. The site is currently enclosed by heras fencing and timber hoardings.

The proposal is to erect a Class 1 food retail store on the site to be operated by Aldi. This would be sited in the north eastern corner of the site and would provide 1,720 square metres of gross floor space with a sales area of 1,254 square metres.

The proposed retail store, as originally submitted, would have white rendered panels and reclaimed sandstone for the walls, a flat roof, a grey aluminium canopy on the front entrance elevation and grey polyester, powder coated aluminium windows, doors and shop front.

Following concerns expressed by this Department regarding the design and materials of the proposal and its impact on the Conservation Area, the design has been amended to include a square tower at the front entrance to mirror that of the Clock Tower and a slate canopy on the front elevation. The building would have white and sandstone walls with buff pillars. The windows, shop front and doors would be Anthracite Grey powder coated aluminium.

The existing vehicular accesses onto Commercial Road would be blocked up and a central access would be formed onto Commercial Road to provide access to the store, car parking area and service yard. The service yard would be provided to the rear of the store and 101 car parking spaces would be formed on the south western part of the site.

In terms of boundary treatment, the 1.8m high loose boarded timber fence originally proposed along the north east, south west and rear boundaries has been replaced in the revised drawing by a sandstone wall with metal railings; the stone would be reclaimed from the demolitions within the site. Lettering from Wilton Mills building would be incorporated into the wall at the entrance to the site.

A sheet piling retaining wall would be erected along a section of the rear (north west) boundary. A 3m wide access would be formed onto Wilton Lane for the installation and maintenance of the refrigeration plant to be

sited adjacent to the side (north east) elevation of the building and a pedestrian access path would be formed.

The trees to the rear would be retained, though two were felled without consent earlier in the year. Tree and shrub planting would take place within the site, including trees along the Commercial Road frontage, and a detailed landscaping scheme has been submitted. The ground levels of the site would be raised and the store would have a finished floor level of 101.85m.

Listed Building Consent was granted in November for the infilling of the former mill lade and wheel pit. Contrasting coloured pavements/tarmac will highlight the route of the former mill lade and location of the wheel pit within the car park. Interpretation boards are proposed, though no details of the location, design, dimensions or content have been submitted.

Planning History

93/00766/FUL: Alterations to form function/conference hall. Wilton Mill. Refused 11th January 1994.

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

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

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

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

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

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

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

09/00702/LBC: Demolition of un-used industrial buildings. Wilton Mill. Approved 5th September 2011. Wilton Mill has been demolished.

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

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

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

14/01437/LBC: Demolition of Clock Tower and Gate Lodge. Clock Tower Wilton Mill Commercial Road Hawick. Approved 1st October 2015.

15/00747/LBCNN: Demolition of boundary wall and erection of replacement wall. Former Y M Building Wilton Mill Commercial Road Hawick. Approved 31st August 2015.

15/00971/LBCNN: Infill of former mill lade and wheel pit. Wilton Mill 31 Commercial Road Hawick. Approved 17th November 2015.

Planning Policy

Scottish Planning Policy (SPP) published by the Scottish Government in June 2014 states that planning should support the role of town centres to thrive and meet the needs of residents, businesses and visitors. Planning for town centres should be flexible and proactive enabling a wide range of uses which bring people into town centres.

The planning system should apply a town centre first policy when planning for uses which attract significant numbers of people, including retail. A mix of uses is encouraged to support their vibrancy, vitality and viability throughout the day and into the evening. Decision making should support successful town centres.

A sequential town centre first approach should be adopted for uses which generate significant footfall, including retail. This requires that locations are considered in the following order of preference: town centres, edge-of-town centre, other commercial centres identified in the development plan and out-of-centre locations that are accessible by a choice of transport modes.

The impact of new development on the character and amenity of town centres and high streets will be a material consideration in decision making. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability.

Where development proposals in edge-of-town centre or out-of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable.

Hawick is identified as one of a number of Strategic Development Areas in the SESplan that have been identified as the main focus for future growth. Policy 1B contains development principles and states that Local Development Plans will ensure that there are no significant impacts on the integrity of international, national and local landscape and nature designations, on the built or cultural heritage, in particular Listed Buildings, have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment, contribute to the response to climate change and have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.

Policy 3: Town Centres and Retail states requires Local Development Plans to identify town centres and commercial centres clearly defining their roles, support a network of centres and identify measures necessary to protect these centres including the criteria to be addressed when assessing development proposals and promote a sequential approach to the location for retail proposals.

The site is outwith the town centre, as designated in the Scottish Borders Consolidated Local Plan Adopted 2011. The site is allocated for redevelopment, being the north eastern section of ZRO8, a 7.9 hectare site on Commercial Road. Policy H3 states that redevelopment sites may be developed for housing, employment or retailing, subject to the sequential test. Policy G7 of the Scottish Borders Consolidated Local Plan Adopted 2011 states that within Development Boundaries development on non-allocated, infill or windfall sites, including the re-use of buildings will be approved provided certain criteria are met.

The Council's Supplementary Planning Guidance: Commercial Road Hawick 2009 sets out a development framework for the zRO8 site and outlines options for the suitable development of the entire site, provides a design framework for development that respects the local context and identifies constraints and any developer contributions. The SPG advises that the most likely use for the Wilton Mills site would be residential, given the Listed Buildings on the site, and the redevelopment of the site requires high attention to detail and design to redevelop the Listed Buildings and to enhance the town centre and Conservation Area.

Policy ED3 of the Local Plan requires that proposals for shopping development will be assessed against policies E17 and E18 of the Scottish Borders Consolidated Structure Plan 2001 - 2018. The Structure Plan has now been superseded by SESplan but these policies sought to enhance town centres, with town centres being preferred to edge-of-centre sites, and included criteria by which to assess out-of-centre retail development.

Policy ED3 of the LDP states that the Council will seek to develop and enhance the role of town centres. To protect town centres, town centre locations will be preferred to edge-of-centre locations, which will in turn be

preferred to out-of-centre locations. The policy also contains a list of criteria by which to assess out-of-centre retail development.

Policy ED5 of the LDP seeks the redevelopment of certain sites within settlements, including the Wilton Mills site, and states that development on allocated and non-allocated brownfield sites will be approved where certain criteria are satisfied; these are similar to those contained in policy G7 of the Local Plan.

The Proposed Local Development Plan (LDP) has been through the Examination stage by an independent Scottish Government Reporter. Representations were submitted by the applicant in respect of the proposed Redevelopment Allocation zRO8: Commercial Road on the grounds that the site should be included within the town centre boundary as it would increase the range of land uses that would contribute towards regeneration. The site could function as part of the town centre and it is already well connected to the town centre by a pedestrian only footbridge. The site would offer a natural extension of the town centre and public realm. The proposed extension of the town centre can be justified in anticipation of, and to encourage new land uses that could make a positive contribution to the vitality and viability of the town centre. Part of development site zRO8 is located within the extended town centre boundary and there is nothing material to distinguish this land from the subject site. It benefits from the same edge of town centre status and strong existing pedestrian links to the rest of the town centre. The site is included within the Hawick Conservation Area. The condition of certain buildings on-site is having a negative impact on the character and appearance of the Conservation Area. Inclusion of the site within the town centre would increase the ability to deliver viable regeneration of the site and with it, the potential to make a positive contribution to the Conservation Area. This representation also relates Policy ED3: Town Centres and Shopping Development.

The Planning Authority's view was that Policy ED3 was developed alongside work undertaken for the Council by Robert Drysdale Consultancy on retail capacity. A key finding was that there would be no spare capacity to support new foodstores in Hawick. This finding confirmed previous work undertaken for the Council by Roderick MacLean Consultancy prior to the development of the Sainsbury store on Commercial Road. The Planning Authority concluded that it would be inappropriate to extend the town centre boundary so that further retail development could be accommodated within Hawick. The development of allocation zRO8 would be assessed against relevant Proposed LDP policies and guided by the approved Planning Brief for this allocation. Policy ED5: Regeneration stipulates that SPP encourages Councils to promote opportunities for regeneration for a variety of uses including economic development, town centre improvement and sustainable development. Provided a number of criteria can be met, Policy ED5 aims to encourage the redevelopment of this site for a variety of uses to support the opportunity of bringing such land back into productive use and to enhance the surrounding environment. Therefore, it was submitted that this matter can be adequately dealt with through the provisions of the mainstream policy ED5 and that the insertion of the contributor's proposal is not necessary.

The Reporters' conclusions have now been published. The Reporter states "I believe there to be great merit in securing an appropriate form of development which would benefit the wider townscape of Hawick, and contribute positively to the town centre ambience, the river frontage and, hopefully, restore the listed buildings to meaningful use. Although Wilton Mills Ltd argues that the site offers a logical extension to the town centre, no substantive evidence has been provided to support this contention in terms of a need for further retail floor space. Two retail capacity studies have been commissioned: Hawick Retail Capacity Study 2007 and Scottish Borders Retail Capacity Study 2011. I attach greater weight to the second of these studies as it is more recent and was prepared following the retail development undertaken in the southern part of the Commercial Road development site. The 2011 study regards the town centre retail turnover as more than adequate, suggesting a healthy if not exceptional performance. The amount of convenience floorspace in the town centre is regarded as broadly in balance with the level of expenditure being attracted into the centre. For comparison shopping, the town centre is also believed to be trading at a healthy level. Overall, I do not consider there is a strong argument for the required designation of the Wilton Mills Ltd site as part of the town centre. In reaching this conclusion, I have noted the terms of Policy ED5: Regeneration. The site is identified in the policy as a regeneration opportunity. Although not specified as a Town Centre Redevelopment Opportunity, retail use would not be precluded under the criteria listed under Policy ED5. I accept that under Policy ED3: Town Centres and Shopping Development, town centre locations will be preferred to edge-of-centre locations. Indeed, this is the order of preference set out in Scottish Planning Policy. Together, Policies ED3 and ED5 provide a reasonable basis for considering any future development proposal for the site, including any proposal including a retail component." The Reporter recommends no modifications.

Therefore policy ED3 and ED5 of the Local Development Plan are the most up-to-date Council policies for assessing this application, following approval of the Local Development Plan by Members.

Retail Assessment

The Retail Assessment includes a quantitative and qualitative assessment to demonstrate how the proposal would address deficiency considerations and the sequential approach.

Sequential Approach

Policy ED3 of the Local Development Plan states that in assessing out-of-centre retail development consideration should be given to the availability of suitable town centre or edge-of centre sites; sites should be located within existing settlements and preference will be given to applications on vacant or derelict sites.

The Retail Assessment includes an assessment of sequentially preferable sites based on Aldi's requirements for a new store in terms of the size of the store and operational requirements and considered the availability, suitability and viability of potential sites. It concludes that no sequentially preferable opportunities exist and that the approval of Sainsbury's has confirmed the Commercial Road area offers potential to be considered as a suitable edge-of-centre location for retail development.

The sequential approach undertaken does not identify any town centre locations that would be appropriate for the proposed end user in terms of availability, suitability and viability and also identifies that this is a derelict edge-of-centre site. This is not in dispute. However, SPP promotes a town centre first approach and policy ED3 aims to guide new shopping development to town centres in order to protect town centres. The proposed Class 1 retail development falls outwith the town centre boundary in the Local Plan and LDP

Policy ED3 requires consideration of the ability of the proposal to meet deficiencies in shopping provision.

Quantitative Assessment

The Retail Assessment states that there is some outflow of convenience expenditure from the catchment area that equates to the market share Aldi is seeking, demonstrating a quantitative deficiency. Expenditure outflow outwith the catchment area is estimated at £5.09 million, which equates to 12% of total expenditure in 2018. The Aldi market share expected to be 12% of convenience expenditure available within the catchment which equates to a sales turnover of £5.26 million. The majority of the trade diversion would be from Morrison's, Sainsbury's and Lidl but the impact would not be significant and there would be little trade diversion from the town centre stores and so the proposal would not affect the vitality and viability of the town centre. The report concludes that the proposal has the potential to have a positive impact on the town centre from linked trips due to the proximity to and accessibility of the High Street and North Bridge Street.

The SPG for Commercial Road recognises that in terms of national and local retail policies, the Commercial Road area, especially at its southern end, offers potential to be considered as a suitable edge-of-centre location for retail development. The northern development site however (Wilton Mills), where this application site is located, offers the potential for residential development given the listed buildings on-site, the urban character of the area and the previous use.

The SPG was informed by a retail capacity study for Hawick undertaken on behalf of the Council by Roderick MacLean Associates Ltd (January 2008). This identified that there was potential capacity at that time to promote a small retail park with a discount food retailer or small supermarket/frozen foodstore. Whilst the SPG also stated that there was unlikely to be sufficient convenience expenditure capacity to support a new superstore in the town, it recognised that this was dependent upon the market situation.

Work was undertaken for the Council by Robert Drysdale Consultancy on retail capacity in 2011 which formed part of the Local Development Plan preparation process. Amongst the key findings of the Retail Capacity Study was that, with the exception of Galashiels, there was limited capacity for further retail floorspace in the Borders and no spare capacity to support new foodstores in Hawick. This finding confirmed previous work undertaken for the Council by Roderick MacLean Consultancy prior to the development of the Sainsbury store on Commercial Road.

Since the Retail Capacity Study, a new Sainsbury's Store on Commercial Road has been approved and constructed. Whilst not large enough to be considered a superstore, this new medium sized retail store has taken up any spare retail capacity which previously existed in the town. In fact, the new store exceeds the spare capacity identified by the Roderick MacLean study and referred to in the SPG. Therefore, the Sainsbury's store has taken up any spare capacity rather than setting a precedent for further foodstores along Commercial Road. It is now considered that there is no spare retail capacity to accommodate an additional Class 1 food retail unit within the town.

It is considered that the Retail Statement lacks any detailed assessment or justification of the proposed catchment area for the store. Any inaccuracies in the catchment area boundary would affect the overall convenience expenditure figure for the catchment area, impacting upon the figures for trade draw, trade diversion and turnover of existing stores. The claim that the store will clawback the 12% of expenditure outflow from the catchment area is questionable, with the main impact being to divert trade from the existing similar retailers. The primary causes of the outflow are the two major superstores in Galashiels and other linked trips to the wider retail offer there. This is unlikely to be affected by the relatively small scale development being proposed here, with the effect that the proposal could only directly compete with the existing offer in Hawick.

The figures in the Retail Statement confirm that there is no spare retail capacity in Hawick; Table 2 shows the convenience expenditure forecast for the catchment as £43.0 million for 2015 and Table 4 shows the total turnover within the catchment as £42.96 million, demonstrating that the proposed store will not meet any identified deficiency.

Furthermore, the figures set out in Tables 2 and 3 of the Retail Assessment appear to suggest that the average turnover of existing convenience retail floorspace is already considerably in excess of the available expenditure within the catchment, placing greater pressure on the existing retailers in the town.

The projected turnover for the store seems low compared to company average. This would imply either that the store is not projected to trade well compared with other Aldi stores nationwide (which may be a reflection of limited expenditure capacity in the catchment) or, more likely, that the effect on existing local traders would be more pronounced than suggested in the submitted Retail Assessment.

It is considered that the quantitative need for this store has not been adequately demonstrated by the Retail Assessment and the findings conflict with the Council's own surveys.

Qualitative Assessment

The Retail Statement concludes that the proposal would address qualitative deficiencies; changes in shopping trends mean that shoppers no longer fulfil their needs at a single location but seek access to a wide range of shopping destinations. The store would improve customer choice and complement existing provision at a sustainable and highly accessible location. Changes in food shopping habits and feedback to the applicant's public consultation event suggest that a new Aldi store would help to meet deficiencies in the catchment area.

It is considered that the proposed Aldi store would not provide a complementary shopping facility but would provide a similar retailing experience to existing, competing with stores such as Lidl and Iceland, who already have a presence in the town centre (both of these stores are included in the town centre boundary in the Local Development Plan). It is considered that the store would impact upon existing retailers whilst providing nothing new for customers.

It has not been satisfactorily demonstrated that the proposal would meet identified deficiencies in shopping provision in Hawick.

Impact on the Vitality and Viability of the Town Centre

Policy ED3 requires consideration of the individual or cumulative impact of the proposed development on the vitality and viability of existing town centres.

The Retail Assessment includes a limited town centre health check that concludes that Hawick town centre is performing well. It states that vacancy rates are 12%, below the national average of 13.2% and there is a

decent mix of uses and a good range of national multiple and independent retailers. The report goes on to say that town centre is accessible by a range of transport modes and the environmental quality is excellent. It states that the nature and scale of the retail impact will not lead to any unacceptable impact on the vitality and viability of Hawick town centre. The report concludes that the development would have a positive impact on the town centre by encouraging linked trips with other town centre uses.

The main concern with this application is the impact such a store would have on the vitality and viability of the town centre. Hawick town centre is already in a vulnerable state and even a small impact from the proposed store could negatively impact on existing shops.

The figure within the Retail Assessment on vacancy rates is not consistent with the figures contained within the Council's Retail Survey Winter 2014. Hawick has one of the highest retail unit vacancy rates in the Borders of 16%, compared to 14% in the Summer 2014 survey, and above average levels of vacant floorspace (14%). The overall Scottish Borders retail unit vacancy rate is 12%, a record high.

Hawick's retail unit vacancy rate has shown significant fluctuations over the last five years, twice dropping rapidly to brief lows of 14% before increasing again. The current vacancy rate of 16% is in line with the average figure over the last ten surveys. The town's floorspace vacancy rate is 14%, which is the fourth highest in the Borders. The current vacancy rate is still above the national vacancy rate of 13% and one of the highest in the Borders. There have been recent closures within the High Street, such as Poundstretcher, an outdoors store and WH Smiths, which exacerbates the situation and demonstrates the vulnerability of the town centre in this current economic climate. The Survey concludes that Hawick requires close attention going forward.

No assessment of pedestrian flows is included in the Retail Assessment. The Council's Town Centre Footfall Survey 2014 demonstrates that Hawick experienced the second sharpest decline in footfall ever recorded (-40%). Overall, footfall fell 61% between 2007 and 2014. This is an extreme result which does not conform with previous levels of change. Hawick has recorded rapidly declining footfall for several successive years. The town recorded the previously sharpest decline in footfall in 2013 (-17%), and footfall has been falling in the town for each of the last six years. This succession of large falls in footfall was already of concern and the Council has set out changes to Hawick's town centre planning policies to encourage footfall generating uses. Further monitoring will be required to establish whether the results represent a rapid acceleration of declining footfall. Regardless, the previous patterns of footfall decline are sufficient to warrant continued close attention going forward.

These findings provide clear evidence of the challenges the town centre is facing. The proposed erection of a Class 1 retail foodstore in an out-of-town- centre location as is proposed by this application would further exacerbate this trend and lead to further reductions in town centre footfall, which in turn would have an adverse effect on Hawick town centre vitality and viability. This is significant in the context of the policies, both at national and local level, intended to protect town centres.

The supporting Retail Assessment provides little evidence to justify the erection of a foodstore in this edge of centre location. The proposed store would exceed any spare retail capacity that may exist within the town and the Retail Assessment fails to justify how the proposal would meet the quantitative and qualitative deficiencies in retailing in Hawick. In addition, the Assessment lacks the evidence to support claims that the development would have a positive impact on the viability and vitality of the town centre. The case studies provided in the Retail Assessment to demonstrate the possibility of links trips with the town centre relate to sites in Greenock and Dundee, which do not compare to the situation in Hawick. The location of the site at the northern end of Commercial Road, separated from the town centre by the River Teviot, does not lend itself to the likelihood of linked trips.

Taking into account information the Council has on the health of Hawick town centre it is considered that the erection of a store at this edge-of-centre location would have a significant adverse effect on the vitality and viability of the already vulnerable town centre, which is experiencing above average vacancy levels, decreasing footfall levels and the closure of existing shops and businesses. The proposal would therefore be contrary to Local Plan and Local Development Plan policies and the Commercial Road SPG.

Layout and Design

Policy G1 of the Scottish Borders Consolidated Local Plan Adopted 2011 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 aims and criteria of this policy are reiterated and expanded upon in policy PMD2 of the Local Development Plan.

Policy G7 and ED5 requires that the development does not detract from the character and amenity of the surrounding area; the individual and cumulative effects of the development should be sustained by social and economic infrastructure and should not lead to over-development or "town cramming". The development should respect the scale, form, design, materials and density of its surroundings. These criteria are replicated in policy PMD5 of the Local Development Plan.

A Design and Access Statement has been submitted with the application. This contains information on the history of the site, previous proposals, site constraints and opportunities but little on the design approach taken or the setting of the site within the Conservation Area.

The site is situated in a prominent location adjacent to the River Teviot and A7 trunk road and within the Conservation Area. The High Mill and Former YM Clubhouse buildings have been demolished, though part of the YM building in the north east corner of the site remains. The site is enclosed with heras fencing and hoardings. Much of the rubble from the demolished buildings remains on the site. The Clock Tower, though a category B Listed Building, was vacant for many years and in a state of disrepair; Listed Building Consent was approved for its demolition and this took place in December 2015. The site therefore, is untidy and unsightly and has an adverse impact on the character and appearance of the Conservation Area and wider visual amenities. The condition of the site has blighted Commercial Road for many years and appropriate redevelopment is encouraged.

The proposed store would be positioned in the north east corner of the site on elevated ground to take into account the potential of the site to flood. It is accepted that there are certain constraints on the redevelopment of the site, including an approach access point off the trunk road, flooding and the need for parking and service vehicle access that have dictated the site layout.

The application as submitted was for a standard flat roof "box" with mainly solid walls and some clerestory glazing on the more visible walls and solid walls to the rear and far end. Sandstone panels were incorporated on the more visible walls as cladding, but this was considered as merely "wallpaper" on a standard box. It is appreciated that the internal plan of a supermarket is fairly fixed on a standard layout to suit the operator, but it was considered that the elevation treatment and the standard "box" design did not relate to this particular location or the history of the site. The use of modern materials and a contemporary design could be appropriate in this location but no consideration has been given to views of the site from the road above, the street or other parts of the town, which are important considerations.

It was felt that there is the opportunity to reuse the stone lettering from the demolished buildings and to develop this by cutting a date in similar lettering and the clock tower could be incorporated as a feature, which may also help to allay local concerns about the loss of the clock tower from the town.

Discussions took place with the agent and a revised scheme has been submitted. The building retains its flat roof and has mainly sandstone clad walls, some white render panels and glazing at the entrance with Anthracite Grey frames. A square tower and slate canopy have been added at the front in an attempt to mirror the Clock Tower. No details have been provided of the roofing material.

It was a condition of the Listed Building Consent for the demolition of the Clock Tower that the cupola, clock faces and the carved stone lettering, coursed sandstone and dressed stone details from the Clock Tower building be taken down with care and set aside for incorporation in a feature or use in a new boundary wall within any proposed new development on the Wilton Mills site.

It is accepted that the agent has amended the design and materials as far as possible, taking into account the operational requirements of the store and the site constraints. The design attempts to reflect the Clock Tower on the site and would incorporate re-used sandstone. The design is a significant improvement on what was originally submitted. On balance, the design and materials are considered to be acceptable.

A stone wall built from reclaimed stone recovered from the demolitions and black steel railings would be erected on the boundaries of the site, with reclaimed lettering at the entrance to the site. Steel piling is

proposed to the rear of the store. It was a condition of the Listed Building Consent for the demolition of the final section of the YM building that stone had to be set aside for re-use on site in the construction of any replacement boundary wall, as this contains stonework capable of being reused for boundary treatment and would again help the development to integrate into the site and reflect its history.

No information has been provided on the surface treatment of the parking, roadways and paving; this would need to be dealt with by a suitable condition. Listed Building Consent has been approved for the infilling of the mill lade and former wheel pit. The drawings submitted with the application indicate that contrasting coloured pavements would highlight the location of the mill lade and wheel pit within the proposed parking area and this was a condition of the Listed Building Consent.

Impact on the Conservation Area, Listed Buildings and Visual Amenities

Policy BE1 of the Local Plan states that the Council will support development proposals that protect, maintain, and enhance the 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. Policy BE4 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.

Policy EP7 of the Local Development Plan states that the Council will support development proposals that conserve, protect and enhance the character, integrity and setting of Listed Building and lists criteria to be used in assessing proposals for alterations to Listed Buildings. Policy EP9 states that the Council will support development proposals within or adjacent to Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces.

Listed Building Consent has been granted for the demolition of all the Listed Buildings within the site and for the demolition of the remaining wall of the YM building. All of the Listed Buildings have now been demolished. The buildings have been neglected for many years until they reached a state where renovation was not economically viable and in the case of the YM building, they had become unsafe so that demolition was the only option. The buildings on the site formed part of Hawick's industrial heritage and this neglect is regrettable. However, in terms of this current application, this means that the impact on the Listed Buildings and their setting is no longer an issue.

The site is on the main route through Hawick and so highly visible to residents and visitors. The current state of this derelict and vacant site is harmful to the character and appearance of the Conservation Area. The site is in urgent need of redevelopment and regeneration would be supported, provided an acceptable use can be found. The agent has attempted to improve the design quality of the development to an acceptable level for the Conservation Area. It is considered that the development as proposed could have a positive impact on the character and appearance of the Conservation Area and improve the visual amenities of the area. However, the suggested benefits in terms of the appearance of the site do not outweigh the considerable harm to the well-being of the town centre. Improvements to the site could be achieved by other means without these damaging consequential effects.

Any signage on the store or within the site would be controlled by a condition to protect the appearance of the Conservation Area.

Archaeology

Policy BE2 of the Local Plan requires developers to carry out detailed investigations where development proposals impact on archaeological or historic sites. Policy EP8 of the Local Development Plan states that development proposals which will adversely affect local archaeological assets will only be permitted if it can be demonstrated that the benefits of the proposal outweigh the heritage value of the asset. All proposals that adversely affect such an asset must include an acceptable mitigation strategy.

The Council's Archaeologist advises that there are archaeological implications that will require mitigation. With regard to below ground archaeology, this will be significant and will require a carefully thought out plan for mitigation by a suitably qualified archaeologist with expertise in industrial archaeology. The issues are

the below ground survival of structures, features and objects pertaining to the former mill including walls, tanks, wheel pits and the below ground survival of the Wilton Mill lead system. There are contradictory recommendations for the below ground archaeology in the Post Demolition Site Investigation Report and the Design and Access Statement.

The Archaeologist requires structural survey work to be undertaken prior to determination and a report to be submitted outlining the results and proposed mitigation that may be needed. Further information is required clarifying what is proposed for the lead system and to provide proposals for mitigation. He advises that the loss of industrial heritage in the Borders has occurred at an alarming rate over the past 20 years. The heritage is of local to regional value, and as per policy BE2, proposals that seek to further erode this non-renewable resource must balance the impacts with either preserving effected assets or mitigating their loss. He cannot support the proposal, given the lack of information pertaining to impacts to buried archaeology.

No additional information or clarification has been provided by the applicant in respect of the Council's Archaeologist's concerns.

The Listed Building Consent for the demolition of the Clock Tower includes a condition that the building is subject to a historic building recording exercise before and during demolition as a way of mitigating its loss. The Listed Building Consent for the infilling of the wheel pit and mill lade includes a condition that no development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Historic Structure Survey to record this feature of historic interest. A condition also requires details of a scheme of on-site interpretation for the wheel pit and mill lade system to be submitted, approved by the Planning Authority and then implemented as part of any redevelopment of the site.

It is considered that similar conditions could be attached to any planning permission for this proposal requiring full investigation of the site before the development commences, mitigation and interpretation as part of the development. This would partly satisfy the Council's Archaeologist's concerns.

Flooding

SPP states that the planning system should promote a precautionary approach to flood risk from all sources taking account of the predicted effects of climate change, flood avoidance by safeguarding flood storage and conveying capacity and locating development away from functional flood plains and medium to high risk areas. Flood risk should be assessed and natural and structural flood management measures undertaken and increased surface water flooding should be avoided through requirements for Sustainable Drainage Systems (SUDS) and minimising the area of impermeable surface.

To achieve this, the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

Local Development Plans should use the following flood risk framework to guide development:

- Little or no risk: annual probability of flooding less than 0.1% (1 in 1000 years). No constraints.
- Low to minimum risk: annual probability of flooding 0.1% and 0.5% (1:1000 to 1:200 years). Suitable for most development.
- Medium to high risk: annual probability of flooding greater than 0.5% (1:200 years). May be suitable for commercial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan.

Where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water-resistant materials and construction should be used where appropriate. Land raising should only be considered in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area. Compensatory storage may be required.

A flood risk framework should be applied to development management decisions. Flood Risk Assessments (FRA) should be required for development in the medium to high category of flood risk.

Further advice is contained within the Scottish Government's On-line Planning Advice on 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.

Policy IS8 of the Local Development Plan advises that as a general principle, new development should be located in areas free from significant flood risk and developments will not be permitted if it would be at significant risk of flooding or would materially increase the probability of flooding elsewhere. The ability of flood plains to convey and store flood water should be protected.

The site is 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 (medium to high risk).

A Flood Risk Assessment (FRA) has been submitted with the application. This advises that the finished floor level of the store is above the peak water level during the 1 in 200 year storm event but the entire site would be inundated. Flood proofing measures are proposed and pedestrian access/egress is proposed into Wilton Lane to ensure that people can leave the site. The original buildings on the site had a combined area of 4000 square metres whereas the store would be 1500 square metres with the car park being raised occupying 2,200 square metres. This results in a loss of storage capacity of 2,100 square metres. Peak water levels on the site would not vary significantly between the pre and post development scenarios (30mm) and the report concludes that the development is likely to have a neutral impact on site neighbours.

SEPA objects to this planning application on the grounds of flood risk as the proposed development may place buildings and persons at flood risk contrary to Scottish Planning Policy. Land-raising the site to enable development will permanently remove an area of floodplain storage and no compensatory storage can be provided for the site. SEPA would not support land-raising on site without the provision of compensatory storage and would prefer the retaining of the car park on existing ground levels and keeping any land-raising to an absolute minimum. They do not accept the statement that the proposed building would occupy a reduced ground area thus providing compensatory storage as the whole site is to be raised and no additional storage is proposed to replace that which will be lost.

The Council's Flood Protection Officer advises that as there is no capacity for compensatory storage provisions, there should be no land raising at the site as this would further remove storage capacity; the car parking should be left at current levels.

The flood protection scheme for Hawick is still in its early stages and the SPP discourages development in a medium to high flood risk area where there is no flood protection scheme in place or planned. This scheme is only anticipated to protect Hawick in a 1 in 75 year flood event, which would not protect the development to the sufficient 1 in 200 year plus climate change return period standard of protection which is a requirement of the SPP. The Flood Protection Officer requires that this flood risk be mitigated if this development is to be approved.

The Planning and Building Standards Committee approved planning permission for the erection of 24 flats on this site in September 2010, though this application was later withdrawn. SEPA objected to this planning application in principle on the grounds of flood risk. They advised that their preferred land use at this site would be commercial and industrial rather than residential and recommended that the layout of the development site be revised with the proposed flats, which are a sensitive land use, located in the lowest risk area and the car parking and less sensitive land uses located in the higher risk areas. The access and egress for the site was also a concern as the site plan shows the only site access was directly from Commercial Road. The indicative flood map shows that this access and egress route would be cut-off during peak flows.

This Department felt that there were significant environmental and economic considerations regarding the successful development of this site for the benefit of the surrounding area and Hawick. The site has been identified as a regeneration area for a number of years, the Local Plan and SPG reaffirming that requirement. There have been other developments in this area that have been approved with a SEPA

objection in place, notably the erection of twelve townhouses in Victoria Road Hawick and the Sainsbury supermarket in Commercial Road Hawick. The proposed building occupied a greatly reduced ground area than the buildings to be demolished, which would provide some compensatory storage, and the Finished Floor Level of the building had been raised to 101.15m AOD in line with the predicted 1 in 200 year flood level. On this basis, the proposal was supported.

Planning permission was granted for the Sainsbury's store in Commercial Road (09/00622/FUL) with an objection from SEPA in place. SEPA objected on similar grounds to this current application, as compensatory storage was not feasible and the degree of land raising would increase the flood risk to neighbouring developments. The FRA for that application concluded that the flood extent would not be increased, only the depths of flooding in areas that will already flood. The applicants' engineer is contended that there were no significant impacts on other properties and there was no justification for compensatory storage areas even if that were possible within a restricted urban brownfield setting. This Department concluded that, on balance, the increased flood risk to other properties had not been demonstrated to be sufficiently significant or "material" to substantiate a reason for refusal. In addition, there are few domestic properties affected within the area of increased water levels and those that are can only expect very minimal increases. There were also significant environmental and economic considerations regarding the successful development of the site in a manner consistent with other policy aspirations for the site and its surroundings.

The FRA submitted with this current application states that the peak water level during a 1 in 200 flood event is between 101.8m OD and 102.0m OD. The finished floor level of the store has been raised to 102.15m OD and the car park level has also been raised in the south west part of the site. The FRA states that the proposal would have a neutral impact on peak water levels of 20mm during a 1 in 200 flood event, though no allowance has been made for climate change. Therefore, the main issue is displacement and the impact of the development and land raising on neighbouring properties. There are two dwellinghouses to the south west of the site and those on Laing Terrace to the north east, on higher ground. The FRA concludes that there would be a 30mm increase in peak water levels during a 1 in 200 year flood event and that the development would have a neutral impact on site neighbours.

It is considered that the increased flood risk to neighbouring properties, commercial and residential, has not been demonstrated to be significant enough to substantiate a reason for refusal on flood risk grounds and there are limited numbers of residential properties in the surrounding area that would be affected by the minimal increase in flood water.

The use of the site for a more sensitive development, residential flats, has been accepted by the Council in the past. Similar arguments in respect of that residential development can be applied to this current application. SEPA would prefer commercial development on this site rather than residential.

However, as matters stand the flooding issue remains unresolved and if planning permission were to be approved for the development following a local review, the application would have to be referred to the Scottish Government for their clearance or call-in.

Access, Parking and Road Safety Issues

Policy G7 and ED5 requires that an adequate access can be achieved. Policy Inf4 and policy IS7 of the Local Development Plan require development proposals to provide for car parking in accordance with the Council's adopted standards. Policy ED3 of the Local Development Plan requires a consideration of the proposal in terms of the impact on travel patterns and car usage and the accessibility of the site by a choice of means of transport.

Policy Inf11 deals with developments that generate travel demand and the Council is committed to guiding development to locations which are accessible to bus corridors and which maximise the opportunities for walking and cycling. The site is situated on the A7, a major route through Hawick and the Borders. There is a bus route along Commercial Road, making the site accessible by car, taxi and public transport. There is a pedestrian bridge over the River Teviot to the south east providing access on foot from the southern side of the river. The site is therefore accessible to all forms of transport.

A new access would be formed from the A7 trunk road to the customer parking area and for service deliveries. Detailed draws of the proposed access with a visibility splay of 4.5m by 70m and the right turn

lane within the trunk road have been submitted. A total of 101 car parking spaces are proposed. A Transport Assessment was submitted with the application.

Transport Scotland has no objection subject to conditions relating to the access junction, lighting, frontage landscaping treatment, drainage and the submission of a Travel Plan being attached to any permission the Council may give.

The Roads Planning Service raised concerns initially regarding the conflict between service vehicles and pedestrians, provisions for taxis, covered cycle stands and trolley bays. Parking levels were considered to be acceptable, though all spaces should be a minimum of 2.5m x 5m in size, with disabled and parent/child being larger to accommodate extra space for manoeuvring around the vehicle.

Revised drawings were submitted but these did not resolve the Roads Planning Services' concerns. The Roads Planning Service has discussed the layout with the agent and arrived at ways to address the outstanding issues. The Roads Planning Service still has issues with the potential conflict between customers and delivery vehicles using the same access and not being separate within the site but the agent has advised that the layout will not be changed. The agent has agreed to remove the pedestrian crossing at the service yard, change the parking at the top of the access road to staff only and construct these in a different material to view overcome this concern. He was also agreed to provide taxi bays, trolley bays and covered cycle stands.

An amended drawing is still awaited to incorporate these details. Without an amended drawing the Roads Planning Service is still of the opinion that the application cannot be supported. Even with an amended plan, the Roads Planning Service is still likely to still have concerns regarding conflict with delivery vehicles. Revised drawings and/or conditions would be required to resolve these outstanding issues.

Impact on Residential Amenities

Policy G7 of the Local Plan and policy ED5 of the Local Development Plan state that the development should not result in any significant loss of daylight, sunlight 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. This is replicated in policy HD3 of the Local Development Plan. Advice on light and privacy is contained within the Supplementary Planning Guidance: Guidance on Householder Developments July 2006.

The site is situated within an area of mixed uses and this includes residential properties. There are houses to the north east in Laing Terrace, the closest being no.3, whose side elevation is 4m from the site boundary and 12m from the store. There are properties on Princes Street to the rear of the site but these are some distance away, on higher ground separated by mature trees. There are two houses to the south west; these are 5m from the site boundary and 70m from the store.

The site accommodated the High Mill, Clock Tower and YM Building, all tall, large scale buildings once in industrial use. In terms of residential amenity the proposal would not significantly harm the light or privacy of the occupiers of these properties and there would be no worsening of the situation compared to when the site was in industrial use.

Refrigeration plant is proposed for the elevation adjacent to Laing Terrace. Environmental Health has assessed the proposal in respect of noise from deliveries. Information submitted by the agent suggests that there will be two deliveries a day during normal opening hours and the unloading of the articulated lorry takes between 45 and 60 minutes. Environmental Health advises that deliveries early in the morning or late at night can cause a noise nuisance. They request a condition restricting delivery times to the store to protect residential amenity.

Insufficient information was provided by the agent regarding the plant/equipment that the store will potentially install and so Environmental Health requested additional information regarding refrigeration, air conditioning and any noise emitting equipment and associated noise levels. In terms of smell nuisance, Environmental Health requested information on on-site baking and cooking and ventilation equipment. The agent submitted additional information on noise emitting equipment and mitigating measures and Environmental Health was consulted on this. They responded that they still require information on delivery

times and the tonal characteristics of the equipment to be installed so that a noise assessment can be made.

To date adequate information to satisfy Environmental Health has not been submitted and so details of the refrigeration, air conditioning and any noise emitting equipment and associated noise levels should be controlled by a planning condition. The agent has confirmed that there will be no cooking or baking of any food on-site.

It is expected that the car park and store will have external lighting, though no details have been provided. Environmental Health has requested a condition that requires details of the location, height, design, sensor, and luminance of the proposed external lighting to be submitted to ensure that the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and roads.

Contamination

Policy G2 of the Local Plan states that where development is proposed on land that is contaminated or suspected of contamination the developer will be required to carry out any necessary site investigations and assessments to identify the actual or possible significant risk to public health or safety, or to the environment, including possible pollution of controlled waters that arise from the proposals and to undertake effective remedial action to ensure that the site is made suitable for any new use, in scale with planning permission given for that particular use. The aim of this policy is to allow for development on potentially contaminated sites but in a manner that ensures that the re-use and restoration of such a site is made possible without any risk to public health and safety of the environment. Policy IS13 of the Local Development Plan also requires site investigations and risk assessments and appropriate remedial measures.

Environmental Health advises that application appears to be proposing the redevelopment of land which previously operated as a woollen mill including a mill gasworks. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

A Site Investigation Report was submitted by the agent and the Council's Contaminated Land Officer was re-consulted; he requested clarification on certain aspects of the report and additional information, which has not been submitted. Therefore a condition is required that that development is not permitted to start until a site investigation and risk assessment has been carried out and any mitigation strategy is submitted to and agreed by the Planning Authority.

Trees and Landscaping

Policy NE4 of the Local Plan seeks to protect trees from development. Policy G1 requires appropriate boundary treatments and hard and soft landscaping works to help integration with the development's surroundings. Policy EP13 of the Local Development Plan states that the Council will refuse development that would cause the loss or damage to the woodland resource unless the public benefits of the development outweigh the loss of landscape, ecological, recreational or historic value.

The trees within the site are protected within the Conservation Area. The agent has submitted a Tree Survey and Constraints Plan, details of tree retention and replacements and a planting plan for the street frontage. The Council's Landscape Architect notes that it appears that there has been some unauthorised felling since the report was prepared and two trees shown in the Tree Report have been removed. He feels that it therefore is unnecessary to remove further trees near the Chicken Coops at the rear of the site as this would create a large gap in the tree cover. This area should be left untouched and the proposed re-planting carried out in the area where the two trees have already been removed. The proposed tree removals at the eastern end of the site (four trees) would be acceptable. This can be controlled by a condition.

The soft landscape plans are broadly acceptable. Eight trees proposed along the main street frontage need to be trees of reasonable stature and eight lime trees are preferred. This would be an aphid-free form of lime tree used extensively in street frontages elsewhere. A condition would require the submission of a revised planting scheme and this should include a deadline date for completion, notifying the Planning Authority that the works have been completed and are available for inspection.

Natural Heritage

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. Policy EP3 of the Local Development Plan states that development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development outweigh the value of the habitat for biodiversity conservation.

This is a brownfield site and the Council's Ecology Officer advises that the buildings proposed for demolition conform to the type of development requiring a bat survey and breeding bird survey. Bat and bird surveys were submitted with the Listed Building Consent applications for the demolition of the High Mill, Clock Tower and gate lodge and appropriate conditions were attached to these consents. No such surveys were required as part of this proposal. Precautionary measures can be taken when the trees to be felled to the rear of the site are removed to ensure no breeding birds or bats are disturbed and the applicant can be made aware of this by way of an informative.

Drainage

Policy G7 of the Local Plan and policy ED5 of the Local Development Plan require that adequate access and servicing can be achieved, taking into account water and drainage. Policy Inf5 requires direct connection to the public sewerage system for foul water drainage and Inf6 requires a Sustainable Urban Drainage System for surface water drainage.

The application form states that the development would connect to the main sewer for foul water drainage but no details of the surface water drainage have been submitted. The FRA advises that a SUDS scheme will be designed for the site to accommodate surface water drainage.

Details of the surface water drainage are also required to ensure there is no detrimental impact on the trunk road. SEPA advises that this development will require two level of treatment for all hardstanding areas including roads and comments from Scottish Water, the Local Authority Roads Department and Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues. The scheme should be designed to ensure it can cope with storm events.

A condition would require the submission of the SUDS scheme and its approval by the Planning Authority in conjunction with SEPA, Scottish Water and the Flood Protection Officer.

REASON FOR DECISION :

The proposal is considered to be contrary to policy ED3 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policy ED3 of the Local Development Plan 2013 in that there is insufficient capacity in Hawick for another foodstore, as the excess capacity has been taken up by the Sainsbury's store, and so it is considered that there is no quantitative need for the proposed foodstore. The submission has failed to identify a qualitative need for the store as the proposal would not provide a different retail offer from existing foodstores in the town and would compete with existing retailers. It is considered that a retail store on this edge-of-centre site would have a detrimental impact on the vitality and viability of an already vulnerable town centre. Any suggested benefits arising from the redevelopment of a derelict site do not outweigh these significant implications for the town centre.

It is accepted that the proposed land raising and finished floor level of the proposed store would prevent the site from flooding and the displacement would not result in a significant increase in flood levels at neighbouring properties to warrant refusal of the application on flooding grounds.

The outstanding issues regarding the site layout, landscaping, archaeology and noise generating equipment can be dealt with by suspensive conditions.

Recommendation: Refused

- 0 The proposal is contrary to policies H3 and ED3 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policy ED3 of the Local Development Plan 2013 and Supplementary Planning Guidance: Commercial Road Hawick 2009 in that there is no spare retail capacity to accommodate a Class 1 foodstore in Hawick and the quantitative need for the proposed foodstore has not been adequately substantiated. In addition, the submission has failed to identify a qualitative need for the store as the proposal would not provide a different retail offer from existing foodstores in the town. As a result, a retail store on this edge-of-centre site would have a direct detrimental impact on the vitality and viability of an already vulnerable town centre.

"Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling"

GVA James Barr



Document 3
Letter from
Chief of
Planner to
Heads of
Planning

Directorate for the Built Environment
Jim Mackinnon, Director and Chief Planner

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Heads of Planning

29 July 2011

Dear Colleagues

Local Review Procedures

The issue of whether, or not, reviews by Local Review Bodies (LRBs) should be conducted by means of a full consideration of the application afresh (De Novo), or whether they are solely a review of the appointed officer's decision has been raised regularly by delegates of the Local Review Body forum.

By way of clarification and in the interests of consistency, Annex A sets out the Scottish Government's position on this matter and confirms that the 'de novo' approach should be adopted in determining cases brought before LRBs.

I hope this information is helpful in setting out the Scottish Government's position on this particular matter.



Jim Mackinnon
Chief Planner



Background

1. The Local Review Body Forum has discussed the decision making role of the local review body (LRB). Some planning authorities believe that the LRB is required to review the delegated decision which was taken by an officer of the authority whilst others believe that the LRB must consider the merits of the planning proposal afresh, bearing in mind the development plan and all material considerations (the 'de novo' approach). This was also raised at the various stakeholder events that contributed to the Scottish Government's one year review of planning modernisation¹.

Consideration

2. Although termed a 'review' the decision of the planning authority when acting as the local review body is still the decision of the authority on a planning application and the same considerations would apply to the factors that require to be taken into account when making a decision as they would in the case of a first determination.
3. Section 37(2)2 requires the planning authority to have regard to the provisions of the development plan and other material considerations. Section 43A (5) makes it clear that requirements to have regard to the development plan and any other material consideration remain in place. In addition section 43B (2) makes it clear that the requirement to have regard to the provisions of the development plan and other material considerations is unaffected.
4. Section 43A does not contain the same wording as section 48(1) - which sets out that Scottish Ministers (when dealing with an appeal) may deal with the application as if it had been made to them in the first instance - but it is the Scottish Government view that it is not necessary to state this because the application was made to, and is being determined by, the planning authority.
5. The planning authority have powers under section 43A (15) to reverse, vary or uphold a determination made by a planning officer. These mirror the powers of Scottish Ministers on appeal.

Conclusion

6. The consideration of an application by an LRB is in effect consideration of an application by the planning authority and should be treated accordingly. The Scottish Government therefore considers that, based on the above argument, the 'de novo' approach should be adopted in determining cases brought before LRBs.
7. This approach is also consistent with the approach to appeals adopted by DPEA. Consistency of handling of cases regardless of whether they are determined by LRB or DPEA would, in our view, promote confidence in the planning process.

Scottish Government
29 July 2011

¹ <http://www.scotland.gov.uk/Topics/Built-Environment/planning/modernising/progress/DMReview>

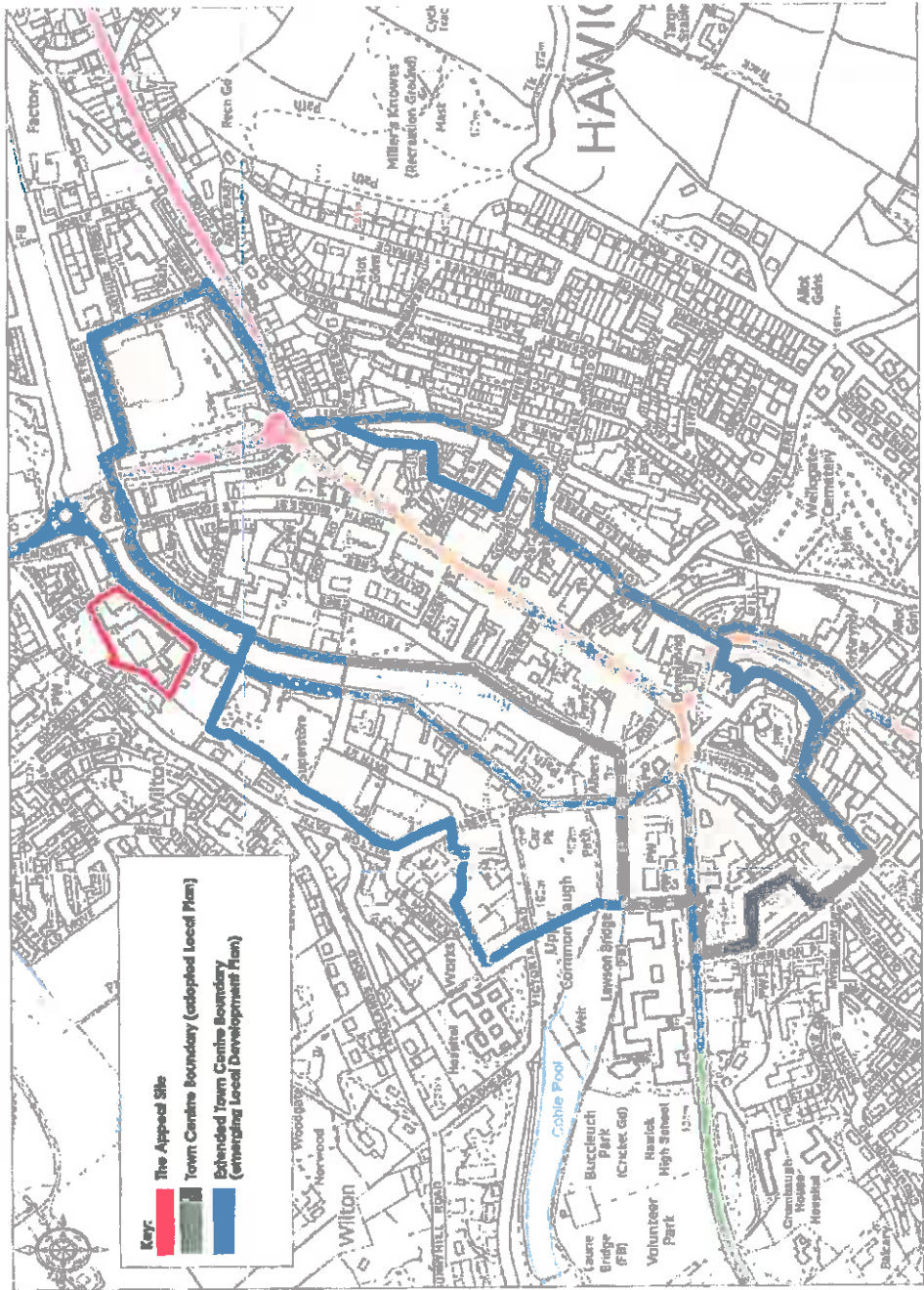
² References to sections refer to sections of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.



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Document 4
LDP town
centre
boundary plan





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Document 5
Listed building
consent
14/01437/LBC

PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) (SCOTLAND) ACT 1997

Town and Country Planning (Listed Buildings & Buildings in Conservation Areas (Scotland) Regulations 1987

Application for Listed Building Consent

Reference: 14/01437/LBC

To : Wilton Mills Ltd per Aitken Turnbull Architects Ltd 9 Bridge Place Galashiels Scottish Borders TD1 1SN

With reference to your application validated on 6th January 2015 for Listed Building Consent under the Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997 for the following development:-

Proposal : Demolition of Clock Tower and Gate Lodge

at : Clock Tower Wilton Mill Commercial Road Hawick Scottish Borders

The Scottish Borders Council hereby grant Listed Building Consent in accordance with the approved plan(s) and the particulars given in the application and subject to the conditions on the attached schedule imposed by the Council for the reasons stated :-

**Dated 1st October 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 14/01437/LBC

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
AT2342-LOC-01	Location Plan	Approved
AT2342-LBC-EX-01	Existing Layout	Approved
AT2342-LBC-EX-02	Existing Elevations	Approved
AT2342-LBC-01	Planning Layout	Approved
	Photos	Approved

REASON FOR DECISION

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

SCHEDULE OF CONDITIONS

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

- 5 A method statement for demolition to be submitted to and approved in writing by the Planning Authority before the demolition commences. The demolition of the gate lodge and Clock Tower then to be completed in accordance with the approved statement unless otherwise agreed with the Planning Authority.

This is to include:

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

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

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

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

Reason: To protect protected species within the site.

FOR THE INFORMATION OF THE APPLICANT

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD

Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – 0800 800 333

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of the appeal should be addressed to The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997

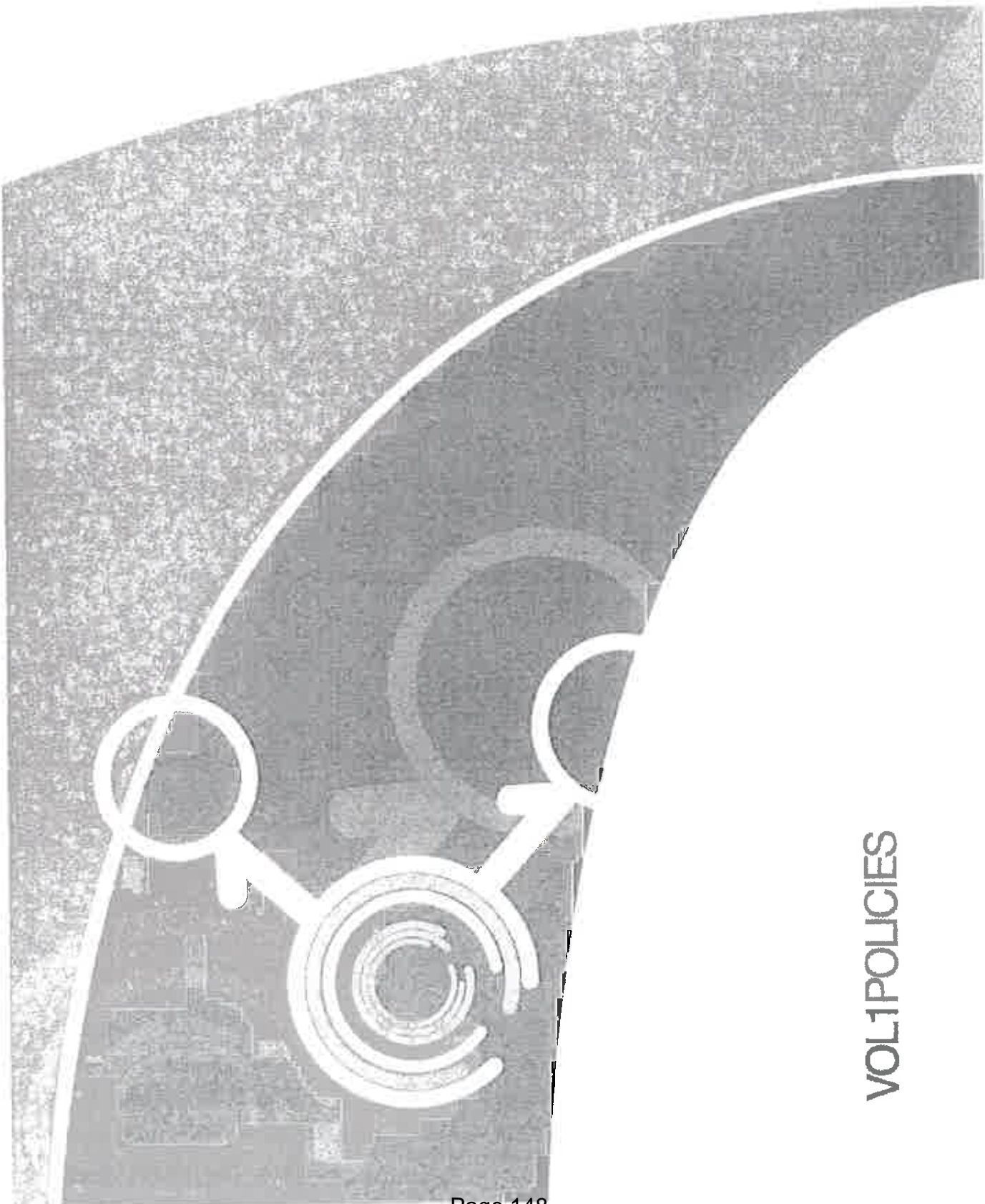
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Document 6
Local Plan
extracts



Scottish Borders Consolidated Local Plan

ADOPTED 2011



VOL1POLICIES

PRINCIPLE 1

SUSTAINABILITY

This Local Plan is founded upon the basic premise of supporting and encouraging sustainable development in accordance with the New Ways Environmental Strategy, the Council's Environmental Action Plan and the need for action on climate change. It also takes account of the provisions for Strategic Environmental Appraisal as set out in the Environment Assessment of Plans and Programmes (Scotland) Regulations 2004. As a result, all the policies contained within the Plan should be read against Principle 1.

PRINCIPLE 1

Sustainability

In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan's policies and which developers will be expected to incorporate into their developments:

1. The long term sustainable use and management of land.
2. The preservation of air and water quality.
3. The protection of natural resources, landscapes, habitats and species.
4. The protection of built and cultural resources.
5. The efficient use of energy and resources, particularly non-renewable resources.
6. The minimisation of waste, including waste water and encouragement to its sustainable management.
7. The encouragement of walking, cycling and public transport in preference to the private car.
8. The minimisation of light pollution.
9. The protection of public health and safety.
10. The support to community services and facilities.
11. The provision of new jobs and support to the local economy.
12. The involvement of the local community in the design, management and improvement of their environment.

POLICY G1

QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality and conform with sustainability principles designed to fit with Scottish Borders townscapes and to integrate with the landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with and respects the character of the surrounding area, including its streets, roads, and other built form;
2. It can be satisfactorily accommodated within its site;
3. It retains or provides for natural, historic or historic which are important to the identity or individuality of the area or makes provision for adequate mitigation or replacements;
4. It creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles and does not exclude appropriate contemporary and/or modern design;
5. In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix 4;
6. It incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with the surroundings and the wider environment and to meet other specific requirements. In some cases, agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance;
7. It provides open space that wherever possible, links to existing open spaces and that it is in accordance with current Council standards, including preparation of an up to date open space strategy and local standards. In some cases and developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance;
8. It provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with the surroundings;
9. It provides for linkages with adjoining built-up areas including public transport, connections and provision for accessibility and safe paths and cycleways, linking where possible to the existing path network. Green Travel Plans will be encouraged to support more sustainable travel patterns;
10. It provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance;
11. It provides for recycling, re-using and composting waste where appropriate;
12. It is of a scale, form, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building;
13. It is finished externally in materials, the colours and textures of which complement the historic quality of architecture in the locality and which are an extension or alteration to the existing building;
14. It incorporates, where required, access for those with mobility difficulties;
15. It incorporates, where appropriate, construction and security measures in accordance with current guidance on designing our crime.

Developers may be required to provide design statements, design briefs or landscape works in accordance with the standards.

POLICY G4 FLOODING

As a general principle, new development should be located in areas free from flooding in flood risk development areas. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of floodplains to convey and store floodwater should be protected.

Proposals for the development of land where there is evidence of flood risk that has been the result of unanticipated planning applications, historical land use allocation or the introduction of new information on flood risk, must give consideration to ensure any such FRA is managed in accordance with the principles set out in the Risk Framework provided in the Scottish Planning Policy (SPP) or any subsequent government guidance which supersedes it.

In particular, within certain defined risk categories, particularly where the risk is greater than 10% annual flooding probability or 1 in 200 year flood risk, which will normally be the case for seasonal flood plains, some forms of development will generally not be acceptable. These include:

1. Development of prime essential civil infrastructure including schools, emergency services and telecommunications;
2. Additional built development in already developed areas;

Development of prime essential civil infrastructure will be subject to an assessment of the risk and mitigation measures.

DW (p)ers will be required to provide, including if necessary at outline stage:

1. An appropriate flood risk assessment and/or drainage assessment in support of the application; and
2. A report of the measures that are proposed to prevent and minimise the flood risk.

The information used to assess the acceptability of development will include:

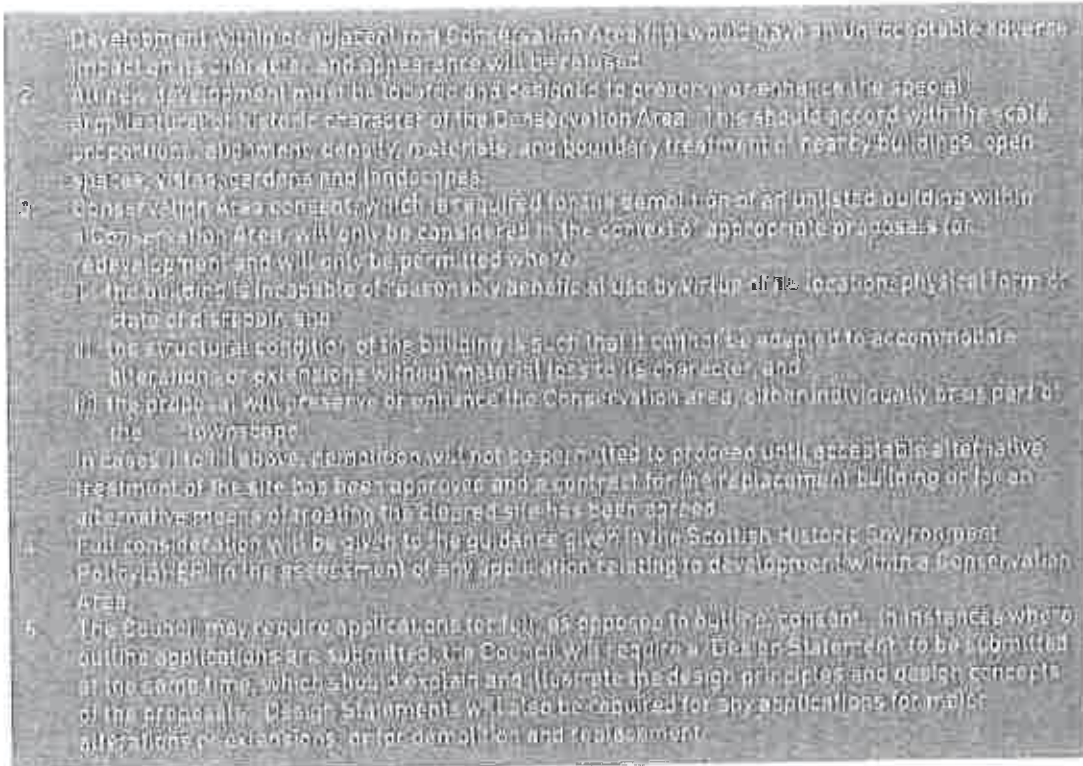
1. Information and advice from consultation with SEPA and where appropriate the FURB (Flood Risk and Advice Group);
2. Flood risk maps provided by SEPA including, when available, the second generation flood maps which will indicate the extent of the flood plain;
3. Historical records and flood studies held by the Council and other agencies, including past flood risk assessment reports carried out by consultants and unfiled comments from SEPA held by the Council.

JUSTIFICATION

This policy is intended to discourage development from taking place in areas which are, or may become, subject to flood risk. Where some level of risk may be acceptable, it also provides for development to be designed such as to minimise it. The policy provides guidance to developers on the information that will be expected to assist in determining applications. Current information does not allow a comprehensive and consistent application of the risk framework but this will be refined over time. The approach is to act reasonably using the best available up to date information.

A competent Flood Risk Assessment (FRA) should include hydrological analysis, hydraulic analysis (as required) and associated survey data. Most FRAs would include any mitigation proposals, eg landraising and compensatory storage. SEPA's Policy 41, SEPA - Planning Authority Protocol Development at Risk of Flooding: Advice and Consultation, includes minimum standards for FRAs and should be read in conjunction with Reporting Requirements For Flood Risk Assessments which are available on SEPA's web site.

POLICY BE4 CONSERVATION AREAS



JUSTIFICATION

The aim of the policy is to preserve or enhance the character or appearance of Conservation Areas. Conservation Areas make a unique and irreplaceable contribution towards the character and quality of the Scottish Borders, and, as such, must be protected from inappropriate development. The policy aims to subject applications for demolition to scrutiny such that in cases where the building is of value, demolition should be a last resort and only considered after all the alternatives have been evaluated, regardless of the quality of the replacement. The current use of the building will be considered and the efforts made to seek alternative uses. In cases where the value of the building is limited, re-use may be of less importance and replacements of suitable quality may do more to enhance the Conservation Area.

'Development' includes alterations to existing property. Where an Article 4 Direction is in place, certain defined developments that would normally be 'permitted' under the legislation will require an application to be submitted.

Decision making will be guided by supplementary information, particularly Design Statements which provide a tool by which the design principles and design concepts of the proposals may be illustrated.

The legislation defines Conservation Areas as 'areas of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance' (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Conservation Areas have evolved over many years and in some instances innovative or contemporary architecture can be appropriate.

POLICY ED3 SHOPPING DEVELOPMENT

Proposals for new shopping development, including changes of use to a shop will be assessed against Structure Plan policies E17 and E18

STRUCTURE PLAN POLICY E17

In assessing applications for retailing development, both for food and non-food shopping, the Council will seek to support and enhance the role of town centres. Town centre locations will be preferred to edge-of-centre locations which, in turn, will be preferred to out-of-centre locations. An out-of-centre location will only be considered favourably if there is no suitable site available in a town centre or edge-of-centre location.

STRUCTURE PLAN POLICY E18

The Council will have regard to the following considerations in assessing any application for out-of-centre retail development:

- (i) the individual or cumulative impact of the proposed development on the vitality and viability of existing town centres,
- (ii) the availability of a suitable town centre or edge-of-centre site,
- (iii) the ability of the proposal to meet deficiencies in shopping provision which cannot be met in town centre or edge-of-centre locations,
- (iv) the impact of the proposal on travel patterns and car usage,
- (v) the accessibility of the site by a choice of means of transport,
- (vi) the location of the proposal. Sites will be located within existing settlements and, within them, preference will be given to applications on vacant or derelict sites, or on sites deemed to be surplus to requirements.

JUSTIFICATION

The aim of the policy is to guide new shopping development to town and village centres and thereby help protect and enhance the vitality and viability of these centres, particularly the defined centres in the larger settlements shown on the Proposals Maps. A 'sequential test' ensures that the first preference for retail development is given to town centre sites, followed by edge-of-centre sites and only as a last resort, out-of-centre sites. Retail impact assessments will be used to guide decision-making. This principle is in accordance with Scottish Planning Policy (SPP) which sets out policy for town centres and the key uses, particularly retailing, which contribute to their economic growth.

The policy is aimed at new shopping development, rather than the protection of existing shopping uses which is dealt with in other policies.

Depending on the size and location of development, many other policies may be relevant in assessing applications.

Key policies to which this Policy should be cross-referenced:

Policy ED4 Prime Retail Frontage

Policy ED5 Town Centres

Policy Inf11 Developments that Generate Travel Demand

Policy H2 Protection of Residential Amenity

Policy BE5 Advertisements

Policy G7 Infill Development

Policy G8 Development outwith Development Boundaries

Policy D1 Business, Tourism and Recreational Development in the Countryside

Policy ED1 Protection of Employment Land

Policy G1 Quality Standards for New Development

POLICY H3 LAND USE ALLOCATIONS

1	Development will be approved in principle for the land use allocated on the Land Use Proposal Tables and accompanying Proposal Maps.
2	Development will be approved where any Council approved planning or development brief including where this has been prepared by developers, provided it meets the requirements for the site and its availability has been confirmed in writing by the Council.
3	Sites proposed for redevelopment of mixed use may be developed for housing, employment, leisure, retail and other uses for food or retailing, subject to the requirement that a mix of uses that could include community facilities and open space depending on the location of the site, the needs of the community and the delivery of any alternative uses. Redevelopment sites may be developed for mixed use.
4	Sites proposed for commercial redevelopment will comprise appropriate town centre uses within Classes 1-4 of the Use Classes Order.
5	Any other use on allocated sites will be refused unless the developer can demonstrate that: <ul style="list-style-type: none"> (i) it is an improvement on the proposed use and in the case of proposed housing development it still enables the site to be developed in accordance with the indicative capacity shown on the Land Use Proposal Table and/or associated planning briefs; or (ii) there is a constraint on the site and no reasonable prospect of its becoming available for the development of the proposed use within the Local Plan period; or (iii) the alternative use offers a significant community benefits that are considered to outweigh the need to maintain the original proposed use; and (iv) the proposal is otherwise acceptable under the criteria for mixed development.

JUSTIFICATION

This policy applies to all the allocated land use proposals as shown on the tables within each Settlement Profile and as illustrated on the proposals maps. The aim of the policy is to ensure that sites allocated in the Local Plan are developed for their intended use and that justification is provided for an alternative use. This is important because the housing sites are needed to meet the Structure Plan Housing Land Requirement and employment sites have been identified to meet identified shortfalls in supply. Examples of the types of uses that might be considered to offer significant community benefits and that could justify an exemption could include a health or sporting facility, school or employment use.

The redevelopment sites are those identified through the Local Plan process but are not intended to represent a comprehensive picture of all the potential opportunities. Classes 1-4 of the Use Classes Order intended for the commercial redevelopment area identified in Galashiels comprise shops, financial and professional services appropriate to a town centre, food and drink and offices and light industry. Employment includes Class 4 and also Class 5 (general industry) and Class 6 (storage and distribution).

Development of housing sites will be guided by Planning Briefs, taking into account the requirements of the Scottish Government's Planning Advice Note (PAN) 44, (Fitting New Housing Development into the Landscape). The development of sites identified for redevelopment (normally brownfield sites) and mixed use (normally greenfield) will be guided by Development Briefs. The Council is progressing a programme of planning and development briefs which, following consultation and Council approval will become Supplementary Guidance and a material consideration in determining planning applications. In some cases, developers may choose to prepare their own briefs and provided these meet the standards employed in the Council-prepared briefs, these will normally be acceptable.

Key policies to which this Policy should be cross-referenced:

Policy G1 Quality Standards for New Development which covers the provision of open space in new development.

Policy G4 Flooding (and Settlement Profiles)

Policy G7 Infill Development

Policy ED1 Protection of Employment Land

Policy G8 Development outwith the Development Boundary.

Policy NE1 International Nature Conservation Sites

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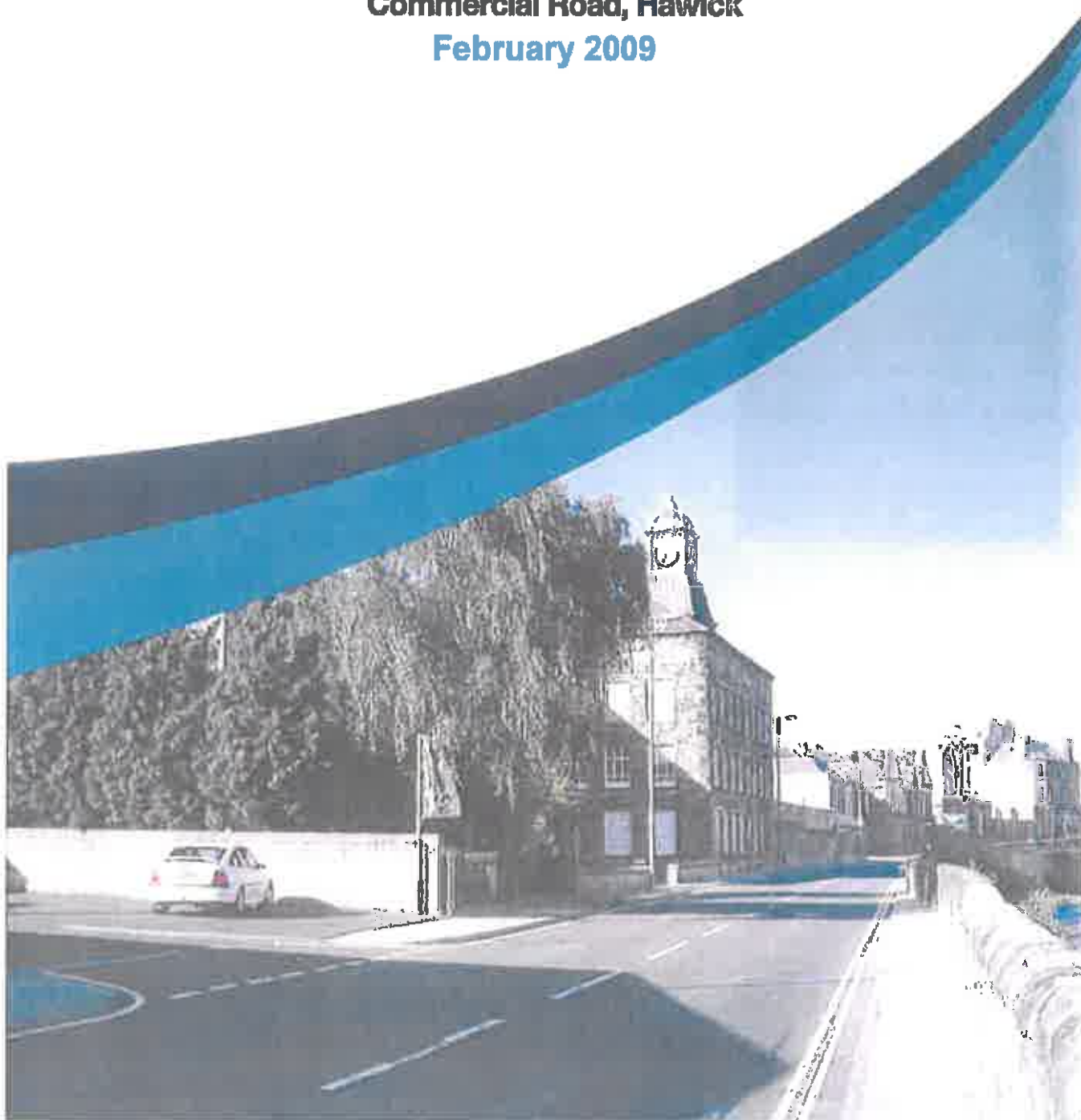
Document 7
Commercial
Road SPG



Scottish Borders Local Plan

Supplementary Planning Guidance

Commercial Road, Hawick
February 2009



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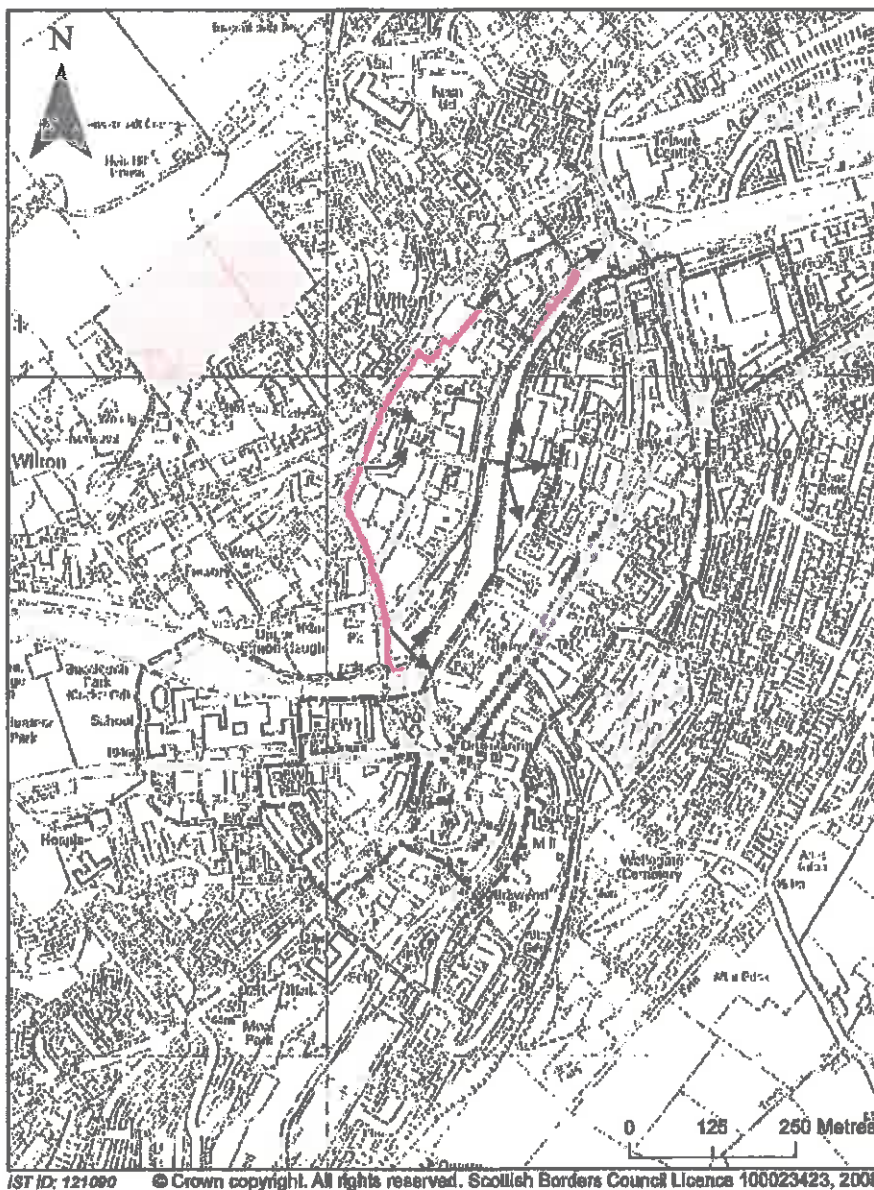
1. Introduction

- 1.1** This development framework relates to site zRO8 Commercial Road. The site is allocated as a redevelopment opportunity in Scottish Borders Local Plan (2008). The framework aims to:
- outline options for the most suitable development of the site,
 - provide a design framework for development that respects local context,
 - identify key constraints for the redevelopment of the site,
 - identify anticipated requirements for developer contributions.
- 1.2** The framework should be read in conjunction with appropriate national and local planning policy and advice issued by the Scottish Government and Scottish Borders Council. Relevant policies are listed in Appendix 1.
- 1.3** Hawick is also highlighted in the approved Structure Plan as an area prioritised for regeneration (Principle S3 Development Strategy).

2. Site Description

- 2.1** The redevelopment site is located on Commercial Road to the west of Hawick town centre. Hawick is the biggest town in the Scottish Borders and the population was 14,800 at Census 2001.
- 2.2** The northern part of the site is part of the town's Conservation Area and includes listed buildings at:
- Wilton Mill – Grade B
- Further listed buildings are included in the redevelopment site but are located outside the Conservation Area:
- 24 Commercial Road, Shorts of Hawick – Grade C(S)
 - 16-20 Commercial Road, Turnbull & Scott Engineers – Grade C(S)
- 2.3** The mills and warehouses along the River Teviot demonstrate the strong connections between the development of Hawick, its industrial past and the weaving and textile industry.
- 2.4** Most of the study area is flat land a few metres above river level. Towards the north-west boundary the site rises steeply so that the Princes Street boundary is in excess of 10 metres above the adjoining land. The steep slope with a prominent tree line creates a natural boundary to the west. The eastern boundary runs along the trunk road A7 and the River Teviot.
- 2.5** The character of the study area is largely determined by the river and by its history of industrial development and by the proximity of the town centre on the opposite bank. The river, clock tower at Wilton Mills and the town hall are the main landmarks and focal points in and around the town centre.

Fig. 1 - Local Context
 For illustrative purposes only



Key

- zRO8 Redevelopment Site (FLP)
- Town Centre (FLP)
- Conservation Area (FLP)
- Housing (FLP)
- Employment Land Safeguarding (FLP)
- Prime Retail Frontage (FLP)
- Main Vehicular Route
- Existing Footpath
- Listed Building

- 2.6 The river margin has retained or reverted to a softer greener character, after the initial use of the river for industrial purposes, with a number of planted trees and areas of riparian willow. The extent of the tree cover is shown in Appendix 4 – Background maps. In 2005 a Tree Preservation Order (SBC32) was created to protect most of the existing tree cover along the elevated north-west side of the site
- 2.7 Surrounding open spaces include;
- The Little Haugh
 - Common Haugh
 - River Tevlot
 - Wilton Churchyard
- 2.8 Hawick has an urban feel and the area surrounding and including Commercial Road and the area along the River Tevlot has strong links with the town's industrial history. The principal materials used in the town are sandstone and whinstone.
- 2.9 The northern part of the site was first developed for mills during the mid 19th century and the southern part, the Under Haugh, was developed during the late 19th century (see Appendix 4). By the time of the 1921 Ordnance Survey, the entire area had been built up with the street and building pattern that is still recognisable today.
- 2.10 The allocated site is 7.9 hectares and the existing buildings range between one to three and a half storeys. Current uses range from retail, employment, industrial and some residential units. Lidi, Bruce Motors, J. & R. Elliot Ltd. and Thornwood Motors are some of the companies that are located within the allocated site. A number of buildings, mainly on the northern part of the site, are currently vacant. See Figure 1 for more details.

3. Development Vision

- 3.1 The site is allocated as a redevelopment site, and Policy H3 in the Scottish Borders Local Plan states that a redevelopment site may be developed for: "housing, employment (classes 4, 5 and 6 of the Use Class Order) or retailing, subject to sequential test, or a mix of uses that could include community facilities and open space depending on the location of the site, the needs of the community and deliverability of alternative uses. Redevelopment sites may be developed for a single use."
- 3.2 The main challenges for the development are to address issues and opportunities in the SWOT analysis in table 1.

Table 1 SWOT analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> • Close to town centre • Redevelopment will enhance western part of town centre • Existing listed buildings can be retained and enhanced • Development can respond to current pressure on housing market 	<ul style="list-style-type: none"> • Some of the existing buildings are in poor condition • Current activities need to relocate/fit into overall development • Limited capacity for high value convenience retail development.
Opportunities	Threats
<ul style="list-style-type: none"> • Revitalise and regenerate the local area • Improve connectivity to town centre • Provide commercial and/or residential opportunity in Hawick • Use capacity within Hawick area for small scale food retail/non-food retail • Use and enhance riverside and adjacent greenspace • Improve links to Little Haugh • Redevelop existing listed buildings • Mitigate potential flood risk • Large parts of the area included in the framework are currently controlled by one party 	<ul style="list-style-type: none"> • Flooding constraints on site • Poor design • Development market changes

3.3 The main aims for the development are:

- Revitalise and regenerate the local area.
- Improve planting along the riverside to provide a cohesive thematic regime.
- Protect and improve the tree line at the western boundary to create an effective backdrop to the site.
- Take advantage of the river location in terms of views and linking open space.
- Improve public transport links and create new links for pedestrians and cyclists.
- Create a tree lined boulevard along the footpath through the site.

- Consider the character of the surrounding area for any development.
 - Mitigate potential flood risk associated with the site.
- 3.4 Although the existing character of the area is largely urban, industrial and semi derelict in places, the river presents a significant opportunity for landscape improvement. The listed buildings in the northern part of Commercial Road should be redeveloped in such a way that they contribute not only to the Commercial Road area but to the wider riverside townscape within the Conservation Area.
- 3.5 The site overlooks the River Teviot and the open space at Little Haugh on the eastern side of the river and must therefore achieve a high quality design standard. Improved links with the town centre are important to enable interaction between the site and other parts of Hawick. Pedestrian and vehicular links should be provided to adjacent sites (see Figure 2). Existing facilities (e.g. hundred steps) must be retained or replaced to the Council's satisfaction. Links are also required to Bath Street, Underdamside, Princes Street and Wilton Lane/Laing Terrace. Account should also be taken of existing facilities (e.g. Victoria Bridge and James Thomson Bridge) when considering any new layouts.
- 3.6 The site should be developed in a way that the site can be linked with neighbouring existing uses (see Figures 3 and 4) and landscaping should be used to soften boundaries, to give a strong framework to vehicular and pedestrian circulation and car parks, and to incorporate the development with the green back drop and open space in the vicinity.
- 3.7 This site provides a key section in enabling the creation of a tree lined boulevard along Commercial Road. This would also apply to future development along the length of Commercial Road.

Potential Concepts

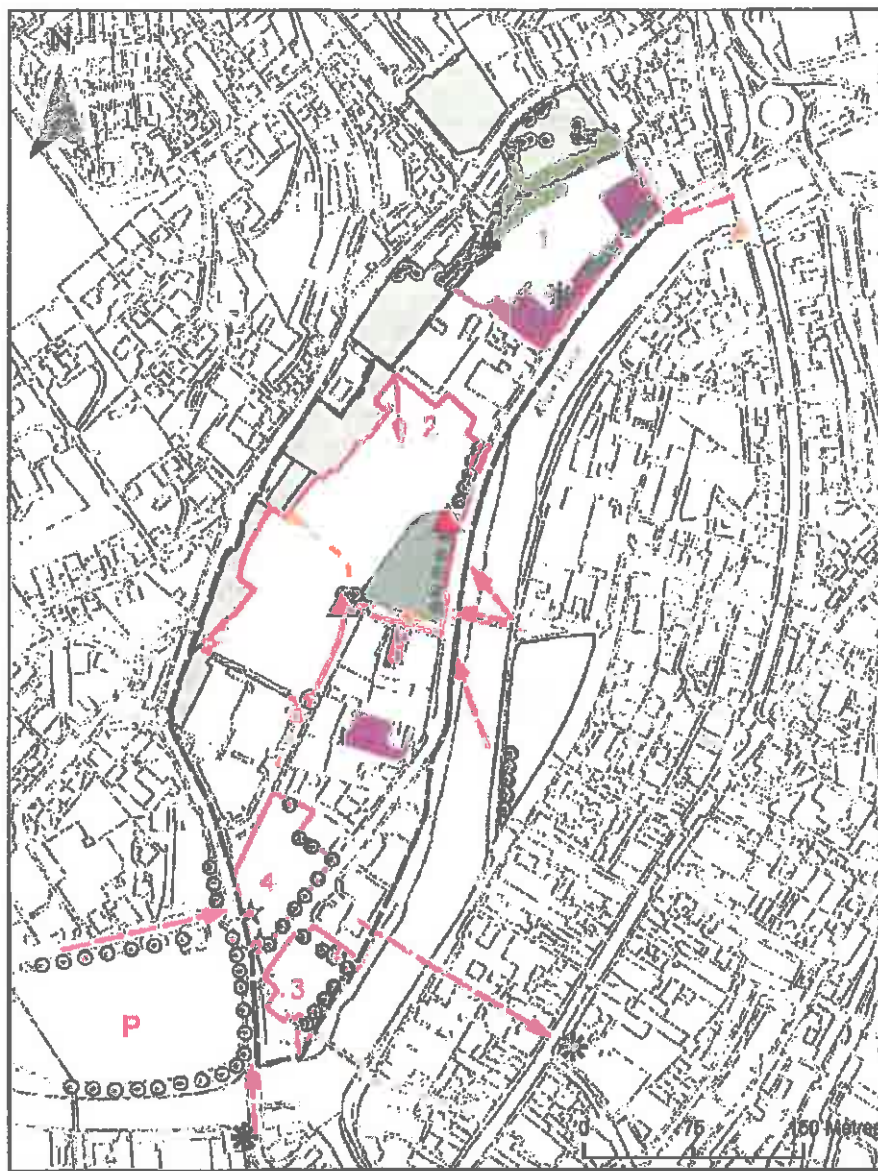
- 3.8 There are a number of possibilities for development of this site. Two potential concepts are presented in this development brief (see Figure 2 for details):
- Residential development.
 - Mix of residential and commercial development.
- 3.9 The main components of the development vision for the site are to revitalise and redevelop the area through development of residential areas or a mix of residential and retail/business uses to enhance not only the site but also Hawick town centre. Improved greenspaces, links to and through the site and careful redevelopment of listed buildings together with carefully considered design and layout are key to achieving a successful development. Measures taken to mitigate flood risk on the site are also of key concern for development of the site.

Residential

- 3.10 Residential or a mix of residential and commercial development would be of benefit to the allocated area and also positively impact on the town of Hawick. The town has been experiencing pressure in terms of housing demand. National house building companies have expressed increased interest in the town during the last few years and housing development is ongoing on a number of sites and includes the recent redevelopment of the former BT tower overlooking the River Teviot for flats.

Fig. 2 - Development Vision - Redevelopment Sites 1 - 4

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Key - Existing Features

- zRO8 Site
- Listed Building within zRO8
- Open Space
- Wood/Scrub
- Hedge
- Landmark
- Key View
- Footpath

- Vehicular Gateway
- Tree

Key - Proposed Features

- Development Opportunity
- Potential Open Space
- Potential Vehicular Access
- Proposed Tree
- Landmark/Key Site

Commercial

- 3.11 A recent retail capacity study concluded that there is likely to be insufficient convenience expenditure capacity to support a new super store development in Hawick. This is however dependent upon the market situation, and the potential for future food and non-food shopping on the site would require to be justified to the Council by appropriate up to date analysis, including a retail impact assessment. There is considered to be potential capacity to promote a small retail park, with inclusion of a discount food retailer or small supermarket/frozen food store and retail discount warehousing. Market testing at the outset is strongly recommended.
- 3.12 The above conclusions are supported by a recent land valuation (November 2007) of different land uses in the area.
- 3.13 In addition, it is possible that other commercial opportunities such as office use may arise and this can be considered in the context of the overall vision for the area.

Access and Parking

- 3.14 The Council's 'Standard for Development Roads' should serve as a guide for the form of layout on the site, but should be flexible enough so as not to inhibit the design of an innovative layout, which is less dominated by cars and which respects the landform and character of the area. The Council embraces the concept of PAN 76 on 'New Residential Streets' which promotes an informal system of well connected streets with natural traffic calming by design (including building lines, squares, shared road surfaces etc) and equal priority given to all transport modes such as passenger transport, walking and cycling. Pedestrian routes within the sites should be linked with the local footpath network.
- 3.15 A Transport Assessment will be required for the redevelopment of the area. This may highlight off-site works that shall be required to ensure the surrounding road network can cater for the level of development and associated traffic. These works may be on the trunk road and/or those roads maintained by the Council.
- 3.16 Any development proposals should consider the trunk road (A7) along the south-eastern boundary and maintain or enhance the safe and efficient passage of through traffic along the trunk road. SPP 17 states that 'Direct access on to strategic roads should be avoided as far as practicable' and that 'there is a general presumption against new motorway or trunk road junctions. The Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated'.
- 3.17 The development framework identifies opportunities to reduce or improve existing junctions and direct accesses along Commercial Road within the site boundary which is welcomed by Transport Scotland.
- 3.18 Assessment of transport for any type of development on the site should consider the hierarchy of transport modes as in SPP 17 Planning for Transport and address the general policy requirements on location and travel generation in paragraphs 50 and 51 in SPP 17.
- 3.19 Transport Scotland need to be consulted on any changes to layout of the trunk road. Public transport shall also have to be taken into consideration with any development, with appropriate bus lay bys being provided. The Council's Transport section will be involved with any discussions relating to bus services

and requirements once the nature of the development is confirmed. The section will confirm what works or contributions are required.

- 3.20 For retail/business development in particular, allowance must be made for service/delivery and emergency vehicles. Service vehicle access and turning should be separate from customer access wherever possible. Depending on the level of any development, more than one access into the development shall be required. Where the development is housing, construction consent shall be required for part if not all of the roads/footpaths/parking areas. The road widths, gradients and horizontal geometry shall all be dependant upon the level and nature of the development. All access and layout issues need to be discussed jointly with the Roads Department and the Planning Department and also with Transport Scotland if relating to the trunk road.
- 3.21 Parking levels should be as detailed in the Councils Standard for Development Roads and Local Plan and depend on type of housing development. For retail/business development, parking levels shall be based upon floor area of the units and the type of development proposed. Sheltered and safe cycle racks will be required.

4. Potential Development Concepts

- 4.1 The potential concepts share the main aims for the development (see section 3). Key potential concepts are outlined below and in Figure 3-5.
- 4.2 Residential development on redevelopment site 1, at Wilton Mills, redevelopment site 2 at the central parts of Commercial Road and southern redevelopment sites 3 and 4 aim to:
- Contribute to growing demand for attractive housing in Hawick, and
 - Achieve high quality and design standards to improve the local area
 - Connect the residential area with existing areas including the town centre
 - Create excellent living conditions through improved pedestrian links and open space as well as mitigate flood risk.
- 4.3 A mixed development would contain a residential element at Wilton Mills and the central and southern parts of the site have the potential to be redeveloped for residential or commercial uses. The main aims for development including retail are to reduce leakage from the Hawick catchment area and to reduce shopping-related travel.

5. Potential Concept for Redevelopment Site 1 (Wilton Mills)

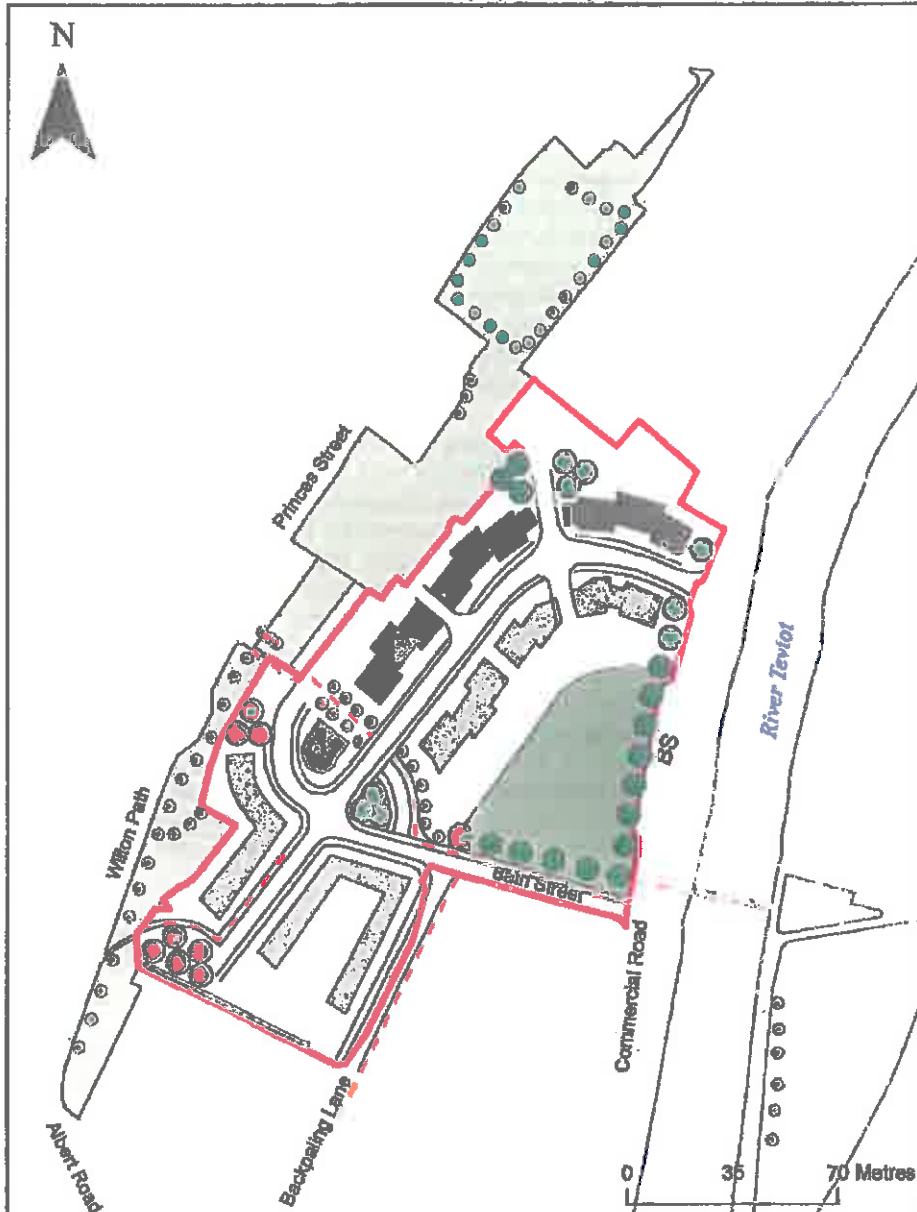
- 5.1 The northern development site includes a number of listed buildings, and is most likely to be developed for residential use. The redevelopment of the site requires high attention to detail and design to redevelop the existing listed buildings to the satisfaction of the Council and Historic Scotland and to enhance the town centre and the Conservation Area. Existing features can be reused as design features in a development. Redevelopment of this site will also need to consider the proximity to the town centre and river, the urban character of the area and the previous use.

6. Potential Concept for Redevelopment Site 2 (Central)

a) Residential concept

- 6.1** A number of different layouts can be considered for residential development on the central site. The preferred option is to locate open space at the front of the site mirroring the Little Haugh open space on the eastern side of the river. This would tie in with the tree lined boulevard along Commercial Road and assist in addressing flood risk. A pedestrian path would also connect the green backdrop of the site and the open space at the front. This layout would create an attractive and soft frontage to the river and link existing and new green spaces. In this option the housing would be to the west of the site on the higher parts of the site. Topography has to be taken into account in any development and residential development should take advantage of the views and recreational opportunities that the river offers. Any development proposal should include detailed proposals for access and entrances, planting and lighting and take account of implications for road safety. Planting should enhance the riverside and create a green corridor along the river. The layout in Figure 3 is illustrative of this concept.
- 6.2** The central location, urban character and the existing buildings encourage a medium to high density development of three to four storeys and a variety in height and scale is needed to ensure optimisation of views without diminishing the tree line as a backdrop. Housing development should consider the local character and the industrial history of the area. The tree lined boulevard along the development and the river should together with open space and play area create focal points and a sense of place in the development.
- 6.3** Internal layout should take into account PAN76 and promote low traffic speeds and limit dead mileage. Direct, safe and attractive links are required to public transport routes and public transport pick-up/drop-off facilities. Retaining and improving pedestrian links to the Hundred Steps are crucial to link the site to the town centre and other adjoining sites. A pedestrian friendly, safe, convenient, attractive and overseen link including parking surveillance from end windows is required from the steps to the Teviot bridges. See details in SPG 'Designing out Crime'.
- 6.4** Parking is required to be integrated into the landscape form of the site. For residential development parking should be contained within the built area and thereby maintain the environmental quality of the site.
- 6.5** Parking should be achieved onsite and at the back of the housing blocks to maintain a green frontage to the river and the parking levels shall comply with Council Standards for Development Roads and the Local Plan and depend on the type of housing development. A Transport Assessment will be required to identify essential improvements, for example a right hand turning lane on Commercial Road.
- 6.6 Access and Links:**
- Access recommended from Commercial Road and prospective public road past Lidl
 - A pedestrian and/or vehicular link is needed to prospective public road past Lidl to Albert Road
 - If Bath Street were to be closed, a turning area may be required depending on design layout.

**Fig. 3 - Potential Concept for Residential Development
Redevelopment Site 2**
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Key			
	Development Opportunity		Footpath
	Flats (4 Storeys)		Hedge
	Flats (2/3 Storeys)		Road Layout
	Wood/Scrub		Tree Planting
	Open Space		Bus Stop
	Proposed Open Space		

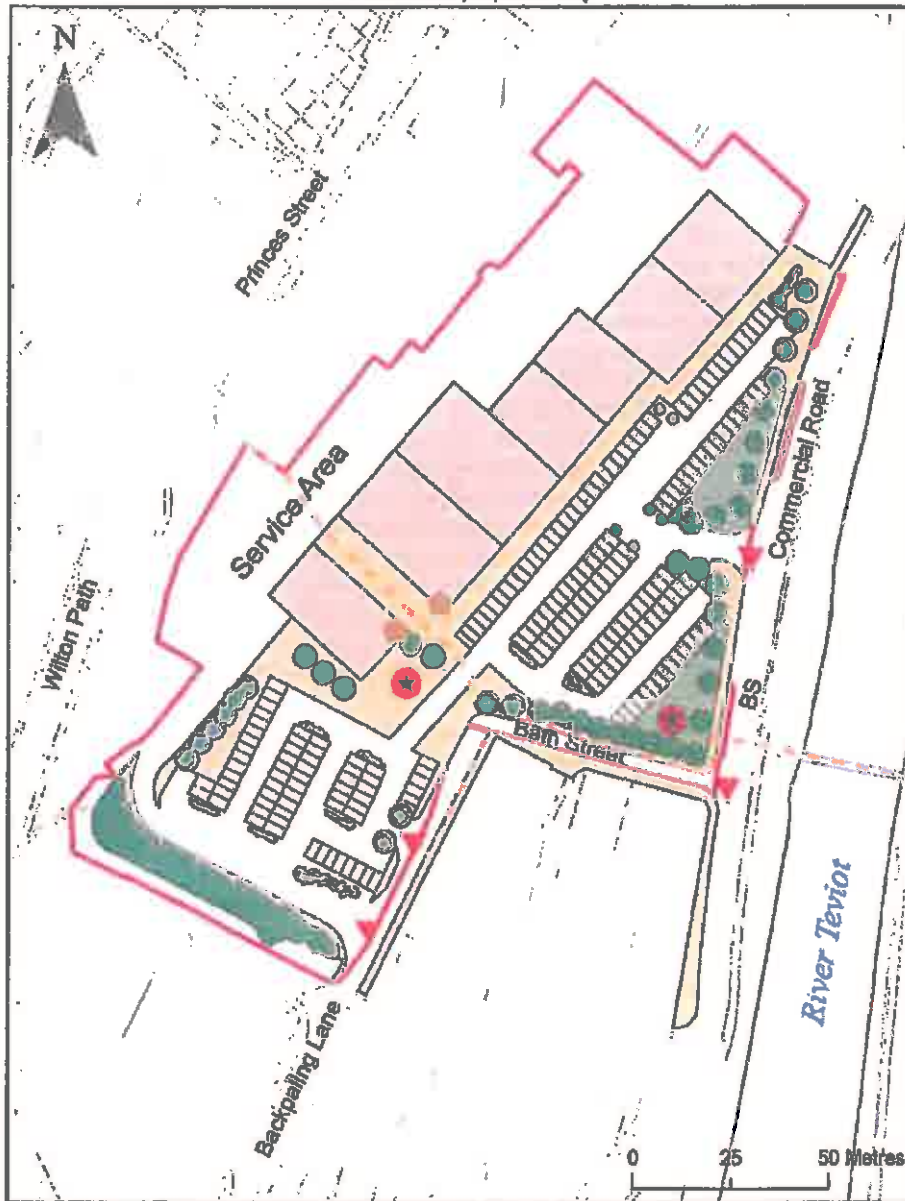
6.7 Public Transport

The developer of the site is required to provide any infrastructure required in relation to bus stops. The requirements and location needs to be discussed with Transport Scotland, the Council's Transport section and Passenger Transportation section.

b) Retail/Business concept













- 6.8** The frontage to the River Teviot and landscaping, including a tree lined boulevard to enhance the riverside, are important parts of the design layout to create attractive views from Little Haugh and the town centre. The footpath through the site will link with the pedestrian bridge over the River Teviot and town centre. Parking should be placed at the front of the site to mitigate flood risk to buildings, but must be carefully considered to reduce the impact of parking on the views into the site. To improve the visual impact, the car park should include a strong framework of trees with an upright (fastigate) form (e.g. fastigate Hornbeam), together with specimen feature trees which will develop broader crowns where space permits. Fastigate trees will be required at close centres (2m) to provide clear delineation to pedestrian and vehicular circulation routes. Hedges and/or groundcover shrub planting should also be used to reinforce the landscape structure, ensuring that these are properly integrated with car parking and pedestrian desire lines to prevent their damage over the life of the scheme. To ensure that lighting to buildings, parking and circulation areas are carefully integrated with the landscape scheme, levels, surfacing, and other services, the Planning Authority will expect to see all such details at full planning application stage. The level for parking will depend on the type of development proposed and shall comply with Council Standards for Development Roads and the Local Plan.
- 6.9** A development of retail/business should maintain and improve pedestrian links to and through the site as previously discussed. The design and layout needs to consider the urban context as well as take into account the industrial heritage. In terms of orientation of the buildings, the entrance of the two units nearest the pedestrian link should ensure a high quality design to achieve an attractive focal point for pedestrians, such as a covered entrance area or atrium. For all development scenarios it will be important to retain and augment existing tree cover as a backdrop to the site. Figure 4 illustrates this concept.
- 6.10** In terms of access it may be required to realign existing roads and it is likely that a right hand turning lane will be required for traffic entering the site. The existing roads and junctions would need to be upgraded or altered depending on the detailed road layout. All changes to and access off the trunk road need approval from Transport Scotland.

**Fig. 4 - Potential Concept for Retail/Business Development
Redevelopment - Site 2**
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Key

- | | | | |
|---|-------------------------|---|-------------------|
|  | Development Opportunity |  | Pedestrian Route |
|  | Retail Unit |  | Art Form |
|  | Pedestrian Area |  | Tree Planting |
|  | Proposed Open Space |  | Vehicular Gateway |
|  | Customer Parking |  | Store Entrance |
|  | Shrubs |  | Bus Stop |

7. Potential Concept for Redevelopment Site 3 (Southern)

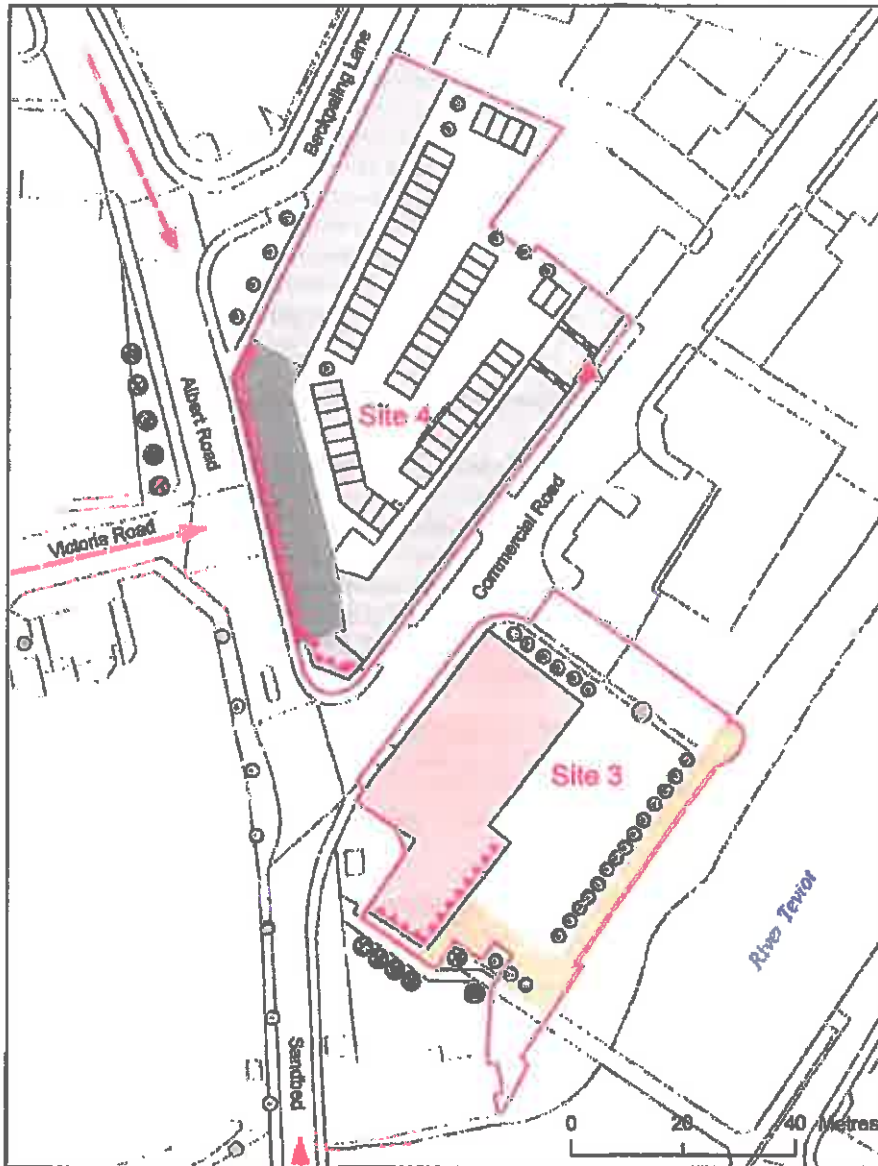
- 7.1 Redevelopment site 3 has planning consent for demolition of 3 dwellings and erection of non-food retail with associated car parking and servicing. This document still includes the site as a development opportunity since it is a key site and has significant impact on the connection between the town centre and the Commercial Road area. The development on the site could be considered for a range of different uses, which comply with Local Plan policy H3, if the current proposal is not developed. The key concept for this site is to create attractive frontage to Commercial Road and the River Teviot to create a positive sense of place and to encourage use of the pedestrian link to the town centre. The key views are from the town centre over the pedestrian bridge and from Albert Road. It is encouraged to continue the boulevard style planting required for development further north on Commercial Road. Figure 5 illustrates this concept.

8. Potential Concept for Redevelopment Site 4 (Southern)

a) Residential concept

- 8.1 As with the option for the central parts of Commercial Road a number of layouts would be possible for redevelopment of site 4. The layout in figure 5 illustrates this concept. The preferred layout should retain the existing frontage of the Teviotdale Mill building onto Albert Road. To improve the corner Albert Road/Commercial Road a glazed corner feature that could also have the function of entrance to the building is proposed. The retained frontage and improved corner would enhance the key views from Albert Bridge and Victoria Road. Further key views are from Albert Road to the western parts of the site.
- 8.2 The development would be 2 storeys and needs to consider the central location, urban character and the proximity to the James Thomson Bridge and the town centre. The development must also consider the industrial history and character of the area. Existing pavements can be used to link the development to the surrounding area.
- 8.3 Planting is required to break up the parking area that is required within the development. Additional and enhanced greenspace and planting is also required on the western part of the site near the junction Albert Road/Backpaling Lane and on the opposite side of Albert Road close to existing retail units on Victoria Road.
- 8.4 Any development proposal for the site should include detailed proposals for access and entrances, planting and lighting and take account of implications of road safety. The layout in figure 5 proposes parking on an internal courtyard with access from Commercial Road. A Transport Assessment would be required to identify essential improvements and any changes to the trunk road needs to be approved by Transport Scotland. The internal layout should take into account of PAN 76. Any residential parking should be contained within the built area and parking levels shall comply with Council Standards for Development Roads and the Local Plan and will depend on the type of housing development proposed. The layout in figure 5 is for illustrative purposes only.

**Fig. 5 - Potential Concept for Redevelopment
Sites 3 (Commercial) & 4 (Residential)**
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Key

- Development Opportunity
- 2 Storey/ Retention of Existing
- 2 Storey New
- Key Corner Site - Glazed Atrium
- Retail Unit
- Parking
- Pedestrian Area

- ▲ Vehicular Gateway
- Existing Trees
- Proposed Small Tree Planting
- ⊙ Proposed Large Tree Planting
- ⊕ Potential Vehicular Access
- Key View
- ▲▲▲ Key Frontage
- Pend

b) Retail/business concept

- 8.5** Redevelopment site 4 is located in a prominent location close to the town centre. A range of commercial uses, which comply with Local Plan policy H3, can be considered to strengthen the connection with the town centre. As with previous concepts a number of layouts are acceptable. The preferred layout should include retention of the frontage of Teviotdale Mill building. Pedestrian access to the development is required from the car parking area and from the corner of Commercial Road/Albert Road. It is important to encourage built development at the front of the site to avoid negative visual impact of large areas of car parking spaces along Victoria Road or Albert Road. The corner on Albert Road/Commercial Road is the focus from Albert Bridge and the James Thomson Bridge. Any development proposal should consider the urban context, industrial history and character of the site as well as the location near the existing town centre.
- 8.6** As with the residential option for the site planting is required to break up the parking area that is required within the development. Additional and enhanced planting is also required on the western part of the site near the junction Albert Road/Backpaling Lane. The avenue planting from Albert Road should be continued close to existing retail units on Victoria Road.
- 8.7** To ensure that lighting to buildings, parking and circulation areas are carefully integrated with surfacing and other services, the Planning Authority will expect to see all such details at full planning application stage. The level for parking will depend on the type of development proposed and shall comply with Council Standards for Development Roads and the Local Plan. Any changes to and access off the trunk road need approval from Transport Scotland.

9. Environment and Waste Management

- 9.1** There is a Scottish Government commitment to increasing the amount of renewable energy generated through appropriately designed buildings (see SPP6 and PAN 45). Micro-renewable technologies can now be applied within the design of new housing development with confidence.
- 9.2** The Scottish Borders Structure Plan 2001-2011 Policy 121 "Small Scale Renewable Energy Technologies" states:
- "Proposals for community and small scale renewable energy generation (or related techniques) will be encouraged where they have no significant adverse impact on the natural and built environment or amenity of the area."
- "All developers, whatever the nature of their proposals, will be encouraged to consider the potential to use materials, designs and technologies which either reduce the impact of energy consumption or reduce the environmental impact of energy generation when formulating proposals."
- 9.3** The Local Plan Principle 1 (Sustainability) states:
- "In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan's policies and which developers will be expected to incorporate into their developments..."

"...(5) the efficient use of energy and resources, particularly non-renewable sources."

9.4 The Local Plan Policy G1 Quality Standards for New Development (5) states:

"...in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance..."

9.5 The SPG on Renewable Energy state that "The Council now requires all future developments with a total cumulative floorspace of 500m² or more to reduce carbon dioxide emissions (CO₂) by 15% beyond the 2007 Building Regulation carbon dioxide emission levels." The Council's SPG is less restrictive in the means of achieving the goal of reduction of CO₂ emissions than SPP6. The SPG is seen as a material consideration in the determination of planning applications.

9.6 Developers should demonstrate how they have addressed compliance with these policies and guidelines.

9.7 SEPA supports the use of renewable energy provided that no significant adverse effects are caused upon the environment or upon the amenity of residents. SEPA recommends that methods and techniques of incorporating on site generation are incorporated into the development, where possible.

9.8 Development of this scale presents the opportunity to demonstrate good practice in sustainable building design and construction. SEPA recommends that energy and resource conservation should be embodied throughout the development. Materials selection, transportation and sourcing, energy efficiency in the operation of buildings, solar gain, water use, and water recycling are all issues which could be included in such an approach.

Air Quality

9.9 SEPA recommends that any proposal is assessed alongside other developments that are likely to contribute to increased road traffic to determine its likely contribution to an increase in road traffic. Contact with the Council's Environmental Health section is recommended and further guidance is available in NSCA guidance (2006)(Development Control: Planning for Air Quality).

Waste management and Construction

9.10 There should be provision of facilities for the separation and recycling of waste, including recycling and composting facilities. To identify facilities appropriate to this development, please contact the Environmental Services for more details. Issues such as vehicular access, turning heads and storage space should be addressed, ensuring visual screening and preventing blown rubbish from leaving the site. Waste material needed in the construction of the development should only be carried in if a waste management licence is in effect or SEPA are aware of the activity.

9.11 Construction works associated with the development of the site must be carried out with due regard to SEPA's pollution prevention guidelines (PPG 1, 5 and 6). There may be waste licensing implications arising from the importation of waste material such as soil for landscaping or for any other purpose. Generally, waste material can only be imported to a site if a waste management licence is in effect

or if an activity exempt from licensing has been registered with SEPA. Similarly, any waste removed from the site must be deposited either at suitably licensed sites or at a site for which a relevant exempt activity has been registered. SEPA regards all soils, including topsoil, removed from site as waste. Where waste is either imported or exported from a site, applicants and their contractors should be aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.

- 9.12 It is expected to see a clear demarcation where appropriate between the proposed development site and the Special Area of Conservation (SAC) during any construction work and after their completion. This will ensure that no material is deposited into the River Teviot or on its banks during operations. This will also ensure that there is an undeveloped buffer strip retaining any existing natural vegetation. During any development of the site, construction and other works should be carried out in a manner that prevents contamination of the watercourse with silt, building material or debris of any description, to the satisfaction of SEPA.

Designations, Ecology and Habitat

- 9.13 The River Teviot is a part of the River Tweed Site of Special Scientific Interest (SSSI), designated for its biological interest under the 1949 National Parks and Access to the Countryside Act and under 1981 Wildlife and Countryside Act (see Appendix 2). The River Teviot is also part of SAC which is designated under the European Directive commonly known as the 'Habitats' Directive. SEPA recommends contact with SNH with regards to the River Tweed SSSI and that any development is undertaken in the context of the following guidance: SEPA's Pollution Prevention Guidance, Forestry Authority's Forest and Water Guidance and Guidance on River Management and Restoration.

- 9.14 Developers should contact the local SEPA office with final proposals to discuss regulatory requirements of riparian vegetation.

10. Constraints

- 10.1 Research and consultation has identified a number of constraints affecting development of the site. Initial external consultations have included SEPA, Scottish Water, Historic Scotland, Scottish Natural Heritage, Scottish Power, British Telecom and Transport Scotland. Initial consultation within the Council has included issues as flooding, roads and parking, built and natural heritage.

Archaeology

- 10.2 Archaeological features including part of the mill lade and a wheel pit remain intact around Wilton Mill. Historic Scotland recommends that these could be incorporated into a renovation scheme. Tower Mill in Hawick and Riverside Mills in Selkirk are good examples of such renovation.
- 10.3 It is likely that there is unscheduled archaeology on the site due to its age and previous use. Consideration should be given to what level of archaeological investigation should be undertaken by the potential developer before and during works on the site. Contact the Council's Archaeology Officer for more details.

Flooding

- 10.4 Any development proposal on the site would require a Flood Risk Assessment from the developer. The assessment should be in accordance with SEPA Policy 41 'Development at Risk of Flooding: Advice and Consultation'. SEPA's preference for redevelopment is currently for the same use of existing commercial and industrial. Areas that are at medium to high flood risk are generally not suitable for sensitive land uses (SPP7 – para 3 refers). Areas which are already built up 'may be suitable for residential, commercial and industrial development provided flood prevention measures to the appropriate level already exist, are under construction or are planned as part of a long term development strategy in a structure plan context.
- 10.5 A one dimensional flood assessment was carried out on behalf of Scottish Borders Council in 2005 (updated in 2006). The assessment of the 1 in 200 year flood event covers a large area of the Commercial Road site. A two dimensional study would give greater accuracy to anticipated area at risk.
- 10.6 The Council's Flood Risk Officer considers development of such a brownfield site as possible, but the access to and egress from the site would need to be reviewed to be safe for emergency services, particularly where residential development is proposed. Such development would need to show a neutral or better effect on flooding elsewhere.
- 10.7 The Council Executive has accepted a report that placed an outline Hawick Flood Prevention Scheme in the medium term, subject to suitable funding being available from the Council and the Scottish Government to prepare Flood Prevention Schemes. Since this report was accepted in September 2007 allocation of funding from the Government has changed and is at the moment uncertain.
- 10.8 No materials and/or machinery associated with development operations should be stored on any areas vulnerable to flooding.

Surface Water and Drainage

- 10.9 The developer is required to submit a Development Impact Assessment to Scottish Water (SW). Full details on number of units, commercial development, calculations showing pre and post development foul and surface water flows and if possible drainage layout should be submitted. Modelling work and/or flow and pressure testing may be required. Where drainage is not to be adopted for maintenance by SW, an approved layout will be required at an early stage.
- 10.10 Any Sustainable Urban Drainage Systems (SUDS) required and incorporated shall have to follow the management train to incorporate a variety of treatment methods and to be to the satisfaction of SEPA, the Roads Authority and the Local Planning Authority and comply with Planning Advice Note 61 and CIRIA's C697 manual entitled 'The SUDS Manual'. Due to the land required for these, the drainage layout shall be approved in parallel with detailed planning consent, to the satisfaction of the Local Planning Authority.
- 10.11 SUDS based systems should also be able to provide flow attenuation to satisfy SW and the Local Planning Authority. SEPA requests, where possible, open SUDS systems such as ponds and wetlands that can provide habitat enhancement opportunities to maximise the wildlife value. Guidance on SUDS is available from SEPA.

10.12 The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) require to be complied with in relation to surface water drainage and the requirement that discharge must not result in pollution in the water environment.

Foul Drainage Proposal

10.13 Sewage and trade effluent from proposed development should, subject to approval from SW, be connected to the public foul sewer. Discussions with SW are needed. SEPA request applicants to investigate possible routes to establishing a connection to the public foul sewer as the first option for sewage and trade effluent disposal. Where SEPA considers that a developer has not taken all responsible steps to seek connection to the foul sewer it is likely that SEPA would object to any subsequent planning application.

Waste Water Treatment

10.14 There is currently capacity in Hawick although development contributions will be required for connections.

Contaminated Land

10.15 The Local Authority is the primary source of advice and guidance as outlined in PAN 51 and 33. Any potential remediation scheme would be required to take account of the possible implications for surface or groundwater, and the requirements of the waste management regulations. SEPA would welcome the opportunity to be consulted by the planning authority on the findings of any risk assessment in relation to pollution of controlled waters and also the scope for any remedial actions.

Electricity Substations

10.16 A primary substation is located in the centre of the allocated area. This, together with entering and exiting cables, will need to be retained or diverted through any development on a rechargeable basis. Relocation of the primary substation and provision of a suitable alternative site would need to be provided by the developer.

10.17 Two secondary substations are located within the allocated site. These could either be used to support the development or removed and replaced with alternative substations at the developer's expense.

11. Developer Contributions

11.1 Developers will be required to make contributions towards the cost of addressing specific infrastructural or environmental deficiencies. This is a requirement of policy G6 Developer Contributions in the Scottish Borders Local Plan. Constraints where developer contributions are likely to be required are noted below. The list is not exhaustive and may be subject to changes.

Education

11.2 Current level of contribution towards extension of Drumlairig Primary School is £474 per flat (two bedrooms or more) and £3162 per house (two bedrooms or more). The levels are updated in 1st April every year. There is currently no need for contributions towards the High School or denominational school.

Affordable Housing

11.3 Affordable housing will be required under the provision of Policy H1 in the FLP and the Supplementary Planning Guidance on Affordable Housing. The present level of affordable housing contribution in South Roxburgh is 25%.

Transport

11.4 Developer contributions may be required depending on the outcomes of the Transport Assessment and Council proposals.

Waste water

11.5 There is currently capacity in Hawick although contributions may be required for connections.

Appendix 1 Policy Context

	Policy	Aim
Scottish Executive	<u>NPPG 11: Sport, Physical Recreation & Open Space</u>	Addresses the land use implications of sport and physical recreation and also encompasses aspects of informal physical recreation that take place in urban open spaces.
	<u>SPP 1: The Planning System</u>	Provides an overview of the land use planning system.
	<u>SPP 3: Planning for Homes (revised 2008)</u>	Addresses the need to create quality residential environments.
	<u>SPP 6: Renewable Energy</u>	Sets out how the planning system should manage the process of encouraging, approving and implementing renewable energy proposals when preparing development plans and determining planning applications.
	<u>SPP7: Planning and Flooding</u>	Gives guidance on prevention of further development which would have a significant probability of being affected by flooding or increase the probability of flooding elsewhere.
	<u>SPP 17: Planning for Transport</u>	Give guidance on the integration of land use and transport planning.
	<u>SPP 23 Planning and the Historic Environment</u>	Sets out the national planning policy for the historic environment with a view to its protection, conservation and enhancement.
	<u>PAN 33: Development of Contaminated Land</u>	Advice on the handling of contaminated land issues within the planning process.
	<u>PAN 42: Archaeology - the Planning Process and Scheduled Monument Procedures</u>	Advice on the handling of archaeological matters within the planning process.
	<u>PAN 44: Fitting New Housing Development into the Landscape</u>	The advice offers suggestions to help planners, developers and local communities achieve residential developments which are in harmony with their landscape setting.
	<u>PAN 45: Renewable Energy Technologies</u>	Advice on the technologies i.e. wind power, hydro-power (including shore line wave power) and energy from biomass and wastes, the significant planning issues likely to arise and how these can be addressed.
	<u>PAN 51: Planning, Environmental Protection and Regulation</u>	Supports the existing policy on the role of the planning system in relation to the environmental protection regimes.

	<u>PAN 52: Planning in Small Towns</u>	Aim is to provide the context within which opportunities for positive change can be identified and promoted to help reinforce the character and identity of small towns.
	<u>PAN 61: Planning & Sustainable Urban Drainage Systems</u>	Gives good practice advice for planners and the development industry in the use of SUDS.
	<u>Designing Places: A Policy Statement for Scotland</u>	Sets out the policy context for important areas of planning policy, design guidance, professional practice, and education and training.
	<u>PAN 65: Planning and Open Space</u>	Gives advice on the role of the planning system in protecting and enhancing existing open spaces and providing high quality new spaces.
	<u>PAN 67: Housing Quality</u>	Explains how Designing Places, Nov 2001, should be applied to new housing.
	<u>PAN 68: Design Statements</u>	Explains what a design statement is, why it is a useful tool, when it is required and how it should be prepared and presented.
	<u>PAN 69: Planning and Building Standard Advice on Flooding</u>	Gives good practice advice on planning and building standards in areas where there is a risk of flooding.
	<u>PAN 74: Affordable Housing</u>	Sets out how the planning system can support the Executive's commitment to increase the supply of affordable housing.
	<u>PAN 76: New Residential Streets</u>	Provides advice on the design of better quality residential streets.
	<u>PAN 77: Designing Safer Places</u>	Highlights the positive role that planning can play in helping to create attractive well-managed environments which help to discourage antisocial and criminal behaviour.
	<u>PAN 78: Inclusive Design</u>	Looks at how to improve the design of places so that they can be used by everyone - regardless of age, gender or disability.
Structure Plan	<u>Policy N16: Archaeological Evaluation, Preservation & Recording</u>	Requirement of an archaeological evaluation to provide clarification of potential development impact.
	<u>Policy N20: Design</u>	Encourages high quality layout, design and materials in all new developments.
	<u>Policy H7: Affordable & Special Needs Housing – Proportion</u>	Requirement for a proportion of affordable housing in accordance with the development strategy.
	<u>Policy H8: Affordable & Special Needs Housing – Assessment</u>	Planning department assesses requirement against the Local Housing Needs Assessment.

	<u>Policy C6: Open Space</u>	Safeguarding of amenity open space and encouragement of new provision.
	<u>Policy C7: Play Areas</u>	Availability of facilities for children's play that are safe, accessible and appropriate.
	<u>Policy C8: Access Network</u>	Supports the protection, development and enhancement of a comprehensive access network.
	<u>Policy I5: Cycling</u>	Developments contribute to the encouragement of cycling as a mode of transport.
	<u>Policy I7: Walking</u>	Full consideration to pedestrian accessibility to facilitate journeys on foot.
	<u>Policy I11: Parking Provision in New Development</u>	Regard will be made for the Council's current approved parking standards, safety considerations and environmental considerations.
	<u>Policy I15: Flood Risk Areas</u>	Seek to minimise risk of damage through flooding.
Local Plan	<u>Policy G1: Quality Standards for New Development</u>	Aimed to ensure that all new developments are of a high quality and respect the environment in which it is contained.
	<u>Policy G4: Flooding</u>	Aims to direct development to areas free from significant flood risk.
	<u>Policy G5: Developer Contributions</u>	Aims to ensure that the burden of additional infrastructure/services related to the development is absorbed by the landowner and developer.
	<u>Policy BE2: Archaeological Sites & Ancient Monuments</u>	Aim is to give strong protection to archaeological sites from any damaging development.
	<u>Policy BE6: Protection of Open Space</u>	Purpose is to give protection to a wide range of open spaces within settlements and prevent their loss to development.
	<u>Policy NE3: Local Biodiversity</u>	Purpose is to safeguard the integrity of habitats for the maintenance and enhancement of biodiversity.
	<u>Policy NE4: Trees, Woodlands & Hedgerows</u>	Aim is to give protection to the character of settlements and the countryside, maintain habitats and provide important recreational use.
	<u>Policy NE5: Development Affecting the Water Environment</u>	Aimed to ensure development does not adversely compromise the water environment or deteriorate the ecological or landscape status.
	<u>Policy H1: Affordable Housing</u>	Aim is to ensure that new housing development provides an appropriate range and choice of affordable housing.

	<u>Policy Inf2: Protection of Access Routes</u>	Aim is to protect all existing access routes in accordance with the Land Reform (Scotland) Act 2003 and the Countryside (Scotland) Act 1967.
	<u>Policy Inf3: Road Adoption Standards</u>	Aim is to ensure that new road, footpath and cycleway infrastructure is constructed to the Council's adopted standards.
	<u>Policy Inf4: Parking Standards</u>	Designed to ensure that development proposals incorporate adequate provision for car and cycle parking.
	<u>Policy Inf6: Sustainable Urban Drainage</u>	Aim is to address the pollution problems that stem from the direct discharge of the surface water into watercourses.
	<u>Affordable Housing SPG</u>	Provides more detailed guidance on the Council's Affordable Housing policy.
	<u>Developer Contributions SPG</u>	Provides guidance to landowners, developers and other organisations involved in the planning process as to when and where developer contributions will be required.
	<u>Biodiversity SPG</u>	Guidance on the policy framework for planning and biodiversity and the types of requirements of planning conditions.
	<u>Designing Out Crime in the Scottish Borders SPG</u>	Guidance sets out how opportunities for crime and antisocial behaviour may be reduced through the planning process.
	<u>Renewable Energy SPG</u>	Guidance and requirements in relation to use of renewable energy.
SEPA	Pollution Prevention Guidelines (PPG) 1 General guide to the prevention of pollution	Introduction to pollution prevention and guidance note on the subject.
	<u>PPG 5 Works in, near or liable to affect watercourses</u>	Guidelines to assist all those who may have cause to work in or near watercourses.
	<u>PPG 6 Working at construction and demolition sites</u>	Guidelines intended to assist those in the construction and demolition industry with responsibility for managing the environmental impact of their activities.

Appendix 2 Legislative Requirements for European Sites

The River Teviot's status as a SAC means that SNH and SBC have a duty to ensure that any works do not cause significant damage to the scientific interest of the site. The River Tweed SAC, is designated under the EC Directive *2/43/EEC on the Conservation of Natural habitats and of Wild Flora and Fauna (the "Habitats Directive"), for its biological interest, including river lamprey, brook lamprey, sea lamprey, European otter, Atlantic salmon and as a watercourse characterised by Ranunculion fluitantis and Callitriche-Batrachion communities. Further information regarding the legislative requirements for European sites is detailed in Appendix 2 and the site's Conservation Objectives are detailed in Appendix 3.

SEPA should be consulted through the Water Environment (Controlled Activities) Regulations (CAR) regarding any operations requiring work on the immediate bank area of the River Teviot.

The riverbank at this location consists largely of a river wall and it is possible that there may be bat roosts and nesting birds present in cracks and crevices within the brickwork and stonework. They may also be present in any bridges in the vicinity. All bats and their roosts are protected under the Wildlife and Countryside Act 1981 (W&CA) and by the EC Habitats Directive, which is implemented in this country through the conservation (Natural Habitats &c) regulations 1994. The protection extends to the roosts even when bats are not present. Any operations involving disturbance to bats or destructing of their roosts would require a licence from Scottish Government. Similarly nesting birds are protected under the W&CA. It is recommended that surveys are carried out by suitably qualified ecologists to establish whether or not bats and/or nesting birds are present, prior to commencement of any operations on the river wall or bridges. In the case of bats this would be required prior to determination of any related planning applications since they are a European Protected species.

RIVER TWEED SPECIAL AREA OF CONSERVATION

Government Policy Requirements for Potential European Sites

The development site is adjacent to the River Tweed SAC. The site's status as SAC under the "Habitats Directive", means that the provisions of the Revised Circular 6/95 apply.

The Circular (page 3, para. 12) sets out the UK Government's obligations under the Habitats Directive, that:

" The Regulations require that, where an authority concludes that a development proposal unconnected with the nature conservation management of a Natura 2000 site is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. "

It goes on to state (page 5, para. 20) that, in considering development proposals or other uses of land affecting them, potential SACs should be treated in the same way as classified European sites in the meaning of the Conservation (Natural Habitats &c) Regulations, 1994.

Under Regulation 48, this means that Scottish Borders Council, as competent authority, has a duty to:

determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not, determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can agree to the proposal after having ascertained that it will not adversely affect the integrity of the site. If this is not the case, and there are no alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which can include those of a social or economic nature.

Appendix 3 Conservation Objectives

RIVER TWEED SPECIAL AREA OF CONSERVATION - CONSERVATION OBJECTIVES, OCTOBER 2005

Annex 1 Habitats Conservation Objectives	To avoid deterioration of the qualifying habitat Water courses of plain to montane levels with the <i>Ranuncion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving Favourable Conservation Status (FCS) for each of the qualifying features
	To ensure for the qualifying habitat that the following are maintained in the long term:
	Extent of the habitat on site
	Distribution of the habitat within site
	Structure and function of the habitat
	Processes supporting the habitat
	Distribution of typical species of the habitat
	<ul style="list-style-type: none"> • Viability of typical species as components of the habitat • No significant disturbance of typical species of the habitat

Annex II Species Conservation Objectives	To avoid deterioration of the habitats of the qualifying species (*listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving FCS for each of the qualifying features
	To ensure for the qualifying species that the following are maintained in the long term
	Population of the species (including range of genetic types) as a viable component of the site
	Distribution of the species within site
	Distribution and extent of habitats supporting the species
	Structure, function and supporting processes of habitats supporting the species
	No significant disturbance of the species

*Annex II Species

<i>Petromyzon marinus</i>	Sea lamprey
<i>Lampetra planeri</i>	Brook lamprey
<i>Lampetra fluviatilis</i>	River lamprey
<i>Salmo salar</i>	Atlantic salmon
<i>Lutra lutra</i>	Otter

Appendix 4 - Historical Map Extracts

For illustrative purposes only



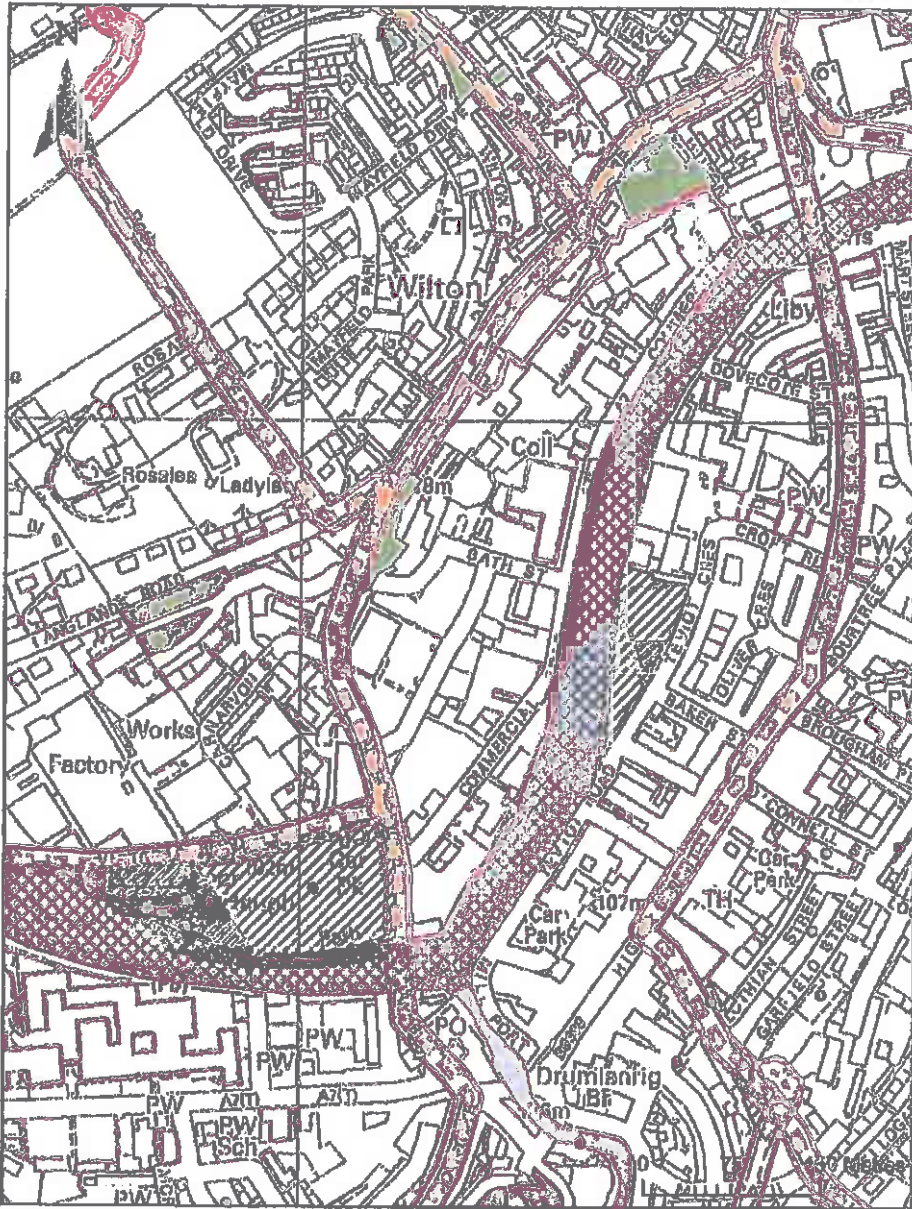
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Key

 zRO8 Redevelopment Site (FLP)

Appendix 4 - Recreational Amenities & Designations

For illustrative purposes only

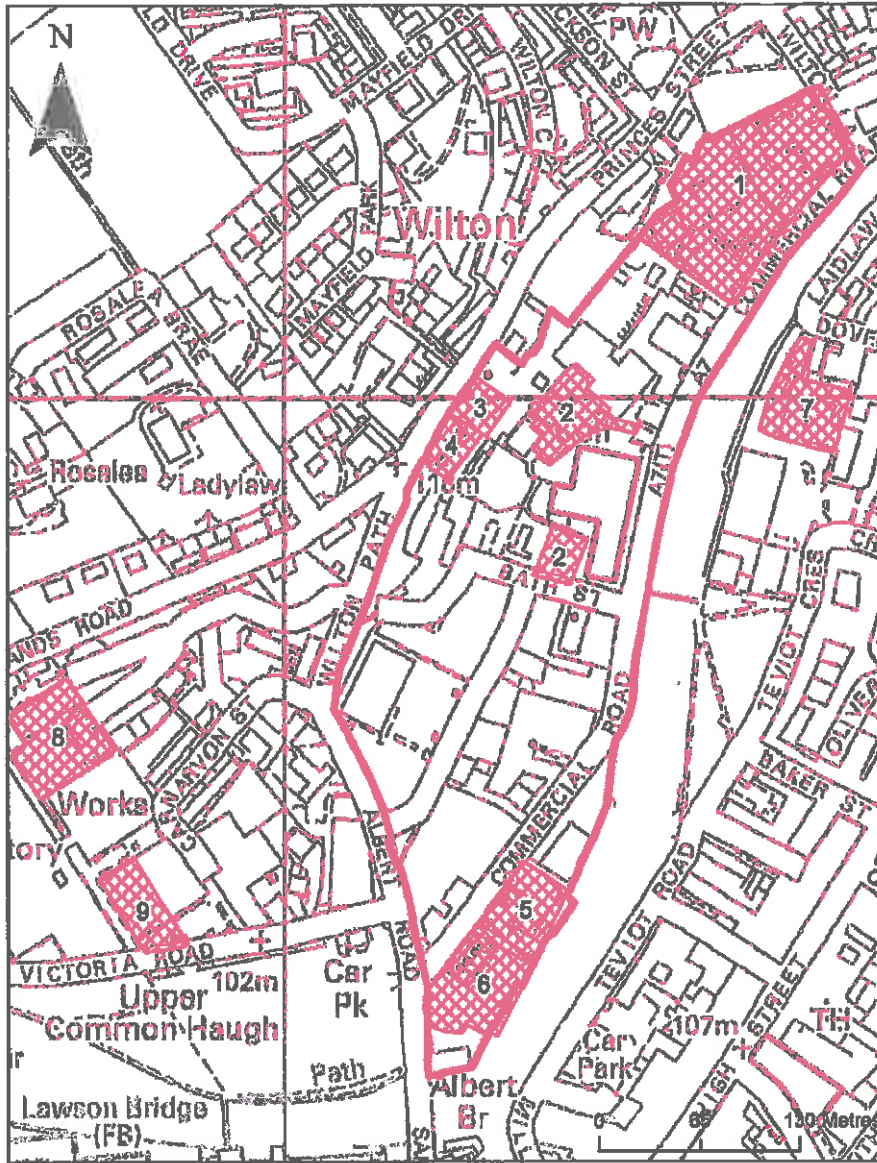


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Key

- | | | | |
|---|---|---|--|
|  | zROS Redevelopment Site (FLP) |  | Core Path (Under Consultation) |
|  | Common Good Land |  | Council Promoted Route |
|  | Council Owned and Maintained Open Space |  | Other Path (Funded by Land Management Contract Scheme) |
|  | Special Area of Conservation |  | Public Car Park |
|  | Site of Special Scientific Interest | | |

**Appendix 4 - Relevant Planning Applications &
Non-Organisational Properties** For illustrative purposes only



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Key

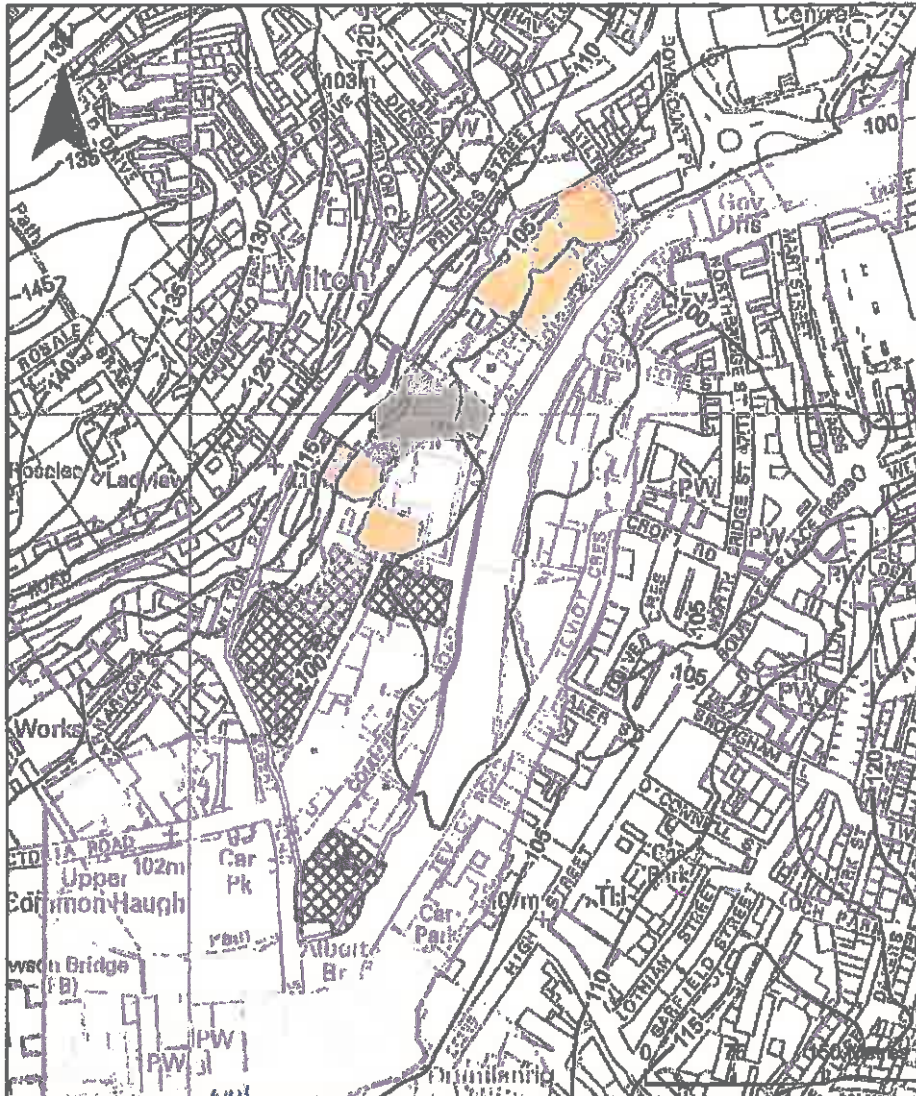
- zRO8 Redevelopment Site (FLP)
- Planning Application Sites (See Following Page for Detail)
- Non-Organisational Property (Within zRO8)

List of applications from Map 3

Map Reference	Application Reference Number	Comment	Status
1	06/00731/CON 06/00730/LBC	Demolition of three buildings.	Application Withdrawn
1	04/02363/FUL	Partial demolition, alterations and extension to form college building	Approved Conditions & Informatives
2	03/01823/LBC	Partial demolition of mill buildings	Approved with Informatives
3	04/00765/REM	Erection of dwellinghouse. B/W April 2004	Approved subject to conditions
4	06/00355/FUL	Demolition of garages and erection of dwellinghouse with attached garage	Approved subject to condition
5	06/02307/FUL	Alterations and extension to factory. B/W Issued May 2007	Approved Conditions & Informatives
6	08/01753/FUL	Demolition of 3 dwellings and erection of non-food retail with associated car parking and servicing.	Approved Conditions & Informatives
7	04/01478/COU 06/02419/FUL	Demolition of workshop and boilerhouse, conversion of former telephone exchange to form 14 flats and erection of two dwellinghouses with integral garages. B/W February 2006 Erection of six flats. B/W Issued March 2007	Approved Conditions & Informatives Approved Conditions & Informatives
8	05/01234/OUT	Residential Development	Approved Condition & Informatives
9	05/01854/FUL 07/01203/FUL	Erection of 8 townhouses Change of use from industrial building to form three dwellinghouses and ten townhouses	Pending decision Application refused











Flooding and Landform Issues - Appendix 4 - Map 4

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Key

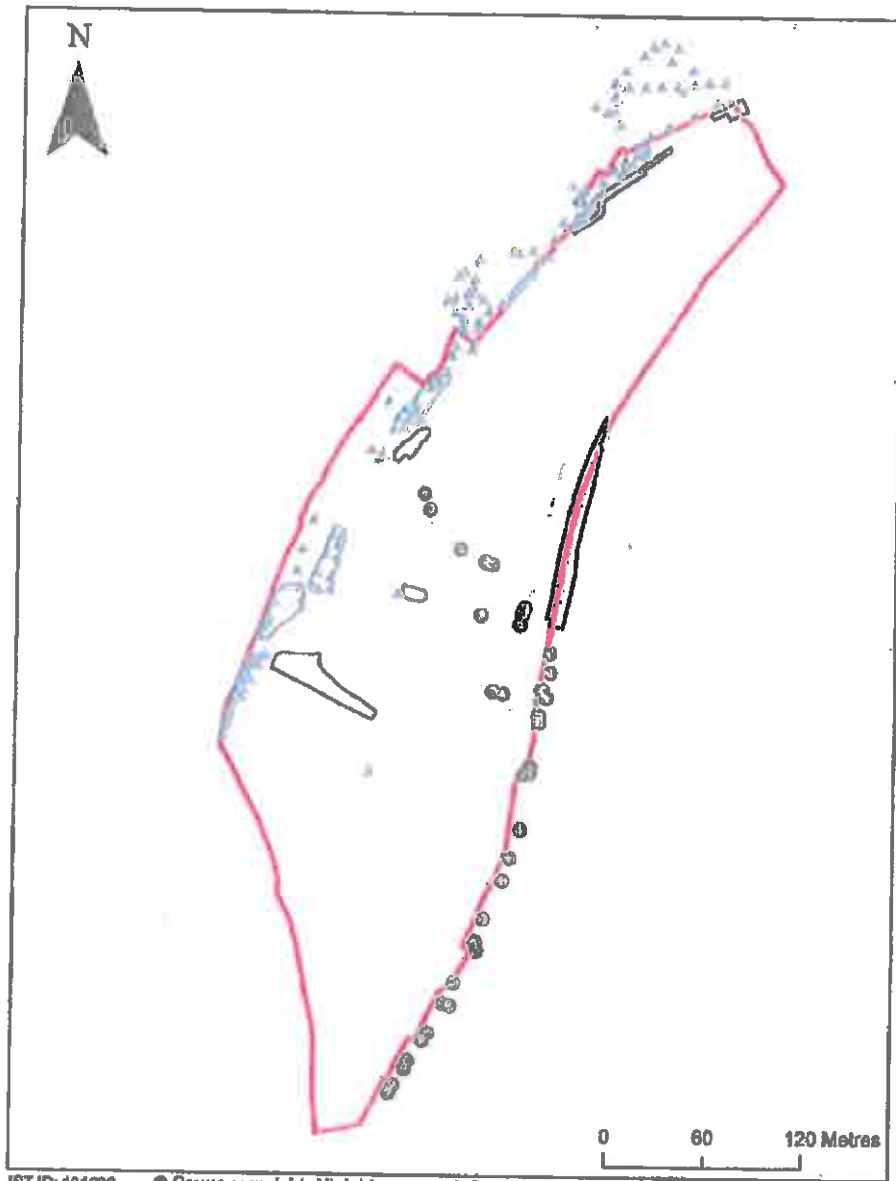
- | | | | |
|---|-------------------------------|---|---|
|  | zRO8 Redevelopment Site (FLP) |  | Probable extent of inundation design flood on River Teviot (200 yr return period)** |
|  | Derelict Building* |  | Probable extent of inundation design flood on Slitrig Water (200 yr return period)** |
|  | Derelict Land and Buildings* |  | Area at risk from floodline from River Teviot and Slitrig Water (200yr return period)** |
|  | Vacant Land* |  | Remedial Work in Progress |
|  | Potentially Contaminated Land | | |
|  | Contour (at 5m Intervals) | | |

* Source: Scottish Vacant and Derelict Land Survey 2007

** Source: Halcrow Flood Survey 2005






Appendix 4 - Tree Cover

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Key

-  zRO8 Redevelopment Site (FLP)
-  Group of Trees Under Preservation Order
-  Other Tree Group
-  Tree Under Preservation Order
-  Other Tree

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GVA James Barr

Document 8
Retail
Statement for
15/00100/FUL
by GVA James
Barr



GVA James Barr

A Billinger Real Estate
company



Report

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Retail Assessment

Proposed Class 1 retail foodstore

Former Wilton Mills, Commercial Road, Hawick

For Wilton Mills Ltd

January 2015

gva.co.uk/scotland

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Appendices

- Appendix 1 Sequential Analysis
- Appendix 2 Retail Impact Assessment Tables
- Appendix 3 Catchment Area Plan
- Appendix 4 Case Studies for Aldi Stores Ltd: developing edge of centre sites, Greenock & Dundee

1. Introduction

- 1.1 This Retail Assessment ("the assessment") has been prepared by GVA James Barr on behalf of Wilton Mills Ltd ("the applicant"). It is submitted in respect of a detailed planning application proposal to deliver a new foodstore at the former Wilton Mills site, Commercial Road, Hawick.
- 1.2 The assessment addresses town centres and retail planning policy matters. Other planning policy matters are considered in other supporting reports and documentation submitted with the application.
- 1.3 As the intention is that the Class 1 retail foodstore will be occupied by Aldi Stores Ltd, this assessment therefore includes background information on Aldi, to help understand the specific format of retail use proposed. This background on Aldi as a retailer is considered to be particularly relevant to assessing the proposals against relevant planning policy and in informing detailed retail impact assessment matters.
- 1.4 The report has been set out within the following sections:
- Section 2: Aldi Stores Ltd
 - Section 3: The Proposed Development
 - Section 4: Relevant Planning Policy and other Material Considerations
 - Section 5: The Sequential Approach
 - Section 6: Deficiency, Impact and Scale Considerations
 - Section 7: Town Centre Healthcheck
 - Section 8: Conclusions

Summary planning credentials

- 1.5 The retail use proposed is a new foodstore with a gross floor area of 1,715 sqm, of which the sales area will comprise 1,254 sqm.
- 1.6 The proposals are submitted in order to meet Aldi's new store development aspirations to serve the residents of Hawick.
- 1.7 The application site occupies a prominent location on a main route into the heart of the town, with significant potential for linked trips with the town centre, and the opportunity for walk-in trade. The site, formerly occupied by Wilton Mills, has been vacant for over ten years. In its current state, it is having a negative impact on the town and has long since been identified as a regeneration priority, with a variety of alternative uses (including commercial) supported in principle.

1.8 The proposals will therefore deliver a high quality, sustainable development at a vacant brownfield site in need of redevelopment and regeneration.

1.9 More specifically, the proposals will help provide the following:

Retail development

- The development will improve consumer choice and complement existing provision, at a sustainable and highly accessible location;
- The nature and scale of retail offer will not lead to any unacceptable impact on the vitality and viability of Hawick town centre, and the scale of development proposed is appropriate. It actually offers the opportunity to have a positive impact on the town centre, by encouraging linked trips with other town centre uses;
- Changes in food shopping habits and feedback to the applicant's public consultation event suggests that a new Aldi store would help to meet deficiencies in the catchment area;
- There are no sequentially preferable sites capable of accommodating the Aldi store which are considered available, suitable and viable;
- The proposals will create up to 30 new jobs including store managers, assistant managers and store deputies, as well as store assistants; and
- They will also help to support employment growth elsewhere in Scotland and locally, through Aldi's commitment to the Scottish food and beverage industry.

2. Aldi Stores Ltd

About Aldi

- 2.1 Since opening its doors to its first store in 1913, Aldi has established itself as one of the most reputable retailers worldwide.
- 2.2 Today, the Aldi name is synonymous with high quality and exceptional value.
- 2.3 Aldi's trading objective is to provide customers with the products they buy regularly and ensure that those products are of the highest possible quality, at guaranteed fair prices.
- 2.4 Aldi's core philosophy is to offer shoppers brand quality products at everyday, exceptionally low prices.
- 2.5 With over 500 UK stores, Aldi is already a familiar and welcome presence in cities and towns. A new Aldi store makes positive contributions to local communities, complementing the existing retailer landscape and providing a variety of benefits for the local area:
- Creating local jobs with unrivalled staff training and career opportunities;
 - Supporting construction related employment; and,
 - Enhancing links with local suppliers.
- 2.6 The shopping experience at Aldi is rooted in value, convenience, quality and efficiency. This has been acknowledged by the grocery industry through awarding Aldi the Which? Best Supermarket of the Year Award 2012, 2013, and Grocer of the Year 2013 and 2014.
- 2.7 Aldi does not have any internal specialist concessions or deli-counters and does not offer:
- A butchery or fishmonger service;
 - Cigarettes, tobacco products or lottery tickets;
 - Pharmaceutical products; or,
 - Most durable goods.
- 2.8 The deliberate intention is to restrict the range of goods to approximately 1,300 core products in the interests of the consumer and operational efficiencies, and pass these savings onto the customer. The restricted range ensures a high volume and turnover of each individual item, resulting in a favourable cash flow with products effectively sold through the checkouts before they have been purchased centrally.

- 2.9 As such, Aldi are complementary to the existing pattern of trade both in terms of small independent shops and larger superstores, with Aldi customers using these other facilities to supplement the Aldi foodstore.

Aldi in Scotland

- 2.10 Aldi operates 55 stores within Scotland and is committed to showcasing the best food and drink that Scotland has to offer, by sourcing as much as possible from within the country.
- 2.11 Not only does this pledge reduce food miles and widen the availability of quality Scottish produce, it also supports farmers, producers and manufacturers, helping to grow the value of Scotland's food and drink industry. The planning application proposals would obviously help strengthen these links and legacy.
- 2.12 Aldi is proud to be supporting Scotland's local producers by:
- Stocking more than 280 Scottish products;
 - Working with over 70 independent Scottish food and drink businesses; and,
 - Boasting a product range which is at least 30% Scottish.

The Aldi 'business model'

- 2.13 Aldi adopts a different approach to food retailing than other food retailers. Their philosophy is based on simplicity and maximum efficiency at every stage of the business, from supplier to customer, enabling Aldi to sell high quality products from a limited range of exclusive own labels at competitive prices.
- 2.14 The layout of an Aldi store reflects this philosophy of offering unrivalled value for money, through cost effective management as follows:
- Merchandise is displayed in specially designed customer-friendly cases to eliminate wasted stocking time and to allow for easy and efficient re-stocking;
 - Merchandise is displayed in the same way in every store, allowing for consistency both in terms of replenishing stock (logistics) and customer usage;
 - Aldi adopts a unique store servicing operation, with its own transport dedicated fleet. This allows delivery vehicles to be kept to an absolute minimum. Stores have a dedicated internal storage area, delivery ramp and dock levelling system allowing goods to be unloaded by drivers without any external activity. Storage depots are also set out internally like a store, to minimum stock handling and stocking time in stores;

- The general store layout is eminently practical. Its design reflects the company philosophy of offering unrivalled value for money through cost effective servicing and the internal fit out of stores.
 - The internal layout and operation is explicitly designed for efficiency and practicality, for use by staff and customers alike. Features include long fill conveyors that hold a customer's full shop so as to allow goods to be unloaded, scanned and packed in a timely manner. All stores afford at-grade access, with automatic entrance doors, wide aisles and checkouts for efficient operation. Parking is located in close proximity to the store, with dedicated disabled and parent and child spaces for ease of use.
- 2.15 Aldi adopts a strong and robust store specification when working with developers and this approach is no different when acquiring sites themselves. This is essential to its ability to provide quality goods at competitive discount prices. This type of approach allows:
- Control over the quality of the shop environment;
 - Adequate investment in external landscaping to ensure an attractive environment;
 - Adequate car parking and access arrangements to be provided;
 - Cost effective management given the absence of outside influences; and,
 - Control over the building of their stores.
- 2.16 Combined, the competing factors set out above are consistent to every store that Aldi operates. Collectively, they help understand the Aldi 'business model' and how they are therefore essential to the viability of the overall operation and suitability of sites they acquire.

Aldi in the community

- 2.17 The Aldi store would provide employment for up to 30 people and where possible, these positions will be filled from people within the local area. The employment opportunities include both store staff and management positions, with substantial training to achieve efficiency targets and remunerating in excess of the industry average.
- 2.18 In addition, the construction period will generate employment through engaging services of local trades people and contractors.
- 2.19 Combined, the competing factors set out above are consistent to every store that Aldi operates. Collectively, they help understand the Aldi 'business model' and how they are therefore essential to the viability of the overall operation and suitability of sites they acquire.

Sustainability

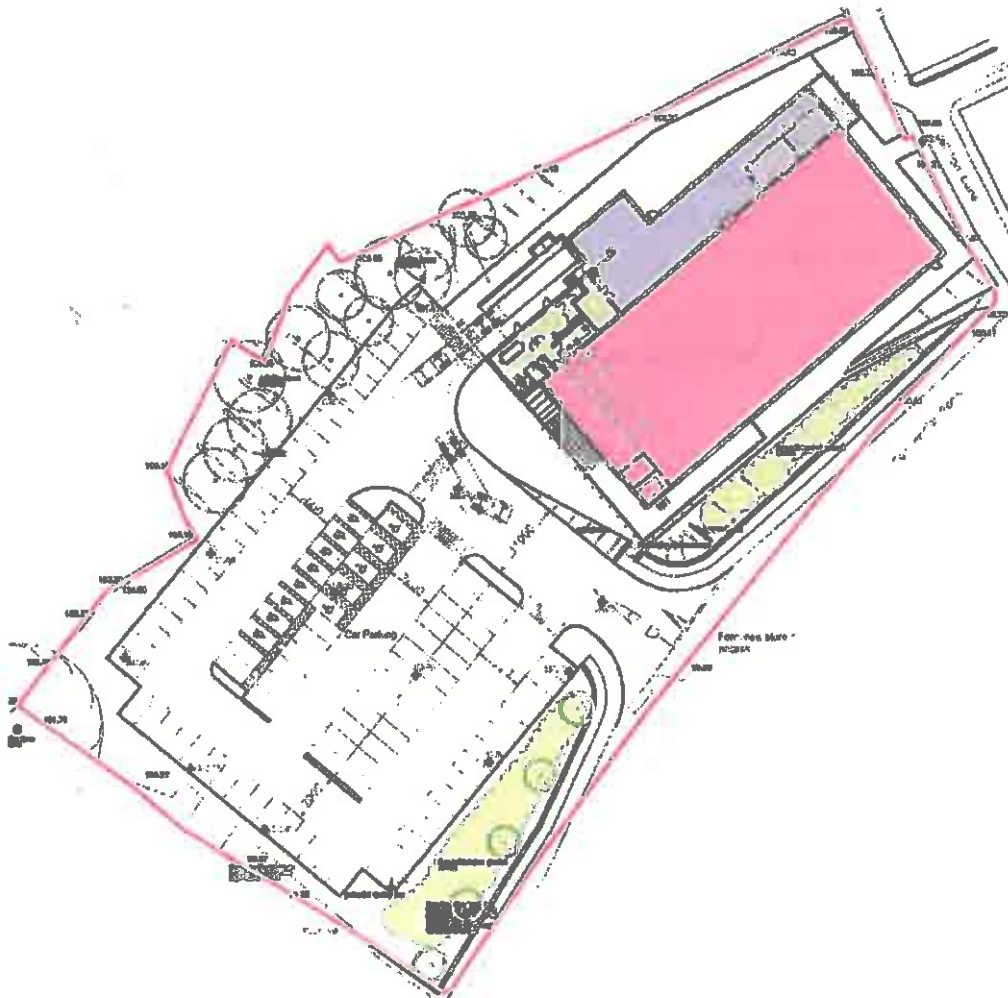
- 2.20 Aldi has developed a range of sustainability policies for the design, construction and operation of their stores.
- 2.21 This includes:
- A local sourcing policy that reduces the environmental pollution of long distance transportation;
 - Carrier bags that can be easily recycled;
 - Installation of solar panels, where possible;
 - The control of packaging on products so as to minimise waste; and,
 - The use of returnable or reusable crates/pallets.
- 2.22 Where possible, the materials used in the construction and fit out of stores seeks to maximise the use of recycled materials. This is particularly relevant in the case of the Hawick proposals, where the potential to reuse existing building materials in the construction of the store will be fully explored. Not only is this adopting a sustainable approach to construction, but it might also strengthen the heritage related credentials of the proposals, which are covered in more detail within the Design & Access Statement.
- 2.23 Proposals also conform to building regulation requirements to minimise heat loss/gain by creating airtight insulated buildings with controllable natural ventilation.

3. The Proposed Development

3.1 For the purposes of this assessment, the proposed Class 1 retail foodstore will comprise:

- Gross floorspace of 1,715 sqm
- Total sales floorspace of 1,254 sqm
- Convenience sales floorspace of approximately 1,003 sqm
- Comparison sales floorspace of approximately 251 sqm

3.2 The proposed site layout is reproduced below. A more detailed description of the development and corresponding assessment against relevant planning policy considerations, is set out within other application supporting material.



4. Planning Policy and other Material Considerations

- 4.1 Planning policies and other material considerations which are relevant to this assessment, are set out below.
- 4.2 The statutory development plan for the site comprises the South East Scotland Strategic Development Plan (SESplan), approved in June 2013, and the Consolidated Scottish Borders Local Plan, as adopted on 10 February 2010, hereafter referred to as the 'Local Plan'

South East Scotland Strategic Development Plan (SESplan)

- 4.3 The Strategic Development Plan for Hawick is SESplan, which was approved in June 2013.
- 4.4 The plan includes a central vision for the SESplan region,
- 'By 2032 the Edinburgh City Region is a healthier, more prosperous and sustainable place which continues to be internationally recognised as an outstanding area in which to live, work and do business.'*
- 4.5 Hawick itself is defined by SESplan as a 'strategic development area'.
- 4.6 To achieve this vision, SESplan identifies the following objectives which are relevant in the context of these proposals. These are to:
- *'Enable growth in the economy by developing key economic sectors acting as the national hub for development and supporting local and rural development'*
 - *'Integrate land use and sustainable modes of transport, reduce the need to travel and cut carbon emissions by steering new development to the most sustainable locations'*
 - *'Promote the development of urban brownfield land for appropriate uses'*
- 4.7 All of these objectives are considered relevant to the proposals, in regenerating an existing brownfield site, as well as growing the economy and directing investment to Hawick.
- 4.8 In regards to the retail use proposed, **Policy 3 Town Centres and Retail** states that Local Development Plans will:

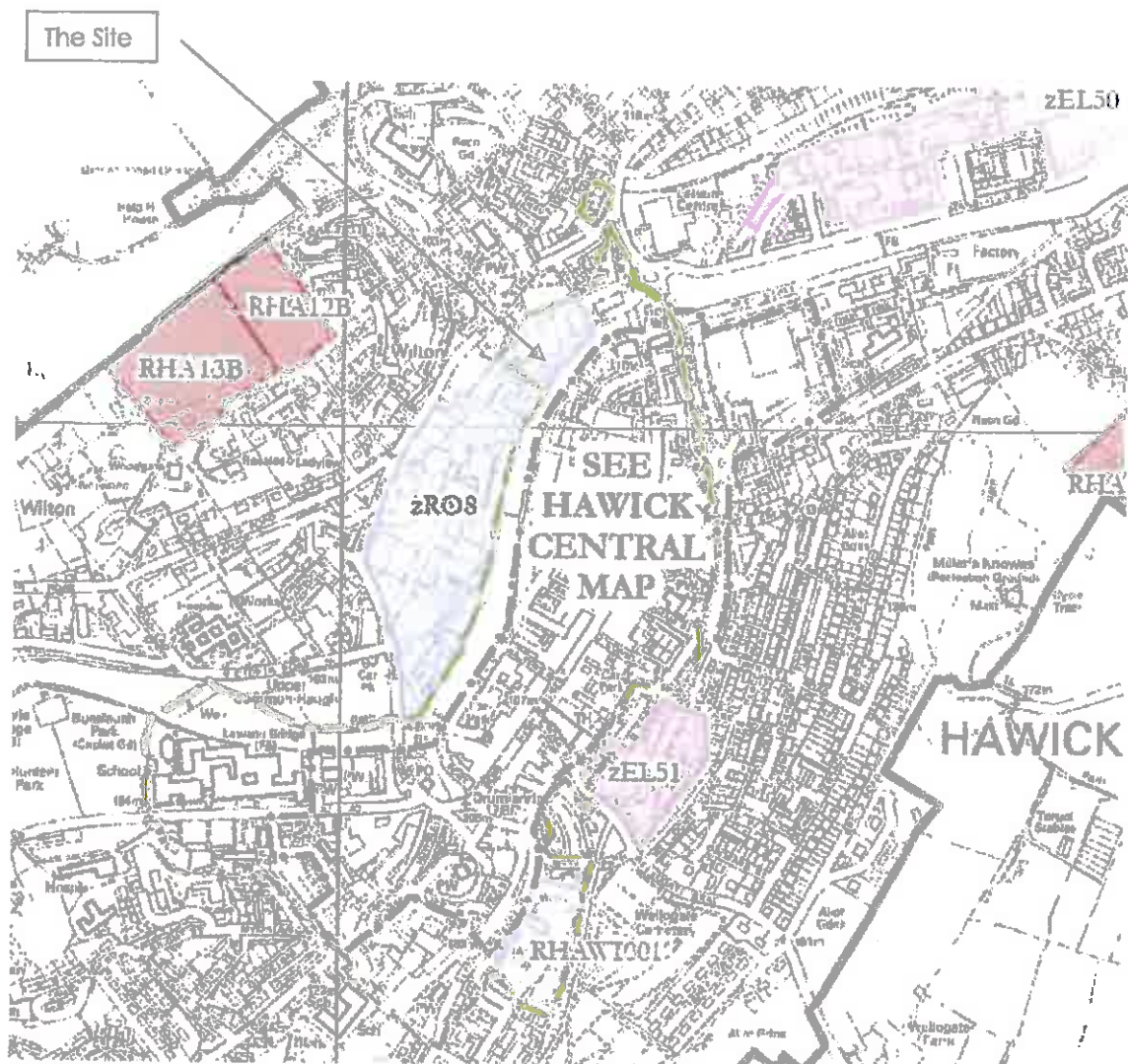
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- a) Identify town centres and commercial centres clearly defining their roles;
 - b) Support and promote the network of centres as shown in Table 1, and identify measures necessary to protect these centres including setting out the criteria to be addressed when assessing development proposals; and
 - c) Promote a sequential approach to the selection of locations for retail and commercial leisure proposals. Any exceptions identified through Local Development Plans should be fully justified.

Consolidated Scottish Borders Local Plan 2010

- 4.9 The Scottish Borders Local Plan was adopted in 2008 and amended in February 2010. This forms the local policy framework for decision making across the area.

Site specific policy

- 4.10 The 'Settlement Profile' and associated proposals map for Hawick allocates the site as part of a much larger 'Redevelopment Opportunity' referred to as 'Commercial Road' site code 'zRO8' with a site area of 7.9 hectares. An extract of the proposals map, identifying the site, is shown below. The table of 'allocated land use proposals' for Hawick in 'volume 2: settlements' of the local plan (page 305), refers the reader to policy H3 of 'volume 1: policies'



- 4.11 Policy H3 – **Land Use Allocations** (volume 1: policies), is split into five separate parts.
- 4.12 **Part 1** states that development will be approved in principle for the land uses allocated on the land use proposals tables and accompanying proposals maps. As stated above, no specific reference is made to any land uses within the aforementioned tables. It is instead referred to as a 'redevelopment opportunity'.
- 4.13 **Part 2** states that development will be in accordance with any Council approved planning or development brief. Supplementary Planning Guidance (SPG) was approved by the Council in February 2009 for site zR08 Commercial Road and is covered under 'other material considerations', below.
- 4.14 As already noted above, **Part 3** states that sites proposed for redevelopment (ie. including the subject site), may be developed for housing, employment or retailing,

subject to the sequential test, or a mix of uses that could include community facilities and open space depending on the location of the site, the needs of the community and the deliverability of alternative uses. Redevelopment sites may be developed for a single use.

- 4.15 Support, in principle, can therefore be drawn for retail use on redevelopment sites, subject to satisfying the sequential test, which we consider further below.
- 4.16 **Part 4** is not strictly relevant, as the site is not explicitly allocated as a 'Commercial Redevelopment Opportunity'.
- 4.17 **Part 5** refers to any other uses, aside from those already covered above and is therefore not relevant.

Other policy considerations

- 4.18 Other policy considerations of relevance to this assessment are set out below.
- 4.19 **Policy ED3 – Shopping Development** states that proposals for new such development will be assessed against Structure Plan policies E17 and E18. These policies have now been replaced by SESplan, as set out above. Nevertheless, policies E17 and E18 (of the Structure Plan) are repeated in full at policy ED3 of the local plan and it could therefore be said that they remain part of this plan, for development management purposes. Relevant town centres and retail policy from SESplan is already set out above. Furthermore, pre application discussion with Scottish Borders Council planning officers have indicated that until the new Local Development Plan is adopted, they will continue to assess shopping development proposals against these Structure Plan policies.
- 4.20 Structure plan policy E17 states that, *"In assessing applications for retailing development, both for food and non-food shopping, the Council will seek to support and enhance the role of town centres. Town centre locations will be preferred to edge-of-centre locations which, in turn, will be preferred to out-of-centre locations. An out-of-centre location will only be considered favourably if there is no suitable site available in a town centre or edge-of-centre location."*
- 4.21 By reference to the proposals map, the site occupies an edge of town centre location. It is only 90 metres from the site boundary to the town centre boundary, separated only by the River Teviot. Pedestrians and cyclists could readily move between the site and the town centre, with a pedestrian/cyclists only footbridge connecting Commercial Road and Duke Street, the latter being within the town centre.
- 4.22 Structure plan policy E18 states that, *"The Council will have regard to the following considerations in assessing any application for out-of-centre retail development:*

- (i) *the individual or cumulative impact of the proposed development on the vitality and viability of existing town centres,*
- (ii) *the availability of a suitable town centre or edge-of-centre site,*
- (iii) *the ability of the proposal to meet deficiencies in shopping provision which cannot be met in town centre or edge-of-centre locations,*
- (iv) *the impact of the proposal on travel patterns and car usage,*
- (v) *the accessibility of the site by a choice of means of transport,*
- (vi) *the location of the proposal. Sites will be located within existing settlements and, within them, preference will be given to applications on vacant or derelict sites, or on sites deemed to be surplus to requirements."*

4.23 The criteria set out in policy E18 are principally aimed at assessing out of centre retail development proposals. This was also the view expressed by the Council in the determination of planning permission 09/00622/FUL (committee report, page 9), which like the application site, occupied a similar edge of town centre location (being the former Borders College and Knitwear Factory on Commercial Road). Strictly speaking, the terms of E18 do not therefore apply. Nevertheless, this retail assessment has been submitted which addresses these criteria, to provide a robust consideration of the application proposals against the general intentions of policy ED3.

Other Material Considerations

Supplementary Planning Guidance, Commercial Road, Hawick

4.24 Section 3 of the SPG sets out a 'Development Vision' and quotes directly from part 3 of policy H3, by stating that an allocated 'redevelopment site' may be developed for: "*housing, employment (Classes 4, 5 and 6) or retailing, subject to the sequential test, or a mix of uses that could include community facilities and open space depending on the location of the site, the needs of the community and deliverability of alternative uses. Redevelopment site may be developed for a single use*". Subject to satisfying the sequential test, the development vision therefore confirms that the site may be developed for retailing.

4.25 Indeed, on a related point, the committee report for planning permission 09/00622/FUL (former Borders College and Knitwear Factory, Commercial Road) at page 9 is worth noting, where relevant planning policies were assessed, specifically this SPG. At the first paragraph, it states that:

"The area between Commercial Road and Princes Street has been intended for rehabilitation and redevelopment in successive Local Plans. The Scottish Borders Local

Plan 2008 identifies the site as a Redevelopment Area and the "Commercial Road" Supplementary Planning Guidance (SPG) specifies that the site could accommodate a range of development from residential to business and retail. The SPG recognises that in terms of national and local retail policies, the Commercial Road area (our definition), especially at its southern end, offers potential to be considered as a suitable edge-of-centre location for retail development. In reaching this decision, the SPG had regard to the following factors –

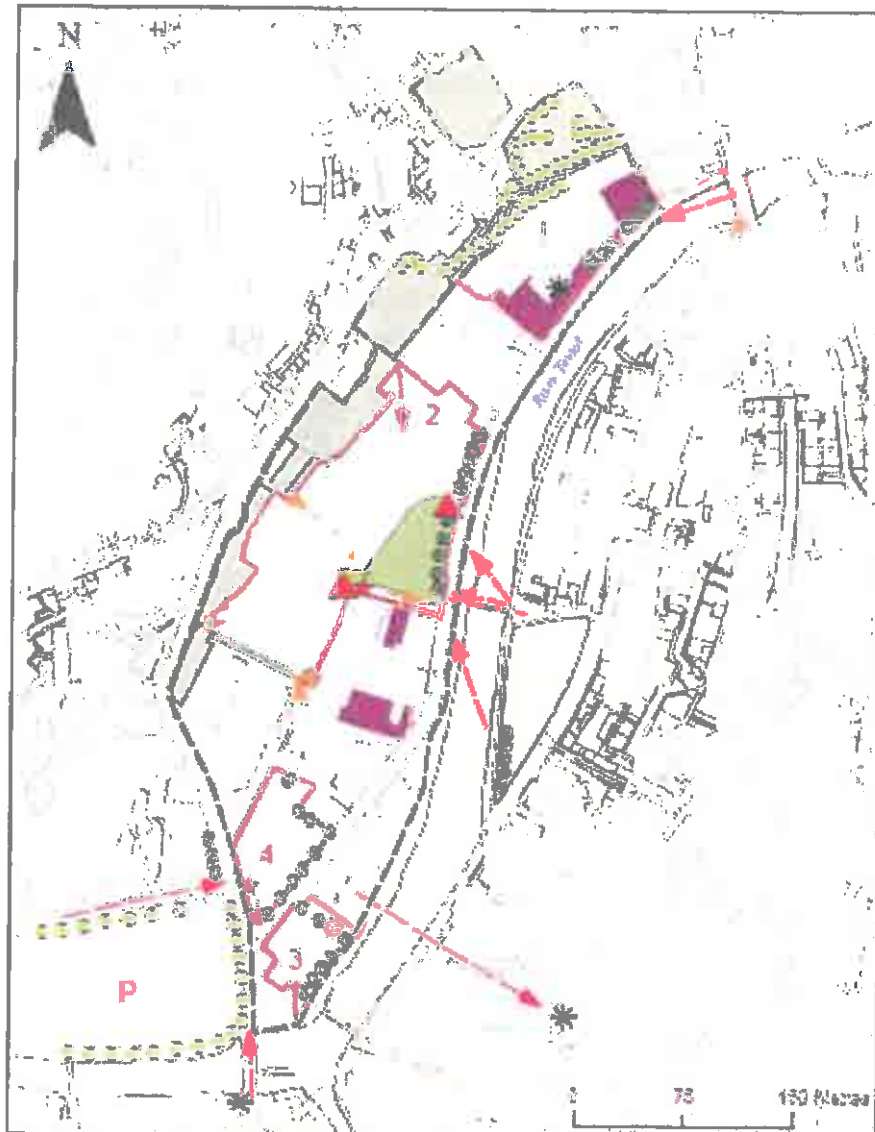
- *The relatively short distance to the High Street.*
- *The recently improved pedestrian and bridge links to the town centre.*
- *The existence of other retail units (including food retail) as far if not further from the centre of the High Street.*
- *The fact that a previous retail outline consent was granted on the site.*
- *The previous existence of a large retailing unit across the site.*
- *The fact that the Commercial Road area was included within the definition of town centre in the 1995 Roxburgh Local Plan."*

4.26 This lends further support to the principle that the subject site (being part of the 'Commercial Road area', as described at paragraph 4.24 above), offers the potential to be considered as a suitable edge of centre location for retail development.

4.27 Further on in the SPG, potential development concepts are set out for each site (sections 4 to 8 inclusive), the subject site being referred to as Site 1 (Wilton Mills); see image on next page. The concept for site 1 is that it is most likely to be developed for residential use, however it does not rule out development for other land uses set out in the Development Vision (above). Furthermore, we would refer back to the observations set out at paragraph 4.24 above and, the Council's own commentary and interpretation, relating to the 'Commercial Road area' within the SPG. Other supporting reports and material lodged with the application deal with other site specific development matters covered by the SPG.

Fig. 2 - Development Vision - Redevelopment Sites 1 - 4

For illustrative purposes only



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Key - Existing Features

- zROB Site
- Listed Building within zROB
- Open Space
- Wood/Scrub
- Hedge
- Landmark
- Key View
- Footpath

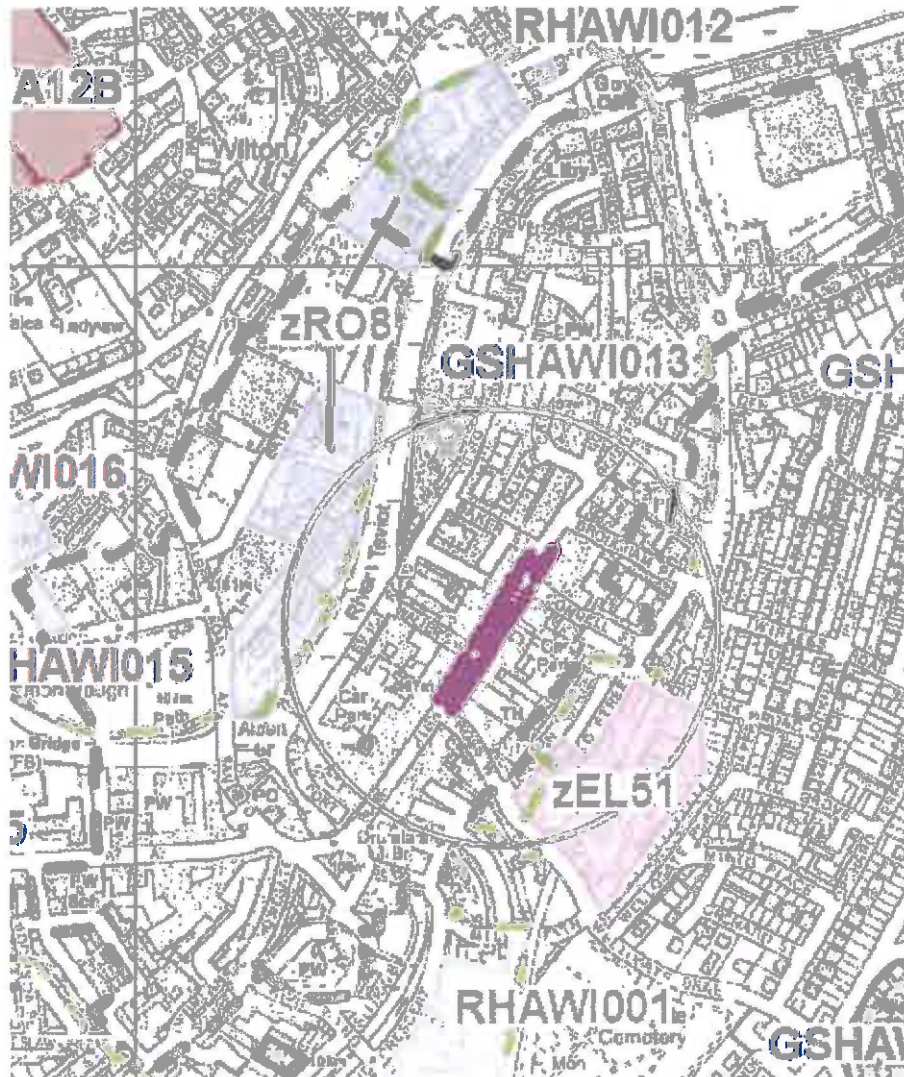
- Vehicular Gateway
- Tree

Key - Proposed Features

- Development Opportunity
- Potential Open Space
- Potential Vehicular Access
- Proposed Tree
- Landmark/Key Site

Scottish Borders Local Development Plan – Proposed Plan

- 4.28 Scottish Borders Council is currently in the process of preparing a new Local Development Plan. The Proposed Plan was published in September 2013 and following a period of consultation, has been submitted to Scottish Ministers for examination into unresolved representations. We understand this examination is now underway.
- 4.29 Site specific policy in the Hawick Settlement profile is broadly similar to the local plan. Undeveloped parts of the Commercial Road area, including the application site, continue to be allocated for redevelopment (site zR08). Under 'site requirements', the proposed plan refers to the approved Planning Brief ie. SPG. An extract from the Hawick proposals map, including the site, is reproduced below.



-
- 4.30 The terms of policy ED3 again, replicate the same policy of the local plan, with a criteria based assessment applied to any out of centre retail development. The application site occupies an edge of centre location, nevertheless this assessment has been produced to support the application proposals.

5. Sequential Approach

- 5.1 As set out at paragraph 4.31, the site occupies an edge of centre location.
- 5.2 It is physically adjacent to the defined Hawick town centre boundary and benefits from existing strong pedestrian links with the town centre, across the River Teviot. This much is already confirmed in the SWOT analysis carried out to inform preparation of the Commercial Road SPG (Table 1, page 6), where its proximity and links to the town centre is highlighted as strengths and opportunities.
- 5.3 Furthermore, paragraph 4.24 above, is also worth noting again, where the council confirmed that the Commercial Road area (including the application site) offers the potential to be considered as a suitable opportunity for edge of centre retail development.
- 5.4 An assessment of town centre sites has therefore been completed, based on their availability, suitability and viability.
- 5.5 Our review of sequential sites takes on board development plan policy and SPP. In particular, we are mindful of SPP at paragraph 63 where it states that, "*the sequential approach requires flexibility and realism from planning authorities, developers, owners and occupiers to ensure that different types of retail and commercial uses are developed in the most appropriate locations*"
- 5.6 In view of this and the Aldi "Business Model" (outlined at Section 2), it is important to appreciate that satisfying a number of competing factors are essential to ensure any opportunity is suitable and viable to Aldi.
- 5.7 This is consistent with every store Aldi operates within the UK and therefore, applies equally to completing this sequential assessment exercise. As such, we feel it is a fair and reasonable approach that sequentially preferable sites are assessed against their ability to fulfil the following key requirements:
- A site area of at least 0.70 hectares to accommodate a single span building of approximately 55m x 25m (internally);
 - Retail sales floor space in the region of 1,140 sqm, with a total gross external floor area (including for storage and amenity) of 1,587 sqm;
 - A dedicated service area;
 - A minimum of 80 dedicated car parking spaces; and
 - A strong profile and visibility.

- 5.8 Nonetheless, in assessing sequential sites, we have taken cognisance of three key considerations, as set out in SPP, namely:-
- **Availability** – whether the site is available in a reasonable period of time, taking into account the realities of property development and delivery.
 - **Suitability** – whether a site/property is suitable in view of its location, configuration, profile, size, accessibility, servicing and other physical/amenity considerations.
 - **Viability** – the extent to which a site /property offers a genuine and viable opportunity. Viability can be considered in view of matters associated with financial considerations associated with development of a site, or conversion of an existing unit, or its ability to offer a genuine and viable trading opportunity.
- 5.9 The sequential site analysis was completed by undertaking a visit to Hawick town centre, and from reviews of the current development plan to any sequentially preferable opportunities. Where necessary, it has also been guided by informal discussions with the agents concerning any sequentially preferable opportunities identified and relevant searches of available opportunities on property search engines, such as Estates Gazette and The Scottish Property Network. Please refer to appendix 1 of this report for the full list of sites considered.
- 5.10 In conclusion, our assessment has not identified any sequentially preferable opportunities, in accordance with the sequential approach set out in the development plan and other material policy considerations.

6. Deficiency, Impact and Scale Considerations

- 6.1 This section of the report will consider the proposals against the policy considerations of deficiency, impact and scale as set out by policy ED3 and other material policy considerations.

Quantitative Deficiency

- 6.2 A detailed retail impact assessment has been completed, with tables attached at appendix 2 to this report, to demonstrate how the proposals would assist to address deficiency considerations. An interpretation of these tables is provided within the paragraphs below.

Data Sources and Assumptions

- 6.3 The various assumptions and data sources relied upon in undertaking the quantitative assessment can be summarised as follows:

- Price year – 2013;
- Catchment area – Hawick – this includes the following postcode sectors TD9 0, TD9 7, TD9 8 and TD9 9. This accords with Aldi's development aspirations to deliver a foodstore that will serve the Hawick catchment area. A copy of the catchment area plan is attached at appendix 3.
- Test year – 2018. Selected to allow sufficient time for the securing of planning permission, demolition of buildings and construction of the new supermarket and approximately 12 months to allow trading patterns to settle;
- Existing population and projected 2018 population – Source: Experian population projections for area;
- Per capita expenditure – Source: Experian Area Profile Report (December 2014)
- Expenditure growth – 0.6% per annum. Source: Experian (Retail Planner Briefing Note, October 2014) and GVA;
- Convenience Floorspace – Sourced from Planning Permission 09/00622/FUL, Retail Impact Assessment by Turley Associates, GOAD and GVA James Barr town centre surveys December 2014; and
- Sales densities – Source: Mintel Retail Rankings 2014 and Verdict 2012 and grown to 2015 and 2018, at -0.06% per annum based on Experian Retail Planner and GVA report (Oct 2014).

Table 1: Population Projections

- 6.4 Using the aforementioned assumptions, the population of the catchment area at the base and test years was estimated as 18,297 growing to 18,341 respectively. This is consistent with the scale of catchment population that Aldi typically seek to serve.

Table 2: Convenience Goods Expenditure Forecast

- 6.5 Convenience expenditure per head of population for the catchment area was sourced from Experian and total available convenience expenditure at 2015 is calculated as £43m. This increases to £43.8m by 2018.

Table 3: Existing Floorspace and Company Average Turnover

- 6.6 Table 3 provides details of existing convenience retailing locations within the catchment area. As can be seen, calculations of existing turnover include not only national multiples and nearby superstores, but also independent traders and shops within Hawick town centre.
- 6.7 The figures used for floorspace dedicated to convenience sales have been sourced from planning permission 09/00622/FUL, Retail Impact Assessment by Turley Associates, together with GOAD and GVA James Barr town centre surveys conducted in December 2014.
- 6.8 Sales densities have been taken from Mintel Retail Rankings 2014 and Verdict 2012.
- 6.9 To calculate Individual turnovers, the sales densities have been multiplied by net convenience floorspace. Turnovers have subsequently been grown at a rate of -0.06% per annum between the 2015 base year and 2018 test year.
- 6.10 Table 3 concludes that the total turnover of convenience floorspace within the catchment, based upon company average levels of sales density being achieved, is some £55.48m at the 2015 base year, falling slightly to £55.31m at the 2018 test year.

Tables 4 & 5: Trade Patterns and Markets Shares 2015 & 2018

- 6.11 Existing trade patterns for convenience retailing have been estimated for both the base and test years and are summarised in tables 4 and 5. These tables utilise the lists of existing provision and estimates the level of turnover drawn from the catchment area. This ranges from 90% for smaller town centre shops and stores, to 65% for larger superstores, which will be drawing expenditure from beyond the catchment area. In the case of the latter, these are conservative estimates and the percentage of turnover from the catchment area in each case could therefore be lower.
- 6.12 From this analysis it is possible to estimate the likely market share for each of the retailers within the catchment area.

- 6.13 In 2015, Morrison's has the dominant market share, together with Sainsbury's. Together with other food shopping provision (principally in the form of Lidl and Iceland), outflow of expenditure from the catchment area at 2015 is anticipated to be £4.09m, comprising 10% of overall expenditure.
- 6.14 This exercise was also completed for the test year 2018. At this time, the anticipated market shares are expected to be broadly similar, with Morrison's and Sainsbury's remaining the dominant retailers within the catchment. The expenditure outflow is expected to increase to £5.09m, which is 12% of expenditure. These figures demonstrate the existence of some quantitative deficiency, albeit we accept limited, within the catchment area.

Impact

Table 6: Turnover of Proposals

- 6.15 Table 6 introduces the proposed development, in the form of the Aldi foodstore.
- 6.16 Sales predictions for the proposed Aldi store in Hawick (informed by market intelligence from CACI Ltd and part of the business case they complete for any new store), suggests a market share of 12%, based on the catchment area shown.
- 6.17 Based on a market share approach, 12% market share of convenience expenditure available within the catchment would therefore equate to proposed convenience sales turnover of £5.26m.

Table 7: Trade Diversions

- 6.18 Trade diversions are considered within Table 7 of the assessment. Column 3 details the percentage diversion that is envisaged from a specific location as a proportion of the proposed store's turnover derived from the catchment area. Column 4 then expresses this percentage as a monetary value. This allows the impact of the trade diversion on the various locations to be calculated as a percentage of each location's total existing turnover.
- 6.19 In order to determine where trade is anticipated to be derived for the new store, it is firstly important to appreciate the nature of the food shopping retail market and also the type of retailers Aldi competes most actively with. It is therefore relevant to recognise the well-established characteristics of the market, whereby 'like competes most actively with like'. It is clear that the proposed store will compete directly with other major grocery stores both within and outwith the catchment area, and this has been the basis upon which Aldi has made year on year gains in overall market share.
- 6.20 The principal trade diversions are therefore summarised in the table below:

Location	Turnover (£m)	Diversión (%)	Diversión (£m)	Impact (%)
Morrison's, Hawick	22.68	38	2.00	9%
Sainsbury's, Hawick	21.43	35	1.84	9%
Lidl, Hawick	3.68	10	0.53	14%
Locations out with catchment	N/A	13	0.68	N/A

- 6.21 The table indicates that the majority of trade diversion will be from the Morrison's and Sainsbury's superstores, due to their close proximity to the application site, their dominant market share position and the evidence from Aldi's recent gains in market share from the convenience sector.
- 6.22 There will also be some limited diversions from stores out with the catchment, including Aldi's own store in Galashiels, where customers in Hawick currently have to travel to, in order to access Aldi products.
- 6.23 In the case of Morrison's, the trade diversion values proposed above are only minor in scale and would in no way compromise the operation of this store, which is commonly held to be trading particularly well. This observation has been substantiated by visits to the store on several separate occasions during the latter part of 2014, with reference to the likes of car park occupancy, the number of check-outs in use and manner in which retail sales floorspace was being optimised. When taken together with very little (if indeed any) trade diversions from other shops, the assessment shows there will be no significant adverse effect on the vitality and viability of Hawick town centre.
- 6.24 The same conclusion can be drawn, even allowing for modest trade diversion values from the edge of Hawick town centre Sainsbury's and Lidl stores. Indeed, any such impacts need to be weighed against the likely positive impacts arising from the introduction of an edge of centre Aldi store.
- 6.25 Earlier parts of this assessment (paragraph 4.24 in particular), have highlighted the Council's own view that land along Commercial Road (including the application site) offers the potential to be considered as a suitable edge of centre location for retail development. Furthermore, there is no doubt that the application site can be accessed and linked with the existing town centre, as indeed it already is. In turn, this raises the distinct possibility of linked shopping trips, together with the benefits of mutual trade and footfall, between the application site and the town centre.
- 6.26 There will be leakage of some convenience expenditure from Hawick (as evidenced by table 5, appendix 2 – see 'outflow from catchment area'), to the likes of Galashiels for example, which offers something different, in the form of Tesco, Asda, as well as Aldi themselves. Furthermore, feedback from pre application consultation with Hawick residents (set out in the 'Pre-Application Consultation Report') revealed strong

support for Aldi coming to Hawick. It is therefore reasonable to conclude that a new Aldi In Hawick will not only help reduce outflow, but more importantly, it is likely to have a positive impact on Hawick town centre, owing to its strong edge of centre site credentials and corresponding potential to generate linked trips for the town centre.

- 6.27 To reinforce these conclusions, Aldi has recently completed case studies of developing edge of centre sites, in Greenock and Dundee. The findings prove that delivering Aldi stores at edge of town centre locations does generate linked trips and the associated mutual benefits of this, for overall town centre vitality and viability. The case studies are attached at appendix 4. In the case of Hawick, the most direct route from the site to the prime retail frontages along the High Street, is via North Bridge Street. In light of the case study findings (that linked trips will take place), the many shops and businesses along North Bridge Street stand to benefit from this increase in footfall and potential custom. As North Bridge Street is within the town centre, it follows that the proposals could therefore have a positive impact on the vitality and viability of the town centre.

Table 8: Market Shares – Post Proposals

- 6.28 Finally, table 8 presents the final anticipated market shares **within** the catchment at the test year with the proposals in operation and based on Aldi establishing 12% market share, as set out above.
- 6.29 As a result of some convenience expenditure leaving the catchment area, a proportion of which Aldi recapture and keep in Hawick, overall market shares amongst existing convenience retailers elsewhere will remain relatively unchanged, in particular within the town centre.

Conclusions

- 6.30 The quantitative element of the retail impact assessment has demonstrated that: (i) there is some quantitative deficiency within the catchment area (even when taking account of existing convenience retailers) and which broadly equates to the market share that Aldi is seeking; and (ii) there will be no significant adverse effect on the vitality and viability of Hawick town centre, with the potential instead for having a positive impact.

Qualitative Deficiency

- 6.31 In our view, the planning application proposals will help address qualitative deficiencies, consistent with the requirements of the development plan and SPP.
- 6.32 As noted within the earlier sections of this report, there is a growing trend within the UK for shoppers to expect a range of supermarkets to meet their weekly food shopping requirements. This has been reflected in evidence within national press over recent

years but also operator performance, which indicates that shoppers are increasingly seeking a broader shopping offer to meet expectations for quality and value for money.

- 6.33 They are no longer fulfilling shopping needs at a single location and more commonly expect to have access to a range of food shopping destinations. Hawick is no different and is reinforced by the feedback to our public consultation event, where the overwhelming majority supported the proposals to bring Aldi to Hawick.
- 6.34 Overall, the proposals will improve consumer choice and complement existing provision. They will also enable the local community to be even more self-contained for food shopping, encouraging linked trips with the town centre and the associated mutual benefits this can deliver, as set out above.
- 6.35 As a result, it is considered that the proposals will help meet a qualitative deficiency within this catchment area.

Scale

- 6.36 The scale of foodstore proposed is appropriate to its location and a town of the scale of Hawick. There are other foodstore operators in Hawick of a greater scale than the application proposals. More importantly, Aldi has been seeking an appropriate opportunity in Hawick for a number of years now.

Summary

- 6.37 In light of the above comments, we conclude the following:
- There is some outflow of convenience expenditure from the catchment area, which broadly equates with the market share that Aldi is seeking. This demonstrates a quantitative deficiency.
 - Customers increasingly expect access to a wide range of food shopping destinations, with Aldi being part of this mix. Feedback from Hawick residents to our public consultation event reinforced this view.
 - There would be no significant adverse effect on the vitality and viability of Hawick town centre. In fact, the proximity and links with the town centre will help encourage linked shopping trips, which is likely to result in positive impact. Aldi's experience of developing similar edge of centre locations elsewhere reinforces this view.
 - The site represents the most sequentially preferable location within the catchment Aldi are seeking to serve.

7. Town Centre Healthcheck

- 7.1 In addition to the detailed technical retail assessment and also sequential analysis completed above, a town centre health check has been completed to review the vitality and viability of Hawick town centre. This approach is advocated by Scottish Planning Policy.
- 7.2 SPP sets out the key indicators that are to be used when determining the vitality and viability of a centre. These are:
- Pedestrian flow;
 - Prime rental values;
 - Space in use for different town centre functions and how it has changed;
 - Retailer representation and intentions (national multiples and independents);
 - Commercial yield;
 - Vacancy rates;
 - Physical structure of the centre including opportunities and constraints, and its accessibility;
 - Periodic surveys of customers; and
 - Crime levels
- 7.3 A survey of the town centre was completed on 20 February 2014 and updated again, in December 2014. Details of the findings of the health checks are set out below.

Centre Profile

- 7.4 Hawick town centre is set in the valley of the River Teviot, at the confluence of the Slitrig Water and the River Teviot. The town centre is formally designated within the Scottish Borders Consolidate Local Plan (Adopted 2011) (hereafter "the Local Plan"), an extract of which can be seen below, with the centre defined by the black dashed line.
- 7.5 The green line in the below plan notes the Hawick Central Conservation Area of which the town centre is almost completely covered by. Relatedly, there are a large number of historic buildings of architectural value.



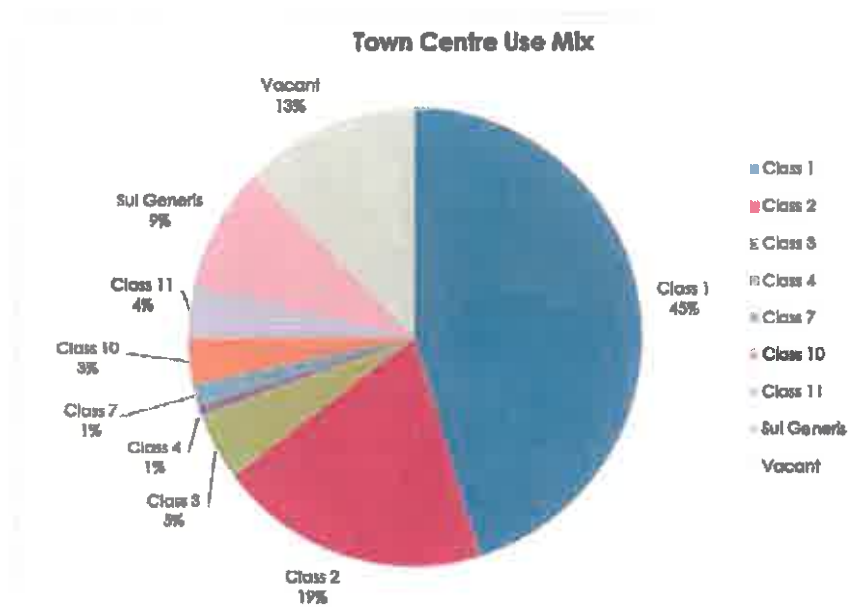
Scottish Borders Local Plan proposals map extract of Hawick town centre (dashed black line)

- 7.6 Sitting within the central part of the Scottish Borders, the town provides an important sub-regional role within the area and therefore serves a wider catchment area both to the north and south, than just the population within the immediate settlement.
- 7.7 The town centre covers a large area, which forms a linear pattern from Morrison's supermarket in the north, along the main shopping street of High Street south towards Howegate and Buccleuch Street in the south west. There are numerous smaller streets branching off from the main spine of the town centre on High Street. A significant amount of residential dwellings are present in the densely constructed town centre.

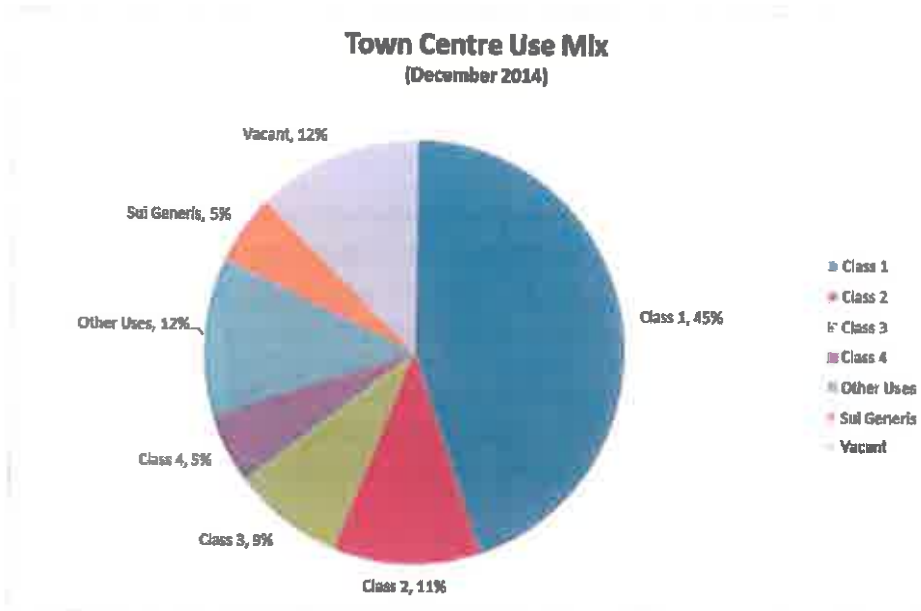
Unit Mix and Composition

- 7.8 In terms of the mix of uses within the town centre, a record of all the units present within the defined boundary was undertaken by GVA James Barr in February 2014 and repeated in December 2014.

- 7.9 In total, the February 2014 survey found that there are 272 units within the existing Town Centre boundary. Retail uses (Class 1) dominate with 45% of the available units used for shopping purposes. The survey also found that Class 2 uses (financial/professional) were well represented at 19%. Class 3 (food and drink) uses however, occupied only 5% of units, and were therefore considered to be underrepresented. Notwithstanding this, the other mix of uses present is largely consistent with the scale and role of a town centre like Hawick.



The second survey in December 2014 demonstrates that these figures have largely remained static. Vacancy rates were found to be 12%, while Class 1 (Retail) uses still accounted for 45% of units in the town centre. Class 2 (Financial and professional) uses were found to have reduced to 11%, offset by an increase in Class 3 (Food and drink) and Class 4 (Business) uses which increased to 9% and 5% respectively.



7.10 The data gathered showed that convenience provision in the core town centre area is principally located at the Morrison's store in the north-east of the town centre, with a café and car parking to the west of the store. There is also a Farmfoods store situated on the High Street. Located on the other side of the River Teviot is an Iceland on Victoria Road, as well as Sainsbury's and Lidl stores at the edge of the centre. Food shopping choice therefore has a good geographical spread within the centre.



- 7.11 In addition, the town centre also features a number of small scale food shops including bakers and grocers, which are a good sign of the vitality of a centre indicating that Hawick can cater for both national multiples and independent retailers.

Retailer Mix

- 7.12 An indication of the health of a centre is the scale and mix of occupiers present. The town centre had a good range of independent shops including book and music shops, hairdressers and chemists, as well as supporting the aforementioned small convenience retailers such as butchers.
- 7.13 There were also a number of national multiples present within the town centre including Burton/Dorothy Perkins, Poundstretcher, Subway, Boots, B&M Bargains and Greggs, indicating the centre's attractiveness to larger UK wide retailers.

Vacancy Levels

- 7.14 The latest survey found that the unit vacancy level within Hawick town centre currently stands at 12%. This is lower than the national average which was 13.2% in October 2014 (Local Data Company). The healthcheck identified that the vacant units were located sporadically across the town centre area, and comprised mainly smaller units.
- 7.15 In the current economic climate, retailers have faced difficult trading conditions and there have been large numbers of businesses entering administration in recent years presenting a real challenge for smaller settlements to retain decent occupancy levels. Hawick is no different and has performed relatively well to keep vacancy levels at a relatively low rate compared to other similarly sized towns across Scotland, whilst also retaining a number of national multiples.
- 7.16 This challenging trading climate has been reflected in the recent closure of the WH Smith branch in Hawick town centre. Encouragingly, we understand that WH Smith have expressed an interest in retaining a presence in the town should suitable alternative premises become available (Hawick News, October 2014), which reflects the continuing attraction of the town to national multiples.

Pedestrian Flow

- 7.17 High Street was the busiest area of the town centre, which correlates with its identification as the prime retail frontage in the town. There were a number of schoolchildren within the shops on the high street, particularly the cafes and take-away outlets. The smaller streets which branch off the main street in the town centre were quieter given that there are less commercial units here and more residential dwellings.

Accessibility

- 7.18 In relation to accessibility, the town centre is currently accessible via car and bus with regular services to Edinburgh, Carlisle, Berwick and Galashiels and a bus halt at Morrison's Supermarket on Mart Street.
- 7.19 Parking is available through on-street spaces throughout the town centre and larger car parking areas at Common Haugh (Approximately 410 spaces) as well the Morrison's car park which can also accommodate approximately 140 spaces. Cars



are heavily present within the heart of the town centre on High Street.

- 7.20 The town centre is well positioned to intercept walk in trade from the surrounding residential areas and is easily accessible, with well-maintained pavements and a number of crossings throughout the town for access across the main streets.

Environmental Quality

- 7.21 Hawick enjoys a high level of environmental quality, with good quality hard/soft landscaping and well-maintained traditional, shop fronts across the town, adding to the attractiveness and historic nature of the area.
- 7.22 It is noted that on the day of the visit a high level of footfall was present. The majority of shops present had customers within them and a decent mix of demographics, indicating the accessibility and appeal of the centre to a mix of age groups.

-
- 7.23 The majority of the town centre is within the Conservation Area.
- 7.24 The town centre features a large number of listed buildings, with a varied range of architectural styles which bring interest to the street front, of which the majority of shops featured good quality, clean, well-kept shop frontages.
- 7.25 In addition, the centre benefits from significant areas of planting, with the town involved in a 'Hawick in Bloom' project, with attractive flower displays present across the town. This has led to the town succeeding in the Scotland in Bloom competition 16 times.
- 7.26 The town also hosts a Saturday Market and Car Boot sale held at the Common Haugh car park on the north bank of the River Teviot. Additionally a farmers market takes place on the third Saturday of each month at the civic space beside Heart of Hawick, just off High Street, providing a further draw for shoppers into the town centre.



Summary

- 7.27 Overall, the town centre healthcheck found that the centre is performing well. Most notably, vacancy levels are below the national average, and Hawick boasts a decent mix of uses comprising a good range of both national multiple and independent retailers. The town centre also has a good mix of other services including a library, health centres and community centres (art club, dance club). Together with a Saturday market and monthly farmers market, the centre has many attractions to draw in the local population.

7.28 Furthermore, the centre is accessible by bus and car, as well as on foot and by bicycle. The overall environmental quality of the town centre is excellent, with good quality landscaping throughout and attractive flower displays located in areas of high activity, that further enhance the appearance of the pedestrian environment.

8. Conclusions

- 8.1 This retail assessment has considered the principle of a Class 1 retail foodstore use against relevant development plan policy and other material considerations. It is the intention that Aldi will operate the foodstore and this has informed certain parts of the assessment.
- 8.2 The site is allocated as a redevelopment opportunity and may therefore be developed for a mix of uses, including retail, subject to the sequential test. The sequential test has been applied and did not find any sequentially preferable sites in Hawick town centre.
- 8.3 Development plan policy for retail development (food and non-food) seeks to support and enhance the role of town centres. This assessment has demonstrated compliance with these policy aspirations, principally through the benefits of developing edge of town centre locations and where such benefits have already been acknowledged by the Council in determining other similar proposals in the town.
- 8.4 There is no specific criteria based development plan policy for assessing edge of centre retail development proposals, however for robustness, the application proposals have been tested against the out of centre retail development policy.
- 8.5 With regard to these criteria and Scottish Planning Policy in particular, this assessment has established that:
- There is some outflow of convenience expenditure from the catchment area, which broadly equates with the market share that Aldi is seeking. This demonstrates a quantitative deficiency.
 - Customers increasingly expect access to a wide range of food shopping destinations, with Aldi being part of this mix. Feedback from Hawick residents to our public consultation event reinforced this view.
 - There would be no significant adverse effect on the vitality and viability of Hawick town centre. In fact, the proximity and links with the town centre will help encourage linked shopping trips, which is likely to result in positive impact. Aldi's experience of developing similar edge of centre locations elsewhere reinforces this view.

- The site represents the most sequentially preferable location within the catchment Aldi are seeking to serve.
- The impact on travel patterns and car usage is likely to be positive, owing to the likelihood of linked trips between Aldi and the town centre, and the ability for residents in Hawick to visit Aldi (in many cases on foot, or public transport) without travelling to Galashiels. Public consultation feedback to the proposals supports this conclusion.
- The site is located within an existing settlement and has been vacant for a number of years, having been identified in successive development plans as a brownfield site redevelopment opportunity.
- The Council's handling of other food retail development proposals has confirmed that the Commercial Road area offers potential to be considered as a suitable edge-of-centre location for retail development.

8.6 In conclusion, development plan policy allows a planning case to be made for retail development at redevelopment sites occupying edge of centre locations, where certain matters can be satisfactorily addressed. This statement has made such a case against these policy requirements and furthermore, has also demonstrated that a number of additional planning benefits would accrue, as outlined above.

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Appendices



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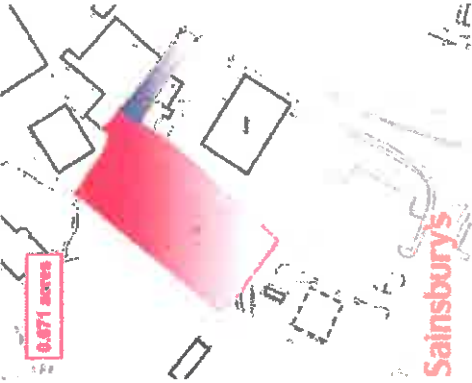
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Appendix 1

Sequential Analysis



Appendix
Sequential Assessment

No	Site/ Property	Local Plan policy	Site / Area Floorspace	Availability	Suitability and Viability
1	30 Commercial Road	ZR08 Redevelopme nt Area	0.27ha	Advertised via Graham & Sibbald as the selling agents.	<p>The site is edge of centre and does not therefore occupy a sequentially preferable location when compared with the subject site. The site is too small for an Aldi store with associated access, car parking and servicing requirements as proposed within the planning application. The site is therefore considered unsuitable and unviable for an Aldi Store.</p> 
2	20 Commercial Road	ZR08 Redevelopme nt Area	Individual units making up 0.4 ha site	There are already proposals in place on the site to refurbish and extend the existing traditional buildings. Units within the development are being marketed by agents. However this is for individual	<p>The site is edge of centre and does not therefore occupy a sequentially preferable location when compared with the subject site. The site is being marketed for the rental of individual office units, as opposed to the entirety of the site being marketed. The site is too small to accommodate an Aldi foodstore with associated access, car parking and servicing requirements as proposed within the planning application. The site is therefore considered unsuitable and unviable for an Aldi store.</p>

No	Site Property	Local Plan policy	Site / Area Floorspace	Availability	Suitability and Viability
				<p>units as opposed to the entire site.</p>	

No	Site / Property	Local Plan policy	Site / Area / Floorspace	Availability	Suitability and Viability
3	Common Haugh Car Park	No specific local plan policy.	1.2ha	<p>The site is currently occupied by a surface level car park.</p> <p>The car park is well used with a monthly Saturday Market taking place here. The site is not being actively marketed and it is therefore unclear whether this site is available.</p>	<p>The site is edge of centre and does not therefore occupy a sequentially preferable location when compared with the subject site.</p> <p>The site currently operates as a free car park serving the town of Hawick and is well utilised. It is not being marketed for sale and is not therefore available. Furthermore, the site is also much larger than is required for an Aldi store, with associated access, car parking and servicing requirements, therefore the site is not suitable or viable for an Aldi store.</p>
4	N. Peal Factory Site	No specific local plan policy.	Total building size is 300,000 sq.ft	<p>The site is being marketed as a residential building plot and is therefore unavailable.</p>	<p>At best, the site is edge of centre and does not therefore occupy a sequentially preferable location when compared with the subject site.</p> <p>It is being marketed for residential development and is far in excess of the site area required for a typical Aldi store. The site is therefore considered unsuitable and unviable for an Aldi store.</p>



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Appendix 2

**Retail Impact
Assessment Tables**



Wilton Mills Ltd
 FORMER WILTON MILLS, HAWICK
 January 2015

TABLE 1 - POPULATION PROJECTIONS

Catchment Area	Current Date 2015	Test Date 2018
TD9 7	3869	3878
TD9 8	5537	5551
TD9 9	4378	4386
TD9 0	4513	4526
CATCHMENT AREA TOTAL	18,297	18,341

Notes: Sourced from Experian Micromarketer Bespoke Report December 2014

TABLE 2 - CONVENIENCE GOODS EXPENDITURE FORECASTS

Convenience Expenditure Adjustments:

	2013	2015	2018
Catchment Area	2,320	2,348	2,390

Convenience Expenditure Forecasts:

	2015 (£m)	2018 (£m)
Catchment Total	43.0	43.8

Notes:

Expenditure per capita figures sourced from Experian Area Profile Report (December 2014)
 Grown at 0.6% per annum- Growth rate sourced from Experian Retail Planner and GVA (October 2014)

2013 prices

TABLE 3 - EXISTING FLOORSPACE AND COMPANY AVERAGE TURNOVER

Location	Net Convenience Sales Floorspace* (sq m)	Company Average Sales Density** (£ per sq m)	Total Turnover 2015 (£m)***	Total Turnover 2018 (£m)****
Catchment Area				
Hawick town centre				
Morrisons	1,770	12,854	22.75	22.71
other shops	2,100	2,000	4.20	4.19
Edge of Centre				
Sainsbury's	1,765	12,179	21.50	21.46
Lidl	932	3,960	3.69	3.68
Iceland	456	7,321	3.34	3.33
CATCHMENT AREA TOTAL			55.48	55.38

Notes:

* Sourced from Planning Permission 09/00622/FUL, Retail Impact Assessment by Turley Associates, GOAD and GVA James Barr town centre surveys December 2014

** Sales densities taken from Mintel Retail Rankings 2014 and Verdict 2012

*** Turnover grown at -0.06% per annum, sourced from Experian Retail Planner and GVA (October 2014)

2013 prices

Wilton Mills Ltd

FORMER WILTON MILLS, HAWICK

January 2015

TABLE 4 - MARKET SHARES 2015

Catchment Area	Location	Company Average Turnover (£m)	% Estimated Turnover from Catchment*	Turnover from Catchment (£m)	Market Share (%)
Hawick town centre	TC	22.75	65%	14.79	34
	TC	4.20	90%	3.78	9
Edge of Centre	EOC	21.50	65%	13.97	33
	EOC	3.69	90%	3.32	8
	EOC	3.34	90%	3.00	7
Catchment Turnover		55.48		38.87	90
Outflow from Catchment Area				4.09	10
Total Expenditure				42.96	100

Notes:

* Estimates based on GVA site visits and retail planning experience.

TC = Town Centre, EOC = Edge of Centre

Wilton Mills Ltd
 FORMER WILTON MILLS, HAWICK
 January 2015

TABLE 5 - MARKET SHARES 2018

	Location	Company Average Turnover (£m)	% Estimated Turnover from Catchment*	Turnover from Catchment (£m)	Market Share (%)
Catchment Area					
Hawick town centre	TC	22.71	65%	14.76	34
Morrisons	TC	4.19	90%	3.77	9
other shops					
Edge of Centre	EOC	21.46	65%	13.95	32
Sainsbury's	EOC	3.68	90%	3.32	8
Lidl	EOC	3.33	90%	3.00	7
Iceland					
Total Turnover		55.38		38.80	88
Outflow from Catchment Area				5.05	12
Total Expenditure				43.84	100

Notes

* Estimates based on GVA site visits and retail planning experience

TABLE 6. TURNOVER OF PROPOSALS 2018

Scale of Proposals:	(sq m)
Net Sales Area	1,254
Convenience Goods Sales Area (sq m)	1,003
Comparison Goods Sales Area (sq m)	251
Market Share:	
Available Convenience Expenditure from Catchment (£m)	43.84
Potential Market Share, Convenience Sales (%)	12
Convenience Turnover from Catchment (£/m)	5.26
Notes:	
Sales Convenience / Comparison split based on 80% / 20% national average	

TABLE 7 - TRADE DIVERSIONS - ALDI PROPOSALS

	Location	Turnover (£m)	Diversion (%)	Diversion (£m)	Post Proposal's Turnover (£m)	Impact (%)
Catchment Area						
Hawick town centre	TC	22.71	38	2.00	20.71	9
Morrisons	TC	4.19	2	0.11	4.09	3
other shops						
total		26.90	40	2.10	24.80	8
Edge of Centre						
Sainsbury's	EOC	21.46	35	1.84	19.62	9
Lidl	EOC	3.68	10	0.53	3.16	14
Iceland	EOC	3.33	2	0.11	3.23	3
Other (locations out with catchment)			13	0.68		
Diversion (%)			100	5.26		
Total Turnover (£m)				5.26		

Wilton Mills Ltd

FORMER WILTON MILLS, HAWICK

January 2015

TABLE 8 - MARKET SHARES 2018 WITH ALDI PROPOSAL

	Post Proposal's Turnover (£m)	% Turnover from Catchment	Turnover from Catchment (£m)	Market Share (%)
Catchment Area				
Hawick town centre				
Morrisons	20.71	65%	13.46	31
other shops	4.09	90%	3.68	8
Edge of Centre				
Sainsbury's	19.62	65%	12.75	29
Lidl	3.16	90%	2.84	6
Iceland	3.23	90%	2.90	7
ALDI PROPOSALS, HAWICK			5.26	12
Total Turnover			40.90	93
Outflow from Catchment Area			2.94	7
Total Expenditure			43.84	100

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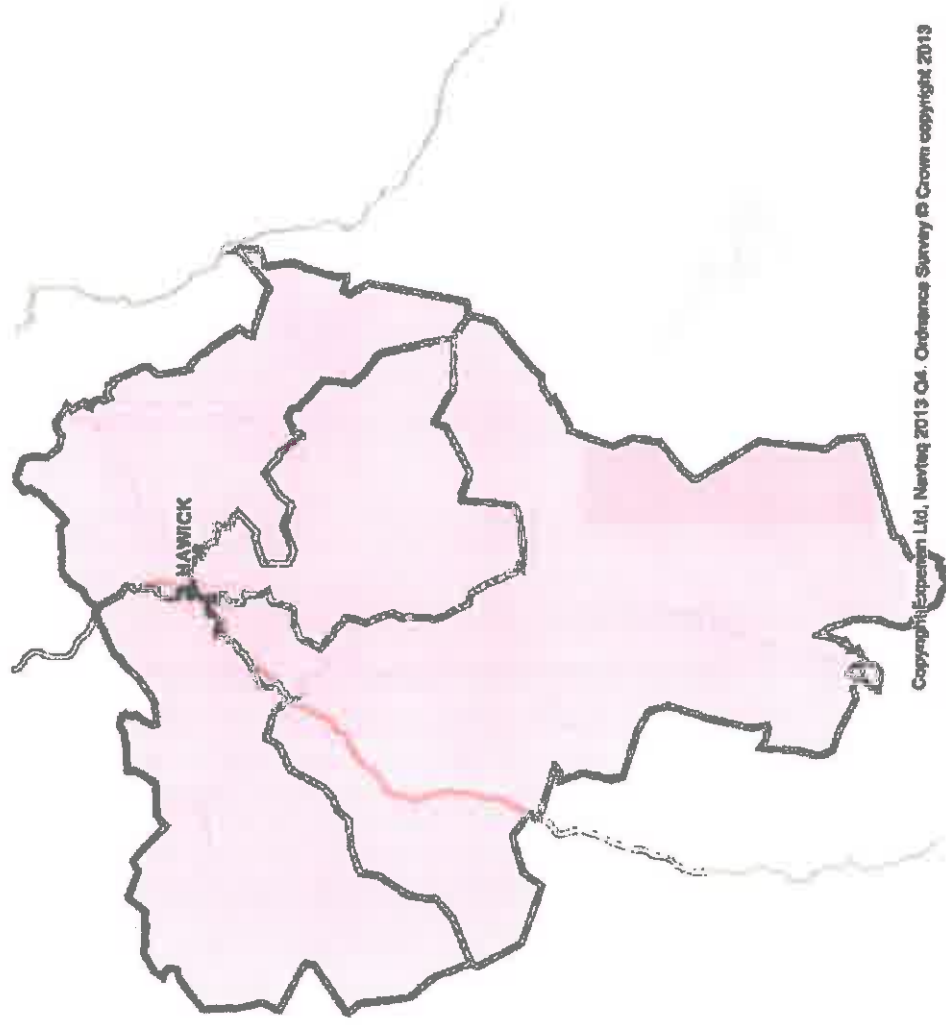
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Appendix 3

Catchment Area Plan



Appendix 3
Proposed Class 1 retail foodstore, Commercial Road, Hawick – catchment area plan



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Appendix 4

Case studies for
Aldi Stores Ltd –
developing edge of
centre sites,
Greenock and
Dundee



Case Study
Developing edge of town centre locations



Aldi Stores Ltd, Greenock





Introduction

This case study has been prepared on behalf of Aldi, to help demonstrate the positive impact of developing a new foodstore on the edge of Greenock town centre.

The site

The site can be identified adjacent. It is situated on the northern edge of Greenock town centre. It was separated from the central shopping areas of West Blackhall Street, and beyond that the Oak Mall shopping centre, by the A770 Grey Place. The site is approximately 315 metres from the primary shopping area.



West Blackhall Street

The site (prior to Aldi development)

Planning policy

Local policy

At the time of making the Aldi application, the site was situated within an 'outer mixed/commercial area', on the edge of the 'central shopping area'. An extract from the local plan proposals map, at that time, is reproduced opposite.

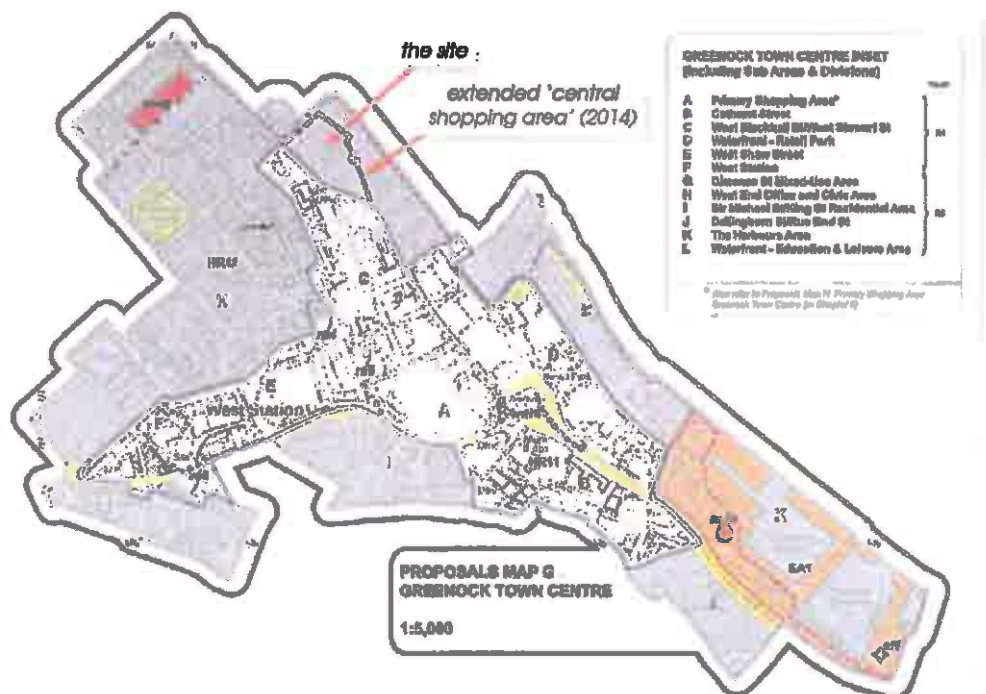
Following approval of the Aldi proposals, the 'central shopping area' boundary was extended in 2014 to include the site. This is recognition of its positive impact and relationship with the town centre, which is explained further on.

National policy

A report into 'Town Centre and Retailing Methodologies' for the Scottish Government (2007) confirmed that new development can have a positive impact on the distribution of activity (i.e. pedestrian activity and

spending), as a result of linked trips from edge of centre development.

It refers to evidence of the role of linked trips benefitting some centres, as a result of edge of centre development. It concluded that positive impacts (resulting from linked trips) should be assessed when determining planning applications. This case study provides further evidence of such positive impact.





The development

Aldi's planning case for developing the site is illustrated opposite. In summary, the proposals sought to:

- Promote strong retail anchors at each of the town centre's edges. In this case, Aldi at the northern end and Oak Mall shopping centre at the southern end. This would help encourage strong and logical retail pedestrian routes between these two anchors.
- Use the strong visual draw of a new Aldi store, on a key route into the town centre and visible from the primary shopping area, to encourage increased footfall and linked trips.
- Increase pedestrian and shopping activity within the immediate vicinity of the new foodstore.
- Help redress the balance of food shopping facilities within the town centre, where at present it was concentrated within the southern parts.
- Introduce new areas of public realm and improve pedestrian connections through the site, particularly between the site and Grey Place/West Blackhall Street.



Case study findings

The Aldi store opened in May 2014.

Having allowed for initial trading patterns to settle, surveys of linked trips and vacancy levels were undertaken in November 2014. The purpose of the surveys was to establish if the benefits of developing an edge of centre site, as summarised in our original planning case above, were actually occurring.

Linked trips

Surveys of pedestrian activity were undertaken on a single Friday in November 2014.

Two types of activity were surveyed.

Firstly, we counted people who started their shopping trip at the Aldi store and then walked into other parts of the town centre from the store car park.

Secondly, we counted people visiting Aldi, having come from other parts of the town centre.

We have also shown the number of linked trips as a percentage of total transactions recorded on that particular day, in this case being 1,283. We know this is a

reliable figure to draw such conclusions, as it accords with Aldi's typical customer expectations of approximately 40,000 customers per calendar month. For the avoidance of doubt, care was taken when completing the surveys, to avoid any double-counting of trips.

Pedestrian activity surveyed	Number of linked trips	Number of linked trips as a % of total transactions
From Aldi to the town centre	145	11%
From the town centre to Aldi	105	8%
Total trips	250	19%

The results of the survey were very encouraging and prove that shoppers are making linked trips. In this case nearly 20%, or a fifth, of all transactions made in the Aldi store that day. The slightly higher number of shoppers starting their trip at Aldi is not surprising, given the 'draw' of an Aldi foodstore and the ability to use their car park as the starting point from which to make linked trips.



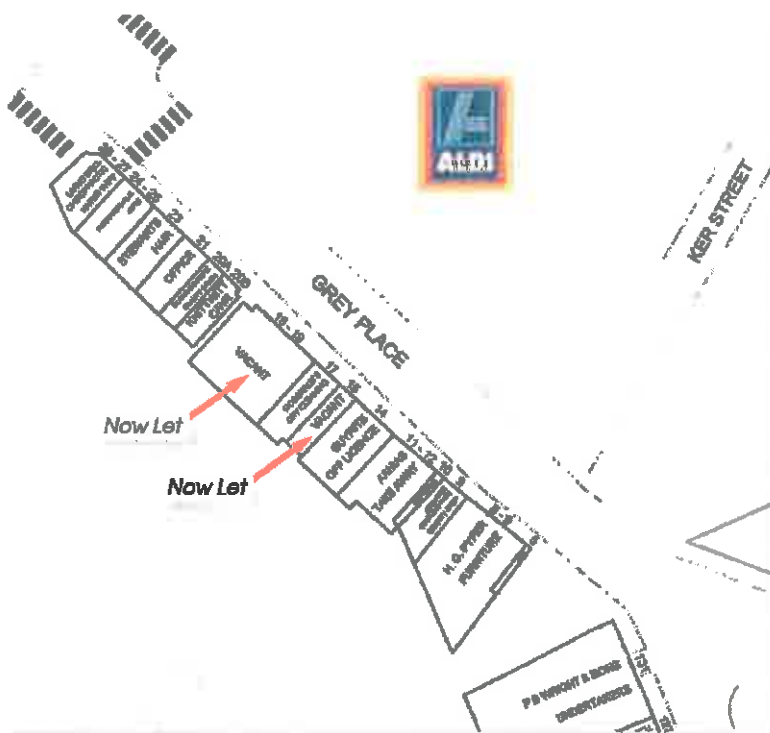
The survey findings can also be used to estimate likely linked trips throughout the month (based on 30 days per month). If we use a slightly lower percentage of say 15% of all transactions (to reflect weekly fluctuations in shopping activity), the Aldi store could be facilitating in excess of 5,700 linked trips per month.

Vacancy levels

Based on the evidence of linked trips, it was also encouraging to record that vacancy levels, in the immediate vicinity of the Aldi store along Grey Place, have now fallen.

An extract of a GOAD survey (below) from July 2013 shows vacant units along Grey Place prior to the Aldi store opening. As at November 2014, vacancy levels had dropped, with numbers 18-19 (a particularly large unit) now occupied by a wedding dress retailer and 15, by a hairdresser. With the exception of number 9 (previously occupied temporarily by a charity shop), Grey Place is now fully occupied. These are encouraging findings, particularly on the fringes of a town centre, where vacancy levels are typically higher.

It was also positive to see that most (if not all) of the shop frontages along Grey Place have been improved, through painting and new signage. Together with Aldi's public realm improvements, this is helping create a more attractive shopping environment, which is best summarised in the 'Inverclyde Now' article below, published in June 2014, shortly after the store opened.



area, the upgraded shop fronts, the statue (controversial but the tourists love it!), the new store, the cleaned up carpet shop, the pathway towards West Blackhall Street. What was once waste ground has a real buzz and welcoming feel about it."

"Well done to Aldi, Inverclyde Council and Riverside Inverclyde for making this a place to be proud of – better late than never. Only the Glebe building to get renovated and occupied and it will be complete – office and community space? If anyone wants an idea of how this could look in future, have a look here at Warehouse 13 in Hull."

Source: Inverclyde Now

In TALKBACK – A Pleasant Surprise At Aldi Sunday, 01 June 2014 |



"It was really great visiting Aldi in Greenock on my way home from work – not because it's a new store or handy for me to visit, but because of the massive difference it has made to Grey Place that I've never really been able to appreciate until now."

"Standing outside the store, yards from where visiting cruise passengers will pass, I really appreciated the transformation of this

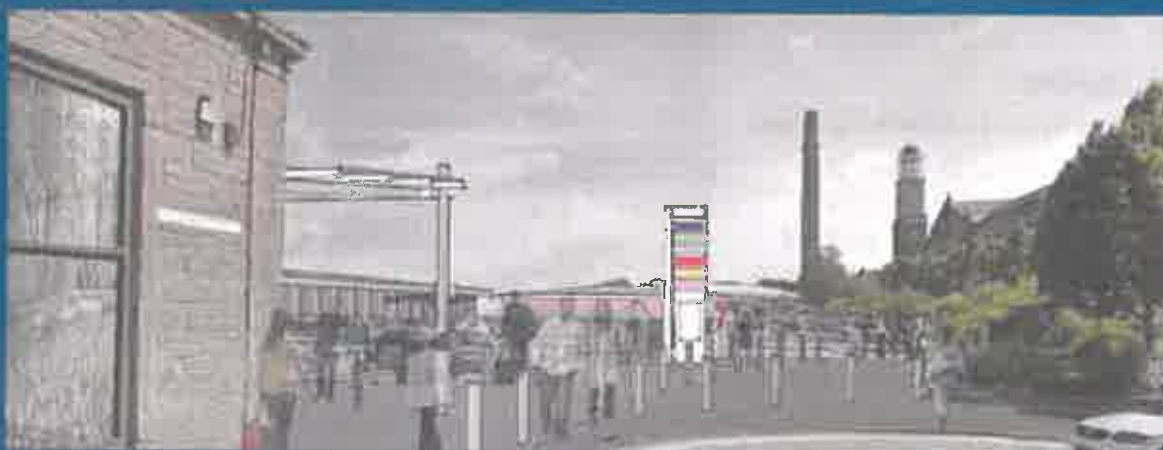
Conclusions

The findings of the case study are encouraging for Greenock town centre. They demonstrate that many of the benefits set out in the original planning case are actually being delivered.

Based on our survey findings, a significant number of linked trips are taking place between the Aldi store and other parts of the town centre. As such, it is fair to conclude that more shopping and associated expenditure is therefore being retained within Greenock town centre. A reduction in vacancy levels opposite Aldi helps support this notion.

Overall, the case study demonstrates that appropriately sized foodstores, at edge of centre locations, can have a positive impact on town centres and in doing so, support their vibrancy, vitality and viability, as advocated in Scottish Planning Policy.

Case Study
Developing edge of town centre locations



Aldi Stores Ltd, The Stack/Lochee, Dundee





Introduction

This case study has been prepared on behalf of Aldi, to help demonstrate the positive impact of developing a new foodstore on the edge of Lochee District Centre, Dundee.

The site

The site can be identified adjacent. It forms part of the former Stack leisure park (previously vacant), which is being redeveloped and regenerated to provide a successful and attractive destination that complements Lochee district centre.

As shown in the adjacent image, The Stack is immediately adjacent to Lochee district centre.



The Aldi store is located approximately 300 metres from Lochee high street.

Planning policy

Local policy

The Dundee local development plan supports the redevelopment of The Stack for a mix of uses, including retail. The nature and scale of commercial uses at The Stack are controlled to ensure they complement the more traditional shopping offer and services in Lochee district centre.

The justification for this approach is stated as being the potential to not only improve the prospects for regenerating The Stack, but also, importantly, to offer a catalytic effect to enhancing the vitality and viability of Lochee district centre, through the strong ("edge of centre") physical connectivity between the two locations.

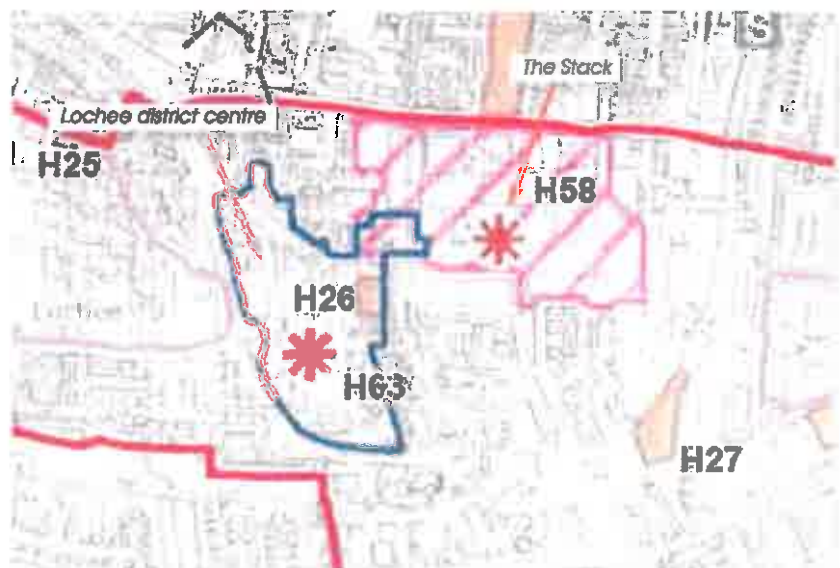
An extract of the local development plan, showing Lochee district centre (dark blue line) and The Stack (pink cross hatching) adjacent, is shown opposite.

National policy

A report into 'Town Centre and Retailing Methodologies' for the Scottish Government (2007) confirmed that new

development can have a positive impact on the distribution of activity (ie. pedestrian activity and spending), as a result of linked trips from edge of centre development.

It refers to evidence of the role of linked trips benefitting some centres, as a result of edge of centre development. It concluded that positive impacts (resulting from linked trips) should be assessed when determining planning applications. This case study provides further evidence of such positive impact.





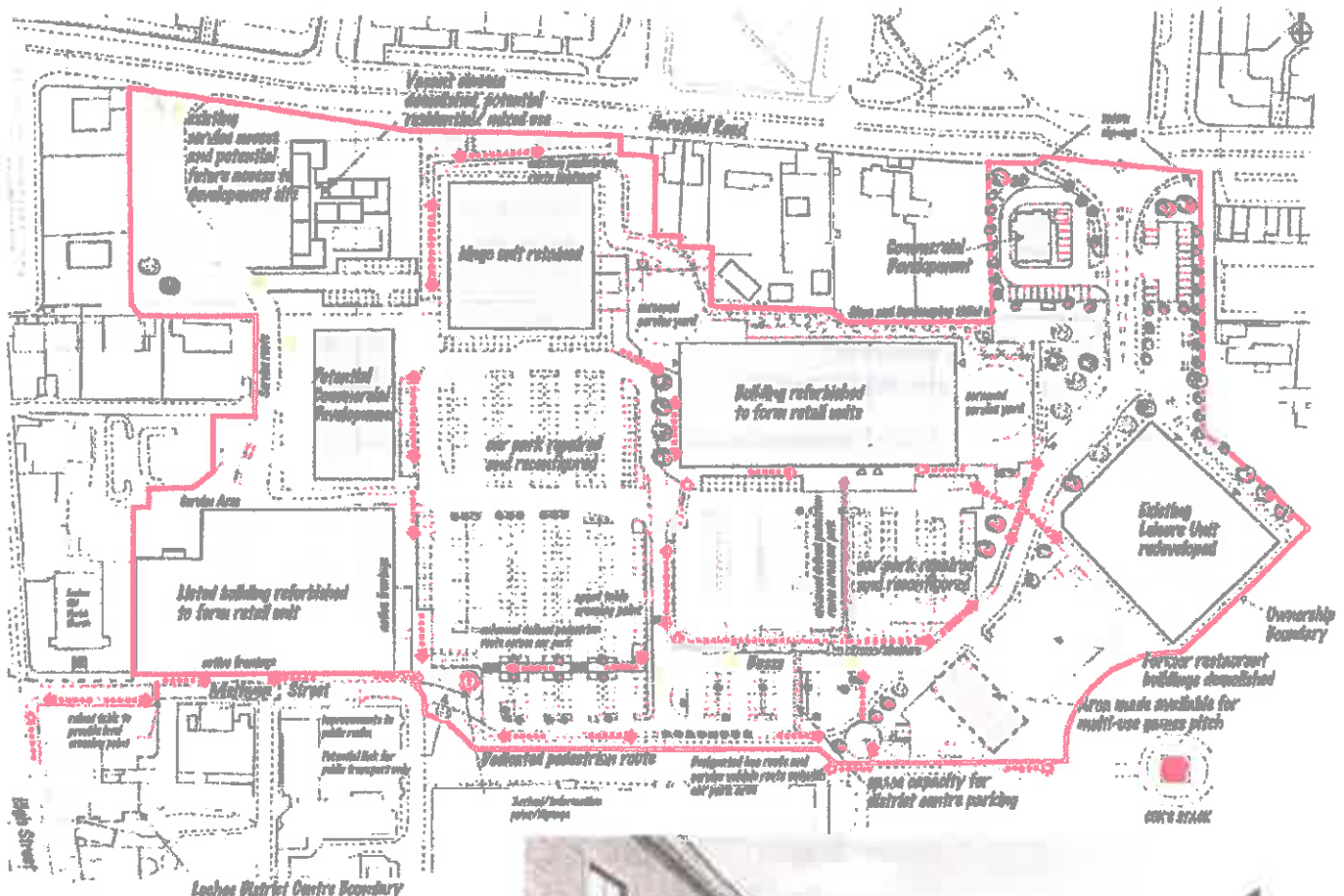
The development

The vision for regenerating and redeveloping The Stack, as originally presented and now being delivered, is summarised below:

- To be a successful and attractive destination that complements and enhances Lochee district centre.
- The Stack offers the opportunity to provide certain types of retailing that cannot be physically accommodated within Lochee district centre, but strengthening pedestrian links between the two locations, as well as providing additional car parking, can deliver positive impacts for the district centre overall, by facilitating linked trips.

- Enhancing the public realm to provide a new information 'arrival' point will help encourage linked trips between Lochee High Street and The Stack.
- Relocating and Improving bus facilities, whilst upgrading pedestrian routes, will also improve and encourage movement and linkages with Lochee district centre. There has already been interest from bus companies to provide additional services, linking The Stack with Lochee district centre.

The proposed view from Lochee district centre, looking towards The Stack, is shown below.



The proposed view from Lochee district centre, looking towards The Stack, is shown right.



Case study findings

The Aldi store opened in September 2013.

Having allowed for initial trading patterns to settle, surveys of linked trips were undertaken in November 2014. The purpose of the surveys was to establish if the benefits of developing an edge of centre site, as summarised in the original planning case above, were actually occurring.

Linked trips

Surveys of pedestrian activity were undertaken on a single Friday in November 2014.

Two types of activity were surveyed.

Firstly, we counted people who started their shopping trip at the Aldi store and then walked into other parts of the district centre from the store car park.

Secondly, we counted people visiting Aldi, having come from other parts of the district centre.

We have also shown the number of linked trips as a percentage of total transactions recorded on that particular day, in this case being 1,462. We know this is a reliable figure to draw such conclusions, as it accords with Aldi's typical customer expectations of approximately 40,000 customers per calendar month.

For the avoidance of doubt, care was taken when completing the surveys, to avoid any double-counting of trips.

Pedestrian activity surveyed	Number of linked trips	Number of linked trips as a % of total transactions
From Aldi to the district centre	186	13%
From the district centre to Aldi	112	8%
Total trips	298	21%

The results of the survey were very encouraging and prove that shoppers are making linked trips, in this case 21%, or over a fifth, of all transactions made in the Aldi store that day. The higher number of shoppers starting their trip at Aldi is not surprising, given the 'draw' of an Aldi foodstore and the ability to use their car park as the starting point from which to make linked trips.

The survey findings can also be used to estimate likely linked trips throughout the month (based on 30 days per month). If we use a slightly lower percentage of say 15% of all transactions (to reflect weekly fluctuations in shopping activity), the Aldi store could be facilitating in excess of 6,500 linked trips per month.

Conclusions

The findings of the case study are encouraging for Lochee district centre. They demonstrate that many of the benefits set out in the original planning case are actually being delivered.

Based on our survey findings, a significant number of linked trips are taking place between the Aldi store and other parts of the district centre. As such, it is fair to conclude that more shopping and associated expenditure is therefore being retained within Lochee district centre.

Overall, the case study demonstrates that appropriately sized foodstores, at edge of centre locations, can have a positive impact on town centres and in doing so, support their vibrancy, vitality and viability, as advocated in Scottish Planning Policy.

GVA James Barr

Document 9
Representations
to LDP by Wilton
Mills Ltd





Report

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**Representations to Scottish Borders
Proposed Local Development Plan
Former Wilton Mills, Commercial Road, Hawick**

For Wilton Mills Ltd

February 2014

gva.co.uk

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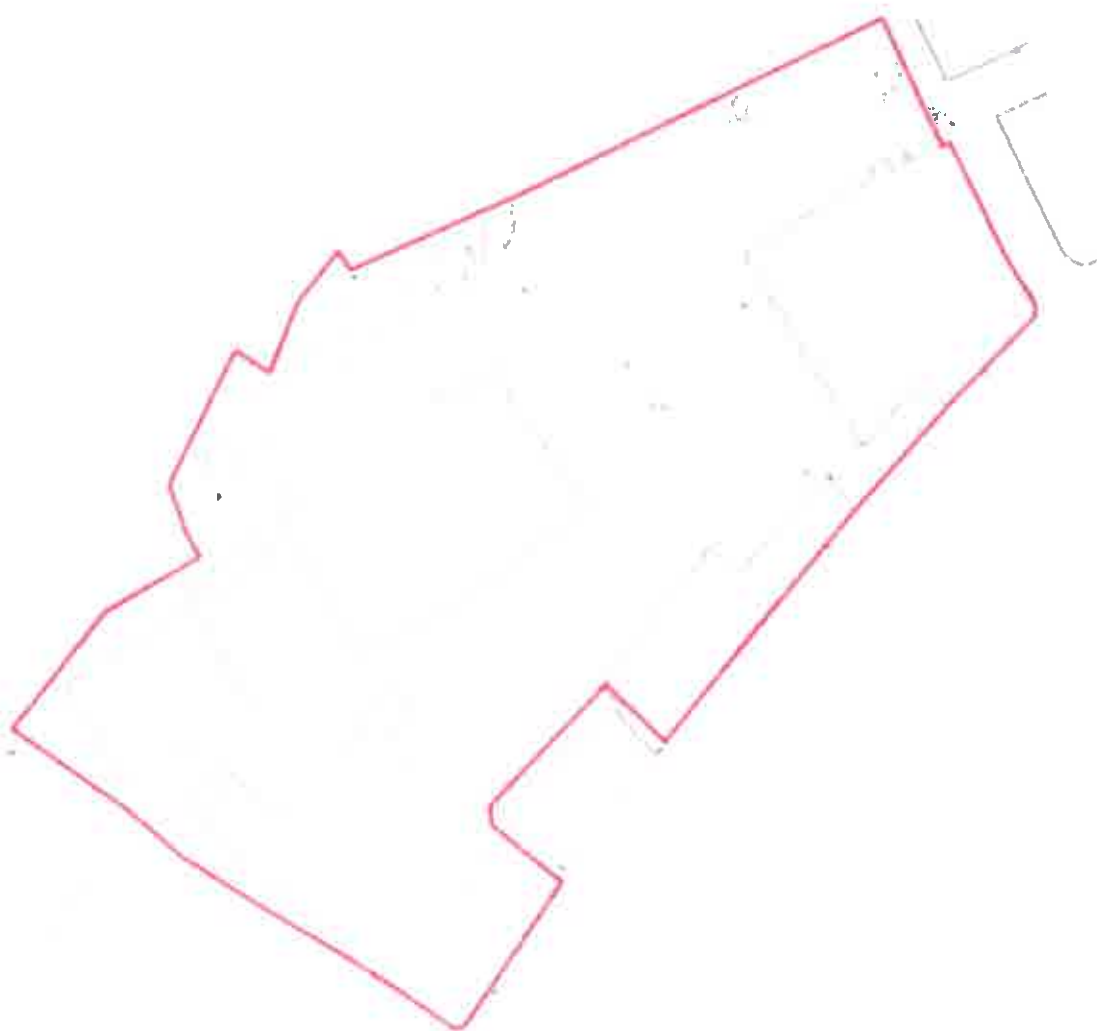
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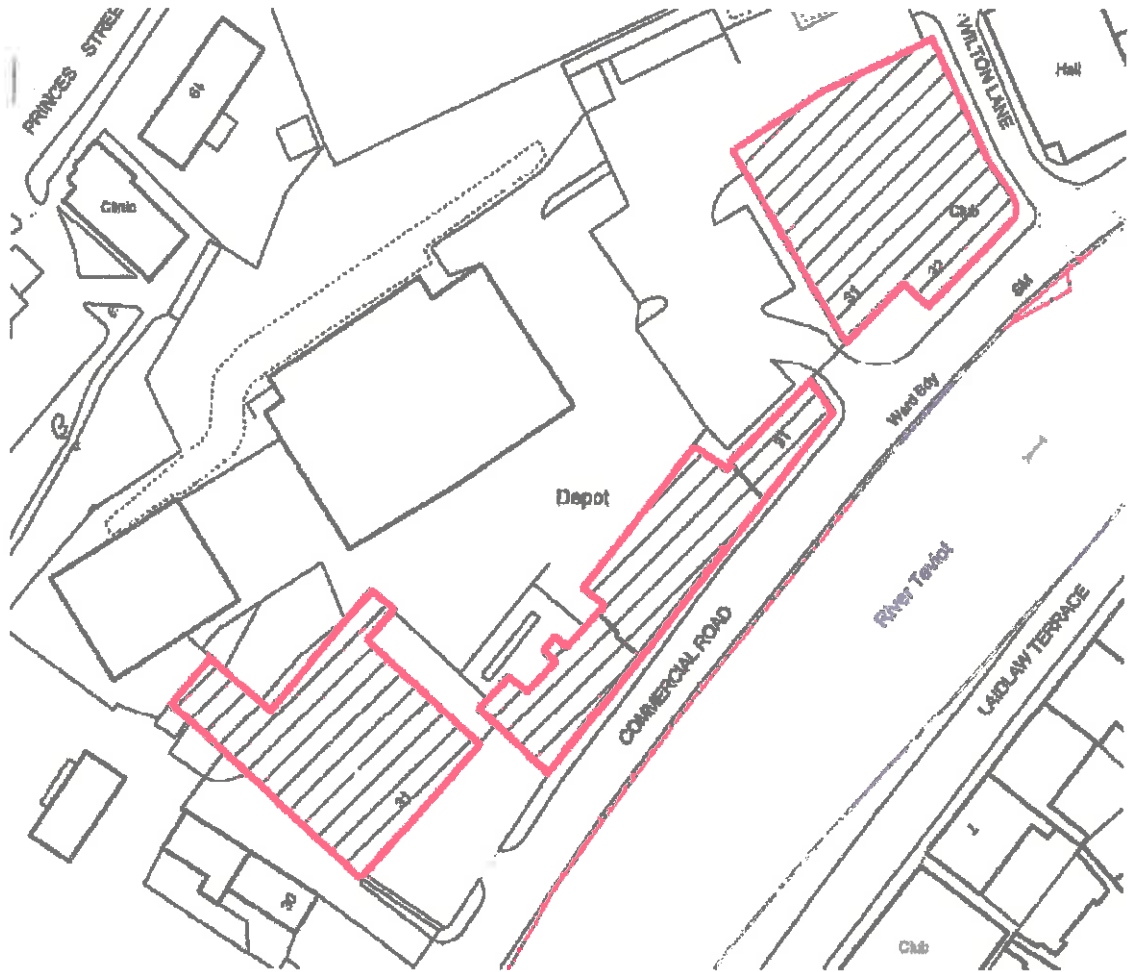
1. Introduction

- 1.1 These representations have been prepared on behalf of Wilton Mills Ltd who control the former Wilton Mills complex at Commercial Road, Hawick.
- 1.2 They seek changes to the Local Development Plan Proposed Plan (hereafter referred to as the proposed plan) that will create a development planning policy framework considered necessary to help deliver a viable regeneration solution for the site.
- 1.3 The remainder of this representation is set out as follows:
 - Section 2: The site and heritage context
 - Section 3: Current development plan policy
 - Section 4: Representations

2. The site & heritage context

- 2.1 The site is currently occupied by the former Wilton Mills complex of buildings, all of which have been vacant for some time. Most of these buildings are category B listed and are located within a conservation area. They have now fallen into a state of disrepair, as the landowner has sought to find a viable regeneration solution for the entire site.
- 2.2 A site plan (below), listed building plan and photograph of the site taken from Laidlaw Terrace (to the north east) are all shown below.





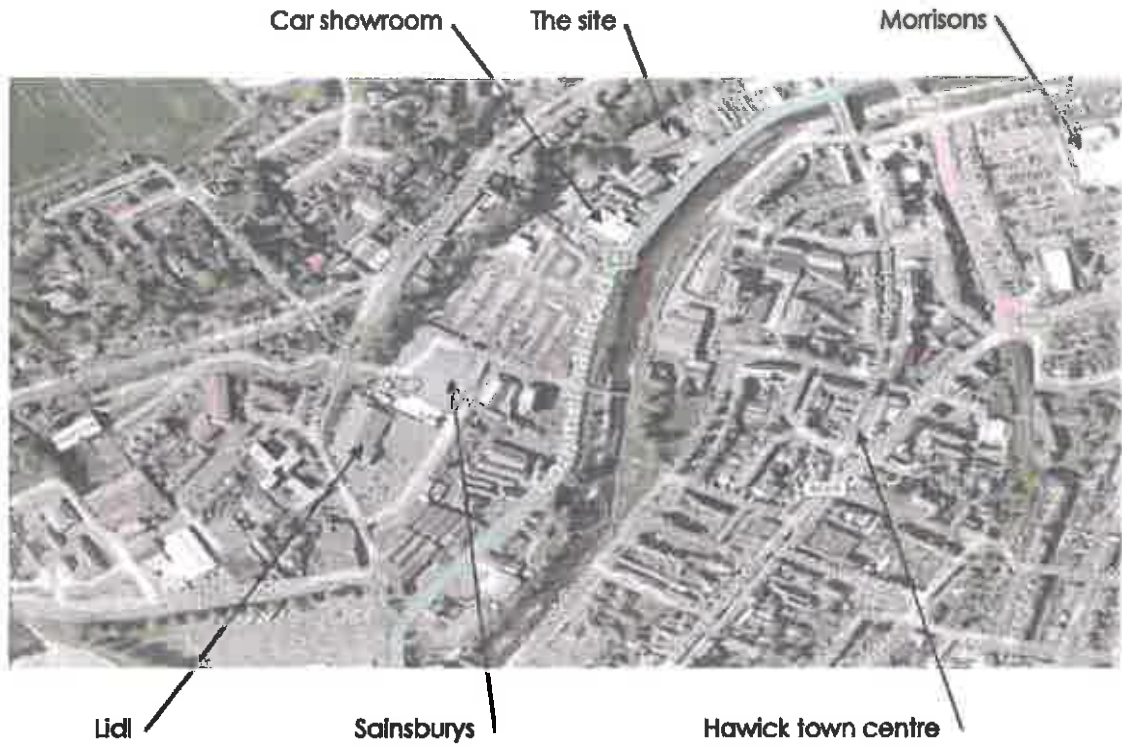
Listed buildings on site in red/cross hatch: all category B listed



The site fronting Commercial Road, taken from Laidlaw Terrace to the north east

- 2.3 As well as the challenges posed by listed buildings on site, a number of culverts and mill-lades also run throughout the site presenting further barriers to finding a viable regeneration solution.
- 2.4 The site forms part of a much wider area of land and buildings along Commercial Road, which was known for its collection of mills and warehouses along the River Teviot.
- 2.5 Selective redevelopment of the Commercial Road area has already come forward, mostly for commercial uses. This includes a new Sainsbury's foodstore and Lidl supermarket, both located to the south west of the site. Other commercial uses include bulky goods retail (associated with the existing warehouse buildings) and a car showroom, immediately to the south west of the site. Other historic buildings remain vacant and awaiting regeneration.
- 2.6 Commercial Road is separated from Hawick town centre by the River Teviot, notwithstanding, there are a number of crossing points offering strong links for pedestrians between the two areas. In particular, a historic bridge (Dovemount Place) over the River Teviot affords the site strong pedestrian links to the town centre, including

Morrisons in particular; this is shown on the second image below, with the north east corner of the site in the background.



The site (north east corner) taken from town centre boundary at North Bridge Street



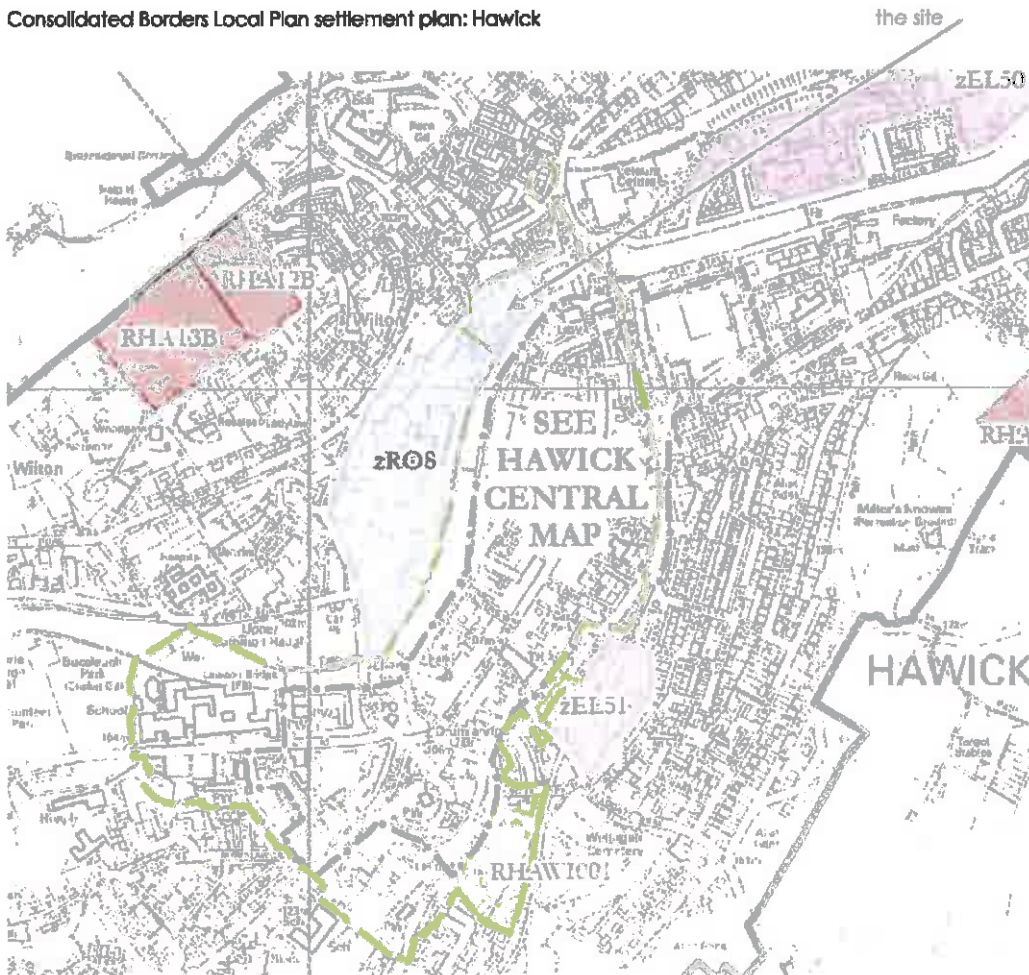
3. Planning policy context

Scottish Borders Local Plan

3.1 With regard to site specific policy, the site forms part of a much wider redevelopment opportunity known as **Commercial Road ref zR08** and extending to 7.9 hectares. An extract from the Hawick settlement plan is reproduced below identifying the Commercial Road opportunity (shaded blue), with the site in the north eastern corner. It also forms part of the Hawick conservation area, as shown by the dashed green line. Hawick's town centre boundary is defined by the dashed black line.

3.2 **Policy H3-Land Use Allocations**, states that sites (including this) proposed for redevelopment, may be developed for housing, employment or retailing, subject to the sequential test. It continues that they can also be developed for a single use.

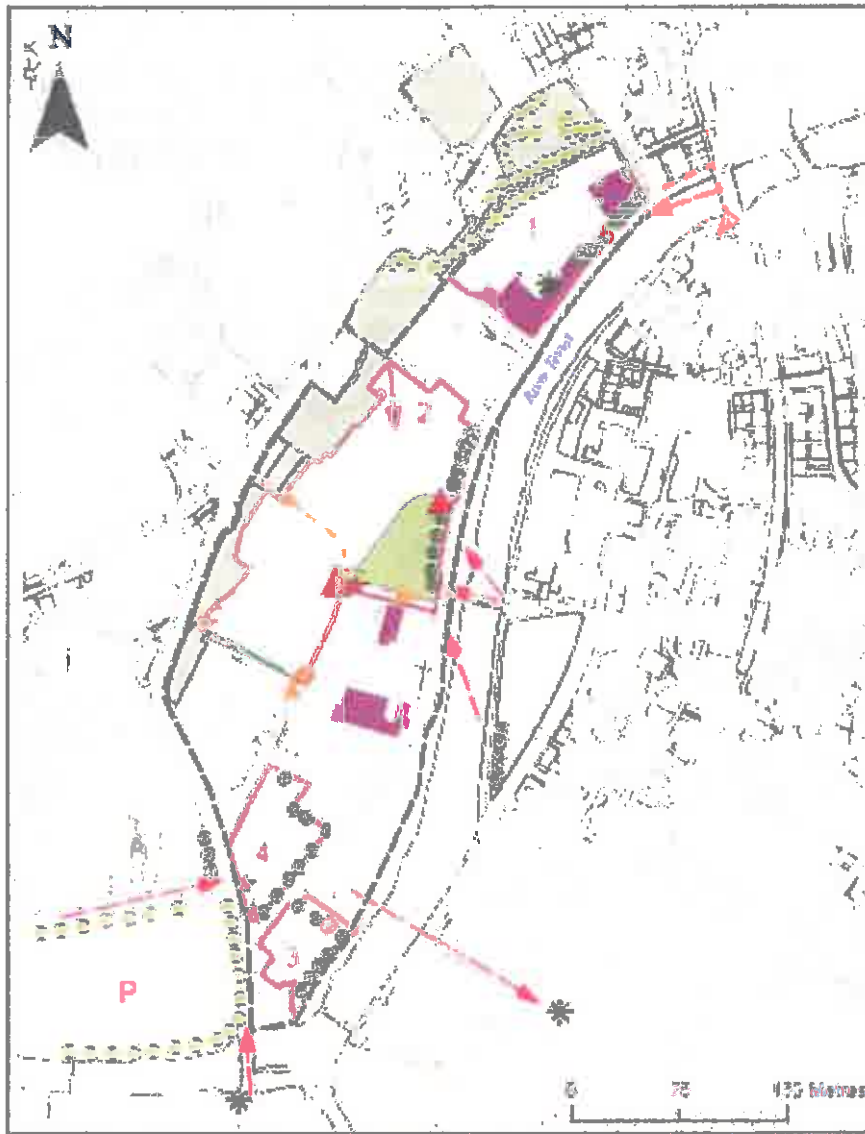
Consolidated Borders Local Plan settlement plan: Hawick



-
- 3.3 Policy H3 continues that the development of land use allocation sites will be in accordance with any Council approved planning brief. In this case, **the approved planning brief** for the **Commercial Road** redevelopment allocation (zRO8: see above) was adopted by Scottish Borders Council in February 2009.
- 3.4 The development vision for all sites along Commercial Road is reproduced below. It identifies the listed buildings at the site and a landmark, presumably the clock tower. It also identifies a key view from Dovemount Place, across the River Teviot and beyond to the site.
- 3.5 **Wilton Mills** is identified as Redevelopment Site 1 and noted as most likely to be developed for residential use. It further notes how redevelopment requires high attention to detail and design to redevelop the existing listed buildings and to enhance the town centre conservation area, continuing that existing features can be reused. The development vision also shows existing pedestrian links between the site and Hawick town centre, over the River Teviot.
- 3.6 Part redevelopment of Site 2 has since been redeveloped by Sainsburys. Like the site, much else of zRO8 remains undeveloped.

Fig. 2 - Development Vision - Redevelopment Sites 1 - 4

For illustrative purposes only



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Key - Existing Features

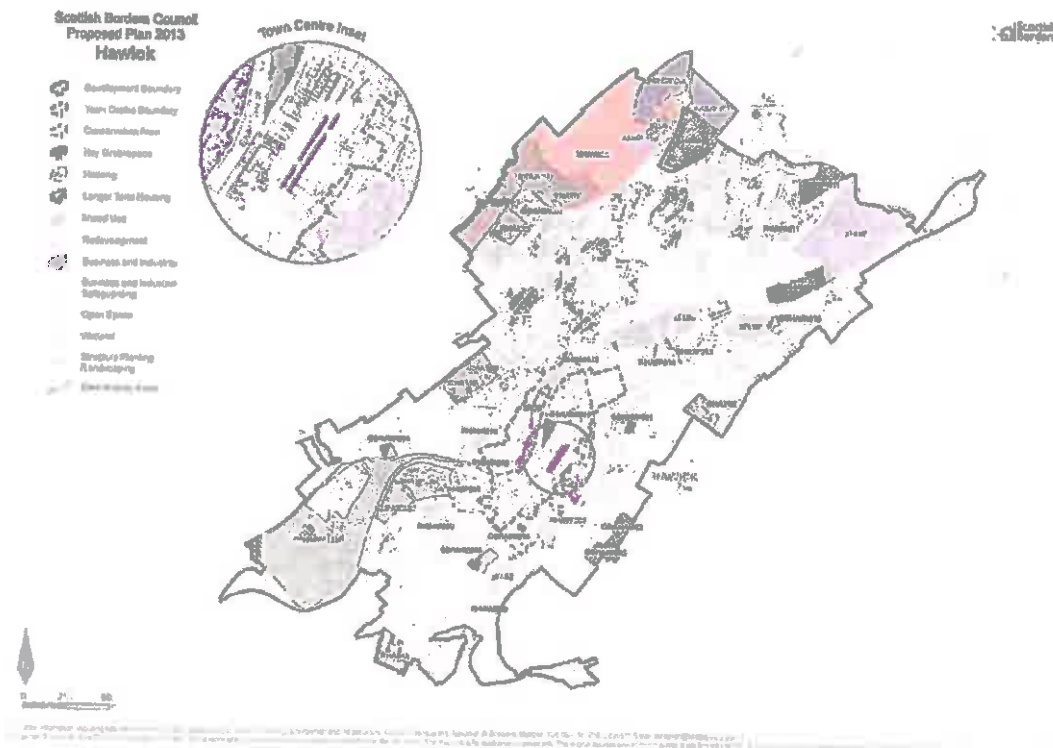
- zROB Site
- Listed Building within zROB
- Open Space
- Wood/Scrub
- Hedge
- Landmark
- Key View
- Footpath

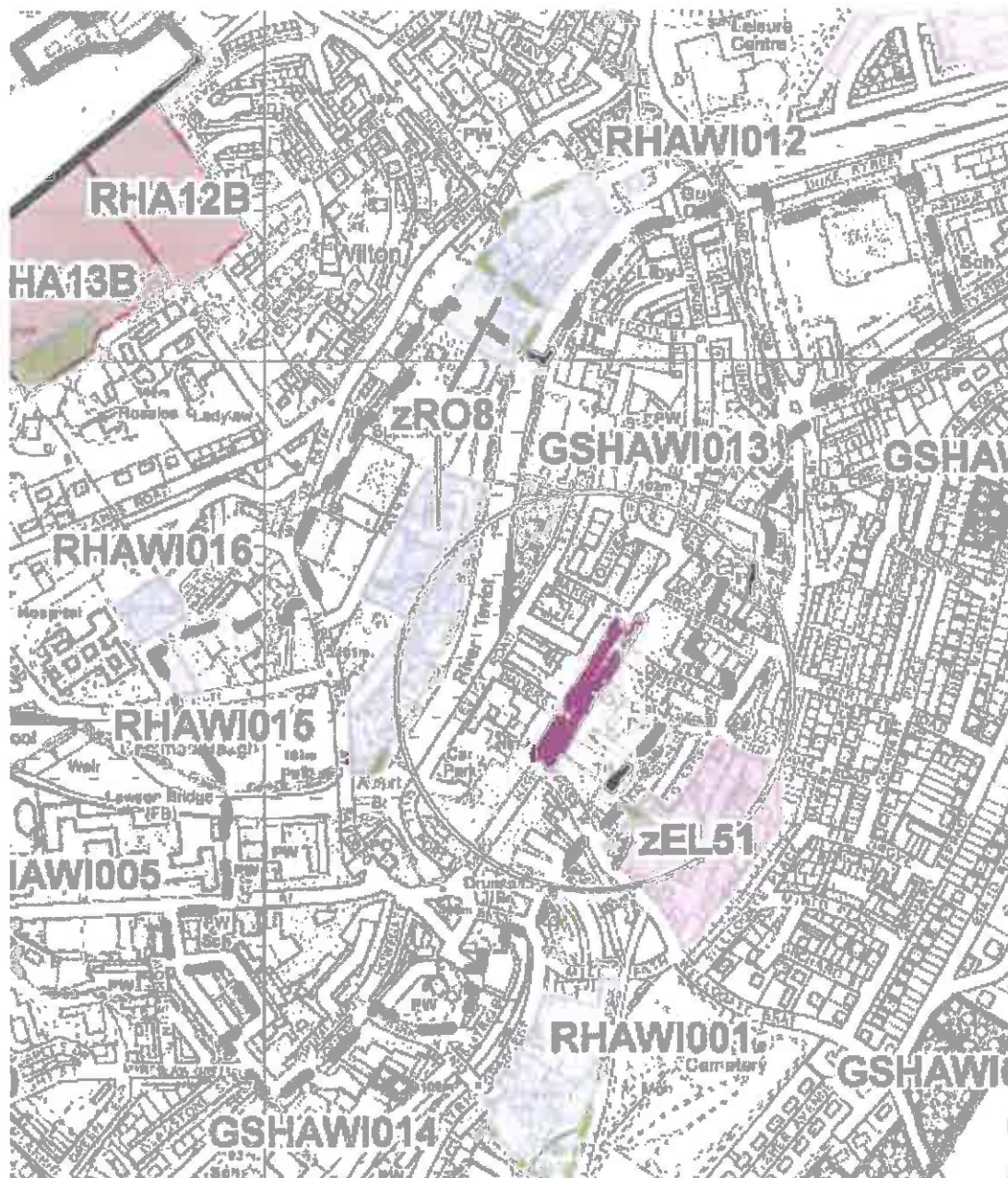
- Vehicular Gateway
- Tree
- Key - Proposed Features**
- Development Opportunity
- Potential Open Space
- Potential Vehicular Access
- Proposed Tree
- Landmark/Key Site

4. Representations

Scottish Borders Local Development Plan Proposed Plan

- 4.1 The **Settlement Profile** for **Hawick**, under 'placemaking considerations', notes how redevelopment of Commercial Road has come forward. This has not included the subject site and most likely refers to the Sainsburys supermarket in the first instance.
- 4.2 In recognition of new retail units having been developed on the north side of the River Teviot, the town centre boundary has been extended accordingly.
- 4.3 The site continues to be identified as part of redevelopment site zRO8 and simply refers to the approved planning brief, which we have already covered in earlier sections. Part of zRO8 (being the subject site) remains out with the town centre boundary, whilst part of it (to the south of Sainsburys) is now within the proposed amended town centre boundary. The proposals map is reproduced below, including a close-up of the town centre.



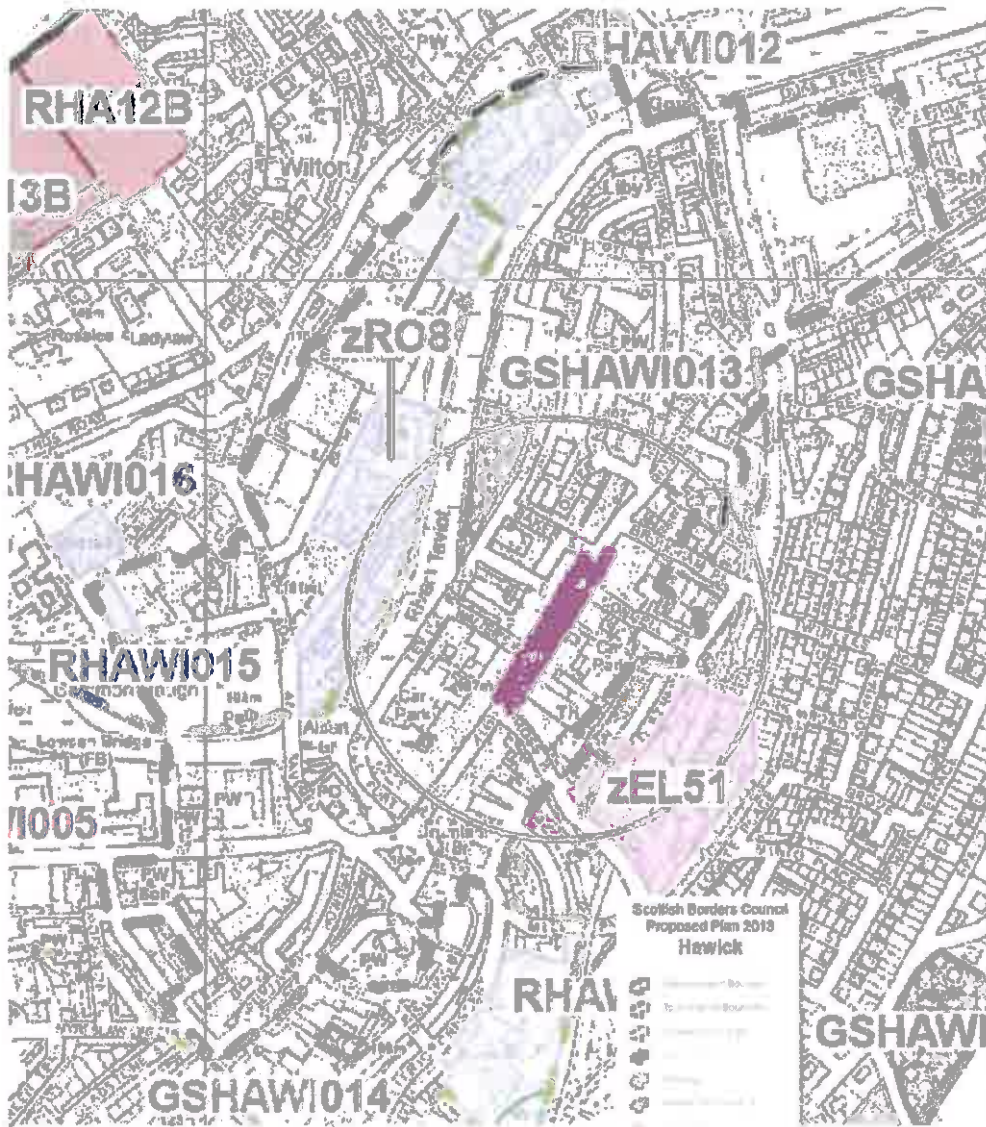


Representations

- 4.4 Representations are made for inclusion of the site within the Hawick town centre boundary, for the following key reasons:
- It would help find a viable regeneration solution, by widening the range of land uses that would be supported in principle.

- The local context set out in section 2 demonstrates how the site could genuinely function as part of the town centre.
 - The site is already very well connected to the town centre (both as existing and as proposed for change). A pedestrian only footbridge links the site with the northern parts of the town centre, affording ease of access with existing town centre uses, notably Morrisons.
 - The quality of public realm already in place between the site and current town centre boundary (around North Bridge Street) is such that inclusion of the site within the town centre would offer a natural extension.
 - Extensions to town centre boundaries should not necessarily be confined to reactive changes only. The Hawick settlement profile states that it has been extended in recognition of new retail development along Commercial Road. In this case, we feel that an extension can be justified (to include the site) in anticipation of, and to encourage new land uses that could make a positive contribution to the vitality and viability of Hawick town centre. Scottish Planning Policy encourages this approach.
 - Part of development site zRO8 now finds itself within the extended town centre boundary and in our view, there is nothing material to distinguish this land from the subject site. The subject site benefits from the same edge of town centre status and strong existing pedestrian links to the rest of the town centre. There doesn't appear to be any planning justification, that we can find, for making this distinction, particularly when the entire development site allocation is covered by the same Council approved Supplementary Planning Guidance (Commercial Road, Hawick – 2009).
 - The site is included within the Hawick conservation area. The condition of certain buildings on site is arguably having a negative impact on the character and appearance of the conservation area. Inclusion of the site within the town centre would increase the ability to deliver viable regeneration of the site and with it, the potential to make a positive contribution to the conservation area. This should be encouraged.
- 4.5 In summary, the site offers a logical extension to Hawick's town centre boundary for the key reasons outlined above. A suggested amended town centre boundary to reflect this is shown below.

Scottish Borders Local Development Plan • Proposed Plan
Suggested alteration to Hawick 'town centre boundary'



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- 4.6 We would be pleased to discuss the nature of these representations with Council officers in due course and would invite you to contact Rob Newton at GVA James Barr on 0131 4696019 accordingly.

GVA James Barr

Document 10
Retail study
examples
Extracts





DUMFRIES AND
GALLOWAY COUNCIL

**Local
Development
Plan**

Technical Paper

SEPTEMBER 2014



*Retail Capacity
Study*

www.dumgal.gov.uk

Dumfries
& Galloway



Roderick MacLean Associates Ltd

Planning & Development Consultancy

in association with Ryden

Dumfries & Galloway Retail Capacity Study

October 2012

6 Spare convenience capacity to 2017 and 2022

6.1 Definition

6.1.1 Spare expenditure capacity can exist in the following ways:

- Over-trading above average company levels, where it exists;
- Projected expenditure growth retained in the area;
- Potential to recapture a proportion of the expenditure outflows;
- Potential to attract new trade into the area, and
- 'Acceptable' levels of retail impact.

6.1.2 The last element on the list recognises that new stores, especially supermarkets, are often substantially serviced by trade diversion from other stores within their catchments. This gives rise to the issue of 'acceptable impact'.

6.1.3 Acceptable levels of impact refer to the situation where a proposed new store would drive the turnover of existing stores/ established centres, down below average levels, but not threaten them. The impact is normally expressed as the percentage below average levels. There is no set standard for what level of impact is acceptable, but this author would normally consider that impacts of 20% or more would potentially threaten the viability of stores or established centres- as broad brush guidance.

6.1.4 By convention, most retail capacity studies for local authorities do not take account of retail impact as a form of spare capacity; leaving the issue to be addressed by retail impact assessments for individual proposals. However, allowance for this factor probably improves guidance on the capacity to accommodate future opportunities.

6.1.5 Retail capacity studies commonly express the forecasts of spare capacity, after deducting planning consents. So the turnover of the recent supermarket consent at Gretna (relating to Dumfries & Galloway) needs to be deducted.

6.2 Capacity overview

6.2.1 There is little over-trading in the Dumfries catchment, but more significant under-trading in the Stranraer catchment. The

projected growth in convenience expenditure is low, so the retained expenditure growth (turnover) in Table 5.3 doesn't promise much future capacity either (around £4 million by 2022 for Dumfries and about £1 million for Stranraer).

6.2.2 While there is potential to capture a proportion of convenience expenditure leakage from the two catchment areas, the levels of leakage are quite small in terms of servicing new supermarket floorspace. Assuming that 50% of the leakage could be recaptured, it amounts to less than £5 million for Dumfries by 2022 and just over £2 million for Stranraer.

6.2.3 The potential to draw significant new convenience trade into Dumfries & Galloway (increase inflows), is probably minimal because of the geography in relation to other populated areas. This not true for the supermarket consent at Gretna, where the part of the turnover has been apportioned to the Dumfries catchment in Table 6.1.

6.2.4 If an allowance for acceptable impact equivalent to 10% of the turnover of the mainstream⁵ supermarkets, food discounters and Co-ops at average levels in every town is included, this will add to the capacity. It will be geographic by town, so the total could not be available to just Dumfries, for example. For the Dumfries catchment, the total would add some £18 million, for rough guidance. For the Stranraer catchment, there would be no addition, because of the level of existing under-trading.

6.3 Forecast range of spare expenditure capacity

6.3.1 A range of forecast spare convenience capacity for the two main retail catchment areas is illustrated in Tables 6.1 and 6.2.

6.3.2 The low estimate includes over/ under-trading, forecast expenditure growth retained in each area (turnover), plus the

⁵ Tesco, Morrisons, Sainsbury's, Aldi and Lidl and Co-ops

GVA James Barr

Document 11
Competition
Commission
report Extracts



a requirement that no suitable location in the primary shopping area is available (the sequential test),¹ there is a demonstrated 'need' for the development (the need test), and the development is of an appropriate scale and will not have an undue impact on existing retail centres (the retail impact assessment). In May 2007, the Government announced that it would replace the need and impact tests with a new test that will have a strong focus on its town-centre-first policy, and which will promote competition and improve consumer choice, avoiding the unintended effects of the current need test.² Appendix 7.2 sets out further details on the planning system as it relates to grocery retailing.

- 7.37 An inevitable consequence of a plan-led system that seeks to meet the broad range of objectives set out in paragraph 7.35 is that grocery retailers may not always be able to open a new larger grocery store in the location of their choice. That is, the planning system will, quite deliberately and appropriately for the purposes of meeting its objectives, act—to some extent—as a barrier to entry and/or expansion.
- 7.38 The planning regime acts as a barrier to entry or expansion primarily for larger grocery stores. This is because, in general, it is easier to secure suitable sites for mid-sized grocery stores or convenience stores in those areas where planning consent is already in place or where planning requirements are significantly less onerous, in particular in town centres.
- 7.39 A number of grocery retailers told us that the increased town-centre focus since 1996 had led them to focus on developing smaller stores in town centres and edge-of-centre locations. Tesco told us that it had increased the range and variety of store formats to gain access to a greater number of potential sites. Sainsbury's told us that 'since the 1996 change to retail policy in PPG6,³ retailers prepared to accept the policy focus of retailing on centre and edge-of-town centre sites of an appropriate scale have not been unduly constrained by the planning system'. To the extent that the planning regime has encouraged convenience and mid-sized stores rather than larger grocery stores through impacting on the development strategy of grocery retailers, this is a further indicator that the planning regime represents a barrier to entry for larger grocery stores.
- 7.40 In practice, a number of retailers see the need test, rather than any of the other tests set out in paragraph 7.36, as the key barrier to the development of new larger grocery stores. Sainsbury's cited the town of Braintree in Essex where the local development plan states that there is 'no capacity for additional convenience goods floorspace up to 2021'. Sainsbury's also suggested that a similar situation might arise in south-west Bradford in Yorkshire if planning permission was given to Tesco for one new and one replacement store. Asda considered that the need test directly restricted competition and had the unintended consequence of favouring incumbents in local markets. Tesco, however, stated that it knew of no case where a planning application had failed solely because of the lack of identifiable need.
- 7.41 Our own survey of LPAs indicates that 62 per cent had quantified a need⁴ for additional floorspace for the retailing of convenience goods (ie consumer goods purchased on a regular basis, including food, toiletries and cleaning products) in their

¹The primary shopping area is defined in PPS6 as the area where retail development is concentrated. It is closely related to (and in practice used interchangeably with) the town centre classification, which PPS6 states is a defined area, including the primary shopping area and areas of predominantly leisure, business and other main town centre uses within or adjacent to the primary shopping area.

²*Planning for a Sustainable Future: White Paper*, 21 May 2007.

³PPG6 was the precursor of PPS6.

⁴In accordance with the method advised in PPS6, the principal focus is upon quantitative, rather than qualitative, assessments of need (see PPS6, paragraph 2.33).

LPA. Second, and in Asda's view more importantly, incumbents understood that ongoing expansion including using extensions in local areas (irrespective of any immediate threat of entry) tended to reduce the prospect of future competitive entry as a result of the need test mechanism. Asda told us that the planning regime facilitated this behaviour because extensions passed the need test more easily than new stores and they were also more likely to pass the retail impact assessment. This is consistent with our finding in paragraph 7.8 that a large proportion of stores have been extended in recent years.

- 7.62 More specifically, Asda told us of planning applications for new stores in Chesterfield in Derbyshire, Salisbury in Wiltshire and Worthing in West Sussex that were rejected following proposals by competing retailers to extend their stores.¹ Having reviewed these cases, however, we found that other considerations, besides that of whether a new build or extension was preferable, formed part of the planning decision. Further, Morrisons and Tesco both told us that the timescales involved in preparing and submitting an application were such that it was not realistic to submit an application for an extension in response to a competitor application.
- 7.63 Nevertheless, [3<] told us that in [3<], in response to encouragement by the relevant LPAs, it had submitted applications to extend two stores in response to the possibility of out-of-town superstore developments. Further, one-third of respondents to our LPA survey indicated that they were aware, or had reason to believe, that competitors submitted planning applications in response to a planning application made by a competitor.
- 7.64 In conclusion, objecting to competitors' planning applications does not appear to be particularly widespread or a significant matter of concern in terms of barriers to entry or expansion. However, the relative ease of gaining planning permission for store extensions, as evidenced by the number of store extensions that we observe, combined with the need test, is likely to provide incumbent retailers with an advantage over new entrants in providing new grocery retailing floorspace in a local market.

Conclusion on the planning regime as a barrier to entry and expansion

- 7.65 In conclusion, the planning system, in pursuing the broad-based objectives for which it is intended, necessarily constrains new entry by larger grocery stores. It also has the effect of increasing the time for new larger grocery store entry to take place due to the need to assemble sites likely to be granted planning permission as well as the time required by LPAs to consider planning applications.
- 7.66 The costs associated with site assembly and submitting a planning application, and the risk of planning permission not being granted, mean that the existing large grocery retailers with substantial experience of the planning system are in a better position to mitigate or absorb these costs and risks than regional grocery retailers and new entrants to the industry, such as international operators without a UK presence.
- 7.67 The planning regime places more limited constraints on the extension of existing stores by grocery retailers compared with new larger grocery store entry. An

¹Asda told us that in Chesterfield, Sainsbury's and Tesco both submitted planning applications to extend their existing stores shortly after Asda's application for a new store, but that Sainsbury's later withdrew its application, while Tesco's application was approved and Asda's application for a new store was rejected. Asda told us that in Salisbury and Worthing, Tesco submitted planning applications to extend its existing stores shortly after Asda had submitted a planning application for a new store, and in both cases, Tesco's application was approved and Asda's application was rejected.

consequences arising from changes made to benefit competition. We are also aware that the Government already proposes to change the planning system in England, recognizing that the need test may not be functioning as was intended. Following the recommendations of the Barker Report,¹ the Planning White Paper² proposed replacing the need test and the impact test³ with a new test which has a strong focus on the town centre first policy, promotes competition and improves consumer choice, avoiding the unintended effects of the current need test.

11.134 We do not envisage the competition test being a replacement for the need test. We consider that the competition test would be necessary to address the AEC that we have found whether or not the current need test were retained because (as noted in paragraph 11.24) the need test is applied on an 'identity-blind' basis whereas a key point of the competition test would be to control the identity of the occupant. In assessing need, LPAs have no ability to consider whether, even if there is need for a new development, the consequences of allowing that need to be fulfilled by a particular retailer would have anti-competitive effects.

11.135 We recommend that LPAs take greater account of competition in their development plans. We decided not to recommend any specific changes to the planning system (beyond the competition test). We are concerned that there is a risk of unintended consequences that could arise from interfering more than is necessary with an area of policy that has specific and well-defined social objectives and which is itself subject to a process of public consultation and reform. It is important to note that in choosing and designing our remedies in relation to the planning regime, we have taken account of the reforms proposed in Planning White Paper. Our remedies are additional to those reforms and do not preclude any of the reforms proposed in the Planning White Paper in any way.

Controlled landsites

11.136 We next set out our decisions on remedies in relation to existing and future controlled landsites. We consider, in particular:

- restrictive covenants (see paragraphs 11.137 to 11.182);
- exclusivity arrangements (see paragraphs 11.183 to 11.230);
- land bank sites (see paragraphs 11.232 to 11.243); and
- leases to third parties (see paragraphs 11.244 to 11.249).

Restrictive covenants

11.137 We consider below remedies designed to address restrictive covenants. In paragraph 7.88 we explained that a restrictive covenant is a restriction typically imposed on the sale of freehold land that limits the future use of the land. It is imposed on the sale of the freehold. Our remedies to address restrictive covenants are therefore aimed at restrictions imposed on the sale of freehold property. We also considered whether it is necessary to prevent grocery retailers from imposing contractual restrictions with the same effect, eg in leases (see paragraph 7.87).

¹The Barker Review of Land Use Planning, Final Report—Recommendations, Kate Barker, December 2006.

²Planning for a Sustainable Future: White Paper, 21 May 2007.

³In the case of a retail development, this is the retail impact assessment.

The planning framework and grocery retailing

Introduction

1. This appendix provides an overview of the law and policy primarily relating to retail planning in England. Differences between the English regime and the regimes of Scotland, Wales and Northern Ireland are set out in paragraphs 14 to 19.

Features of the planning framework

2. The principal framework through which planning policies are delivered in England is the Town and Country Planning Act 1990 as modified by the Planning and Compulsory Purchase Act 2004. The key features of this framework are the following:
 - (a) There is a hierarchical structure of guidance and plans at national, regional and local level against which planning applications are assessed. These include Planning Policy Statements (PPS) at the national level, Regional Spatial Strategies (RSS) developed by regional planning bodies,¹ and Local Development Frameworks (LDF) developed by LPAs.
 - (b) Decisions on planning applications, which in the majority of cases are taken by the relevant LPA, should be made in accordance with the LDF unless other 'material considerations' are sufficient to override the plan.
 - (c) The outcome of a planning decision may take one of three forms:
 - (i) unconditional permission;
 - (ii) permission subject to conditions; or
 - (iii) refusal.
 - (d) A planning decision may be overturned on appeal to the Secretary of State for Communities and Local Government (the Secretary of State).
3. The Secretary of State sets planning policy and influences local planning decisions through a variety of means. PPSs and other guidance notes issued by the Secretary of State set the overall framework for regional and local development plans. The Secretary of State can also make representations to regional and local bodies regarding draft development plans and, if necessary, can require modifications to be made. A small number of planning applications are 'recovered' (called-in) each year by the Secretary of State for his own determination.² These applications are generally the most complex and controversial³ and are generally considered at a public inquiry. The Secretary of State takes a decision, following any inquiry and after consideration of the report and the recommendations of a planning inspector.

¹In all regions outside London the regional planning body is the Regional Assembly.

²Section 77, Town and Country Planning Act 1990. For retail planning, schemes with gross retail floorspace over 2,500 sq metres normally require referral to the Secretary of State under the terms of the Town and Country Planning (Shopping Development) (England and Wales) (No 2) Direction 1993.

³For reasons such as: a proposal may conflict with national policies or have wider implications.

4. Under the Greater London Authority Act 2007, the London Mayor has been given increased powers to intervene in the London boroughs' Local Development Schemes and in planning applications of 'potential strategic importance'. The Town and Country Planning (Mayor of London) Order 2008 sets out a number of such categories of planning application. These categories are referable to the London Mayor.
5. When planning permission is granted subject to conditions, those conditions can only be varied by the seeking of a fresh planning permission. Such conditions are related to the use of land or the purpose to which occupation of the land will be put, not the identity of the occupier or user of the land.
6. In some cases, the granting of planning permission could cause unacceptable consequences to result, such as pressure on local amenities or infrastructure. In those circumstances, before planning permission can be granted, the applicant may be required to enter into an agreement with the LPA under section 106 of the Town and Country Planning Act 1990 (as amended). Such agreements may require the applicant to provide appropriate facilities to address the unacceptable aspects of the application. In relation specifically to transport, an order for this purpose would be made under section 278 of the Highways Act 1980.
7. PPS6, 'Planning for Town Centres', is the most relevant of the PPSs issued to grocery retailing.⁴ Paragraphs 5 to 13 provide an overview of the key features of PPS6, namely its objectives, the town centre first approach to retail development, the 'need test', the requirement for developments of an appropriate scale, and the need to consider the impact of new developments on existing retail centres.

Planning Policy Statement 6—objectives

8. The key objective of PPS6 is the promotion of 'vital and viable' town centres through:
 - (a) planning for the growth and development of existing centres; and
 - (b) promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.
9. PPS6 also refers to 'other objectives' which need to be taken into account in the context of the key objective set out in paragraph 8:
 - enhancing consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially-excluded groups;
 - supporting efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity; and

⁴Other PPSs that are also particularly relevant to grocery retailing include PPS1 *Delivering Sustainable Development*, which sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system, PPS12 *Local Development Frameworks* which sets out the Government's policy on the preparation of local development documents, and PPS4, presently in the form of a consultation document, which sets out how planning bodies should, in the wider context of delivering sustainable development, positively plan for sustainable economic growth and respond to the challenges of the global economy, in their plan policies and planning decisions.

- improving accessibility by ensuring that existing or new development is, or will be, accessible and well served by a choice of means of transport.^{6,8}
10. The first two objectives set out in paragraph 9 indicate that choice and competition are factors that should be considered in assessing planning applications. However, planning authorities do not interpret choice and competition as meaning that they should consider the identity of an applicant in terms of how any new retail development will compete with existing retailers and ensure improved market outcomes for consumers in terms of factors such as price, quality or service. CLG has emphasized to us that the planning system has, to date, not easily enabled decision makers to take into account the occupier of a building.⁷ Planning conditions on permissions restricting a building's occupancy are generally only possible in special circumstances.⁸ Rather, these 'other objectives' generally appear to be interpreted in terms of, first, providing for different types of retail development, which for consumers may be complements rather than substitutes, and second, providing for the development of retail centres that can compete with other retail centres for shoppers through providing an attractive destination with a good range of shops.

Town centre first or sequential approach

11. Under PPS6, applicants wishing to develop a retail site outside the primary shopping area,⁹ which has not been allocated to retailing in an up-to-date development plan, are required to demonstrate that there are no other centrally-located sites suitable for the development. The sequential approach was introduced in 1996 and is intended to protect the vitality and viability of town centres.¹⁰ This approach contrasts to a more relaxed retail planning policy in the 1980s that had led to the rapid development of numerous out-of-town¹¹ shopping sites (see Section 3 of the main report).

⁶There are a number of statutory consultees that form part of the planning process. The role of statutory consultees is specified by the Town and Country Planning (General Development Procedure) Order (GDPO), which provides for statutory consultees to be consulted. The GDPO requires an LPA to consult with a range of statutory authorities and other regulatory bodies prior to granting planning permission for specified descriptions of development. The LPA is required, in determining the application, to take into account any representations received from such a consultee. With regard to transport, the Highways Agency is a statutory consultee in the planning system and can, through the Secretary of State, direct a local planning authority to restrict the grant of planning permission, either indefinitely or for a specified period. The Highways Agency can also ask the Secretary of State to call-in applications.

⁷PPS6 also refers to wider policy objectives including promotion of social inclusion, regeneration of deprived areas, promotion of economic growth, delivering more sustainable patterns of development, and promotion of good design.

⁸All the devolved planning administrations have also expressed similar views.

⁹The Consultation Paper on PPS4 makes some reference to competition in a generic sense. However, it does not address the possible development of local areas of concentration and does not focus upon the identity of the operator at a particular retail facility.

¹⁰The Primary Shopping Area is the defined area where retail development is concentrated. It is closely related to the town centre classification, which PPS6 states is a defined area, including the primary shopping area and areas of predominantly leisure, business and other main town centre uses within or adjacent to the primary shopping area.

¹¹The sequential approach seeks to direct retail development to sites in the primary shopping area. Off-centre locations are either 'edge of centre' or 'out of centre'. If no sites are available in the primary shopping area developments are directed to an edge of town centre or district centre and then (if no more edge-of-centre sites were available) developments are directed to out-of-centre locations. PPS6 states that for retail purposes, an edge-of-centre location is one that is well connected to and within easy walking distance (ie up to 300 metres) of the primary shopping area. In determining whether a site falls within the definition of edge of centre, account is required to be taken of local circumstances. For example, local topography will affect pedestrians' perceptions of easy walking distance from the centre. Other considerations include barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction and size of the town centre. A site will not be well connected to a centre where it is physically separated from it by a barrier such as a major road, railway line or river and there is no existing or proposed pedestrian route which provides safe and convenient access to the centre. An out-of-centre site is defined under PPS6 as a location which is not in or on the edge of a centre but not necessarily outside the urban area.

¹¹An out-of-town development is one that is outside the existing urban area.

Requirement to demonstrate 'need' (the need test)

12. Applicants wishing to develop a retail site outside the primary shopping area, which has not been allocated to retailing in an up-to-date development plan, are also required to demonstrate the 'need' for that development.
13. Need is assessed in both qualitative and quantitative terms. PPS6 states that in assessing need, LPAs should place greater weight on quantitative assessments, while still taking qualitative considerations into account. Quantitative assessments of need seek to assess whether there is an excess of demand for retail floorspace within the broad categories of 'comparison' and 'convenience' goods. Such assessments will take into account factors such as existing and forecast population levels, expenditure on convenience and comparison goods in the catchment area, and existing levels of floorspace in the relevant category.¹²
14. The Barker Report¹³ expressed support for the 'town centre first' policy and the impact and sequential tests that underpin it, but recommended removing the need test.¹⁴ The Government, in responding to the Barker Report, has said in its Planning White Paper that it will improve the effectiveness of the town centre planning policy by replacing the need and impact tests with a new test, which has a strong focus on the town centre first policy, promotes competition and improves consumer choice, while avoiding the unintended effects of the need test.¹⁵ A consultation paper on a revised version of PPS6 is due to be published by the government shortly.

Scale of development

15. PPS6 requires that proposed retail developments be of a scale appropriate to the catchment area that the proposed development will serve (ie regional provision in regional centres and local provision in local centres).

¹²Groceries are considered to be a 'convenience' good.

¹³The Government announced in the 2005 Pre-Budget Report that Kate Barker had been asked to lead an independent review of land use planning, focusing on the link between planning and economic growth. The final report for the review was published on 5 December 2006.

¹⁴The Barker Report states that:

the current system of needs tests in town centre first policy also can have perverse effects: it protects incumbents and gives preference to operators that have lower sales densities. These incumbents may be operating in out-of-town shopping centres, leading to the effect that if need is demonstrated and there is no impact on the town centre, an existing out-of-town shopping centre could expand while there is no application for a sequentially preferable site in the town centre. Furthermore, incumbents may find it easier to expand incrementally while prospective local entrants fail at any one time to demonstrate sufficient need for a one-off increase of space. The needs test should therefore be removed.

Barker Report *Barker Review of Land Use Planning, Final Report—Recommendations*, December 2006, paragraph 1.33.

¹⁵The White Paper states that:

we recognise that there are issues around the practical effect of the current policy requirement on applicants to demonstrate the need for proposals outside town centres, where these are not supported by an up-to-date development plan. This 'need test' has proved in some respects a blunt instrument, and can have the unintended effect of restricting competition and limiting consumer choice. For example, it is possible under current policy for a new retail development on the edge of the town centre to be refused because there is an existing or proposed out-of-town development which meets the identified 'need' even though the new retail development would bring wider benefits and help support the town centre. In addressing this issue, we have two clear objectives. First, we must support current and prospective town centre investment, which contributes to economic prosperity, and to our social and environmental goals. Simply to remove the 'needs test' could put this at risk. Second, we must ensure that planning promotes competition and consumer choice and does not unduly or disproportionately constrain the market. We therefore intend to review the current approach in PPS6 to assessing the impact of proposals outside town centres. We will replace the need and impact tests with a new test which has a strong focus on our town centre first policy, and which promotes competition and improves consumer choice avoiding the unintended effects of the current need test.

Planning for a Sustainable Future, White Paper, 21 May 2007, paragraphs 7.53 to 7.55.

GVA James Barr

Document 12
Retail
floorspace
comparison:
Hawick &
Galashiels



Galashiels / Hawick - Foodstore Provision Comparison

Galashiels				Hawick			
Store	Address	Gross (sqft)	Net (sqft)	Store	Address	Gross (sqft)	Net (sqft)
Aldi	King Street	15,026	10,333	Farmfoods	39/41A High Street	6,900	5,520
ASDA	Curie Road	89,492	48,000	Iceland	43 Victoria Road	7,153	5,168
Farmfoods	36 Bridge Street	4,900	3,920	Lidl	Albert Road	13,756	10,731
Iceland	33/43 High Street	7,594	5,487	Wm. Morrisons	Mart Street	49,450	25,500
Marks & Spencer	Gala Water Retail Park	9,322	9,092	Sainsburys	Commercial Street	38,868	25,004
Simply Food							
Tesco	Galashiels EXTRA	99,718	50,586				
	Total (sqft)	226,052	127,418		Total (sqft)	116,127	71,923
	Total (sqm)	21,001	11,838		Total (sqm)	10,789	6,682
					Total (sqm) + ALDI	12,509	7,936
					Total (sqm) + ALDI + Replacement Lidl	13,739	8,360

Notes

Excludes small Co-op stores in both towns.

The Sainsbury floorspace includes the 2010 extension consent

For the Iceland stores where the gross is not known an average percentage from gross to nett has been taken from other known stores and the nett is multiplied by this to get an estimated Gross floorspace



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Document 13
Town Centres
& Retailing
Methodology
Report Extracts



PLANNING

Town Centre and Retailing Methodologies

Final Report

December 2007



concerning retail capacity assessment and other strategic retail models and, to a more limited degree qualitative retail capacity techniques. In all cases the extent of existing literature was limited although it should be noted that retail capacity techniques have attracted significant attention in the past decade.

3.15 The principal findings from the literature research in relation to RCA techniques were as follows:

- No guidance has been published on good practice for retail capacity techniques in Scotland or England. However some guidance is provided in Ireland and Northern Ireland¹⁹.
- Retail capacity is primarily concerned with quantifying retail “need” or “deficiency”. There is a different legal and national policy context between Scotland and other parts of the UK with the former concerned with identifying retail *deficiencies* and the latter retail *need*. Insofar as there is a policy requirement to address these issues retail capacity assessment techniques seek to quantify the scale of retail need or deficiency.
- The general concept underpinning retail capacity is, in essence, a comparison of demand for retail (expressed through available expenditure for a study area) and supply (i.e. turnover of existing/committed retail floorspace). Capacity is calculated by comparing the two figures. There are some variations in approach in terms of the treatment of expenditure leakage and whether capacity should be expressed in terms of potential turnover or retail floorspace equivalent.
- Criticisms of retail capacity have identified difficulties with the general approach both in terms of conceptual issues (e.g. it is simplistic and does not relate to market realities) and in practical issues (e.g. results are sensitive to small changes in data assumptions such as turnover rates). Reflecting these there are some that consider that these limit the value of the technique as a retail planning tool.

Surveys of Practitioners in Scotland

3.16 A number of planning professionals, particularly those that specialise in retail planning, contributed to the research study through completing the questionnaires and/or attending at the discussion groups/seminars. The principal findings from these aspects of the research were as follows:

- There was a general view that RCA can provide a rational basis for assessing the relationship between demand and supply for retail floorspace and, as such, it provides supporting analysis for policy formulation.

¹⁹ Only outline guidance attached to draft PPS5 in Northern Ireland at the time of the literature research in 2007

business operation will vary between different locations and planners are not privy to this type of information.

- RCA bears little relationship to the realities of the market place. Although planning is not about serving market needs it is evident that planning policies that are in fundamental conflict with the market will achieve little. RCA's typically conclude that small towns have potential for new comparison floorspace but that there is no demand from operators to occupy this space.

Practical Criticisms

- 3.42 A key issue that RCA needs to address is that the results are highly sensitive to the data inputs. This reflects the fact that the calculation of capacity is based on a subtraction. The closer the expenditure and turnover figures are the greater will be the susceptibility of the result to changes in assumptions. Morley³⁷ comments *"relatively small changes to either future expenditure or average turnover of existing floorspace will result in disproportionately large changes to the capacity figure. It is essential that accurate baseline figures are calculated and realistic forecasts made as to how these are likely to change"*.
- 3.43 As a result of this Morley identifies a number of key sets of assumptions that need to be examined carefully as part of a capacity assessment calculation. These relate to the sales densities used (and the extent to which assumptions should be made for these to grow in the future), expenditure growth rates to be used and the role of the growth of internet sales. He considers that there are now more proactive data and information providers available to retail planners but despite this *"quantitative retail capacity assessment is much more challenging than it was a few years ago"*.
- 3.44 Stock has commented on the problems created by having different data providers. He noted that there were (in 2003) three primary sources available for the estimate of available expenditure (MapInfo, Experian Business Strategies and CACI). However this created more problems rather than solved them. He comments:
- "Illustrating the problems that this situation can create, the parties at one recent call-in inquiry in Stoke-on-Trent were unable to agree the choice of data source. As a result much debate centred upon the appropriateness and reliability of one data source over another. As the Inspector observed at the end of the Inquiry this situation is unhelpful to the decision maker...."It is difficult to foresee a situation in which the Government ...could direct or even advise on the most appropriate data source" and "finding consensus on the detail behind the figures will become increasingly difficult"*³⁸
- 3.45 These problems may seem academic but the very nature of the retail capacity calculation means that differences in assumptions have profound

³⁷ S Morley, 2004, "Working on the shop floors" in Planning 23 April 2004 p16

³⁸ G Stock, 2003, "Need is key in retail controls" in Planning, 12th Sept 2003 p19

effects on the results of the assessment and the conclusion as to whether there is, or is not, a quantitative capacity for a proposed development. It has been demonstrated that even modest changes in assumptions can have disproportionate impacts on the results of a capacity calculation.³⁹

- 3.46 Reflecting the above problems it is not, therefore, surprising that the general view of practitioners in Scotland responding to the questionnaire was that the reliability of RCA in terms of potential floorspace is limited. This suggested that RCA is best considered as a strategic and indicative planning tool rather than be used for predicting actual amounts of potential new floorspace.

Response to Criticisms

- 3.47 The criticisms and weaknesses of RCA identified above are widely recognised by practitioners in Scotland. Nonetheless there is a general view that RCA can provide some assistance in understanding some of the dynamics of the retail system. For RCA to be more effective regard should be had to each of the following in establishing good practice in its use as a retail planning technique:

- Improving data availability for both the demand and supply sides of the assessment will reduce error in the calculation of capacity. This will include: giving priority to the use of high quality surveys for establishing expenditure patterns from household and other types of survey and ensuring that these are up-to-date; improving information of existing floorspace; and utilising the potential from national statistics for actual turnover estimates.
- The use of *sensitivity* analysis is essential to identify the potential degree of error associated with RCA.
- Utilisation of *actual* turnover rates as far as possible rather than making judgements based on perceptions of under- or over-trading. Attention should be given to estimating actual turnover from survey sources rather than reliance on national average data.
- RCA should be used *in combination* with information provided from other retail planning techniques including market assessment, town centre health checks, and retail impact assessment.
- Planners should be fully aware of the *limitations* of RCA as a technique, that the results are *indicative* only (which it self questions the value of converting surplus/deficit expenditure to floorspace equivalent) and that the technique is best treated as a strategic planning tool.

³⁹ Hargest (2003) illustrates the effects of altering different assumptions for a simplified retail capacity calculation. The example given shows a situation in which a set of assumptions relating to the principal variables are altered and the effect that this has on the results of the capacity calculation. The principal variables considered are: available expenditure; level of leakage; average turnover rate for existing and proposed floorspace; committed retail floorspace; and assumptions about net to gross floorspace ratios.

a locality; physical improvements to infrastructure around a proposed store; and other investment by retailers responding to increased competition.

Linked Trips

- 6.269 There is evidence of the role of linked trips benefiting some centres as a result of edge-of-centre development. The Hillier Parker study²⁰⁴ observed a significant level of walking between a new edge-of-centre store in Warminster and the town centre and they also found that between 25% and 65% of people visited an out-of-centre foodstore and the town centre during the same trip. Despite this they concluded that *"the introduction of a new out-of-centre store does not appear to have a significant effect on the propensity to link visits to the foodstore and the town centre during the same trip...there is no evidence of any significant increase in the use of centres for non-food shopping"*²⁰⁵.
- 6.270 Evidence at a recent inquiry in Huntly in 2006²⁰⁶ has provided some limited data on the value of linked trips between an out-of-centre store and a town centre linked to an initiative by one supermarket operator to try and support town centre trade. This showed (for quite limited time series data) that the scale of benefit to a town centre is likely to be modest even when there is a financial incentive to undertake some linked trips.

Competitive Response

- 6.271 The ability of a retailer to respond to new competition will depend upon a range of factors including the financial resources available to the retailer. Responses can include extending the range of goods sold, price responses, increase in the services available to shoppers and altering hours of opening. Brown comments that *"a competitive reaction by existing retailers...should ensure that the loss is less than the full amount [than would be indicated in conventional RIA methods]"*²⁰⁷.

Conclusions

- 6.272 Secondary impacts, particularly in terms of linked trips and competitive response to competition appear to be real although the evidence for the scale of these and the extent to which they can mitigate adverse impact is uncertain. Although the majority of practitioners in Scotland consulted in this study consider that these issues should be addressed in RIA no methodologies have been put forward that are able to reliably quantify these issues. As a result although consideration of secondary impacts is to be encouraged in RIAs limited weight should be given to any quantification of impacts at the current time.

²⁰⁴ *ibid* DETR, 1998

²⁰⁵ *ibid* DETR 1998 Exec Sum para 48

²⁰⁶ Appeal reference P/PPA/110/583, 2006

²⁰⁷ Reported in *ibid* Scottish Office, 1992 p80

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Document 14
Updated retail
assessment
tables



Wilton Mills Ltd
 FORMER WILTON MILLS, HAWICK
 February 2016

TABLE 1 - POPULATION PROJECTIONS

Catchment Area	Current Date	Test Date
	2016	2019
TD9 7	3938	3933
TD9 8	5676	5701
TD9 9	4456	4477
TD9 0	4613	4629
CATCHMENT AREA TOTAL	18,683	18,740

Notes: Sourced from Experian Micromarketer Bespoke Report February 2016

TABLE 2 - CONVENIENCE GOODS EXPENDITURE FORECASTS

Convenience Expenditure Adjustments:			
	2014	2016	2019
Catchment Area	2,418	2,370	2,486
Convenience Expenditure Forecasts:			
		2016	2019
		(£m)	(£m)
Catchment Total		44.3	46.6

Notes:
 Expenditure per capita figures sourced from Experian Area Profile Report (February 2016)
 Grown at -1% per annum between 2014-2016. Grown at 0.16% between 2016-19. Sourced from Experian Retail
 Planner Briefing Note (October 2015)
 2014 prices

TABLE 3 - EXISTING FLOORSPACE AND COMPANY AVERAGE TURNOVER

Location	Net Convenience Sales Floorpace* (sq m)	Company Average Sales Density** (£ per sq m)	Total Turnover 2016 (£m)***	Total Turnover 2019 (£m)****
Catchment Area				
Hawick town centre				
Morrisons	1,770	13,192	23.35	24.49
other shops	2,100	2,000	4.20	4.40
Edge of Centre				
Sainsbuys	1,765	12,498	22.06	23.14
LIDL	932	4,922	4.59	4.81
Iceland	456	7,503	3.42	3.59
CATCHMENT AREA TOTAL			57.62	60.43

Notes:

* Sourced from Planning Permission 09/00622/FUL, Retail Impact Assessment by Turfey Associates, GOAD and GVA James Bair town centre surveys December 2014

** Sales densities taken from Mintel Retail Rankings 2015, Verdict 2012 and Lidl planning application 15/04194/FUL at Easter Road, Edinburgh.

*** Turnover grown at -0.6% per annum to 2016. Grown at 0.16% per annum between 2016-19 sourced from Experian Retail Planner Briefing Note (October 2015)

**** 2014 prices

Wilton Mills Ltd

FORMER WILTON MILLS, HAWICK

February 2016

TABLE 4 - MARKET SHARES 2016

	Location	Company Average Turnover (£m)	% Estimated Turnover from Catchment*	Turnover from Catchment (£m)	Market Share (%)
Catchment Area					
Hawick town centre	TC	23.35	65%	15.18	34
Morrisons	TC	4.20	90%	3.78	9
other shops					
Edge of Centre	EOC	22.06	65%	14.34	32
Sainsburys	EOC	4.59	90%	4.13	9
LIDL	EOC	3.42	90%	3.08	7
Iceland					
Catchment Turnover		57.62		40.50	91
Outflow from Catchment Area				3.78	9
Total Expenditure				44.29	100

Notes:

* Estimates based on GVA site visits and retail planning experience.

TC = Town Centre, EOC = Edge of Centre

Wilton Mills Ltd
 FORMER WILTON MILLS, HAWICK
 February 2016

TABLE 5 - MARKET SHARES 2019

	Location	Company Average Turnover (£m)	% Estimated Turnover from Catchment*	Turnover from Catchment (£m)	Market Share (%)
Catchment Area					
Hawick town centre	TC	24.49	65%	15.92	34
Morrisons	TC	4.40	90%	3.96	9
other shops					
Edge of Centre	EOC	23.14	65%	15.04	32
Sainsburys	EOC	4.81	90%	4.33	9
LIDL	EOC	3.59	90%	3.23	7
Iceland					
Total Turnover		60.43		42.48	91
Outflow from Catchment Area				4.11	9
Total Expenditure				46.59	100
Notes					
* Estimates based on GVA site visits and retail planning experience					

TABLE 6 - TURNOVER OF LIDL STORE EXTENSION 2019

Scale of Proposals:	(sq m)
Existing Convenience Sales Area	1,109
Proposed Total Net Sales Area	1,424
Increase to Net Sales	315
Additional Convenience Goods Sales Area (sq m)	264
Additional Comparison Goods Sales Area (sq m)	51
Sales Density	
(£ per sqm)	5,041
Turnover of proposals	
Total Convenience Turnover	1.33
Convenience Turnover from Catchment (£m)*	1.20
Total Comparison Turnover	0.26
Comparison Turnover from Catchment (£m)*	0.23
Notes:	
** Assumes only 90% of turnover drawn from catchment ** Sales Convenience / Comparison split sourced from application 15/04194/FUL for Lidl development in Easter Road, Edinburgh. Split based on 84% / 16% national average	

TABLE 7 - TRADE DIVERSIONS - LIDL DEVELOPMENT PROPOSALS

	Location	Turnover (£m)	Diversion (%)	Diversion (£m)	Post Proposal's Turnover (£m)	Impact (%)
Catchment Area						
Hawick town centre						
Morrisons	TC	24.49	47	0.56	23.93	2
other shops	TC	4.40	2	0.02	4.38	1
total		28.89	49	0.59	28.31	2
Edge of Centre						
Sainsburys	EOC	23.14	42	0.50	22.63	2
LIDL	EOC	4.81	0	0.00	4.81	0
Iceland	EOC	3.59	4	0.05	3.54	1
Other (locations out with catchment)						
			5	0.06		
Diversion (%)			100	1.20		
Total Turnover (£m)				1.20		

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February 2016

TABLE 8 - MARKET SHARES 2019 WITH LIDL REDEVELOPMENT PROPOSAL

	Post Proposal's Turnover (£m)	% Turnover from Catchment	Turnover from Catchment (£m)	Market Share (%)
Catchment Area				
Hawick town centre				
Morrisons	23.93	65%	15.55	33
other shops	4.38	90%	3.94	8
Edge of Centre				
Sainsburys	22.63	65%	14.71	32
LIDL	4.81	90%	4.33	9
LIDL EXTENSION COMMITMENT				
LIDL TOTAL	1.33	90%	1.20	3
	6.14	90%	5.53	12
Iceland	3.54	90%	3.19	7
Total Turnover				
Outflow from Catchment Area				
Total Expenditure				
			42.92	92
			3.67	8
			46.59	100

TABLE 9 - TURNOVER OF PROPOSALS 2019

	(sq m)
Scale of Proposals:	
Net Sales Area	1,254
Convenience Goods Sales Area (sq m)	1,003
Comparison Goods Sales Area (sq m)	251
Market Share:	
Available Convenience Expenditure from Catchment (£m)	46.59
Potential Market Share, Convenience Sales (%)	12
Convenience Turnover from Catchment (£/m)	5.59
Notes:	
Sales Convenience / Comparison split based on 80% / 20% national average	

TABLE 10 - TRADE DIVERSIONS - AIDL PROPOSALS

	Location	Turnover (£m)	Diversion (%)	Diversion (£m)	Post Proposal's Turnover (£m)	Impact (%)
Catchment Area						
Hawick town centre						
Morrisons	TC	23.93	38	2.12	21.80	9
other shops	TC	4.38	2	0.11	4.27	3
Total		28.31	40	2.24	26.07	8
Edge of Centre						
Sainsburys	EOC	22.63	35	1.96	20.68	9
LIDL	EOC	4.81	8	0.45	4.36	9
LIDL EXTENSION COMMITMENT	EOC	1.33	2	0.11	1.22	8
LIDL TOTAL	EOC	6.14	10	0.56	5.58	9
Iceland	EOC	3.59	2	0.11	3.48	3
Other (locations out with catchment)			13	0.73		
Diversion (%)			100	5.59		
Total Turnover (£m)				5.59		

Wilton Mills Ltd.

FORMER WILTON MILLS, HAWICK

February 2016

TABLE 11 - MARKET SHARES 2019 WITH ALDI PROPOSAL

	Post Proposal's Turnover (£m)	% Turnover from Catchment	Turnover from Catchment (£m)	Market Share (%)
Catchment Area				
Hawick town centre				
Morrisons	21.80	65%	14.17	30
other shops	4.27	90%	3.84	8
Edge of Centre				
Sainsburys	20.68	65%	13.44	29
LIDL	4.36	90%	3.93	8
LIDL EXTENSION COMMITMENT	1.22	90%	1.10	2
LIDL TOTAL	5.58	90%	5.02	11
Iceland	3.48	90%	3.13	7
ALDI PROPOSALS, HAWICK			5.59	12
Total Turnover			45.20	97
Outflow from Catchment Area			1.39	3
Total Expenditure			46.59	100

GVA James Barr



Document 15
Statement on
Flooding by
Terrenus Land
& Water

Wilton Mills Limited,
Crown Business Centre
20/22 High Street
HAWICK
TD9 9EH

By e-mail

Date: 18th February 2016

Dear Sir,

**PLANNING APPLICATION: 15/00100/FUL
PROPOSED DEVELOPMENT - WILTON MILLS, 31 - 32 COMMERCIAL ROAD, HAWICK
FLOOD RISK ASSESSMENT UPDATE**

With respect to the above project we are pleased to provide the following comments relating to the issue of flood risk at the site;

A detailed flood risk assessment incorporating a hydraulic model of the River Teviot, has been carried out in relation to the site with a revised report (number 1141-203) being issued in November 2014. As part of the flood risk assessment process detailed discussions with the Council and SEPA have taken place with the latter providing a number of written responses, the most recent of which being in February 2015 (Ref PCS138397).

It is established by the flood model that a sizable portion of the development site is at risk of flooding during the design 1 in 200year storm event. The model further indicates that flow constrictions attributed to the North Bridge which lies downstream of the site have a large impact on the peak water level during more extreme storm events.

Following a detailed analysis of the proposed development layout (comprising a retail food store with related car parking) it was established that the final floor level could be placed above the design 1 in 200 year storm peak water level. Placing the final floor level above the peak water level when taking potential global climate change into account was not found to be feasible due to other considerations such as disabled access and loss of flood plain storage. The developer understands the commercial risk of the above design proposal.

The design process for the proposed development has endeavoured to reduce the impact on the River Teviot by careful placement of the proposed building and final ground levels of the proposed car park. The flood risk assessment also notes that historically the site has been occupied by several sizable buildings associated with the former mills which did not allow free movement of water and that the proposed development provides an improved conveyance when compared with the former mill layout. The development is thus likely to reduce the overall risk of flooding to the local area.

SEPA has reviewed the flood risk assessment and, in its last communication, limited their objection to;

- Evidence that land-raising will be kept to an absolute minimum and car parking will be kept to existing ground levels

The Council's Flood Risk and Coastal Management team response in February 2015 is generally in line with SEPA, noting;

- as there is no capacity for compensatory storage provisions, there should be no land raising at the site as this would further remove storage capacity. I would also agree with the comments made by SEPA which favour the car parking being left at current levels.

The proposed development design at Commercial Road makes every effort to comply with the above requirements.

It is noted that the Scottish Planning Process adopts a risk based approach to flood risk and, risk through the Planning process, places the Council Planning department at the centre of the process to avoid or mitigate flooding. SEPA is frequently approached through the Planning process to provide specialist technical advice to assist the Council in the process. Should the site continue to have an element of flood risk attached to it and the Planning authority proposes to grant planning permission contrary to SEPA's advice, SEPA will ask that the matter be referred to Scottish Ministers.

In the event that the matter is referred to Scottish Ministers it is generally understood that one of three courses of action can be adopted; to refuse the development application, to accept the development application or to pass the matter to the Local Authority for the final decision based on the broader issue of development in the local area.

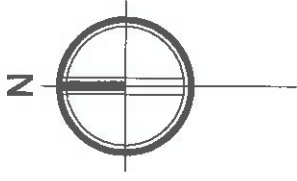
-oo000oo-

We trust that the above is in order, however if you have any queries please do not hesitate to contact the undersigned.

Yours sincerely,



William Hume
Terrenus Land & Water Ltd



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 1:1250 scale map with the permission of
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A March 2015 Site Boundary Attached

Revisions
 project

Wilton Mills Ltd & Aldi UK
Proposed New Food Retail Unit
Commercial Road

Hawick

Site

Location Plan

date **January 2015** drawing no. **AT2342-Loc-01-A**

scale **1:1250 @ A3** drawn **A.W.**

Aitken Turnbull
 architecture

survey

plan

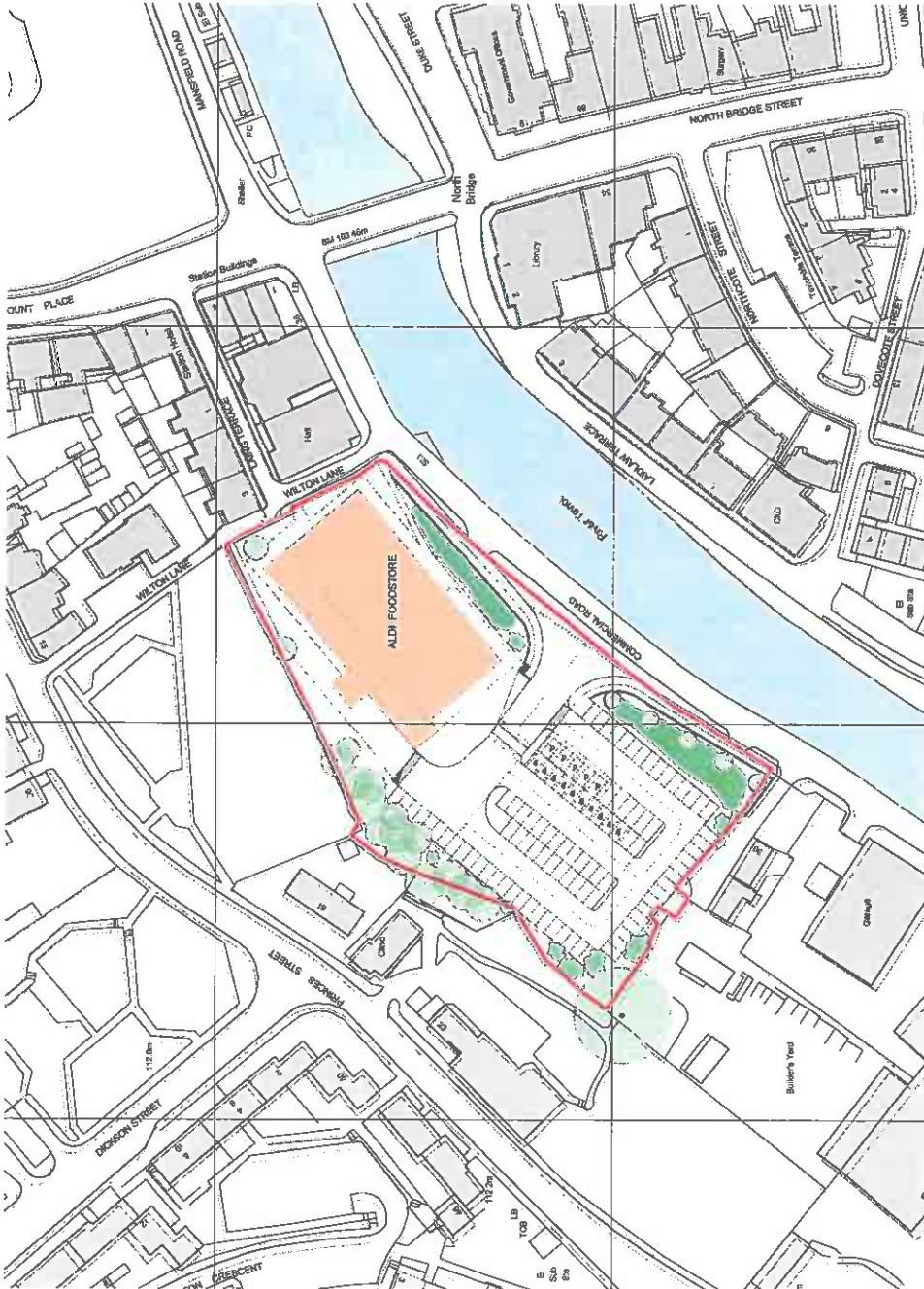
create

8 Bridge Place, Glasgow G1 1EN
 t: 0141 205 1100 f: 0141 205 7828
 e: gpa@aitkenturnbull.co.uk

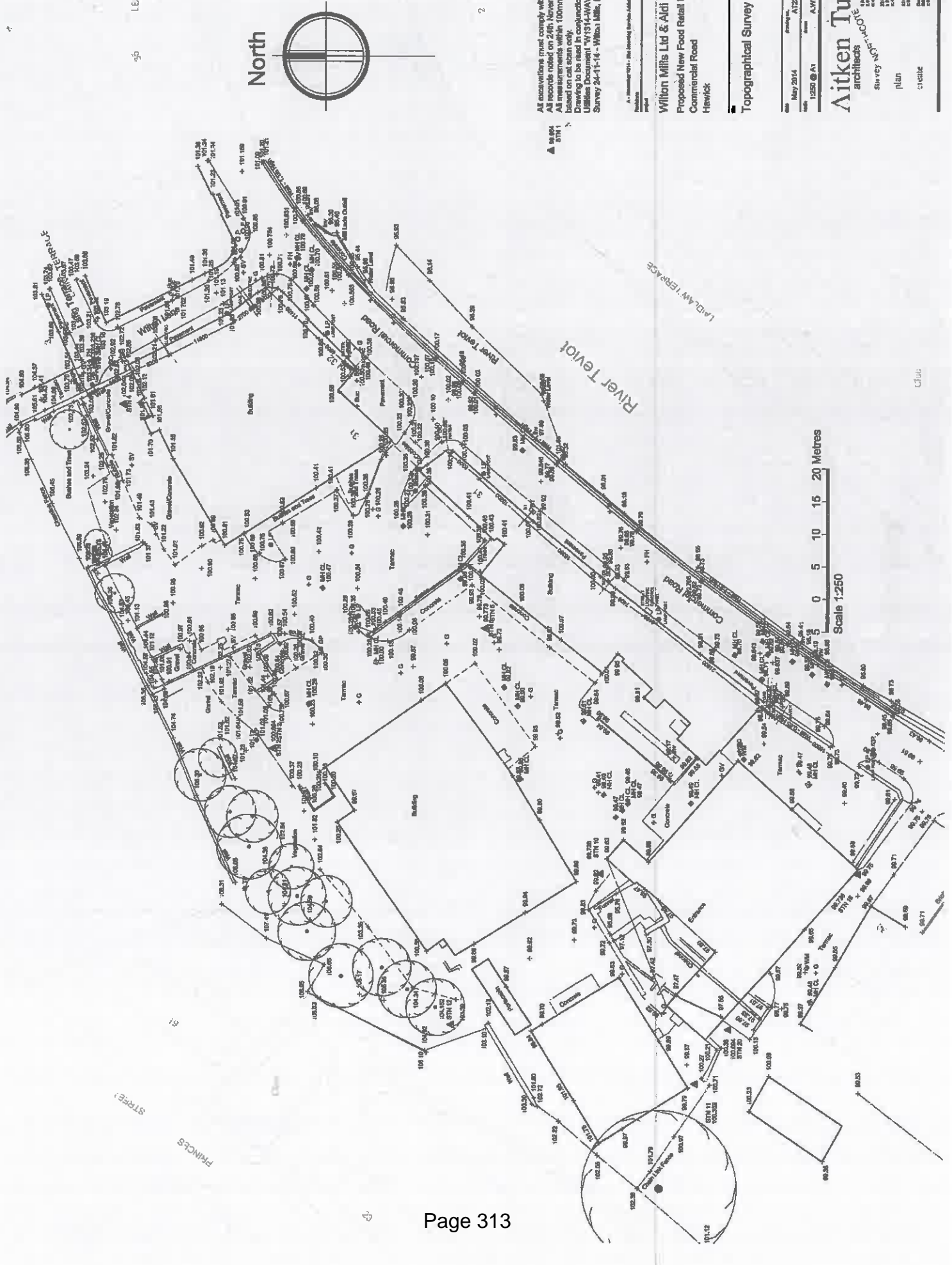
29 Balcasketh Street, Hawick TD9 8HW
 t: 01387 862775 f: 01387 862775
 e: hawick@aitkenturnbull.co.uk

16 Cowie Street, Dumfries DG1 1QR
 t: 01387 862775 f: 01387 862775
 e: dumfries@aitkenturnbull.co.uk

47 Market Street, Osnott TD11 3BX
 t: 01387 862775 f: 01387 862775
 e: dunnott@aitkenturnbull.co.uk



Scale 1:1250



95
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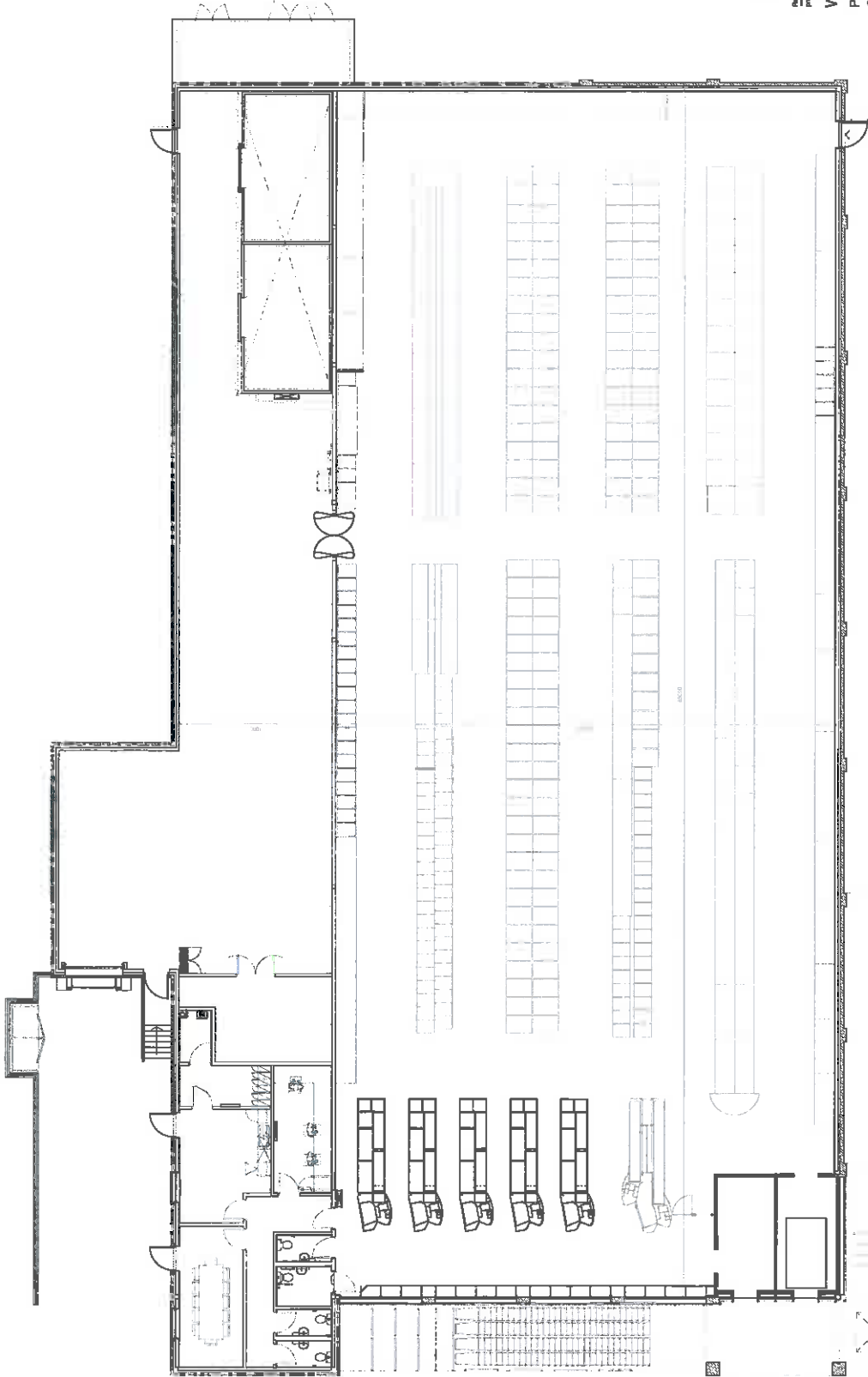


Library
 All excavations must comply with HS 047.
 All records noted on 24th November 2014.
 All measurements within 100mm to utility
 based on cat scan only.
 Drawing to be read in conjunction with
 Utility Document 'W1514-WA-A1-Utility
 Survey 24-11-14 - Wilton Mills, Hawick'

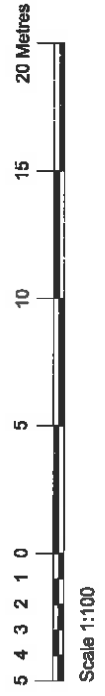
Wilton Mills Ltd & Aidi UK
 Proposed New Food Retail Unit
 Commercial Road
 Hawick

Topographical Survey

Date	May 2014	Project No.	A12293-EK-00A
Scale	1:250 @ A1	Drawn	A.W.
Aitken Turnbull architects			
Survey No. W1514-WA-A1-Utility			
Client	Wilton Mills Ltd & Aidi UK		
Drawn	A.W.		



Proposed 1254' Store Plan



D - July 2015 - Outline Contract & Store Design
 C - January 2016 - Store Planning Phase & Plans Issued
 B - November 2014 - Working Plans Issued to Sites
 A - August 2014 - Interior Plan Issued

Wilton Mills Ltd & Aldi UK
Proposed New Food Retail Unit
 Commercial Road
 Hawick

Proposed Store Plan

Date: January 2016
 Drawing No: AT2402-PP-02D
 Scale: 1:100 @ A1
 Author: A.W.

Aitken Turnbull
 architects

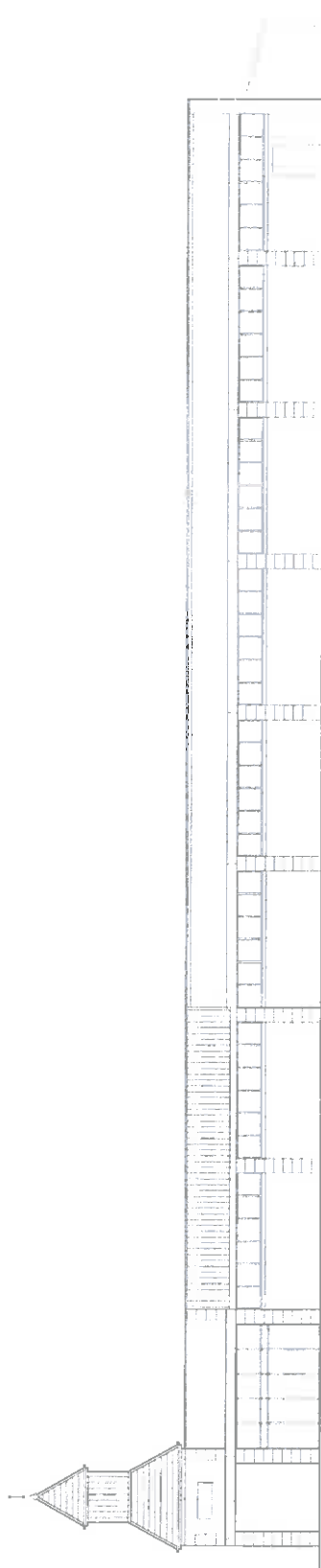
8 Bridge Street, Newcastle NE1 1BN
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 Fax: 0191 276 2201
 Email: info@aitkenturnbull.co.uk
 Website: www.aitkenturnbull.co.uk

25 Buccleuch Street, Glasgow G2 2DU
 Tel: 0141 226 2200
 Fax: 0141 226 2201
 Email: info@aitkenturnbull.co.uk
 Website: www.aitkenturnbull.co.uk

25 George Street, Newcastle NE1 1DP
 Tel: 0191 276 2200
 Fax: 0191 276 2201
 Email: info@aitkenturnbull.co.uk
 Website: www.aitkenturnbull.co.uk

External Finishes

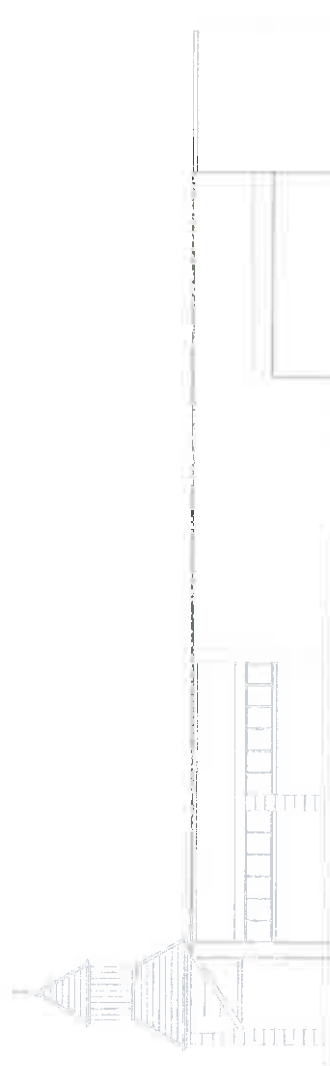
1. Walls - Sand cement render painted white RAL 9010 (White), "coloured" finishes: panels with buff sandstone pattern & basecourse.
External wall insulation system and silicone 1" 1.5mm insulated brick, Colour: RAL 9010(White).
2. Cladding finish - powder coated aluminium sheeting colour Anodised Grey (RAL 7016). (Girts to match half grid spacing on entrance elevation and adjacent elevations).
3. Windows - polyester powder coated aluminium (RAL 7016).
4. Sectional Overhead Door - PVF coated steel (RAL 7016).
5. Steel Entrance Doors - Polyester Powder coated colour Grey (RAL 7016) (Frame colour RAL 7016).
6. Shopfronts - Polyester powder coated aluminium (RAL 7016).
7. Entrance - Polyester powder coated aluminium (RAL 7016).
8. Handrails - Galvanneal tubular steel.
9. Trolley Bay rails - Galn finish stainless steel.
10. 0.7mm thick PPC aluminium cap flashing.
Colour RAL 7016 (Anthraxite).



South East (Front) Elevation as Proposed



Scale 1:100



North East Elevation as Proposed

11. December 2015 - 2D Elevations & Perspectives set made.
12. July 2016 - 3D Model Revamped Approved.
13. June 2016 - 3D Model Revamped Approved.
14. January 2014 - 3D Model Approved.
15. August 2014 - 3D Model & Site Layout Approved.

Prepared by

Wilton Mills Ltd & Aldi UK
Proposed New Food Retail Unit
Commercial Road
Hawick

Proposed Store Elevations
South East & North East

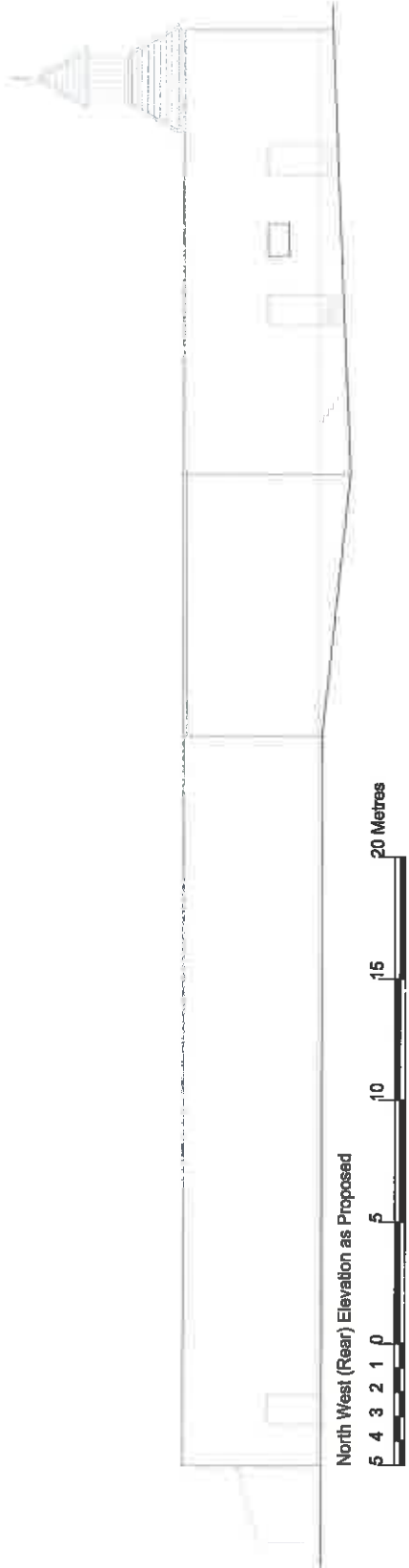
Date: January 2016
Drawing No: A73342-PP-04-01E
Scale: 1:100 @ A1
Sheet: A.W.

Aiken Turnbull
architects

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Tel: 01223 318181
www.aikenturnbull.com
25, Broomfield Road, Ipswich IP1 3DU
Tel: 01473 211111
22 Chapel Road, Dunstable, Bedfordshire, UK
Tel: 01455 533333
Aiken Turnbull LLP
Registered in England
Company No: 10111021

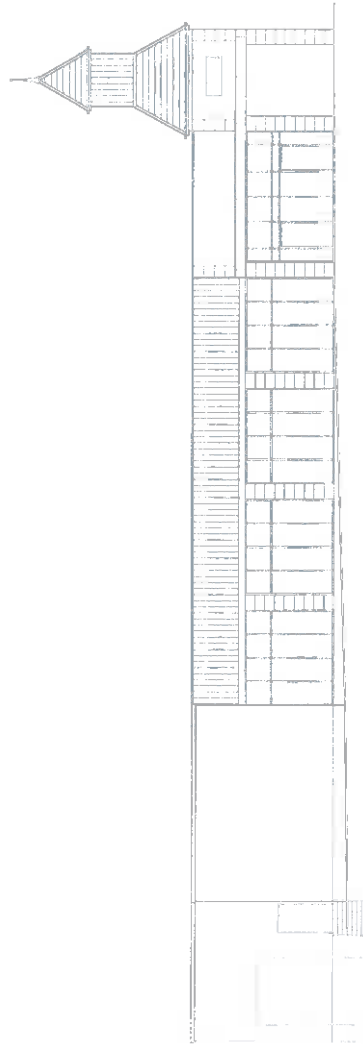
External Finishes

1. Walls - Based cement render painted white RAL 9010 (White).
Natural 'slab reclaimed' sandstone panels with buff sandstone pillars & basecourse.
External wall finish - Polyester powder coated aluminium. Colour RAL 8010(White).
2. Canopy fascias - powder coated aluminium anodising, colour Anthracite Gray (RAL 7016). Joints to match rail grid spacing on entrance elevation and adjacent elevations).
3. Windows - polyester powder coated aluminium (RAL 7016).
4. Solidset Overhead Door - PVF coated steel (RAL 7016).
5. Steel Escape Doors - Polyester Powder coated colour Gray (RAL 7016) (Frame colour RAL 7016).
6. Shopfronts - Polyester powder coated aluminium (RAL 7016).
7. Entrance - Polyester powder coated aluminium (RAL 7016).
8. Handrails - Galvanneal tubular steel.
9. Trolley Bay rails - Slain finish stainless steel.
10. 0.7mm thick PVC aluminium cap finishing. Colour RAL 7016 (Anthracite).



North West (Rear) Elevation as Proposed

Scale 1:100



South West Elevation as Proposed

C - December 2015 - 2D Elevations & Elevation 2D Models
 D - July 2015 - James Buchanan Architects
 E - June 2015 - James Buchanan Architects
 F - January 2014 - James Buchanan Architects
 G - August 2014 - James & John Lupton Architects

Wilton Mills Ltd & Aclii UK
 Proposed New Food Retail Unit
 Commercial Road
 Haverick

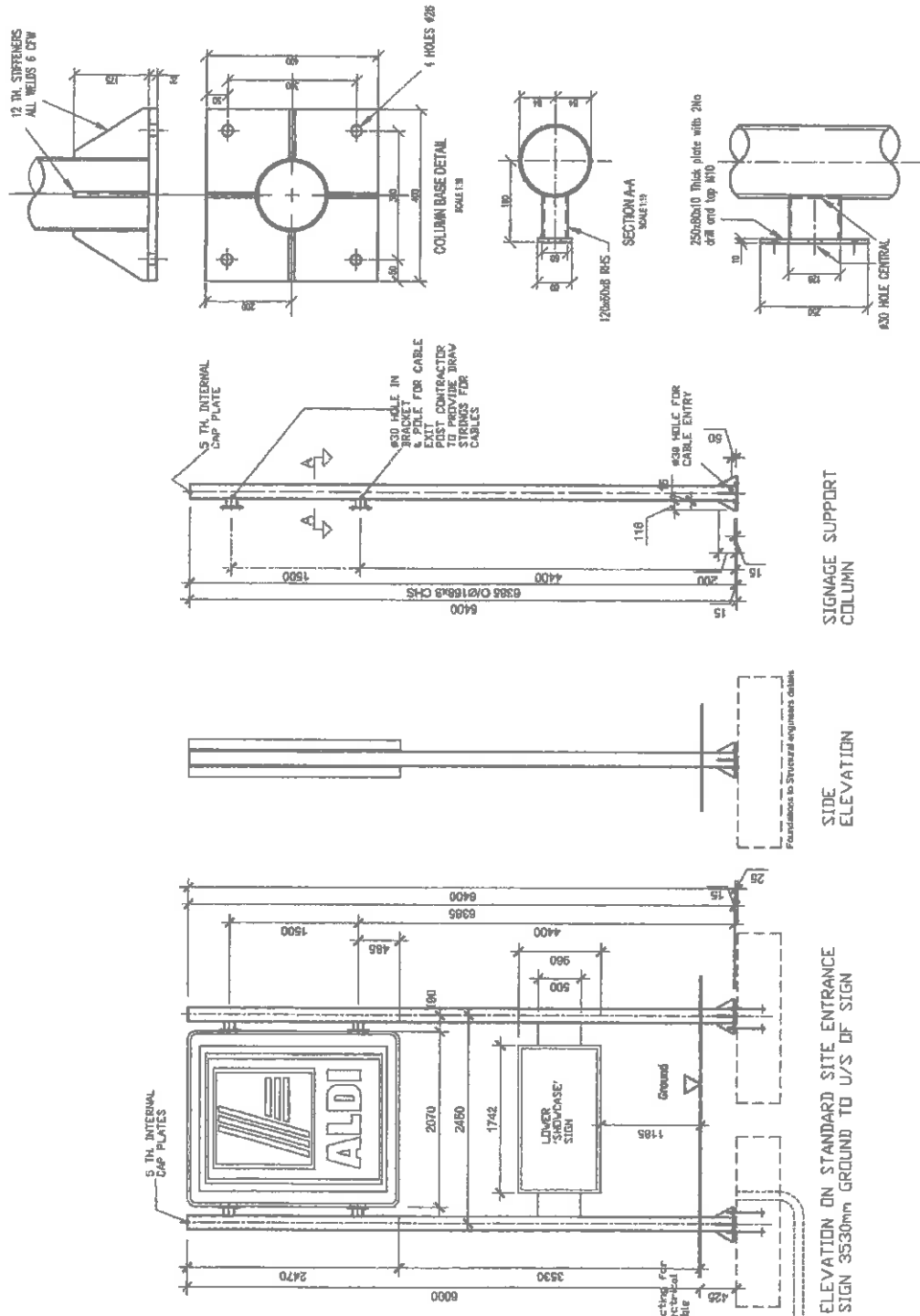
Proposed Store Elevations
 North West & South West

Issue: January 2015
 Drawing No: AT2342-PP-04-02E
 Scale: 1:100 @ A1
 Author: A.W.

Airken Turnbull
 architects

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 4000 Brisbane, Australia
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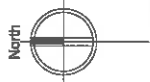
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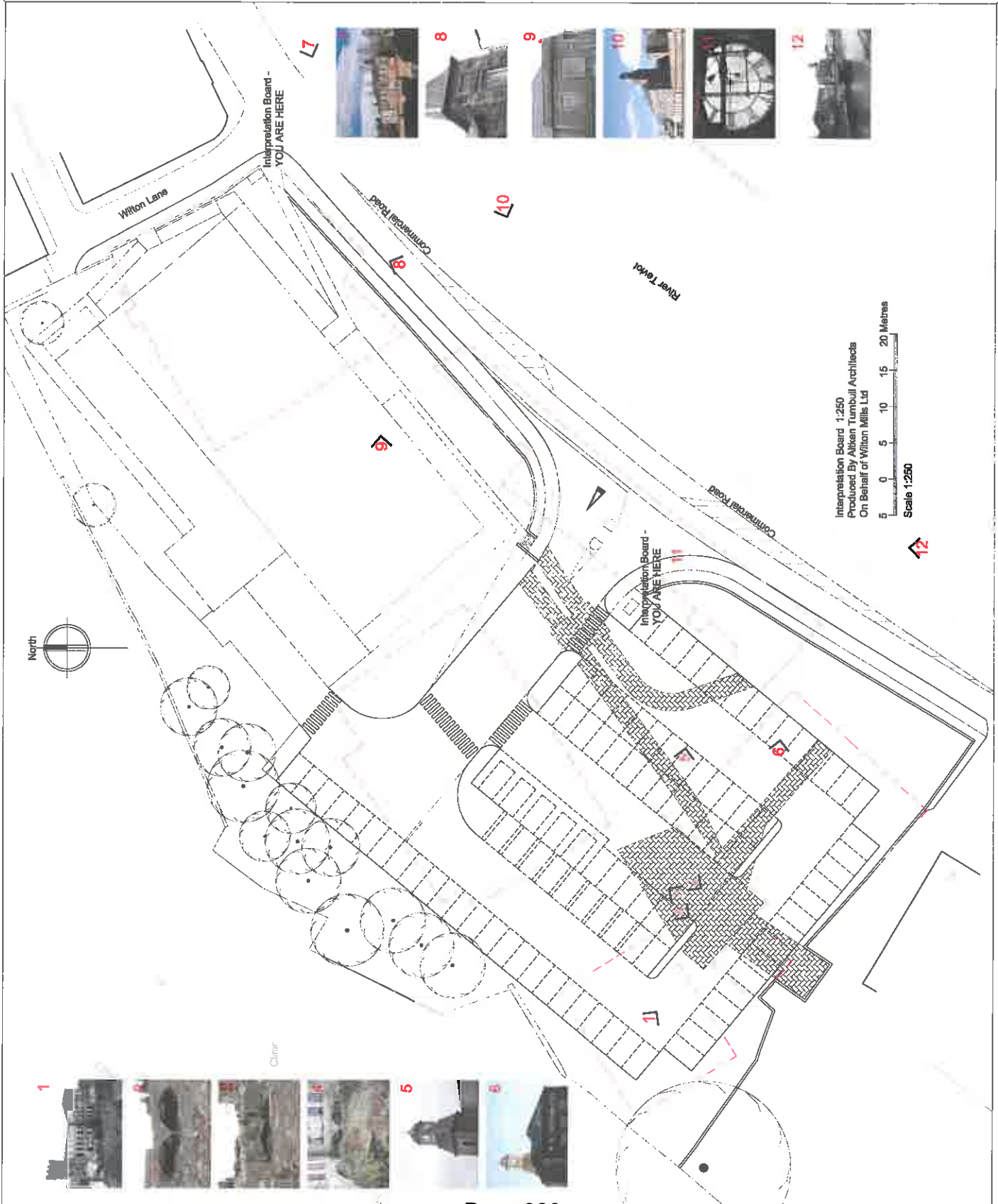
- DOUBLE FACED DOUBLE POST MOUNTED SIGN**
- 210: 2470 x 2070mm (6937 LED Type) fixed back to back on central support "box".
 - Central support "box" to be supplied and installed by sign contractor to match sign exactly in size and profile and to be aluminium and finished RAL 9006 to match sign.
 - Standard Site Entrance Sign 6000mm from ground level to top of sign and posts, 3530mm from ground level to underside of sign.
 - Sign post steel work to be galvanized and powder coated colour RAL7016, by sign contractor
 - High quality fabricated aluminium signposts; finished RAL 9006 Silver. Sign panel is Polycarbonates with screen-printed 6 colour foil logo
 - Signs fully internally illuminated by LED
 - Supply cable to be connected to signage by signage contractor. Underground cables by electrical contractor
 - No cables or junction boxes to be visible above ground level or fixed to sign.
 - Lower "showcase" sign by signage contractor including fixing 'wings' bolted to posts.

Wilton Mills Ltd & Aldi UK
Proposed New Food Retail Unit
Commercial Road
Hawick
Totem Signage

date: May 2015
 drawing no.: AT2342-PP-05
 scale: N.T.S @ A3
 drawn: A.W.
Aitken Turnbull
 architecture
 8 Bridge Place, Glasgow, TD1 8JN
 t: 01687 767300 e: 01687 767300
 e: g.a@aitken-turnbull.co.uk
 22 Buccleuch Street, Hawick TD9 8HW
 t: 01683 272987 e: 01683 076100
 e: h.a@aitken-turnbull.co.uk
 16 Castle Street, Dumfries DG1 1QR
 t: 01387 259594 e: 01387 259599
 e: c.a@aitken-turnbull.co.uk
 47 Market Square, Dunfermline TD11 8BX
 t: 01381 103270 f: 01381 584604
 e: h.a@aitken-turnbull.co.uk



Clint



Interpretation Board 1:250
 Produced By Aitken Turnbull Architects
 On Behalf of Wilton Mills Ltd

Scale 1:250

HAND MADE 4mm THICK
 SHATTER PROOF
 POLYCARBONATE IMAGE
 BOARD.
 IMAGE LAMINATED ON THE
 REVERSE OF THE
 POLYCARBONATE WITH
 MOUNTED TREATED
 TIMBER EDGES & STAND.

Wilton Mills Ltd & Aldi UK
 Proposed New Food Retail Unit
 Commercial Road
 Harwick

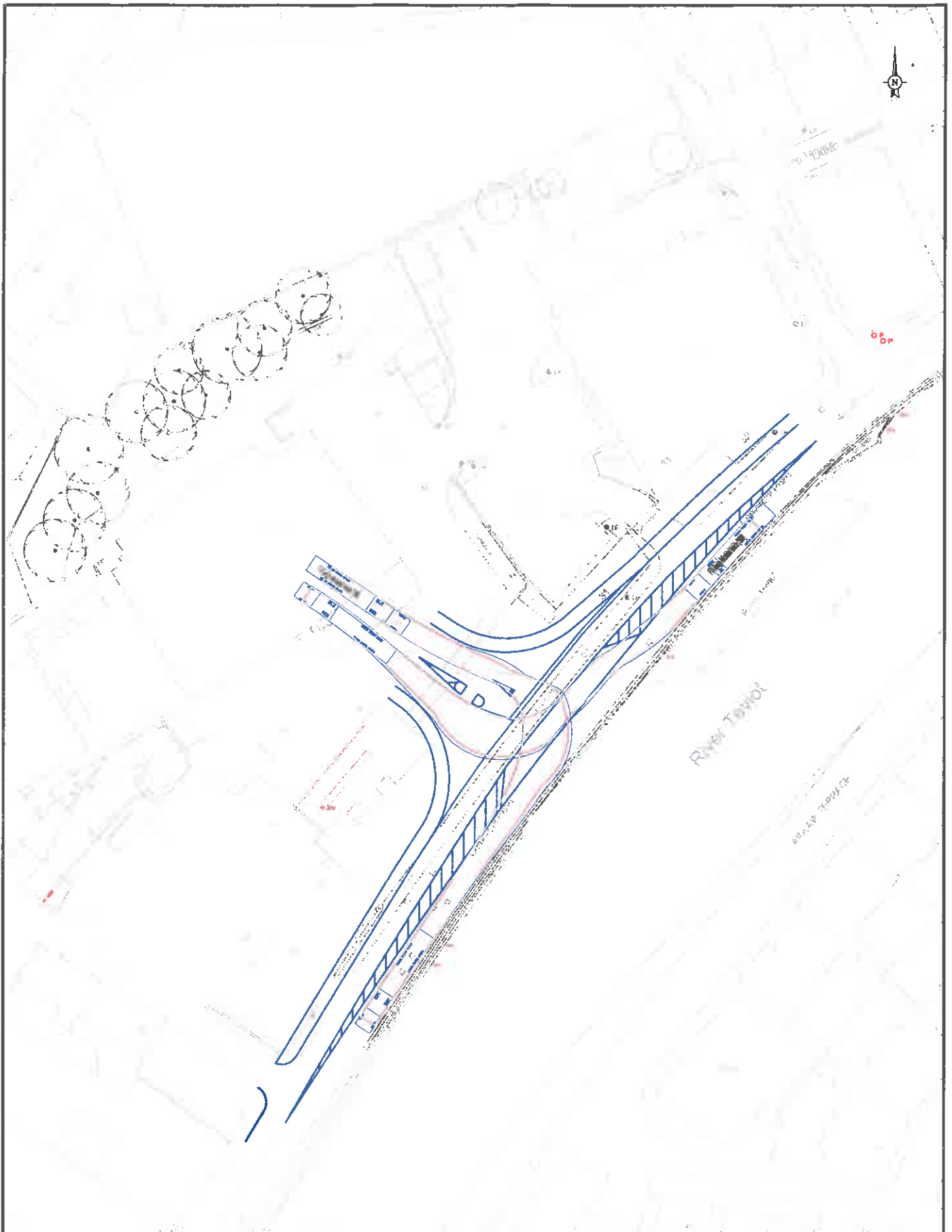
Proposed Interpretation Board

June 2016
 A17342-EP-07
 A.W.

Aitken Turnbull
 architects

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10 Bridge Street, Edinburgh EH1 1JN
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 200 Charlotte Street, Edinburgh EH2 4EX



Proposed Food Retail Development, Hawick

Wilton Mills Ltd

Indicative Site Access & 16.35m Arctic Tracking

- Notes:
1. This is not a construction drawing and is intended for illustrative purposes only.
 2. White lining is indicative only.

WYG Transport Planning

 part of the WYG group



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 t: +44 (0)131 20 5780 f: +44 (0)131 20 5789 e: edinburgh@wyg.com

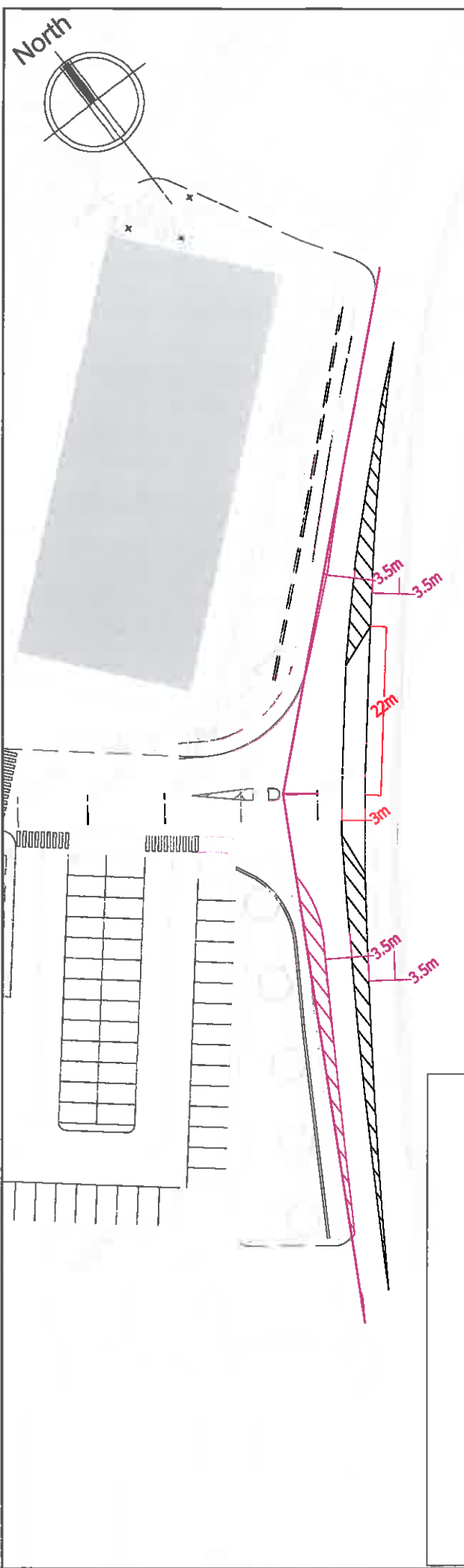
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DRAWN: LJ	CHECKED: JD	DATE: Feb 2015	SCALE: 1:500 @ A3
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Page 321

DRAWING NUMBER: A086735/SK004	REVISION: A
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Page 12

DOCS STANDARDS COMPARISON:

1. TD42/95 CL 3.6 - Proposed - Reason for departure -	APPROACH GRADIENT TO NOT EXCEED 2% 4% Access road levels dictated by existing level of A7 / Commercial Road, proposed store level to meet 1:200 year flood levels and levels constraints within demise.	Proposed - Reason for departure -	5. TD42/95 CL 7.30 & Table 7.3 - CENTRE LINE AT 1:20 FOR A 50KPH DESIGN SPEED 1:20 northbound 1:14 southbound Available road width and length of site frontage constrain length of taper that can be provided and ability to develop symmetrically without impacting on developable site area.
2. TD42/95 CL 3.7 - Proposed - Reason for departure -	APPROACH DWELL AREA OF AT LEAST 15m 10m Access road levels dictated by existing level of A7 / Commercial Road, proposed store level to meet 1:200 year flood levels and levels constraints within demise.	Proposed - Reason for departure -	DESIRABLE WIDTH 3.5m BUT A RELAXATION TO 3.0m IS PERMISSIBLE 3.0m Constrained frontage and road width of the site restrict ability to provide 3.5m without impacting developable area.
3. TD42/95 CL 7.6c & 7.8 - Proposed - Reason for relaxation -	X DISTANCE DESIRABLY 9m BUT IN DIFFICULT CIRCUMSTANCES MAY BE TAKEN AS A RELAXATION TO 4.5m 4.5m 9m X distance would sterilise an area of the site making it difficult to provide appropriate boundary treatments.	Proposed - Reason for relaxation -	TURNING LENGTH 10m WITH ADDITIONAL DECELERATION LENGTH OF 25m 22m Constrained site frontage prevents provision of increased length without impacting further on taper lengths.
4. TD42/95 CL 7.20 - Proposed -	THROUGH LANES SHALL NOT BE LESS THAN 3m WIDE. 3.5m No departure / relaxation required.	Proposed - Reason for departure -	

Notes:

1. This is not a construction drawing and is intended for illustrative purposes only.

Key:

— Visibility Splay 4.5 x 70m

Proposed Food Retail Development, Hawick

Indicative Site Access Junction

Wilton Mills Ltd

WYG Transport Planning
part of the WYG group

The Cube, 415 Leith Street, Edinburgh EH1 3AT
t: +44 (0)131 247 5700
e: edinburgh@wyp.com

PROJECT NUMBER: **A086735**
DRAWING NUMBER: **SKA010**
REVISION: **01**

DRAWN: **LJ**
CHECKED: **LH**
DATE: **Apr 2015**
SCALE: **1:500 @ A3**

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App Ref: 15/00100/FUL

Applicant: Wilton Mills Ltd

Proposal: Erection of Class 1 retail food store & ancillary works etc.
Wilton Mills, 31- 32 Commercial Road, Hawick

Sir,

Observations of Hawick Community Council with reference to the above application, we (HCC) having viewed the Proposal have the following comments:-

Although it is not ideal to have another discount supermarket located in Hawick, with the adverse effect it will have on the established supermarkets and independent service shops in the town, it would however provide improved and more varied customer shopping choice, an opportunity to provide around 30 new jobs (full or part-time). It would encourage more foot-fall into the town with the added benefit that shoppers would also filter on to the High Street and other areas for goods and services.

With regard to the proposed new building, HCC would comment that we would prefer that some of the original stonework to be used as cladding to the elevations to give character to the structure, as well as re-use of the existing stone lettering incorporated into the building/landscape area.

We also comment that the existing clock tower/roof could be integrated into the proposal as a possible entrance to the area.

Information boards and finger-post signage could be erected directing shoppers to the High Street area.

We would also comment as to the state of the area as it stands at present, being located on the A7 trunk road between Carlisle and Edinburgh it is not welcoming and is in fact an eyesore and must be improved one way or another to benefit the town.

Regards

Cameron Knox

Vice-chair, Hawick Community Council.

REGULATORY SERVICES



To: **Development Management Service**
FAO Mrs. J. Hayward, Council H. Q.

Date: **9th Mar. 2015**

From: **Roads Planning Service**
Contact: **A. Scott**

Ext: **6640**

Ref: **15/00100/FUL**

Subject: Erection of Class 1 retail unit
Land at Wilton Mills, Commercial Road, Hawick –
15/00100/FUL

The main road serving this site is a trunk road, and as such, the comments of Transport Scotland must be sought with regards to the junction off Commercial Road and any proposed amendments to the layout of Commercial Road.

With regards to the internal layout of the proposal, I do have some concerns as below:

- The proposed layout proposed will result in service vehicles having to reverse in areas where pedestrians will be moving between the store and car parking spaces. This is not desirable and should be discouraged, particularly when delivery times cannot be controlled.
- Provision for taxis is required.
- Provision for suitably located trolley bays is required to discourage inappropriate abandonment of trolleys.
- With regards to the level of parking, the number of spaces is above the required levels for such a store, 78 overall being considered acceptable.
- All spaces should be a minimum of 2.5m x 5m in size, with disabled and parent/child being larger to accommodate extra space for manoeuvring around the vehicle.
- There are no surface water drainage details provided. These are required to ensure there is no detrimental impact on the trunk road.
- There should be a minimum of 6 covered cycle stands provided.

DJI

To: **Development Management Service
FAO Mrs. J. Hayward, Council H. Q.**

Date: **7th July 2015**

From: **Roads Planning Service**
Contact: **A. Scott**

Ext: **6640**

Ref: **15/00100/FUL**

**Subject: Erection of Class 1 retail unit
Land at Wilton Mills, Commercial Road, Hawick –
15/00100/FUL**

Further to my previous comments of 9th March 2015, it would appear that the applicant has not addressed all my concerns.

- The proposed layout still results in delivery vehicles having to reverse in areas where customers are likely to be.
- There is still no taxi provision allowed for.
- There are still no areas within the car-park to accommodate trolleys.
- There are still no drainage details included.

Furthermore, the following points relate to the trunk road but shall still have to be resolved to the satisfaction of both the Council and Transport Scotland.

- There is no tracking indicated for delivery vehicles exiting the site and turning right.
- The widening of a public road would normally require road construction consent. However this may be able to be covered by an agreement being in place between the applicant, the Council and Transport Scotland.
- I cannot find a copy of the layout drawing referred to in Transport Scotland's response of 8th April 2015, namely drawing number A086735-SKA010 Rev. 1.

The above matters should all be resolved to the Council's satisfaction prior to any approval being issued.

DJI

Transport Scotland

Trunk Road and Bus Operations (TRBO)
Network Operations - Development Management



Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2008 S.I. 2008 No 432 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Scottish Borders Council Environment and Infrastructure Newtown St Boswells Melrose TD6 0SA	Council Reference:-	15/00100/FUL
	TS TRBO Reference:	SE/11/2015

Application made by Wilton Mills Ltd per Aitken Turnbull Architects Ltd, 9 Bridge Place Galashiels Scottish Borders TD1 1SN and received by Transport Scotland on 05 February 2015 for planning permission for erection of class 1 retail foodstore with ancillary works including car parking, access and landscaping located at Land And Buildings At Wilton Mills, 31 - 32 Commercial Road, Hawick affecting the A7 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Route Manager (A7) 0141 272 7100 Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:- SOUTH EAST
Address:- 6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ
Telephone Number:- 0800 0420188
e-mail address:- OCCR.SESCOTLAND@amey.co.uk

DETAILS of works necessary within the trunk road boundary:-

New ghost island priority junction to serve as site access.

CONDITIONS to be attached to any permission the council may give:-

1	Prior to the occupation of any of the consented development, the proposed site access junction with the A7 Commercial Road, generally as illustrated in WYG Drawing No. A086735-SKA010 Rev.1, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland TRBO.
2	Details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
3	Prior to commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland TRBO.
4	Prior to the occupation of any of the consented development, a barrier / boundary feature of a type approved by the planning authority in consultation with Transport Scotland (TS-TRBO) shall be provided and maintained along the proposed boundary of the site with the A7 Commercial Road.
5	There shall be no drainage connections to the trunk road drainage system.
6	No part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

REASON(S) for Conditions (numbered as above):-

1	To ensure that the standard of infrastructure modification proposed to the trunk road complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.
2	To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished
3	To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.
4	To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents
5	To ensure that the efficiency of the existing trunk road drainage network is not affected.
6	To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport

ADVISORY NOTES (to be passed to applicant):-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Any works required and contact details are provided on Transport Scotland's response to the planning authority and is available on the Council's planning portal

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works the subject of the above Conditions will require Road Safety Audit as specified by the Design Manual for Roads and Bridges

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement

NOTES

Stage 1 Road Safety Audit has been carried out.

Transport Scotland Response Date:-

08-Apr-2015

Transport Scotland Contact:-

John McDonald

Transport Scotland Contact Details:-

Trunk Road and Bus Operations, Network Operations - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number:

e-mail: development_management@transportscotland.gsi.gov.uk

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

Our ref: PCS/138397
Your ref: 15/00100/FUL

Julie Hayward
Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

If telephoning ask for:
Stephanie Balman

By email only to: dcconsultees@scotborders.gov.uk

25 February 2015

Dear Ms Hayward

**PLANNING APPLICATION: 15/00100/FUL
ERECTION OF CLASS 1 RETAIL FOODSTORE WITH ANCILLARY WORKS
INCLUDING CAR PARKING, ACCESS AND LANDSCAPING
LAND AND BUILDINGS AT WILTON MILLS, 31 - 32 COMMERCIAL ROAD, HAWICK,
SCOTTISH BORDERS**

Thank you for your consultation which SEPA received on 6 February 2015.

We **object** to this planning application on the grounds of flood risk. The proposed development may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. We will review this objection if the issues detailed below and in Section 1 below are adequately addressed.

In summary, we wish to receive clarification on the following before we would consider reviewing our objection to the proposed development:

- Evidence that land-raising will be kept to an absolute minimum and car parking will be kept to existing ground levels.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

Advice for the planning authority

1. Flood risk

- 1.1 We previously commented on an earlier application to erect a supermarket on this site (planning reference: 14/00742/FUL). We recommend that our response (dated 5 August



Chairman
David Sigsworth

Chief Executive
James Curran

Edinburgh Office
Clearwater House, Heriot Watt Research Park
Avenue North, Riccarton, Edinburgh EH14 4AP
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- 2014) to that application is also referred to for background information with respect to flood risk at this site.
- 1.2 In our response dated 12 December 2014 (ref: 14/00742/FUL), we highlighted our concerns regarding: 1) drainage during high flows in the River Teviot, 2) the flood risk from the lade structures that historically flowed through the site, 3) land-raising of the site to reduce the risk of flooding from the River Teviot, and 4) bridge blockage potential.
 - 1.3 We were provided with an updated Flood Risk Assessment (FRA) in December 2014. The FRA notes that a site walkover confirmed that both the inlet and outlet of the lade structures beneath Wilton Mill have been blocked hence there is no direct connection. It is also proposed that the lades will be further in-filled during development of the site. As such, the risk from the lades to the site can be mitigated
 - 1.4 The FRA notes that surface water will pass quickly and directly to the River Teviot and that the SUDS design will include non-return valves to prevent the River Teviot backing-up. The FRA also notes that the "time to peak for such extreme storm events is considerably longer than that of the site itself and closure of the non-return valves along the watercourse is unlikely to result in a surcharging of the drainage system during the peak storm event." We would stress that depending on what level the discharge pipe outlet is set at, it may still result in the drainage system being unable to drain during less extreme events.
 - 1.5 The FRA also notes that the Wilton Mill buildings were tightly packed and would not readily allow for the movement of water through the site. Water would likely have got access to the building through vents, doorways, access points and potentially under the floor. By land-raising the site to enable development this will permanently remove an area of floodplain storage. As such we cannot support the current proposal as no compensatory storage can be provided for the site. This is in line with our Technical Flood Risk Guidance for Stakeholders.
 - 1.6 Bridge blockage has been investigated and the conclusions of the FRA are that any blockage would not impose a significant restriction in flow. We cannot comment further on this conclusion.
 - 1.7 We support the inclusion of flood resistant and resilient measures into the design of the building.
 - 1.8 As indicated in a telephone conversation, between William Hume (Terrenus) and Alistair Cargill (SEPA, Operational Flood Risk Manager) in January 2015, we would not support land-raising on site without the provision of compensatory storage. We would look more favourably upon the retaining of the car park on existing ground levels and keeping any land-raising to an absolute minimum.
 - 1.9 It is worth highlighting that there is a Flood Prevention Scheme proposed for Hawick which will offer protection up to the 1:75 year return period event from the River Teviot. Although final design and funding is yet to be confirmed, should the scheme be built it would afford some protection to the site which may be adequate to satisfy the developer's concerns without the need for additional measures
 - 1.10 We have been provided with a Design and Access Statement for the site in the current application. The proposed floor level of the food store is 102.15mAOD. The design statement mentions that this is in line with SEPA. We would stress that for this situation, the inability to offer compensatory storage prevents us from supporting raising floor levels

as the site is to be land-raised to enable this. In addition, the statement also mentions that the building occupies a reduced ground area thus providing compensatory storage. We do not accept this statement as our understanding is that the whole site is to be raised and no additional storage is proposed to replace that which will be lost.

2. Surface water drainage

- 2.1 This development will require two level of treatment for all hardstanding areas including roads. We encourage this first level of SUDS to be source control. Further guidance on the design of SUDS systems and appropriate levels of treatment can be found in CIRIA's C697 manual entitled *The SUDS Manual*. Advice can also be found in the SEPA Guidance Note *Planning advice on sustainable drainage systems (SUDS)*. Please refer to the SUDS section of our website for details of regulatory requirements for surface water and SUDS.
- 2.2 Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

Detailed advice for the applicant

3. Content of flood risk advice

- 3.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland.
- 3.2 We refer the applicant to the document entitled: *Technical Flood Risk Guidance for Stakeholders*. This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction Policy 41 (Part 2).
- 3.3 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
- 3.4 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Scottish Borders Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: *Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities* outlines the transitional changes to the basis of our advice inline with the phases of this legislation.

Regulatory advice for the applicant

4. Regulatory requirements

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you

need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office (tel: 01896 754797).

If you have any queries relating to this letter, please contact me by telephone on 0131 449 8559 or e-mail at Stephanie.Balman@sepa.org.uk.

Yours sincerely

Stephanie Balman
Planning Officer
Planning Service

ECopy to: Aitken Turnbull Architects Ltd admin@aitken-turnbull.co.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in How and when to consult SEPA, and on flood risk specifically in the SEPA-Planning Authority Protocol.

Consultation Reply



ENVIRONMENT AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Julie Hayward

Your Ref: 15/00100/FUL

From: HEAD OF ENGINEERING & INFRASTRUCTURE

Date: 25th March 2015

Contact: Ian Chalmers

Ext: 5035

Our Ref: B48/1869

Nature of Proposal: Erection of Class 1 retail food store with ancillary works including car parking, access and landscaping
Site: Land and Buildings at Wilton Mills 31 - 32 Commercial Road
Hawick

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 is 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.

The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to come in and view them.

Hydraulic modelling was produced in the Hawick Flood Protection Scheme Report which demonstrates that the proposed development lies within the 1 in 200 year (0.5%) inundation outlines for the River Teviot and it is anticipated that there will be flood depths of between 2.51 – 3.00m. This study is anticipated to be more accurate than the indicative mapping although no warranty is given.

Having received the updated flood risk assessment undertaken by Terrenus, I have the following comments.

It is noted that information has been provided on the Mill Lade and that it is blocked at both the inlet and outlet and that further backfilling is to be completed.

I would state that as there is no capacity for compensatory storage provisions, there should be no land raising at the site as this would further remove storage capacity. I would also agree with the comments made by SEPA which favour the car parking being left at current levels.

I would also recommend that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

Although public consultation for the Hawick Flood Protection Scheme has been undertaken, this is only anticipated to protect Hawick to a 1 in 75 year flood event. This would not protect the development to the sufficient 1 in 200 year plus climate change return period standard of protection which is a requirement of the Scottish Planning Policy. It would still be required that this flood risk be mitigated if this development is to be approved.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Ian Chalmers
Flood Risk and Coastal Management

PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 6th February 2015

Contact: Julie Hayward ☎ 01835 825585

Ref: 15/00100/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th February 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 27th February 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Wilton Mills Ltd

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Site: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick
Scottish Borders

OBSERVATIONS OF: Forward Planning Section

CONSULTATION REPLY

This application seeks full planning permission for the erection of a Class 1 food retail store on land and buildings at Wilton Mill, Commercial Road, Hawick. It follows an earlier application (14/00742/FUL) for a similar proposal by the same applicant which was withdrawn on 3 November 2014.

The current proposals differ from the 2014 application in that the proposed building would have an increased footprint of 1,715sqm as opposed to 1,587sqm. Sales floor area has been increased from 1,145sqm to 1,254sqm. The design and external materials of the proposed building remain constant but the store has been relocated from the south west of the site to the north east with car parking accommodating the south west part of the site. The proposed car parking has been increased by 15 no spaces from 86 to 101. The existing Clock Tower building is proposed for demolition (14/01437/LBC).

The comments submitted in my earlier responses of 22 August 2014 and 16 September 2014 remains relevant and I have copied these below for ease of reference.

Comments of 22 August 2014

The application site is located within an area of Hawick covered by Policy H3 – Land Use Allocations of the Consolidated Local Plan 2011. It forms part of a larger redevelopment opportunity (zRO8) on Commercial Road and is covered by an approved Supplementary Planning Guidance note from February 2009.

Paragraph 2 of Policy H3 states:

*Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA
Customer Services: 0300 100 1800 www.scotborders.gov.uk*

“Development will be in accordance with any Council approved planning or development brief including where this has been prepared by developers, provided it meets the requirements for the site and its acceptability has been confirmed in writing by the Council”.

Paragraph 3 also states:

“Sites proposed for redevelopment or mixed use may be developed for housing, employment (classes 4, 5 and 6 of the Use Classes Order) or retailing, subject to the sequential test, or a mix of uses....”

The approved SPG for Commercial Road sets out a development framework for the entire zRO8 site and aims to outline options for the most suitable development of the site. It specifies that the wider site could accommodate a range of development from residential to business and retail. The SPG recognises that in terms of national and local retail policies, the Commercial Road area, especially at its southern end, offers potential to be considered as a suitable edge-of-centre location for retail development. The northern development site however (Wilton Mills), where this application site is located, offers the potential for residential development given the listed buildings on site, the urban character of the area and the previous use.

The SPG was informed by a retail capacity study for Hawick undertaken on behalf of the Council by Roderick MacLean Associates Ltd (January 2008). This identified that there was potential capacity at that time to promote a small retail park with a discount food retailer or small supermarket/frozen food store. Whilst the SPG also stated that there was unlikely to be sufficient convenience expenditure capacity to support a new superstore in the town, it recognised that this was dependent upon the market situation.

Since the retail capacity study for Hawick, a new Sainsbury's Store on Commercial Road (09/00622/FUL) has been approved and constructed. Whilst not large enough to be considered a superstore, this new medium sized retail store has taken up any spare retail capacity which previously existed in the town. In fact, the new store exceeds the spare capacity identified by the Roderick MacLean study and referred to in the SPG. It is now considered that there is no spare retail capacity to accommodate an additional Class 1 food retail unit within the town.

Whilst not yet an adopted policy, consideration should also be given to Policy ED3 – Town Centres and Shopping Development of the Proposed Local Development Plan 2013. This policy was developed alongside work undertaken for the Council by Robert Drysdale Consultancy on retail capacity (September 2011) across the Borders. Amongst key findings from that study was that with the exception of Galashiels, there was limited capacity for further retail floor space. In particular it found that there would be no spare capacity to support new stores in Hawick. This finding confirmed the previous work undertaken by Roderick MacLean (above) prior to the development of Sainsbury's on Commercial Road.

Forward Planning consider that the proposed erection of a Class 1 retail store would be contrary to Policy H3 of the Consolidated Local Plan and the Commercial Road SPG as there is no spare capacity to support new stores in Hawick and the preferred option for this site would be residential.

Comments of 16 September 2014

I refer to the above planning application and our original planning consultation response dated 22 August 2014. The following observations are in response to your request for an analysis of the retail statement submitted with the planning application, particularly in relation to the potential harm on the vitality and viability of the town centre.

Paragraph 1.5 of the Retail Statement states that *“The proposals will help provide complementary*

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shopping facilities and a different retail experience locally, compared with existing provision”.

Forward Planning consider that the proposed Aldi store would not provide a complementary shopping facility but would in fact provide a similar retailing experience to existing competing stores such as Lidl, Farmfoods and Iceland who already have a presence in the town centre. It is considered that the proposed food retail unit would therefore have an unacceptable adverse impact on existing retailers, contrary to the applicant’s statement and more importantly contrary to development plan policies ED3 and ED5.

Paragraph 1.7 also states that the proposals will “...serve a limited catchment and will not lead to any unacceptable impact on the vitality and viability of Hawick town centre”, however no figures or justification are provided in the statement to substantiate this claim. Appendix 2 of the Retail Statement provides a limited retail health check for Hawick town centre and concludes that the town centre is performing well and that vacancy levels are below the national average. This is contrary to the information and findings available to the Council through work carried out by consultants Roderick MacLean Associates and Robert Drysdale Consultancy (referred to in our original response), as well as the Council’s Winter Retail Survey 2013. Forward Planning would question the applicant’s assumption that the proposed development would not lead to an unacceptable impact on the vitality and viability of the town centre. The statement is devoid of any detailed assessment of the proposed catchment area for the store, assessment of competing stores and centres or projected turnover based on a store of comparable size. Further information is required to make a full and proper assessment of this claim.

Paragraph 4.7 of the statement also states that the town centre health check found that Hawick “is performing quite well against a number of vitality and viability indicators”...and that “...a retail use at the subject edge of centre site would...have a positive impact on vitality and viability.” As confirmed above, no figures or justification are provided in the statement to substantiate this claim.

Appendix 2 of the Retail statement states that *the “survey found that the unit vacancy level within Hawick town centre currently stands at 13%” which “is lower than the national average which was 14.2% in February 2013”.* This is not consistent with the figures currently available to the Council in the Winter Retail Survey 2013 which show a much higher vacancy level of 17% in the town centre, 3% above the national average of 14%. Paragraph 13.3 of the Retail Survey states that *“Hawick’s retail unit vacancy rate and total floorspace vacancy rate continue to give cause for concern and will be subject to ongoing monitoring. The town has the highest retail unit vacancy rate (17%) and the second highest total floorspace vacancy rate (12%). Other research has also shown that footfall levels in Hawick have been decreasing at a faster rate than other town centres”.* These findings provide clear evidence of the challenges the town centre is facing.

Appendix 2 of the Retail Statement also makes further comments regarding footfall within the town centre, suggesting that high levels were present on the day of the survey. Again, there are no figures within the statement to substantiate this claim. Further information would be required to allow an accurate analysis of the footfall levels within the town. As stated above, research currently available to the Council has shown that footfall levels in Hawick have been decreasing at a faster rate than other town centres. This is contrary to the applicant’s assertions.

It is accepted that the sequential test does not offer any town centre locations that would be appropriate for the proposed end user in terms of availability, suitability and viability. This test would be consistent with the considerations as set out in SPP. Policy ED3 is relevant in this case as it aims to guide new shopping development to town centres in order to protect the vitality and viability of these centres. The sequential test ensures that the first preference is given to town centres followed by edge of centre locations and only as a last resort, out of centre sites.

Amongst key findings from the Robert Drysdale Consultancy report was that with the exception of Galashiels, there was limited capacity for further retail floor space in the borders. In particular it

found that there would be no spare capacity to support new stores in Hawick. This confirmed previous work by Roderick MacLean prior to the development of Sainsbury's on Commercial Road. The erection of an additional store would ultimately exceed the spare capacity previously identified and the provision of a new retail unit in the town, regardless of whether it is located in the town centre or on an edge of centre site, would have an adverse on retailing in the town.

It is the view of Forward Planning that the supporting Retail Statement does not justify the erection of a discount foodstore on this edge of centre location and does not support the applicant's claims that the development would have a positive impact on the viability and vitality of the town centre. Not only would the proposed store exceed any spare retail capacity that may exist within the town, but it is considered that the erection of a store at this edge of centre location would have an adverse effect on the vitality and viability of the already vulnerable town centre which is experiencing above average vacancy levels and decreasing footfall levels.

It remains our position that the proposed erection of a Class 1 retail store would be contrary to development plan policy and the Commercial Road SPG as there is no spare capacity to support new stores in Hawick and the erection of a store on this edge of centre location would have an unacceptable adverse impact on the vitality and viability of the town centre.

Additional Comments

It is acknowledged that the Retail Assessment submitted with the current application includes additional supporting information over and above that submitted with the earlier application. Part 5 – Sequential Approach and Part 6 – Deficiency, Impact and Scale Considerations have been added to the Retail Assessment and the Town Centre Health Check has been promoted from the appendices to the main body of the report. However, it remains the view of Forward Planning that the proposals continue to be contrary to development plan policy and the aspirations contained within the supplementary planning guidance note.

It is also accepted that the updated sequential test does not offer any town centre locations that would be appropriate for the proposed end user in terms of availability, suitability and viability. However, Policy ED3 aims to guide new shopping development to town centres in order to protect the vitality and viability of these centres. The proposed class 1 retail development continues to fall outwith the town centre boundary and therefore remains contrary to prevailing development plan policy.

Paragraph 7.14 of the Retail Assessment states that *"the unit vacancy level within Hawick town centre currently stands at 12%"...* which is *"lower than the national average which was 13.2% in October 2014"*. This is not consistent with up to date SBC figures contained within the Summer 2014 Retail Survey. Hawick's retail unit vacancy rate and total floorspace vacancy rate have both shown noteworthy improvement since the winter 2013 survey, which had highlighted Hawick as a town centre which gave cause for concern. The town's retail unit vacancy rate is now 14% (down from 17% in the last audit) and its total floorspace vacancy rate is down to 10% (from 12% in the last audit). Whilst this is an indication that the town centre is showing signs of recovery, the current vacancy rate is still above the national vacancy rate of 13%.

As stated previously in my response of 16 September 2014 to application 14/00742/FUL it is the view of Forward Planning that the supporting Retail Statement does not justify the erection of a discount foodstore on this edge of centre location and does not support the applicant's claims that the development would have a positive impact on the vitality and viability of the town centre. There is no spare capacity to support new stores in Hawick and it is considered that the proposed edge of centre development would have an unacceptable adverse effect on the vitality and viability of this already vulnerable town centre which is experiencing above average vacancy levels.

Furthermore, the 2013 SBC Footfall Survey for Hawick has recorded rapidly declining footfall over the last six years, down 36% from 9680 in 2007 to 6200 in 2013. The survey also recorded a drop of 17% between 2012 and 2013. This succession of decline is causing considerable concern and the patterns of footfall decline are sufficient to warrant continued close attention going forward. It is felt that the proposed erection of a Class 1 retail foodstore in an out of centre location as is proposed by this application would further exacerbate this trend and lead to further reductions in town centre footfall which in turn would have an adverse effect on Hawick town centre vitality and viability.

It is noted from the application papers that the existing Clock Tower, a Category B Listed Building located on the south east boundary of the site is proposed for demolition. Whilst this proposed demolition is being assessed under application 14/01437/LBC it should be considered as part of this proposal to redevelop the site. Part 5 of Policy BE1 of the Consolidated Local Plan states that *“the demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or find a suitable new use”*. As listed buildings are most vulnerable when they are unoccupied, encouragement should be given to appropriate development that would protect the long term active use and conservation of this listed building. Has consideration been given to retaining the building and incorporating it into the proposed retail store? The proposed demolition of this building should be considered in accordance with the advice contained within the Scottish Historic Environment Policy (SHEP) produced by Historic Scotland.

You will be aware that the Proposed Local Development Plan (LDP) is currently at Examination with an independent Scottish Government Reporter. Representations have been submitted by the applicant in respect of the proposed Redevelopment Allocation zRO8 – Commercial Road on the grounds that the site should be included within the town centre boundary. Part of the redevelopment site zRO8 is shown on the proposed LDP settlement map for Hawick as being located within an extended town centre boundary and it is argued by the Respondent that there is nothing material to distinguish this land from the subject (application) site. Also, the Respondent has made representations in respect of policy ED3 – Town Centres and Shopping Development and argues that the inclusion of this site within the town centre would increase the ability to deliver viable regeneration of the site and with it, make a positive contribution to the conservation area.

It is my advice that the proposed development should not be assessed against proposed LDP policy as this would be premature in advance of the Reporters examination and recommendation. The proposed development must therefore be assessed against prevailing development policy contained within the Consolidated Local Plan. It remains our position that the proposed erection of a Class 1 retail store would be contrary to established development plan policy ED5 – Town Centres and policy H3 – Land Allocations as well as the Commercial Road SPG as there is no spare retail capacity to support new stores in Hawick and the erection of a store on this edge of centre location would have an unacceptable adverse impact on the vitality and viability of the town centre. Furthermore the proposed loss of the listed Clock Tower building would be contrary to Policy BE1.

PLANNING CONSULTATION

To: Economic Development Section
From: Development Management Date: 6th February 2015
Contact: Julie Hayward ☎ 01835 825585 Ref: 15/00100/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th February 2015, if further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 27th February 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Wilton Mills Ltd

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping
Site: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick Scottish Borders

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

It is noted that this application follows on from 14/00742/FUL and 14/01437/LBC where the Economic Development section supported development which created job creation from this site.

We now note that the Forward Planning section has identified that the current proposal would be contrary to development plan policy and the Commercial Road SPG, and that they are of the view that there is no spare retail capacity for a development of this size in Hawick. The Built Heritage and Design section views are also noted and that any demolition of the Clock Tower building would require that the SHEP test be undertaken and proven that demolition is required.

Our main criterion is the indication of jobs created, lost or protected. We note the contents of the 2009 SPG, Commercial Road, Hawick, which recognises the previous uses range from retail, employment, industrial and some residential units. The Development Vision for the area recognises, housing, employment (classes, 4, 5 and 6 of the Use Classes Order), or retailing subject to sequential test, may be acceptable.

In view of the employment previously generated within this area, we would support a development which would provide the prospect of generating new employment opportunities. Should the food retail development be refused, there may be potential to develop a new high quality office scheme, or/and development within classes 4, 5 and 6, or non-food retail. The agreement on non-food retailing would only be acceptable providing it does not have a negative impact on vitality and viability of the Town Centre because of the potential loss of footfall, due to relocation to the edge of the town centre.

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	15/00100/FUL
Uniform Ref	15/00205/PLANCO
Proposal	Planning Consultation - Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping
Address	Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick Scottish Borders
Date	6th February 2015
Amenity and Pollution Officer	Susan Bolderson
Contaminated Land Officer	Gareth Stewart

Amenity and Pollution

Assessment of Application

Noise

No deliveries shall be taken at or despatched from the site between the hours of 23.00 and 07.00 Monday to Friday and 22.30 and 07.00 on Saturdays nor at any time on Sundays, Bank or Public Holidays.

To protect the residential amenity of the occupiers of neighbouring properties and the amenity of the area.

Assessment of Application

I have assessed this application in terms of noise.

The applicant is proposing to develop a retail shop selling food.

No information has been provided regarding the plant equipment that the shop will potentially install.

In order to assess this application the applicant must provide the following information:

- List of the refrigeration, air conditioning and any other noise emitting equipment that will be installed. Included on this list should be the noise level as specified by the manufacturer and if there is any tonal characteristic associated with the equipment.
- Depending on the equipment that will be installed then I may require more noise information to be provided or a noise assessment to be carried out.
- Confirm if the retail shop will be cooking or baking any food onsite. If any cooking or baking is to be carried out then details of the ventilation system will need to be provided.
- Confirm time of the earliest and latest delivery to the retail shop.

Informative

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 0900 – 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.

Lighting

No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted and approved in writing. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety)

Recommendation

Further Information Required Before Application is Determined

Contaminated land

Assessment of Application

The above application appears to be proposing the redevelopment of land which previously operated as a Woollen Mill including a mill gasworks. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is therefore recommended that planning permission should be granted on the condition that development is not permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

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

The attached standard condition may be helpful in this respect

Recommendation

Delete as appropriate – Agree with application in principle, subject to conditions ~~/Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object / Informative Note~~

Conditions

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.

From: Stewart, Gareth
Sent: 09 April 2015 15:34
To: Hayward, Julie
Subject: RE: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Hi Julie,

I have now had an opportunity to review the submitted report. My review comments are attached. Can you please forward these on to the relevant parties?

Please let me know if you require anything further.

Kind Regards

**Gareth Stewart | Contaminated Land Officer |
Planning & Regulatory Services
Scottish Borders Council
T: 01896 661384
E: gareth.stewart@scotborders.gov.uk**

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From: Stewart, Gareth
Sent: 24 March 2015 10:26
To: Hayward, Julie
Subject: RE: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Julie,

Can I get the CD copy please.

Just let me know when you have it to hand and I'll drop round.

Thanks

**Gareth Stewart | Contaminated Land Officer |
Planning & Regulatory Services
Scottish Borders Council
T: 01896 661384
E: gareth.stewart@scotborders.gov.uk**

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From: Hayward, Julie
Sent: 18 March 2015 14:03
To: Stewart, Gareth
Subject: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Hi

I have received a Site Investigation Report for the above application, following your consultation response. This has been scanned in to Idox and I also have a CD and paper version if these are easier to use.

I would appreciate your comments.

Thanks

Julie

Julie Hayward
Principal Planning Officer
Development Management
Regulatory Services
Scottish Borders Council
Tel: 01835 825585
E-mail: jhayward2@scotborders.gov.uk

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Site	Wilton Mill, Hawick
Prepared By:	Scott Bennett Associates (Group 1) Ltd
Report Title:	Post Demolition Site Investigation Report
Report Ref:	J2912D
SBC Ref	15/00100/FUL
CL Ref	15/00004/DC

Review Date	06/04/2015
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Point	Report Section	Comment
1	Section 3.2	Discussion is presented on a feature assumed to be a gas holder. A town plan for Hawick dated 1857 confirms and labels the location of the gasometer, this plan is publically available and may be helpful in adding support to Scott Bennett Associates assessment.
2	Section 3.3 (Table 1)	It is understood Trading Standards hold a record of a petroleum licence relating to the site, although a request was submitted to trading standards it is noted a response was not held at the time of investigation. If information relating to this has since been received has it been considered within the conceptual model and subsequent assessment?
3	Section 4.4	This section of the report discusses the proposed hard landscaping and its implications for exposure. It is important to consider the lawful use of the site, i.e. future changes that could lawfully be made to the development without future regulatory input. As an example it may be proposed to redesign the site hard and soft landscaping in future, without evidence to demonstrate any hard standing forms a remedial measures and is therefore enforceable this could not be prevented. For this reason it is necessary to assess the site to consider any uses which may be lawfully made of it.
4	Section 4.7	The report identifies a proposed investigation density of 30m centres due to perceived low sensitivity. Main investigations as detailed in BS 10175 recommend a density not exceeding 25m centres. The sensitivity of the future use is considered within appropriate risk assessments which take account of relevant exposure

		scenarios. Reduced density of investigations limits the characterisation and as a result the confidence in the assessment of the soil sources across the site. It is further noted that when consideration is given to only locations that were subject to analysis (TP101-TP109) the spacing appears to equate to approximately 20m to 45m between locations.
5	Section 4.7	Proposals include sampling made ground at 0.5m intervals, or at changes of strata within the upper 1m. Below 1m the proposals are to sample at 1m intervals only. This approach is inconsistent with BS 10175. The proposals in relation to natural soils are also unclear. It is common practice to validate the natural soils underlying any made ground to: <ul style="list-style-type: none"> o Assess any impact which may have resulted prior to the made ground having been emplaced o Assess the potential for made ground to have impacted upon the underlying naturals The sampling undertaken should be discussed in line with the conceptual site model, the ground conditions encountered, and current best practice (BS 10175).
6	Section 4.7/ 5.3	These sections identify issues of limited/ restricted access to the area of the former gasworks/ gasometer due to the presence of a material stockpile. This is considered a significant limitation however the proposals to address this uncertainty (along with the mill lade) during 'pre construction investigations' is noted.
7	Section 5.6	Limited groundwater was encountered in boreholes which restricted sampling. Has consideration been given to low flow sampling techniques?
8	Section 7.4	Encountered asbestos is discounted as it was recorded as clumps assessed as having no respirable fibres. This assessment does not appear to take account of future degradation or also the potential for release of fibres through unmanaged site operations in the affected areas.
9	Section 7.5	The comment regarding the likely dilution within the Teviot is noted, it would however be beneficial to present an assessment of the likely dilution to quantify and support this assessment.

10		<p>The location of the boreholes from which samples were obtained, and how these inform the assessment should be considered. SBA have assumed a hydraulic gradient towards and entering the River Teviot. BH01 is located towards the west of the site and both CP101 and CP102 are located in the eastern section of the site and in fairly close proximity to each other. As a result a significant portion of the site, which may impact upon the underlying groundwater might not be identified by this monitoring program</p>
11	Section 8.0	<p>Calibration certificates for gas monitoring equipment should be presented within the report.</p>
11	Section 8.0	<p>Gas monitoring was proposed to be undertaken over a period of 2 months. It is noted that the 6 monitoring visits were undertaken between 20 January and 23 February 2015, equating to a period of approximately 1 month.</p> <p>It would be helpful to discuss this in the report in relation to factors likely to influence the ground gas regime and the adequacy of the assessment to date.</p>
12	Section 13.0	<p>The discussion on validation requirements identifies the need to produce a remediation strategy to assess the mill lade as well as the gasometer. The inability to investigate these features to date is a limitation to the assessment of the site.</p> <p>This additional supplementary investigation would require to be undertaken prior to development commencing, and it would not be appropriate to form part of a remediation strategy as this section of the report appears to propose.</p>
13	General	<p>The ground conditions encountered across the site and how the sampling program has been implemented is unclear. In general the depth of made ground appears to have been much greater during the 2014 investigation than encountered during the recent investigation. Was a significant strip undertaken to reduce levels and if so are records held?</p> <p>As an example: during the 2014 investigation TP03 encountered 2.6m of made ground (however the plan in the report states 2.2m), in 2015 TP103 which was located immediately adjacent encountered 0.3m (however the plan in the report states >0.6). The 'Conjectured Thickness & Distribution of Made Ground' plan appears to contain a number of errors in relation to depths presented for locations, and also appears to incorporate 'possible made ground' in this assessment.</p> <p>It is appears that BH locations, in general, encountered much thicker depths of made ground across the site.</p>

		However sampling was solely undertaken within trial pits. As a result a significant amount of made ground appears to remain uncharacterised.
14	General	It would be helpful to provide a plan overlay to identify the position of the gasometer, and the previously licensed petroleum storage.

From: Bolderson, Susan
Sent: 31 August 2015 17:10
To: Hayward, Julie
Cc: PLACE Environmental Health
Subject: RE: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Sorry about that Julie,
See my response below

1. **Confirm time of the earliest and latest delivery to the retail shop.**

There is still no confirmation of the delivery times

The response just says two deliveries per day one during normal opening hours , with no clarification of the time of the other delivery .

You advise that unloading of the articulated lorry takes 45-60 minutes , if this is early in the morning or late at night a noise nuisance could occur.

Further down the paragraph it advises that local suppliers will deliver during normal opening hours . If the question is not answerable I would recommend a noise assessment is undertaken.

2. **List of the refrigeration, air conditioning and any other noise emitting equipment that will be installed. Included on this list should be the noise level as specified by the manufacturer and if there is any tonal characteristic associated with the equipment.**

You have advised that the proposal is for 1x Arctic Circle FD 8 Unit and 2X single compressor condenser units to be installed . Please confirm if any of this equipment has a tonal characteristic

From: Shiel, Diane **On Behalf Of** PLACE Environmental Health
Sent: 31 August 2015 16:21
To: Bolderson, Susan
Subject: FW: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Hi Susan

Refers to 15/00205/PLANCO

Thanks

Diane

From: Hayward, Julie
Sent: 31 August 2015 16:09
To: PLACE Environmental Health
Subject: FW: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Hi

I do not seem to have had a response to my previous e-mail dated 7th July. I would appreciate your comments on the attached information.

Many thanks

Julie

Julie Hayward
Lead Planning Officer
Development Management
Regulatory Services
Scottish Borders Council
Tel: 01835 825585
E-mail: jhayward2@scotborders.gov.uk

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From: Hayward, Julie
Sent: 07 July 2015 10:57
To: PLACE Environmental Health
Cc: 'aweir@aitken-turnbull.co.uk'
Subject: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Hi

In respect of the above planning application for the erection of a Class 1 retail food store the applicant has submitted the attached information regarding noise to address your previous concerns. I would welcome your comments.

Many thanks

Julie

Julie Hayward
Principal Planning Officer
Development Management
Regulatory Services
Scottish Borders Council
Tel: 01835 825585
E-mail: jhayward2@scotborders.gov.uk

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REGULATORY SERVICES

To: Head of Regulatory Service
Fao: Julie Hayward
From: Built and Natural Heritage

Date: 19/02/2015

Contact: Mark Douglas, Principal Officer x6563
(Built Heritage & Design)

Ref: 15/00100/FUL

**Subject: WILTON MILLS, HAWICK
PROPOSED ERECTION OF A CLASS 1 FOODSTORE**

It is recognised that a formal recommendation for a decision can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Management service in respect of built heritage and design issues.

I refer to the above application and comment as follows:

BACKGROUND

The site for the proposed redevelopment was previously occupied by Wilton Mills for nearly 200 years. The buildings, which were listed at category B, ceased to be used and have been incrementally demolished in recent years. The site lies within the Hawick Conservation Area.

In general terms I welcome a proposal for the redevelopment of the whole of this site, the condition of which has blighted Commercial Road for many years.

It should be noted that the current LBC application only refers to the clock tower building and lodge. There is no LBC approval for the demolition of the remaining section of the YM building substantially demolished under a section 29 Notice, nor for works to the wheel pit to the rear of the former high mill. If works are proposed for these areas, then a separate LBC application will be required.

ASSESSMENT OF PROPOSALS

The applicant has submitted a Design and Access Statement with this application. This statement contains a lot of information on the history of the site, the economic benefits of the development for a retail supermarket, pedestrian links etc but only limited information about the design approach taken for the new building and its setting within the conservation area. This Statement includes a statement about the earlier proposals for mixed uses and as well as a supermarket proposals on the site which retained the clock tower building for which formal consent was sought and then withdrawn without determination.

A site plan, store layout and elevations have been submitted as well as some useful 3D site visuals.

A appreciate that there are certain constraints on the redevelopment of the site, including an approach access point off the trunk road, flooding (which is major issue) and the need for parking and service vehicle access.

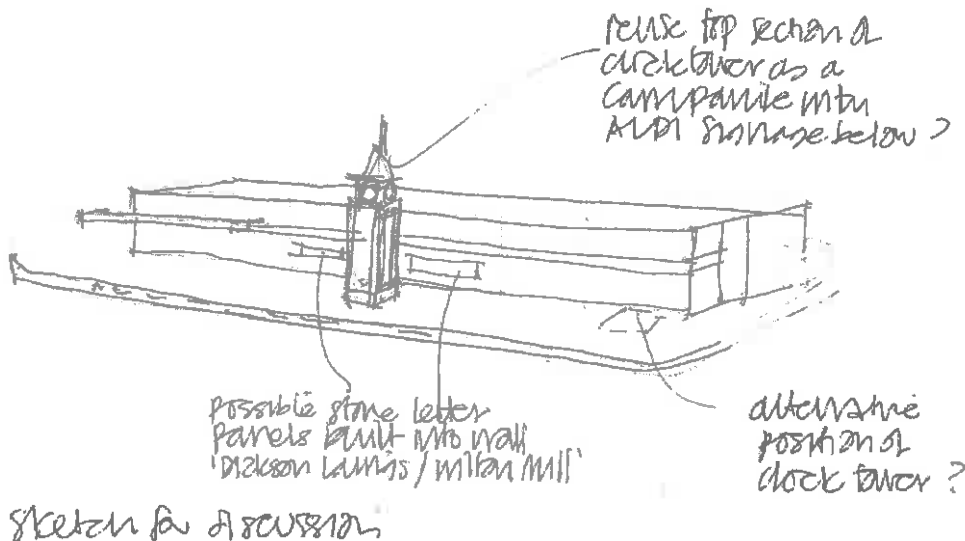
I have broken down my comments into two areas:

- The supermarket building itself
- The boundary treatment and the external works generally.

The supermarket building itself

The location of the building on the site is largely dictated by the flooding issue as far as I understand; the NE part of the site being naturally higher and therefore requiring less. The proposed building is essentially a standard flat roof "box" with mainly solid walls (and some clerestory glazing) on the more visible walls and solid walls to the rear and far end. Sandstone panels have been incorporated on the more visible walls as cladding, but this could be considered a merely "wallpaper" on a standard box. I appreciate that the internal plan of a supermarket is fairly fixed on a standard layout to suit the particular operator, but there should be more opportunity externally to ensure that the elevation treatment is a response to a particular location. I am not against the use of modern materials or contemporary design but we will need to consider view down on the building from parts of the town as well as from road and pavement level.

There is the opportunity for example, of reusing the stone lettering from the demolished buildings and even to develop this perhaps by cutting a date in similar lettering. The clock tower from the building which is proposed to be demolished could be incorporated as a feature, possibly as a "campanile" which could also incorporate site signing – see sketch below, for example, the new building could then be more understated. This could also help to allay local concerns about the loss of the clock tower from the town.



The boundary treatment and the external works generally.

I am pleased to see in the Design Statement that it is intended to form a boundary to the front of the site (the plan shows this to include the return up Wilton Lane) in natural stone recovered from demolition to a height of 1200m with railings. No detail of this wall is shown and this should certainly be a condition to consider – I have recommended a linking condition in the proposals for LBC from demolition of the clock tower building, note the comment about the need for LBC for the demolition of the final section of the YM building, this contains stonework capable of being reused for boundary treatment. The boundary treatment to the rear includes some sheet metal piling by the service yard and the boundary treatment to the SW is simply boarding but there appears to be a substantial return of the boundary wall.

Some boulevard tree planting is shown on the plan, but this seems to be omitted in part from the 3D visuals in front of the building. I will leave commentary on the planting proposals to my landscape architect colleagues.

No information seems to be provided on the surface treatment of the parking, roadways and paving; this can be dealt with by a suitable condition.

There is a note of the layout plan about a "stone entrance" feature at the junction with Wilton Lane, but no details are provided and there is also a note about a signage board by the main entrance but no details. Conditions will be required for these items. An effort should be made to consider resiting the clock cupola and faces on the site, if not incorporated into the building itself.

No details are shown of the former wheel pit and currently exposed lade system. As a minimum (and subject to LBC), it may be that the wheel pit is carefully infilled (on a separating membrane) and surface paving is used to show the former line and location of the wheel pit. I also consider it necessary to incorporate some form of interpretation board to provide details on the history of the site.

RECOMMENDATION / RECOMMENDED CONDITIONS

This is very much an initial response to the proposals; I cannot support the scheme as currently submitted but consider that there is an opportunity to build on these to improve the design quality to an acceptable level within the conservation area. I am happy to continue a dialogue with the applicant to further refine and develop these proposals.

If we are minded to approve the application, I recommend that we consider the following conditions:

- Samples and details of all materials for elevation treatment of the supermarket will be required.
- Full details, including internal and external elevation and a section of the proposed boundary wall treatment including how the salvaged stonework from the proposed demolition will be incorporated within it shall be submitted and approved in writing by the planning authority. This may incorporate the former lettering "Wilton Mills" from the demolitions. A short section sample of the boundary wall shall be approved by the planning authority in writing.
- Details should be submitted in respect of the all external works, including surface treatment and also proposals for the interpretation of the former mill lade and wheel pit.

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 6th February 2015

Contact: Julie Hayward ☎ 01835 825585

Ref: 15/00100/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th February 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 27th February 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Wilton Mills Ltd

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Site: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick
Scottish Borders

OBSERVATIONS OF: Landscape Architect, J. Knight following site visit on 19.02.15

CONSULTATION REPLY dated 27 February 2015

It is recognised that a formal recommendation can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Control service in respect of landscape related issues.

Description of the Site

The site is the area of the former, now derelict, Wilton Mills on the north west side of Commercial Road facing the River Teviot.

Nature of the Proposal

It is proposed to demolish the remaining (listed) buildings and develop the site as a supermarket with associated car parking and access.

Implications of the Proposal for the Landscape including any mitigation

This site has a long planning history and the former Wilton Mill has deteriorated badly since it became disused. There is now little of the original mill left. The proposed layout is shown on drawing AT2342-PP-01D dated December 2014 and the design rationale and some background is provided in the applicant's 'Design and Access Statement' dated received 4 Feb 2015. The site lies within Hawick Conservation Area but is also part of land allocation zR08 and is covered by policy H3 allowing commercial development. As the principal of redevelopment has been accepted, the loss of the remaining iconic listed buildings seems inevitable unless there is some way of working some part into the new building?

Given that the principal is accepted, the main issues, in landscape term focus on the presentation of the development onto the main street i.e. the Commercial Road frontage and also the physical backdrop to the site. To some extent the main access to the development follows the layout found

at the Sainsbury site along the road with a junction on to the main road with a belt of planting set behind a boundary wall separating the site physically from the street. This works reasonably well. However, the following matters of detail design need to be addressed:

1. Store elevations are shown on drawing AT2342-PP-04B dated January 2014. The south east (street facing) frontage of the store is a blank wall without windows which is given some relief through *Natural 'site reclaimed' sandstone panels with buff sandstone pillars and basecourse*. I am not convinced this is sufficient for the principal frontage. Perhaps some additional tree planting to reflect that shown on the southern part of the site by the car park, would help reduce the visual dominance of the rectangular store building facing the street?
2. The backdrop at the rear is a banking rising up to residential housing on Princes Street. There are a number of trees which have statutory protection and these need to be retained with suitable allowance for Root Protection Areas (RPA) as set out in our Trees and Development SPG and BS5837:2012.
http://www.scotborders.gov.uk/directory_record/7451/trees_and_development The applicant should submit a 'Tree Constraints Plan' in support of the application. This will show the retained trees together with their RPAs and the proposed measures (i.e. fencing) for tree protection during construction. Some supplementary tree planting is also needed at the rear.
3. The applicant has not provided detailed hard and soft landscape plans e.g. paving materials, boundary wall details and species composition of planting areas. For a significant development such as this, these matters should be clear before the application is determined.

Recommendation

I can support the application in principal but not in detail until the above matters are satisfactorily resolved.

Consultation Summary

This is a significant site in the Hawick townscape. The principal of redevelopment is accepted but details, particularly relating to the Commercial Road frontage and the tree screen to the rear, need to be tied down.

PLANNING RE-CONSULTATION - Incorporating revisions to previous consultation

To: Landscape Architect

From: Development Management

Date: 26th June 2015

Contact: Julie Hayward ☎ 01835 825585

Application Ref: 15/00100/FUL

PLANNING RECONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 10th July 2015. If no reply is received by 10th July 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Wilton Mills Ltd

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Site: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick
Scottish Borders

Outline Consent :

**OBSERVATIONS OF: Landscape Architect, J. Knight, following site meeting on
07.10.15**

RE-CONSULTATION REPLY dated 8 October 2015

It is recognised that a formal recommendation can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Control service in respect of landscape related issues.

I refer to my previous reply dated 27 February 2015.

Description of the Site

The site is the area of the former, now derelict, Wilton Mills on the north west side of Commercial Road facing the River Teviot.

Nature of the Proposal

It is proposed to demolish the remaining (listed) buildings and develop the site as a supermarket with associated car parking and access. The revised site layout drawing is now AT2342-PP-01 Revision K dated July 2015. The application is supported by a Tree Report and Recommendations dated June 2015.

Implications of the Proposal for the Landscape including any mitigation

At least in terms of footprint, the revised site layout is very similar to that previously commented on. In terms of my previous comments:

- 1 It is good to see some windows in the street facing south east elevation shown on drawing AT2342-PP03 Revision C dated July 2015.

2 In relation to the Tree Report, it appears that there has been some unauthorised felling since the report was prepared and trees 279 and 283 are no longer present. It therefore is unnecessary to remove further trees near the Chicken Coops as this would create a large gap in the tree cover. This area should therefore be left alone and the proposed re-planting moved to the area alongside where trees have already been removed. The proposed tree removals at the eastern end of the site (numbers 292, 293, 294 and 295) should proceed

3 Soft landscape plans have been provided. These are broadly agreeable. One change that I do request is an amendment to the 8nr trees indicated along the main street frontage. These need to be trees of reasonable stature and I propose 8 nr Tilia x euchlora, extra heavy standard root balled trees. This is an aphid free form of lime tree used extensively in street frontages elsewhere. It would also be prudent to allow for 75mm of medium grade bark mulch throughout the planting beds in order to minimise moisture loss and inhibit weed growth. As usual, we should request, as part of the condition, a deadline date for completion notifying the planning authority that the works have been completed and are available for inspection.

Recommendation

Subject to the above remarks, I have no objection to the proposal.

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 6th February 2015

Contact: Julie Hayward ☎ 01835 825585

Ref: 15/00100/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th February 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 27th February 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Wilton Mills Ltd

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Site: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick
Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

Thank you for requesting an archaeology consultation. There are archaeological implications that will require mitigation. Please see my comments regarding application 14/00742/FUL as much of these remain valid. Specifically, the requirement to record the historic structures on site prior to demolition is necessary to preserve the record of these buildings.

Assessment

With regard to below ground archaeology, this will be significant and will require a carefully thought out plan for mitigation by a suitably qualified archaeologist with expertise in industrial archaeology specifically. The issues are:

- The below ground survival of structures, features and objects pertaining to the former mill including:
 - Walls
 - Tanks
 - Wheel pits
 - Objects relating to the history of the site
- The below ground survival of the Wilton mill lead system

The application presents contradictory recommendations for the below ground archaeology. In the Post Demolition Site Investigation Report, I note the following statements:

- The investigations have identified sub-surface obstructions, which are considered to represent historical buried foundations. The potential impact of the former 'Lade' features also require consideration in relation to the identified foundation solution. These will require to be grubbed out and removed, where they fall within the proposed foundation footprint.

- Investigations to assess possible ground contamination in the inferred location of the former gasworks encountered a sandstone wall. This wall could represent foundations associated with this former use, however it is unlikely to be the gasholder itself as the wall was straight and given the small size of the former gasholder shown on historic maps, a curvature would normally be expected to be visible in the trial pit excavations.

The first statement recommends the grubbing out of the former lade within the foundation footprint. This is not acceptable in policy terms as it does not seek to first of all, consider the preferred option of preservation in situ, and secondly to mitigate the loss of these features through recording. The second statement in the report clearly shows the existence of below ground archaeology in the form of buried walls.

The Design and Access Statement recommends partial mitigation for the lead system which would be acceptable. This states:

- There are at least three major underground structures which are of arched roof profile and constructed in masonry. From previous investigations, these are assumed to be founded down on rock and probably have rock inverts. The mill lades are assumed to be the underlying issue with the settlement deterioration of the former Clock Tower. As part of the proposals, **the mill lades would be excavated fully, recorded & back filled with structural fill**. Advantageously the vast extent of the lade system will be predominantly below the proposed supermarket car parking area avoiding significant store point loads.

This statement is at odds with the findings of the SI report and suggests the lade system will be retained in situ and filled with backfill.

In my prior comments I requested: 'I recommend that the structural survey work as suggested in the Design and Access Statement is undertaken *prior to determination* and that a report be submitted outlining the results and proposed mitigation that may be needed to either ensure preservation in situ or other measures.'

This has not been taken on board for this application, and I reiterate the need to, in this instance, provide the Council with further information clarifying what is proposed for the lead system, and to provide proposals for mitigation. To this I would add that the complexity of the site's archaeology, as highlighted in the SI report, now requires an archaeological desk based assessment and proposals for mitigation be undertaken by a qualified archaeologist as highlighted above.

The loss of industrial heritage in the Borders has occurred at an alarming rate over the past 20 years. The heritage is of local to regional value, and per Policy BE2, proposals that seek to further erode this non-renewable resource must balance the impacts with either preserving effected assets or mitigating their loss.

Recommendation

I can not support the proposal as currently submitted given the lack of information pertaining to impacts to buried archaeology in particular. However, I would be very happy to reconsider if further information is submitted that assesses the archaeological resource of the site and proposed mitigation that is acceptable to the Council.

My earlier comments provide rationale and suggested mitigation proposals which remain valid.

PLANNING CONSULTATION

To: Ecology Officer

From: Development Management

Date: 6th February 2015

Contact: Julie Hayward ☎ 01835 825585

Ref: 15/00100/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th February 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 27th February 2015, it will be assumed that you have no observations and a decision may be taken on the application.

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Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Site: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick
Scottish Borders

OBSERVATIONS OF: Ecology Officer

CONSULTATION REPLY

It is recognised that a formal recommendation for a decision can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Management service in respect of heritage and design issues (biodiversity).

Regarding ecological impacts, the issues are as per the related application for the demolition of the Clock Tower and Gate Lodge (14/01437/FUL) as follows:

Adopting the Council's Supplementary Planning Guidance for biodiversity

<http://www.scotborders.gov.uk/life/planningandbuilding/plansandresearch/6003.html>

from the information provided, the proposed development and type of structure proposed for demolition conforms to the type of development requiring a bat survey and breeding bird survey (see section 4.3.1). I have not visited the site to inform this consultation response.

Recommendation:

- Prior to determination a survey for bats by a suitably qualified person^[1], adopting best practiceⁱ, will be required for all buildings to be demolished. 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 - August). Preliminary roost assessments can be undertaken at any time of year. If evidence of bats or their roosts is found in the surveys, the developer

will be required to submit as part of their submission to the Planning Authority a mitigation plan for bats.

- A survey of breeding birds is required for all buildings to be demolished. Before development on the site begins, a scheme for the protection of birds shall be submitted to and approved in writing by the planning authority. Any works shall, thereafter, be carried out in accordance with the approved scheme. Where it is established that there is a breeding bird interest, no works shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary surveys and a mitigation plan will be required.

Dr Andy Tharme
Ecology Officer
01 April 2015

^[1] Preferably a member of the Institute of Ecology and Environmental Management <http://www.ieem.net/> or a licensed bat worker.

ⁱ Bat Surveys. Good Practice Guidelines. 2nd Ed (Hundt, L 2012). Bat Conservation Trust

Application Comments for 15/00100/FUL

Application Summary

Application Number: 15/00100/FUL

Address: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick Scottish Borders

Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Case Officer: Julie Hayward

Customer Details

Name: Mr Duncan Taylor

Address: 5 Mill Port, Hawick, Scottish Borders TD9 9DG

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Listed Building
- Trees/landscape affected

Comment: I am writing in 3 capacities - as a Hawick resident, as a teacher of History at the local High School and as Vice President of Hawick Archaeological Society.

In the first case, I feel my pleasure at seeing this grand building will be diminished if it is demolished.

In the second, I remember one of my first pupils asking me why the clock on the Wilton Mills tower was never right - this brought home to me what a landmark it was for all those pupils walking to the school.

In the third, our Society is committed to preserving the built heritage of Hawick and District, and given that this is a Listed building I am surprised that it is even possible to demolish one of the few surviving buildings which highlight the glory days of this textile town. If the building has been allowed to be neglected to the stage it now needs repair to make it safe, then the owner should be required to do this rather than use it as an excuse for demolition.

Application Comments for 15/00100/FUL

Application Summary

Application Number: 15/00100/FUL

Address: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick Scottish Borders

Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Case Officer: Julie Hayward

Customer Details

Name: Ms A BELL

Address: Hope Cottage Langlands Road, Hawick, Scottish Borders TD9 7HL

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Alterations/Demolition of wall
- Contrary to Local Plan
- Land affected
- Listed Building
- Trees/landscape affected

Comment: Firstly, I strongly object to the demolition of the Listed Building - the Clock Tower.

How can so many listed buildings just be demolished - what responsibility does the Council take in such travesties?

The existing owner has neglected it to such an extent and should be instructed to make it safe at his / her expense, then to find a suitable use for it, instead of waiting for it to be so unsafe it can be demolished and sold off at a huge profit to a developer!

Secondly, I do not see the need for another cheap retailer in Hawick. I do not object to Aldi as a company, but if they are to come to Hawick, why allow them to build next to Lidl and within spitting distance of the High Street and Iceland?

Why not consider Galalaw or Weensland areas to provide a 'shopping experience' for outlying Hawick residents?

Thirdly, the planned drawings of another rectangular 'shed' do not enhance the area and certainly do not replace the wonderful Victorian Gothic of the clock tower.

I can only see a tiny drawing on my screen, but this site seems to incorporate the land which was designated housing on the last Local Plan - what happened to the protected flats for the elderly

and affordable housing on the old YMA(?) site? Was there also not a hotel?

Ref: H15/14kwh02let

24/02/2015

PO Box 28822
Edinburgh
EH14 9AX

Planning and Regulatory Services
Scottish Borders Council Headquarters
Newtown St. Boswells
Melrose
TD6 0SA

Tel: 0131 443 8813

Dear Sir/Madam,

OBJECTION TO PLANNING APPLICATION 15/00100/FUL - LAND AT WILTON MILLS LTD, HAWICK - ERECTION OF CLASS 1 RETAIL STORE ETC

On behalf of Lidl UK GmbH I am objecting to the above planning application submitted by Wilton Mills Ltd in relation to land at 31-32 Commercial Road, Hawick.

The grounds of the objection relate to the following:

- Adverse impact on heritage value of the site and the surrounding area.
- Potential retail impact and failure to address an identifiable retail deficiency.
- Conflict with policies contained in the development plan, emerging development plan, Scottish Planning Policy and other material policies.

Impact on Matters of Heritage Importance

The application site is a very sensitive site of historic, architectural and townscape importance. The proposals are for the development of a standard design Aldi supermarket and this development not only has no regard to the sensitivity or importance of the site but will result in the demolition of important listed buildings including the demolition of one building which is a landmark in the townscape of Hawick.

The development would adversely affect each of the following:

- Grade B listed 31 & 32 Commercial Road (former Wilton Mills). A wide range of features are identified in the listing but of particular note is the Clock Tower. Unlike earlier proposals (planning application 14/00742/FUL which was withdrawn in November 2014) this application proposes the demolition of the clock tower. Although the proposed demolition is subject to a separate listed building application it is also a key consideration for the current planning application. The significance of the building is both architectural and historical and the latter can be seen from the listing which states: *"An extensive complex of 19-century mill buildings with prominent clock tower and some fine detailing, which dominates the streetscape of Commercial Road and demonstrates the development of the textiles industry that is central to the history of Hawick..."* (source – Historic Scotland).

The significance of this building is also apparent from the inclusion of these buildings on the Buildings at Risk Register for Scotland which identifies the category of risk as "critical" (web reference: <http://www.buildingsatrisk.org.uk/details/897305>).

- Direct loss of other historic, archaeological or architectural buildings/sites identified in the RCAHMS Canmore record: 32 Commercial Road, Wilton Emporium and Hawick YM RFC Social Club; and Wilton Mills (two separate records).
- Direct loss of premises identified in the Historic Environment Record (Scottish Borders Council): Wilton Works.

- Demolition of listed and other buildings located within the Hawick Conservation Area.

The proposed development will therefore have a serious adverse impact on a prominent and important historic site adjacent to the River Teviot opposite the town centre.

The significance of the site is recognised in the Commercial Road SPG. The application site forms the northern part of the Commercial Road site and "potential concept" for this area is as follows:

- 5.1 The northern development site includes a number of listed buildings, and is most likely to be developed for residential use. The redevelopment of the site requires high attention to detail and design to redevelop the existing listed buildings to the satisfaction of the Council and Historic Scotland and to enhance the town centre and the Conservation Area. Existing features can be reused as design features in a development. Redevelopment of this site will also need to consider the proximity to the town centre and river, the urban character of the area and the previous use.

The proposed development is clearly in conflict with the requirements of the above SPG.

Retail Planning Matters

The SPG also identifies that, in relation to retail development, there is unlikely to be sufficient convenience expenditure capacity to support major new convenience floorspace. This is confirmed in the response of the Forward Planning Section of SBC to the planning application which notes that the lack of quantitative retail capacity for the proposed development is identified in studies undertaken for SBC by both Roderick MacLean Associates and Robert Drysdale Consultancy. Any capacity identified in the earlier of these reports (by RMA) was more than taken up by the Sainsbury supermarket on Commercial Road.

Paragraph 3.11 of the SPG also states that, regardless of the location of the proposal within the Commercial Road site, *"the potential for future food and non-food shopping on the site would require to be justified to the Council by appropriate up-to-date analysis, including a retail impact assessment"*.

Accompanying the planning application is a Retail Assessment prepared by GVA James Barr. The quantitative analysis contained in this Retail Assessment is not reliable and should be discounted. This can be seen by a brief examination of the retail tables set out in Appendix 2 and described in Section 6 of the Retail Assessment:

- Table 2. The source information for the available expenditure is not provided. The expenditure figures per capita appear to be unreasonably high for the Hawick area. For example the per capita convenience expenditure figures are identified to be £2320 per capita in 2011. By way of comparison the UK average identified in the Pitney Bowes Retail Guide 2014-15 (Aug 2014) was £1789 per capita. Table 2 therefore suggests that expenditure in Hawick would be 30% above the UK average. Economic conditions in Hawick would suggest that a figure *below* UK average figures would be more likely to be correct.
- Table 2. No allowance is made for the reduction in available expenditure per capita by special forms of trading including the internet. Table 2 therefore further *overestimates* available expenditure for convenience goods in the catchment area.
- Table 3. Sales densities for independent shops for convenience goods are unrealistically low. Sales densities of at least £4000 psm should be adopted if not significantly higher. Convenience goods shops achieving such low sales densities would be quickly forced out of business. Even adopting the relatively low figure of £4000psm would result in average turnover within the catchment for convenience goods of £59.68m pa.
- A quick comparison between Tables 2 and 3 (regardless of the inaccuracies of the figures shown above) shows that the average turnover of existing floorspace in the catchment area is well above the available expenditure generated (by £13m). If the figures are adjusted to take into account the above corrections then the excess of turnover to available expenditure would be closer to £30m i.e. average turnover would be close to double the expenditure generated within the catchment. This confirms that there is no quantitative deficiency (or "capacity") within the catchment for the proposed development.

- Even if one ignores the above criticisms Table 4 shows turnover from catchment to be £42.96m compared to 2015 expenditure of £43.0m i.e. there is no quantitative retail deficiency (or “capacity”) anyway.
- Table 6. Turnover. The turnover figure adopted for Aldi is too low. The implied convenience sales density is £5244 psm (i.e. £5.26m/1003 sq m net sales). This compares to the Aldi company average from 2014 Retail Rankings of £8261 psm or £7.97m per store. This suggests that, in order to justify the store, the assessment adopts a sales density in the region of 34-37% below the UK average. If such very low sales densities are correct then this simply reinforces the conclusion that there is no market capacity within the catchment to support the proposed store and, if Aldi have to accept trading levels 35% below average, then it is very likely that other existing shops, including those in the town centre and edge of centre, will also be trading well below average and are, therefore, very vulnerable to adverse impact. The alternative to this is that the sales density for Aldi is much too low which means that the Retail Assessment tables (Tables 7 onwards) are substantially underestimating the trade diversion and adverse retail impact.

In conclusion the Retail Assessment is wholly unreliable. The adoption of very low turnover figures confirms that either existing shops are highly vulnerable to impact or that percentage impact figures will be much higher than identified. In reality the true position will be a bit of both – existing stores will be trading below average but Aldi will turnover at a higher level but not, perhaps, at UK average levels. This means that impacts will be in the region of 10-15% but these impacts will be on stores that are already trading below average. They will therefore suffer significant adverse impact and the proposed development will significantly undermine the vitality and viability of Hawick town centre.

Relationship to Development Plan Policies

From the above it is clear that the proposal conflicts with policies contained in the development plan, the emerging LDP, Scottish Planning Policy and Scottish Historic Environment Policy as follows:

- Scottish Borders Consolidated Local Plan (including Structure Plan policies):
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In conclusion the proposed development is contrary to the development plan and other material considerations including Scottish Planning Policy, Scottish Historic Environment Policy, the Proposed LDP and the SPG for Commercial Road. The proposal will adversely affect important features that are of importance to Hawick, the proposal will have a significant adverse impact on the vitality and viability of the town centre, the proposal does not address any retail deficiency (qualitative or quantitative) and there is no demonstrable benefit from the development proposal. For these reasons Lidl UK GmbH object to the planning application and respectfully request that the planning application should be refused planning permission.

Yours sincerely

Keith Hargest
Director

Ref: H15/14kwh02let

24/02/2015

Planning and Regulatory Services
Scottish Borders Council Headquarters
Newtown St. Boswells
Melrose
TD6 0SA

Hargest Planning Ltd

PO Box 28822
Edinburgh
EH14 9AX

Tel: 0131 228 6983

John Reynolds

Dear Sir/Madam,

**OBJECTION TO PLANNING APPLICATION 15/00100/FUL - LAND AT WILTON MILLS LTD,
HAWICK - ERECTION OF CLASS 1 RETAIL STORE ETC**

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Yours sincerely



Keith Hargest
Director

Hargest Planning Ltd

3

Springbank
21, Princes Street

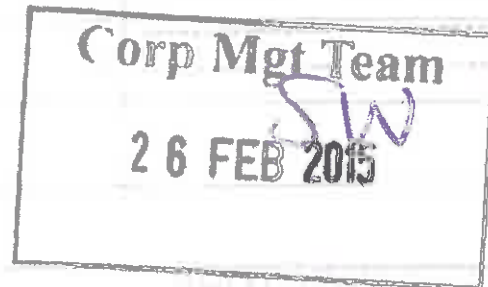
Hawick, TD9 7EJ,

23/2/15.

Application No, Ref.
15/00100/FUL.

For the attention of
Mr Brian Grater.

Mr Simon Wilkinson.



Dear Sirs,

Regards above reference number 15/00100/FUL. I wish to comment on the fact that the site owner/manager has cut down trees which have a "Tree Preservation Order 32" on them, the trees are on conservation land and are listed. On 21/2/15, workmen had cut down trees, when I discovered them felling the trees, I immediately asked them to stop and informed them of the Tree Preservation Order 32, and as the trees were listed they were not allowed to cut them down. I reported this to my local councillor/pravest

Mr Stewart Marshall who lives near me. I object most strongly to the removal of these trees. I wish you to fully investigate this matter and to make sure no more trees are removed from this area of conservation and wild-life. This area is of great value to the environment and natural beauty of Hawaii.

If you require any more details regards this matter please contact me.

I thank you for your kind attentions regards this matter.

Yours sincerely



G & K McCusker Ltd T/A Spar

6 Dickson Street

Hawick

TD9 7EL

03.03.215

Julie Hayward
15/03/2015

Dear Ms Hayward,

I have enclosed a petition against the development of an Aldi in Hawick, signed by some of the people who rely on small shops like mine. Also enclosed is another objection to the Aldi development, which is signed by small shop owners, who, like myself are very worried about there future. As you know, many of us are struggling to survive in this economic climate. I have spent a lot of time talking with many of the small business owners in Hawick and it is clear that many are worried that another supermarket could lead to the demise of some of these businesses. Thus another nail in the coffin of Hawick High Street.

Yours



SAY NO TO ANOTHER SUPERMARKET IN HAWICK – ALDI!

- Has no planning permission!
- Will do more damage to the High Street and other small businesses!

PLEASE SIGN AS THIS IS OUR ONLY CHANCE TO STOP THIS!

NAME	ADDRESS	POSTCODE	SIGNATURE
KATHRYN McCUSKER	C10 SPAR	TD9 7EL	
	46 Kroner Avenue	TD9 8DH	
	41 Burnhead	TD9 8HB	
	38 cheviot RD	TD9 0BE	
	54 Princes St	TD9 7EE	
	8 N VIEW WILTON RD	TD9 7NT	
	42A Princes St	TD9 7EE	
		TD9 7EF	
K. McMICHAEL	11 DELORAINIE COURT	TD9 7GL	
WM LAMIE	27 PRINCES ST	TD9 7EG	
D WALLACE	C10 SPAR	TD9 7EL	
B. HUME	34 HUGH MURDOCH PLACE	TD9 7QJ	
	66 HASSINGTON COURT	TD9 7OH	
	50 Wallfield Rd.	TD9 7EN	
	3, Mayfield Dr.	TD9 7EW	

NAME	ADDRESS	POSTCODE	SIGNATURE
R. McLeod	Princes Street	TD9	
M Stewart	10 of Drum King Place	TD9 0A7	
Mrs J Scott	100 Wallace Court	TD9 7ES	
[REDACTED]	9/2 Princes Street	TD9 7AX	
V THOMPSON	107 WALLACE COURT	TD9 7ES	
[REDACTED]	67 Holloway Dr.	TD9 8JS	
G Blacklock	20/2 PERVICES ST	TD9 7AY	
[REDACTED]	1 HOWLANDS TERRACE	TD9 8SL	
[REDACTED]	6/1 Station Building	TD1 7AA	
[REDACTED]	43 Hugh McLeod Place	TD9 7CS	
[REDACTED]	" "	" "	
[REDACTED]	25c Mayfield Drive	TD9 7LW	
[REDACTED]	8 Robertson Place	TD9 0DB	
[REDACTED]	9 Overhall Cresc	TD9 7TD	
[REDACTED]	5 ATKINSON Road	TD9 7BP	
[REDACTED]	910 Havelock Street	TD9 7DA	
J. McNEILL	32 HUGH McLEOD	TD9 7QP	
[REDACTED]	7 Langlands Rd	TD9 7EP	
[REDACTED]	186 WIERISLAND RD	TD9 9RN	
M GORNS	4A BAUCE CT	TD9 7ER	
[REDACTED]	WILTON MILB TOWN	TD9 5AC	
[REDACTED]	16 th Bothwell Court	TD9 7EP	
[REDACTED]	7. Wallace Court	TD9 7ES	
[REDACTED]	26A Handon place	TD9 7BY	
[REDACTED]	22 Mayfield Dr	TD9 7EW	
[REDACTED]	29 Haselden Ct	TD9 2QH	
[REDACTED]	8c HARDED PL	TD9 7BY	
[REDACTED]	HAVELOCK PL.	TD9 7BE	
[REDACTED]	13 LOTHIAN ST	TD9 9HD	
[REDACTED]	6/1 DEVENANT PL	TD9 8AZ	
[REDACTED]	16 th DICKSON ST	TD9 7B	

NO TO ANOTHER
 SUPERMARKET !!!

NAME	ADDRESS	POSTCODE	SIGNATURE
A WOOD	19 HANSFIELD RD	TD9 8AB	
[REDACTED]	20 Dickson St		
M. HILLEN	9 Rosebank Rd	TD9 8DG	
[REDACTED]	Sturges Rd	TD9 8PP	
[REDACTED]	NEWTON FARM	TD9 8PP	
[REDACTED]	22 Housenden Court	TD9 7QH	
[REDACTED]	18 ALENMOOR CT	TD9 7QB	
P BASTON	3 LAING TERRACE	TD9 7AB	
G WILSON	5 HISLOP GARDEN	TD9 8PQ	
F JACSON	6 Rosebank Cottages	TD9 0DH	
B CRANSON	BRAMLEA	TD9 8PW	
[REDACTED]	15 ending Court	TD9 7WD	
J GRAHAM	3 HISLOP GARDENS	TD9 8PQ	
A HOWDEN	16 ANCRUM COURT	TD9 7DS	
[REDACTED]	Desport & Gray Silverthorn Rd		
R JOHNSON	50 PRINCES ST	TD9 7EG	
[REDACTED]	TRELAWNEY STABOON		
W. HOBSON	5, BOWHOLE C	TD9 4EP	
[REDACTED]	8 Mayfield Drive	TD9 7EW	
[REDACTED]	15 HASSLEDEAN CI	TD9 7EP	
T O SHORT	3 BRANXHOPE ROAD	TD9 7EU	
[REDACTED]	[REDACTED]	TD9 7EF	
KAREN LAMMIE	PRINCES STREET	TD9 7EF	
Amyal thors	ROZALIE BARR	TD9 71H	
JOHN ALLAN	EDINBURGH	EH4 4DP	
[REDACTED]	Witton Wood House	TD9 0DJ	
[REDACTED]	Wagholme	TD9 7X?	
[REDACTED]	17 Stoney R	TD9 6EZ	
[REDACTED]	Greensidehall RD	TD9 7HE	
V Cannon	74 PRINCES S:	TD9 7EG	

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NAME	ADDRESS	POSTCODE	SIGNATURE
[REDACTED]	27 CROMBROUGH ROAD	TD9 0BA	[REDACTED]
LEE MILLAR	9 GREEN TERRACE	TD9 0JG	[REDACTED]
VIC LAW	31B ANCRUM COURT	TD9 7AB	[REDACTED]
[REDACTED]	15 Hislop Gardens	TD9 8PQ	[REDACTED]
[REDACTED]	1 HOWLANDS TERRACE	TD9 8SL	[REDACTED]
[REDACTED]	28 Princess Street	TD9 7AY	[REDACTED]
[REDACTED]	Stamend w/ Dem	TD9 7HY	[REDACTED]
[REDACTED]	Drumming Mews	TD9 0AF	[REDACTED]
[REDACTED]	16 ALLARS BANK	TD9 4EX	[REDACTED]
SWALLACE	14 chary blyth	TD9	[REDACTED]
J Hunt	14 chary blyth	TD9	[REDACTED]
D. BURGER	3- FRANKLIN RD PL WARR	TD9 70G	[REDACTED]
[REDACTED]	6. B. LAMON	TD9 70	[REDACTED]
[REDACTED]	10, HERONHILL CRESC	TD9 9RS	[REDACTED]
[REDACTED]	16 DEJINEANKLY MEWS	TD9 0AF	[REDACTED]
R. Lindores	26 SILVERBURNHILL	TD9 7BW	[REDACTED]
E. WALSH	73 SILVERBURNHILL RD	TD9 7BJ	[REDACTED]
N. MILLER	713 UNION STREET, HANUK	TD9 9LF	[REDACTED]
N. Johnstone	10 Wallace Ct	TD9 7ES	[REDACTED]
E. Armstrong	10 Overhall Crescent	TD9 7JD	[REDACTED]
Ronica	4 Loches Ocs	TD9 7BT	[REDACTED]
[REDACTED]	hanglands Rd	TD9 7HC	[REDACTED]
S Gullen	14 ^F Howdenbank HK	TD9 75X	[REDACTED]
[REDACTED]	38 ^A Hugh Milrod	TD9-70J	[REDACTED]
[REDACTED]	Hardenbler Cottage, Kelsby	TD9 7LP	[REDACTED]
S BROWN	105 MILACIAN DRIVE	TD9 8BS	[REDACTED]
[REDACTED]	2/1 Myreclaw green	TD9 0AT	[REDACTED]
[REDACTED]	Dodburn Culture	TD9 0PG	[REDACTED]
P WALLACE	45 CROMBROUGH RD	TD9 0BA	[REDACTED]
[REDACTED]	19 HANSPICED R	TD9 8PB	[REDACTED]

NO TO ANOTHER SUPERMARE
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NO TO ANOTHER SUPERMARKET!!

NAME	ADDRESS	POSTCODE	SIGNATURE
[REDACTED]	Shawcross Court	TD9 7QH	[REDACTED]
[REDACTED]	2 Langlands Rd	TD9 7EF	[REDACTED]
[REDACTED]	1 Mayfield Park	TD9 7DY	[REDACTED]
[REDACTED]	Netherwood Sunnyhill Road, Hewick	TD9 7HT	[REDACTED]
[REDACTED]	WILLINGDON COURT	TD9 7DN	[REDACTED]
[REDACTED]	Silverbush Road R.C.	TD9 7BN	[REDACTED]
[REDACTED]	7 BRANKHOLME ROAD	TD9 7BU	[REDACTED]
Neil Comley	78 SILVERBUSHALL RD	TD9 7BW	[REDACTED]
[REDACTED]	OLD POST OFFICE	TD9 7HY	[REDACTED]
[REDACTED]	OLD POST OFFICE	TD9 7HY	[REDACTED]
[REDACTED]	SILVERBUSHALL RD.	TD9 7BW.	[REDACTED]
[REDACTED]	81 HEAVE-LOGIC PLACE	TD9 7DE	[REDACTED]
[REDACTED]	29 SILVERBUSHALL ROAD	TD9 7BH	[REDACTED]
John Pickard	12 MARION COURT	TD9 7QU	[REDACTED]
[REDACTED]	3 D PRINCE OF WALES	TD9 7QD	[REDACTED]
John Baly	160 DIRKSON ST	TD9 7EZ	[REDACTED]
K WALLACE	14 BORTHALGH RD	TD9 0BZ	[REDACTED]
[REDACTED]	14 BORTHALGH RD	TD9 0BZ	[REDACTED]
L GRAMM	45 CRUMHALL RD	TD9 0BA	[REDACTED]
[REDACTED]	19 CHARLES ST	TD9 8EL	[REDACTED]
[REDACTED]	HARDEN ESTATE	TD9 7LP	[REDACTED]
John Borthwick	7A ROXBURGH DRIVE	TD9 7QP	[REDACTED]
[REDACTED]	49E BRUNNEN ROAD	TD9 7RU	[REDACTED]
[REDACTED]	123 HOWEYATE	TD9 0AB	[REDACTED]
COMPTON / MURDEN	60 Kirk Brook	TD9	[REDACTED]
[REDACTED]	11 ANDROM CT.	TD9 7	[REDACTED]
[REDACTED]		TD9 7QE	[REDACTED]
[REDACTED]	10 LUNFERN VL	TD9 7GU	[REDACTED]
[REDACTED]	5 MORRISON PLACE	TD9 0JD	[REDACTED]
[REDACTED]	PETA COTTAGES	TD9 8PL	[REDACTED]
[REDACTED]	14 EARL ST	TD9 9PZ	[REDACTED]

NO TO ANOTHER SUPERMARKET

NAME	ADDRESS	POSTCODE	SIGNATURE
Barbara Smith	Wilton Path	TD9 7DS	
[REDACTED]	Mayfield Park	TD9 7DY	
[REDACTED]	Cuthrie drive	TD9 7QA	
[REDACTED]	Mayfield Park	TD9 7DY	
A DORWARD	Wilton Road	TD9 7HL	
D OLIVER	BROOKMEADOW	TD9 7HE	
[REDACTED]	46 Kraber Avenue	TD9 8DH	
[REDACTED]	124 Roxburgh Drive	TD9 7GP	
[REDACTED]	113 S. LUGBULTHALL RD	TD9 7BJ	
John Blair	17 hillen dr	TD9 6BF	
Amy Vosper	47 Oliver Park	TD9 9PL	
[REDACTED]	39, Burnhead Rd	TD9 8HB	
[REDACTED]	3c Andersen Pl	TD9 7LA	
S McAllister	38A Hugh Wilson St	TD9 7QJ	
N Bonini	8 Fernick Rd	TD9 9PH	
[REDACTED]	8 Pollock Place	TD9 8RE	
[REDACTED]	Springfield Chesters	TD9 8TH	
[REDACTED]	22A Castle St	TD15 2LQ	
J. Pierzak	33 CUMMINGS ROAD	TD9 9BT	
J. GIBBES	30 COMMERCIAL ROAD	TD9 7AD	
R SANDERSON	18 Fernick Rd.	TD9 9PH	
[REDACTED]	22 T WILSON TERR	TD9 9W	
H ALLEN BROWN	1a Hassendean Cr	TD9 7QH	
B Arken	28 Manderbank	TD9 7SX	
[REDACTED]	LILAC COTTAGE	TD7 4NL	
[REDACTED]	44 Galahad Rd	TD9 8DW	
[REDACTED]	25 WILSON CRESCENT	TD9 7FH	
[REDACTED]	8 Roxburgh Dr.	TD9 7GP	
[REDACTED]	32 PRINCESS ST	TD9 7BY	
L WOOD	33 Atherton Rd	TD9 7BP	
[REDACTED]	13 S/B/H Rd	TD9 1BS	

NO TO ANOTHER SUPERMARKET!!

NO TO ANOTHER SUPERMARKET !!!

NAME	ADDRESS	POSTCODE	SIGNATURE
[REDACTED]	46 Fensall Avenue 18. Mayfield Dr.	TD9 8DH TD97EW	[REDACTED]
Geoff Smith			
CHASTID	1CL PRINCES ST HAWK	TD9 7EJ	[REDACTED]
Michael Knight	19B Ivanhoe terr	TD98EE	[REDACTED]
Marika Valkenich	19C Ivanhoe Terrace	TD98EE	[REDACTED]
Jade Williams	14 Borthnugh rd	TD9 0BZ	[REDACTED]
Maryanne William	14 Borthnugh rd	TD9 0BZ	[REDACTED]
[REDACTED]	7 OVERHALL RD	TB9 7JB	[REDACTED]
[REDACTED]	46F Princess Street	TD9 7EE	[REDACTED]
[REDACTED]	5A Anderson Pl	TD9 7LA	AJ. FISHER
[REDACTED]	5A Ander Pl	TD9 7AA	F. FISHER
J.A. HOPE	32 MAYFIELD DR	TD9 7EW	[REDACTED]
[REDACTED]	MORRISON. C/O	TD9	W BLACKWOOD
VANCE, HOLMSTED	40 PRINCES ST	TD9	V. HOSKIN
[REDACTED]	Borchester	TD9 8JL	[REDACTED]
JACKIE YOUNG	HAWICK	TD9	[REDACTED]
JOHN CARROLLS	HAWICKWOOD LANE	TD9 7QS	[REDACTED]
[REDACTED]	27 Howden bank	TD9 7JY	[REDACTED]
[REDACTED]	7 UNION TERRACE	TD9 9QX	[REDACTED]
J DOUGLAS	DOUGLAS ST.	TEL	[REDACTED]
B MERCIER	? CARNARON STREET	TD9 7EB	[REDACTED]
[REDACTED]	7 Trevelyan Terrace	TD9 0AZ	[REDACTED]
[REDACTED]	Roxdale St	TD9 7LP	[REDACTED]
[REDACTED]	Porpoise	TD9 7ES	[REDACTED]
[REDACTED]	31. WILTON HILL TERR	TD9 8BB	[REDACTED]
Trakiss	26 WILTON CRESCENT	TD9 7EH	[REDACTED]
[REDACTED]	2E WILTON CRESCENT	TD9 7EH	[REDACTED]
P WALLACE	14 BORTHALIC. H	TD9 0BZ	[REDACTED]
A OLIVER	9 WILTON CR	TD9 7EH	[REDACTED]
J CUMMING	4A BRUCE CT	TD9 7ER	[REDACTED]

NO TO A NOTHER
SUPERMARKET !!!

NAME	ADDRESS	POSTCODE	SIGNATURE
MUIR	Deloraine Ct	TD9 7QE	
Foster	Almonor Ct	TD9 7QB	
Arden	DICKSON ST	TD9 7EL	
	Appletreehall	TD9 8PW	
	WALLINGTON COURT	TD9 7DA	
	15 AOMPS BANK		
	218 Massenden Court	TD9 7QH	
	Bruce Court	TD9 7ER	
	12 Silverthorn Rd	TD9 7BN	
	Cheriot Road	TD9 0BD	
	39E OLIVER PLACE	TD9 9PL	
	Scotburn Hamlet	TD9 7RH	
	75 Princes St	TD9 7EY	
	Simmerfield PK, HAMLET	TD9 7EF	
M FINLAY	8 Dickson St Hamlet	TD9 7EL	
FABDULLAH	25 WILKES TERR	TD9	
D AITKEN	21 Silverthorn Rd	TD9 7BN	
R TAYLOR	1 MARFIELD DRIVE	TD9	
C GARCIA	BURBANK LANGLANDS RD	TD9 7EF	
	Denholm		
	CHAY BLITH PLACE	TD9	
A ROBERTSON	3 HAZEL CREST	TD9	
E JEFFREY	1 CRUMHAUGH R	TD9 0BA	
K FARNON	1 CRUMHAUGH RD	TD9 0BA	
	49 MILACLOO DR	TD9 7BY	
	17 MAXTON CT	TD9 7QN	
	21 ANCRUM COURT	TD9 7DB	
	10, Millfield Park	TD9 4DY	
	36 Wellington Court	TD9 7DN	
D GRANT	4 CRUMHAUGH RD	TD9 0BA	
	3 DICKSON COURT		

NO TO ANOTHER
SUPERMARKET ! ! ! !

NAME	ADDRESS	POSTCODE	SIGNATURE
[REDACTED]	4 Bothwell Ct	TD9 7EP	[REDACTED]
DEAN GRAY	18 MAXTON COURT	TD9 7QP	[REDACTED]
[REDACTED]	121 ^c Silverbush Hill Rd	TD9 7BL	[REDACTED]
	Shirches	N/A	[REDACTED]
D GEGE	11 DRUMMANIC, MEWS	TD9 0AF	[REDACTED]
J. ELLIOT	8 BOTHWELL CRT	TD9 7EP	[REDACTED]
[REDACTED]	75 RIRK	TD7 4NW	[REDACTED]
[REDACTED]	29 Wilton Hill Terr	TD9 8BE	[REDACTED]
[REDACTED]	36 RUMMAY RD	TD9 0DU	[REDACTED]
MCCRENON	46 Dickson St Har	TD9 7EL	[REDACTED]
John Scott	260 ALBION CRESCENT	TD9 5EU	[REDACTED]
DENIS WILSON	126 TRINITY STREET	TD9 9NS	[REDACTED]
[REDACTED]	4/2 Rosedale	TD9 8AD	[REDACTED]
[REDACTED]	6 W. FLEM HILL	TD9 8BA	[REDACTED]
Michelle Linder	63 Silverbush Hill Road	TD9 7BH	[REDACTED]
[REDACTED]	106 PRINCES ST	TD9 7AY	[REDACTED]
[REDACTED]	412 Rosedale St	TD9 8AD	[REDACTED]
MONICA KOBSON	117 OLIVER PARK	TD9 9PL	[REDACTED]
S YADON	220 WENSLEYDENE	TD9 9RW	[REDACTED]
P. HUSK	WHITELHART VILLO	TD9 0DE	[REDACTED]
C NUMA	SCHAUER RD	TD9 0BD	[REDACTED]
E. Sutherland and	11 Rosebank	TD9 0DH	[REDACTED]
A. Scott	Hillfield, Main Street ^{Hillfield}	TD6 9JD	[REDACTED]
[REDACTED]	6 Dickson St	TD9 7EL	[REDACTED]
			[REDACTED]
			[REDACTED]
			[REDACTED]
			[REDACTED]
			[REDACTED]
			[REDACTED]
			[REDACTED]
			[REDACTED]
			[REDACTED]

NO TO ANOTHER SUPERMARKET

SAY NO TO ANOTHER SUPERMARKET IN HAWICK – ALDI!

1
2

- Has no planning permission!
- Will do more damage to the High Street and other small businesses!

PLEASE SIGN AS THIS IS OUR ONLY CHANCE TO STOP THIS!

NAME	ADDRESS	POSTCODE	SIGNATURE
	41, Chay Blyth Pl	TD9 8HY	
	15 Waverley St	TD9 9JT	
	3 Northcote St	TD9 9BQ	
	51 Rosebank Rd	TD9 0DQ	
	16 Auld Rd	TD9 8LS	
	Glebehead Farm Langholm	TD9 7LT	
	1 Kirkton	TD9 8PQ	
	Hillend drive.	TD9 8DU	
	15 PARK VIEW	TD9 7JF	
	38 Wilson Dr.	TD9 8HP	
	10, SUTRIG CRESC.	TD9 0EN	
	22 TWIRLES TERR	TD9 9LP	
	MRS GEE 35 High Street	TD9 9BU	
	35 Meigh Street	TD9 9BU	
	35 High Street	TD9 9BU	

Ms Julie Hayward
Principle Planning Officer
Development Management
Regulatory Services
Scottish Borders Council
jhayward2@scotborders.gov.uk

Dear Ms Hayward

Planning Application 15/00100/FUL – Wilton Mills 31/32 Commercial Road Hawick.

We are writing to you to express our strong concerns at the potential impact of the above planning application on the town centre and on existing businesses. When the original planning application for this site was considered by planning official in September 2014, very strong concerns were raised and the applicants withdrew their application. In our view these concerns are still valid and should be taken into consideration when reviewing the new applications. The key concerns were:

1. This development would lead to an unacceptable impact on the vitality and viability of the town centre.
2. Studies undertaken by the Council have shown that there is no spare grocery retail capacity in Hawick (e.g. the Council's Winter Retail Survey 2013).
3. The proposed site lies out with the town centre and the proposal runs contrary to the town centre first principle.
4. A discount supermarket store would not provide a complementary shopping facility but would in fact provide a similar retailing experience to existing competing stores. The proposed food retail unit would therefore have an unacceptable adverse impact on existing retailers; contrary to development plan policies ED3 and ED5.
5. The overall issue of retail impact in Hawick should be considered as part of the report into the next iteration of the Local Development Plan and therefore the Wilton Mills planning application should not be determined until planning officials have the Reporter's conclusions – possibly in July of 2015.

If this application were to be granted it would simply add to the already alarming decline in the sustainability and viability of businesses in the town centre. This development would simply displace customers and jobs from existing businesses without any long-term sustainable economic benefit to Hawick.

This representation should be considered as an objection to the application.

COMPANY NAME	ADDRESS
SPAR G & McCUSKER LTD. Deaner Pumpa HANWICK CYCLES	6 DICKSON ST HANWICK. 9 OLIVER PL. Hanwick 10 BANTOCK PL
HAMISH D SMITH	4 BOUETREE PL
ROBERT PRINGLE BUTCHERS	56 HIGH ST
THE LITTLE SHOP	15 WILKINSON ROAD
TERREY STANGER	21, MILTON LIND
ANDREW LANCIEZ WILTONS CARPETS	DENHOLM MEAT SUPPLY 8 DICKSON ST
ALISTAIR DUNN Lily of The Valley	75 HIGH ST 2A O'CONNELL ST
The Flower Pot	79 High St
THOMA & Sons Rubbish Pet Shop	47 High St. 9 High St
GIROYS	5 HOWEGATE
HUTTONS BUTCHERS	16 HOWEGATE
THE WARDROBE	1 HOWEGATE
TEVIOT WINES	7 TOWER KNOWE
THE NIDJAY GALLERY	HIGH STREET
HUNTERS BAKERS	LOCKPARK IND LST
THINK FITNESS 4 LESS	3 O'CONNELL STREET
G Harrow & Son Homebakery Rum & Milk	Howegate 1 WILKINSON ST

SIGNATURE

Application Comments for 15/00100/FUL

Application Summary

Application Number: 15/00100/FUL

Address: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick Scottish Borders

Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Case Officer: Julie Hayward

Customer Details

Name: Ms Fiona Mackie

Address: Haig House 23 Princes Street, Hawick, Scottish Borders TD9 7EJ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Designated Conservation Area
- Detrimental to environment
- Land affected
- Legal issues
- Privacy of neighbouring properties affected
- Trees/landscape affected

Comment: I wish to bring to the Council's attention that land belonging to my elderly mother at 21 Princes Street has today (21/02/15) been trespassed on and several of her trees cut down in pursuance of the clearance of the adjacent site for building purposes by Aldi. Fortunately, the workmen were responsive to her request to cease cutting down said trees, which all have preservation orders issued by Scottish Borders Council. Neither my mother nor myself had objected thus far to the proposed building, but we do now and in the strongest of terms. We request that someone explain to us immediately why this devastation has taken place, and at whose instruction? The treed area on my mother's property shows clearly in the final planning document, showing the proposed supermarket layout, as separate from the ground where the parking area is to be laid out, so I cannot see why the developers have instructed men to come onto her property at all. I expect someone to contact me as a priority concerning this matter.

From: John Lee [<mailto:j.lee@scotgrocersfed.co.uk>]

Sent: 06 March 2015 08:47

To: Hayward, Julie

Subject: Scottish Grocers Federation Comments on Planning Application 15/00100/FUL

Importance: High

Dear Julie,

Please find attached a letter of comment in respect of the above planning application. Our letter should be regarded as an objection.

Please do not hesitate to contact me if you have any questions.

Regards

John

JOHN LEE

POLICY AND PUBLIC AFFAIRS MANAGER

TEL: 0131 343 3300 or 077 94 237 326

222 Queensferry Road, Edinburgh, EH4 2BN
Tel: 0131 343 3300, Fax: 0131 343 6147

Ms Julie Hayward
Principle Planning Officer
Development Management
Regulatory Services
Scottish Borders Council

Dear Ms Hayward

5/3/2015

Planning Application 15/00100/FUL – Wilton Mills 31/32 Commercial Road Hawick.

The Scottish Grocers' Federation is the national trade association for the independent convenience store industry in Scotland. We are writing to you to express our strong concerns at the potential impact of the above planning application on the town centre and on existing businesses.

This representation should be considered as an **objection** to the above application

When the original planning application for this site was considered by planning official in September 2014, very strong concerns were raised and the applicants withdrew their application. In our view these concerns are still valid and should be taken into consideration when reviewing the new applications. The key concerns were:

1. This development would lead to an unacceptable impact on the vitality and viability of the town centre.
2. Studies undertaken by the Council have shown that there is no spare grocery retail capacity in Hawick (e.g. the Council's Winter Retail Survey 2013).
3. The proposed site lies out with the town centre and the proposal runs contrary to the town centre first principle.
4. A discount supermarket store would not provide a complementary shopping facility but would in fact provide a similar retailing experience to existing competing stores. The proposed food retail unit would therefore have an unacceptable adverse impact on existing retailers; contrary to development plan policies ED3 and ED5.
5. The overall issue of retail impact in Hawick should be considered as part of the report into the next iteration of the Local Development Plan and therefore the Wilton Mills planning application should not be determined until planning officials have the Reporter's conclusions – possibly in July of 2015.

In our view these are significant obstacles and the new application from the developers does not overcome them or provide a robust justification for the application to be granted. Additionally as this is an edge of centre site it is not in line with the town centre first principle or the sequential test.

If this application were to be granted it would simply add to the already alarming decline in the sustainability and viability of businesses in the town centre. This development would simply displace customers and jobs from existing businesses without any long-term sustainable economic benefit to Hawick. A new store on the Wilton Mills site would surely be in the catchment area for existing stores such as Sainsbury's, Morrisons, the Co-op store in Burnfoot and the SPAR store – the retail impact assessment for this application does not sufficiently take this into account.

John Lee
Public Affairs Manager

From: John Lee
Sent: 27 July 2015 11:44
To: Hayward, Julie
Subject: Grocery Retail Provision in Hawick
Importance: High

Dear Julie, I hope this finds you well.

I hope you don't mind me contacting you, we have spoken briefly previously. As you may recall, Scottish Grocers' Federation is the national trade association for the independent convenience store sector in Scotland, I am writing to you on behalf one of our members, Mr George McCusker, of SPAR Hawick. As you know Mr McCusker is extremely concerned about the potential development of an Aldi store in the town and the potentially negative impact on existing local businesses.

I know you will be busy but it would be very helpful if you can advise me what stage the current Aldi application is at and whether it is likely that the application will be considered by the planning committee. If it is likely that the application will be considered by the Committee is it possible to say what the planning report accompanying the application would recommend?

Our strong view is that the Council should uphold the position that there is no spare grocery retail provision in Hawick and that the application should be refused on that basis. bases on your experience would it be beneficial for us to contact either the Head of Planning or the Convenor of the Planning Committee to highlight our concerns?

I look forward to hearing from you.

Very best wishes

John

JOHN LEE
HEAD OF POLICY AND PUBLIC AFFAIRS



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Julie Hayward

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Scottish Borders Council
Planning Department
Newtown St. Boswells
MELROSE
TD6 0SA

9th February 2015

Dear Sirs

Ref Aldi Store: Hawick

I have read in the local press about the objections raised by a minority hoping to prevent the demolition of Wilton Mills and its clockless tower.

The desire of Messrs Aldi to open in Hawick has to be a positive for our town economy: bringing in more shoppers with their associated spend in other outlets; improving the look of the main A7 route through town; providing employment and an improved shopping choice.

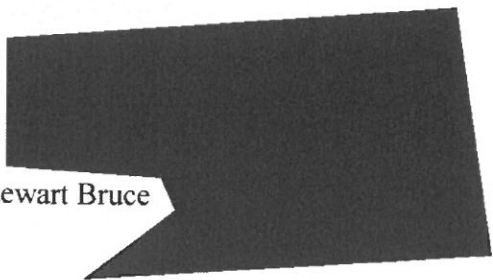
As immediate neighbours to the site in question we cannot wait for the aspect to be improved. At no time have our customers commented on the need to preserve the decaying building which only serves to highlight decline not progress.

It would be a great step backwards should the opinions of a minority hold up progress and result in Aldi changing their mind in favour of another town.

The Aldi store would benefit us (Bruce Motors Ltd.) and the people in TD8 and TD9.

I therefore urge approval of their application and without delay.

Yours


Stewart Bruce

From: Robert Chrystie
Sent: 01 July 2015 14:11
To: Hayward, Julie
Subject: Planning Ref No Out/AT2342/B112B Aldi Store, Commercial Road, Hawick

Dear Madam,

I write in support of the above application both for the potential positive impact it might have on our own business, and more importantly, on Hawick in general.

We are the largest comparison goods retailer in Hawick we are currently celebrating our 25th Anniversary in business. Chrysties employs 28 staff and our customer base extends throughout the Borders, Lothian, Northumberland and Cumbria. We constantly advertise on Border TV, STV regional, Cumbrian Newspapers along with local press and radio backed up by Direct Mail when we are running special events. This is all done to attract people to our furnishing centre and Hawick in general. Our advertising spend in our last financial year was [REDACTED] Linked trips can only bring more people to Hawick with the inevitable spin off benefitting this and other businesses in the town.

Having read your retail impact assessment I would only comment that the estimated sales figures for comparison goods are incorrect and this business was never consulted as part of that process.

As far as competition is concerned, we have in Hawick another five retailers selling carpets including one that opened a year ago virtually next door to us. Rather than complain about it we welcome the challenge and have found that customers go between the shops before placing an order.

The benefit to Hawick is obvious simply by the removal of a derelict eyesore on a major thoroughfare which I have the misfortune to pass every day and wonder what first time visitors to the town must think or do they decide to pass straight through?

It goes without saying that any creation of new jobs has to be a benefit to the town and unless I am mistaken there is not an abundance of new employers waiting in the wings.

Our high Street will not be affected by Aldi and competition between the major supermarkets will keep them honest and protect the consumer. We have all suffered through on-line retailing however we must encourage more local niche operators like Melrose, Kelso and Peebles to help in regeneration. As our shopping trends change it is interesting to follow the rise of Lidl and Aldi and the decline of the major supermarkets which makes me astonished that we are not welcoming Aldi with open arms.

It's about time we had some positive news for Hawick rather than all these interminable delays with this development.

Yours sincerely,
Robert Chrystie
Director
Chrysties Furnishing Centre
Victoria Road
Hawick TD9 7AH

Chrysties

Furnishing Centre Ltd



2 July 2015

EP
INT

3 JUL 2015

To: J/C H
Ackr: 15/00100/AVL
File: 15/00100/AVL
Comm: 15/00100/AVL
Ref No: 15/00100/AVL

Julie Hayward
Principal Planning Officer
Development Management
Regulatory Services
Scottish Borders Council
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

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Yours sincerely


Robert Chrystie
Director

Chrysties Furnishing Centre Limited, Registered in Scotland, Company No: SC471256
Registered Office: Victoria Road, Hawick, Roxburghshire, Scotland TD9 7AH
Telephone: 01450 372248, Facsimile: 01450 372388
E-mail: admin@chrysties.net www.chrysties.net
Directors: R. Chrystie, M. Chrystie, K. R. Hedley, R. Scott
VAT Reg. No. 553 5319 43

ENTR
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JH
Jim Hay
ESTATE AGENTS

"focused on property"

*Julie H
S
15/00100/FUL*

Julie Hayward
Principal Planning Officer
Development Management
Scottish Borders Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Dear Sir/Madam

Planning Application No. OUT/AT2342/B/1128
Aldi Stores, Commercial Road, Hawick

As Hawick's only independent Estate Agent with some 10 years experience and a High Street presence I felt it necessary to write in regard to the above application.

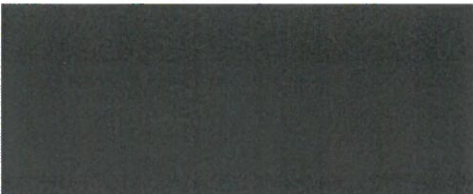
The High Street, like many other market towns in Scotland, has suffered severely in recent years and in Hawick you may be aware that Future Hawick, of which I am a Committee member, has been set up to try and address this. The main reason for the decline is without doubt internet shopping which we can do nothing about. National supermarket chains have had a presence in the town for over 20 years and any impact from that quarter will not be changed by Aldi coming to Hawick. They can only impact upon each other.

To me the benefits of Aldi are the possibility of keeping trade in the town which goes to Galashiels and bringing new business to Hawick which may potentially benefit the High Street. There are only 5 convenience retailers on the High Street, one of whom is about to close. Another supermarket will not affect these but may well be of real benefit to the comparison retailers. There is an abundance of charity shops, banks, solicitors etc to which this application will not make the slightest difference. In addition there is a mass of fast food outlets, pubs and restaurants who might only benefit from additional trade.

Should this application be refused for any reason then I hope you appreciate the negative affect that might result. A message would be sent to others that Hawick is closed for business, a derelict eyesore of a site would remain on a major trunk road and the creation of over 30 jobs would be ignored.

I have considered alternative uses and am certain no residential or commercial opportunity exists. Therefore I suggest very strongly you consider granting approval of this application without further delay or we shall all have to accept the consequences.

Yours faithfully



From: Liz Adams
Sent: 25 February 2015 16:37
To: Frater, Brian
Cc: Andrew Farquhar; Ian Lindley
Subject: ALDI PLANNING APPLICATION 15/00100/FUL - PLANNING GAIN

FAO Brian Frater, Service Director for Regulatory Services.

In 2000 the Hawick Partnership was formed as a five-year regeneration initiative between Scottish Enterprise, Scottish Borders Council, and the wider Hawick community. It only achieved limited success, but it did instil a willingness in the community to carry on regeneration, albeit on a voluntary basis and without funding. As a result Future Hawick came into being in 2006 with the support and encouragement of Scottish Borders Council. The reinvigorated group is currently seeking to become a Scottish Charitable Incorporate Organisation (SCIO) by the end of March 2015.

The refocusing of this group has come about as a result of the very poor state of Hawick High street with empty retail units, with the fear being that we have now reached the "tipping point". The key purpose at the moment is to try to improve the physical state of the street, find uses for empty units, create a marketing strategy, funding a fit for purpose website for the town, and try to bring in footfall.

Section 7 of Aldi's Retail assessment document claims that as a result of their most recent study carried out in December 2014 the vacancy rate stands at 12% which is lower than the national average of 13.2%. At a presentation to the then Local Government Minister Derek Mackay in November 2014, and more recently to Michael Moore MP, the vacancy rate on Hawick High Street, when taken within the core central area is now standing at around 25% which is set to rise through further planned retirements. Since Aldi's survey was carried 3 large shops have closed and a further large outlet has a closing down sale. The recorded footfall for Hawick High Street fell by 36% between 2007 and 2013 but with even more closed outlets the morning and afternoon pedestrian peak flows have since largely evaporated. We therefore do not recognise Aldi's Summary statement at 7.2 which claims "That overall the town centre health check found that the centre is performing well."

We understand that Sainsbury's in Hawick and Kelso made contributions under Planning Gain and we would expect that Aldi, if their application, was to be successful would similarly reach an agreement to contribute with funding which could be directed towards the aims of Future Hawick to help us increase the footfall on the High Street.

If Future Hawick can provide further information please let me know.

Liz Adams

Secretary

Future Hawick

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Hawick Community Council



16 Heronhill Bank

HAWICK

TD9 9RY

Email: over50s@tiscali.co.uk

2 March 2016

Ms Louise McGeoch
Clerk of the Local Review Body
Scottish Borders Council
Council Headquarters
NEWTOWN ST BOSWELLS
TD6 0SA

Dear Ms McGeoch

Redevelopment Site Hawick (zR08 – Commercial Road)

As Chair of the Community Council in Hawick I was very disappointed in the initial decision not to grant planning permission for the proposed Aldi store in Commercial Road, Hawick. What we as a town have now been left with is a complete eyesore of a building site which apparently has not attracted any other interest whatsoever and given that the site is on the northbound traffic corridor how does that encourage people to remotely want to visit Hawick.

Hawick has suffered lately with a catalogue of redundancies and indeed closures relative to various manufacturing establishments in the town and along with the town's Elected Members, we are striving to maintain morale in the town and this was even exacerbated with the flooding in the town since the beginning of December. What we need to do now is desperately bring some good news which I associate with this proposed development of Aldi and thereby bring associated employment to the town whether in the building of the store or the workforce thereafter.

I am aware too recently that one of our MSPs has a proposal to create an Enterprise Zone for Hawick which would be available to businesses who wish to invest in the town and hopefully this too if successful would send out a clear message that Hawick is open for business and more crucially would mean more employment and more investment. I therefore am of the belief that the proposed new store would tailor in nicely with this foresight for the town

It is certainly apparent to me in the current financial climate there is certainly no demand for the provision of more housing in the town. For instance I myself live in front of a new development of a few years old of 16 houses and to date only four are occupied so therefore indicative to me that they will be on the market for a considerably longer time. I am also aware of quite a few other sites in the town designated for housing but in some cases these have never even been remotely commenced.

It is even more disheartening that only recently Aldi announced their expansion nationally and in a newspaper a couple of weeks ago I noted that in Scotland 8 new stores are to be opened but of course Hawick is not included. Aldi is recognised as the major retailer currently in the UK so with the best interests of Hawick at heart, that is why this would be such a boost for the town.

I refer above to the proposed store being on the northbound A7 corridor and with Lidl and Sainsburys already in the vicinity, in my mind Aldi would therefore completely add to and extend the modern day shopping experience for both locals and visitors alike, where people could drive to park their cars. Myself and the rest of the Community Council appreciate that "High Streets" are not as operational now and the nature of shopping has dramatically changed over recent years but another store such as Aldi would help keep some economy in the town and equally attract people to visit.

Another point in favour of this potential store is that is that their business model states that they work with the best local producers to bring top quality products to their stores and such being the case, a store in Hawick could thereby have an economical knock-on effect with surrounding producers thus helping the local economy even more.

I am not aware who will be dealing with this appeal but I would certainly recommend that rather than just look at plans, etc, it would be advisable and important for the Councillors dealing with this to actually carry out a site visit and see for themselves the nature of this situation.

I have already communicated with the Planning Department at Scottish Borders Council in a letter dated 11 November 2015 more addressing the planning issues but should be grateful if you would consider this further communication in tandem with the earlier letter. Not just myself but the rest of the Community Council has the town's interests at heart and try very hard to bring something back to the town and consider that this new development of Aldi would go in some small way to achieving this.

Yours sincerely

Marion Short

Chair

List of Policies

Local Review Reference: 16/00005/RFEF

Planning Application Reference: 15/00100/FUL

Development Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Location: Land and Buildings as Wilton Mills, 31 – 32 Commercial Road, Hawick

Applicant: Wilton Mills Ltd

SESPLAN 2013:

Policy 1B – The Spatial Strategy : Development Principles

Local Development Plans will:

- Ensure that there are no significant adverse impacts on the integrity of international, national and local designations and classifications, in particular National Scenic Areas, Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest and Areas of Great Landscape Value and any other Phase 1 Habitats or European Protected Species;
- Ensure that there are no significant adverse impacts on the integrity of international and national built or cultural heritage sites in particular World Heritage Sites, Scheduled Ancient Monuments, Listed Buildings, Royal Parks and Sites listed in the Inventory of Gardens and Designed Landscapes;
- 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;
- Contribute to the response to climate change, through mitigation and adaptation; and
- Have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.

Policy 3 - Town Centres and Retail

Local Development Plans will ;

- a. Identify town centres and commercial centres clearly defining their roles;
- b. Support and promote the network of centres as shown in Table 1, and identify measures necessary to protect these centres including setting out the criteria to be addressed when assessing development proposals; and
- c. Promote a sequential approach to the selection of locations for retail and commercial leisure proposals. Any exceptions identified through Local Development Plans should be fully justified.

Policy 15 – Water and Flooding

Local Development Plans will:

- a. Identify areas of flood risk and priority flood schemes to assist in the reduction of overall flood risk which accord with the principles of sustainable development;
- b. Avoid any new development in areas at medium to high flood risk and safeguard areas which will help contribute to reducing overall flood risk; and

c. Make provision to prevent deterioration of the water environment resulting from new development and promote water efficiency in all development proposals. Where appropriate, promote enhancement of the water environment.

Consolidated Scottish Borders Local Plan 2011

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
11. it provides for recycling, re-using and composting waste where appropriate,
12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,

14. it incorporates, where required, access for those with mobility difficulties,
15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

Policy 2 – CONTAMINATED LAND

Where development is proposed on land that is contaminated, or suspected of contamination, the developer will be required to:

1. Carry out any necessary site investigations and assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of controlled waters that arise from the proposals;
2. consult with relevant agencies as part of their assessment, in particular the Scottish Environment Protection Agency in relation to impact on controlled waters and Scottish Natural Heritage and other relevant agencies in relation to other environmental risks; and
3. undertake effective remedial action to ensure the site is made suitable for any new use, in scale with planning permission given for that particular use.

Policy G4 - FLOODING

As a general principle, new development should be located in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of floodplains to convey and store floodwater should be protected.

Proposals for the development of land where there is evidence of flood risk that has been the result of unanticipated planning applications, historical land use allocations or the emergence of new information on flood risk, must give consideration to ensure any such risk is managed in accordance with the principles set out in the Risk Framework provided in the Scottish Planning Policy (SPP) or any subsequent government guidance which supersedes it.

In particular, within certain defined risk categories, particularly where the risk is greater than 0.5% annual flooding probability or 1 in 200 year flood risk, which will normally be the case for functional flood plains, some forms of development will generally not be acceptable. These include:

1. Development comprising essential civil infrastructure including schools, emergency services and telecommunications;
2. Additional built development in sparsely developed areas.

Other forms of development will be subject to an assessment of the risk and mitigation measures.

Developers will be required to provide, including if necessary at outline stage:

1. A competent flood risk assessment and/or drainage assessment in support of the application; and
2. A report of the measures that are proposed to prevent and minimise the flood risk.

The information used to assess the acceptability of development will include:

1. Information and advice from consultation with SEPA and where appropriate, the Flood Liaison and Advice Group;
2. Flood risk maps provided by SEPA including, when available, the second generation flood maps which will indicate the extent of the flood plain;
3. Historical records and flood studies held by the Council and other agencies, including past flood risk assessment reports carried out by consultants and associated comments from SEPA, held by the Council.

Policy G7 – INFILL DEVELOPMENT

Within Development Boundaries, as shown on Proposals Maps, development on non-allocated, infill or windfall, sites, including the re-use of buildings, will be approved if:

1. in the case of a gap site, it can be justified under Policies BE6 (Protection of Open Space), Policy NE3 (Local Biodiversity) and Policy Inf11 (Developments that Generate Travel Demand);
2. in the case of employment land the proposed new use can be justified under Policy ED1 to prevent the loss of employment land with prospects of future use;
3. in the case of garden ground or backland sites, it can be justified under Policy H2 to safeguard the amenity of residential areas;

In all cases, the following criteria will apply to proposed infill development:-

- i) where relevant, it does not conflict with the established land use of the area; and
- ii) it does not detract from the character and amenity of the surrounding area; and
- iii) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- iv) it respects the scale, form, design, materials and density of its surroundings; and
- v) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- vi) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design.

Policy BE1 - LISTED BUILDINGS

1. The Council will support development proposals that protect, maintain, and enhance active use and conservation of Listed Buildings.
2. 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.

3. Internal or external alterations and extensions to Listed Buildings, or new developments within their curtilage, must meet the following criteria:
 - i) must be of the highest quality,
 - ii) must respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design,
 - iii) must maintain, and should preferably enhance, the special architectural or historic quality of the building,
 - iv) must demonstrate an understanding of the building's significance.
 Applications for Listed Building Consent or applications affecting the setting of Listed Buildings may be required to be supported by Design Statements.
4. New development that adversely affects the setting of a Listed Building will not be permitted.
5. The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.
6. Decisions on proposals for any alterations or demolition of a Listed Building will be made in accordance with the advice contained within the Scottish Historic Environment Policy (SHEP) produced by Historic Scotland and in consultation with the appropriate heritage bodies.

Policy BE2 - ARCHAEOLOGICAL SITES and ANCIENT MONUMENTS

Where development proposals impact on a Scheduled Ancient Monument, other nationally important sites not yet scheduled, or any other archaeological or historical site, developers will be required to carry out detailed investigations to ensure compliance with Structure Plan policies N14, N15 and N16.

Structure Plan Policy N14

Development proposals, which would destroy or adversely affect the appearance, fabric or setting of Scheduled Ancient Monuments or other nationally important sites not yet scheduled will not be permitted unless:

- (i) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site,*
- (ii) there are no reasonable alternative means of meeting that development need, and*
- (iii) the proposal includes a mitigation strategy acceptable to the Council.*

Structure Plan Policy N15

Development proposals which will adversely affect an archaeological site of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the archaeological value of the site or feature.

Structure Plan Policy N16

Where there is reasonable evidence of the existence of archaeological remains, but their nature and extent are unknown, the Council may require an Archaeological Evaluation to provide clarification of the potential impact of a development before a planning decision is reached. Where development is approved which would damage an archaeological site or feature, the Council will require that such development is carried out in accordance with a strategy designed to minimise the impact of development upon the archaeology and to

ensure that a complete record is made of any remains which would otherwise be damaged by the development. Such a strategy might include some or all of the following:

- (i) the preservation of remains in situ and in an appropriate setting,*
- (ii) surface or geophysical survey,*
- (iii) archaeological excavation,*
- (iv) study of the excavated evidence and publication of the results.*

The preferred solution will be influenced by the value of the site in national, regional or local terms.

Policy BE4 – CONSERVATION AREAS

1. Development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused.
2. All new development must be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.
3. Conservation Area consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:
 - i) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
 - ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character, and
 - iii) the proposal will preserve or enhance the Conservation area, either individually or as part of the townscape.In cases i) to iii) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.
4. Full consideration will be given to the guidance given in the Scottish Historic Environment Policy (SHEP) in the assessment of any application relating to development within a Conservation Area.
5. The Council may require applications for full, as opposed to outline, consent. In instances where outline applications are submitted, the Council will require a 'Design Statement' to be submitted at the same time, which should explain and illustrate the design principles and design concepts of the proposals. Design Statements will also be required for any applications for major alterations or extensions, or for demolition and replacement.

Policy NE3 - LOCAL BIODIVERSITY

1. The Council will seek to safeguard the integrity of habitats both within and outwith settlements which are of importance for the maintenance and enhancement of local biodiversity. The rationale and detail for this is set out in the Supplementary Planning Guidance for Biodiversity.
2. Where development is proposed on a site for which there is evidence to suggest that a habitat or species of importance exists, the developer may be required, at their own expense, to undertake a survey of the site's natural environment. Major developments, as defined by the categories of development identified in the Council's biannual Scottish Government Planning Application Returns, may require an Ecological Impact Assessment.
3. Development that could impact on local biodiversity through impacts on habitats and species should

- i) Be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability,
 - ii) Aim to avoid the fragmentation or isolation of habitats,
 - iii) Aim to enhance the biodiversity value of the site through the creation or restoration of habitats and wildlife corridors and provision for their long term management and maintenance.
4. Development that would have an unacceptable adverse effect on habitats or species of Conservation Concern as identified in the regional listings in the Local Biodiversity Action Plan (LBAP) will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

Where the reasons in favour of development clearly outweigh the desirability of retaining particular habitat features, mitigation measures aimed at ensuring no net loss of LBAP habitats will be sought, including the creation of new habitats or the enhancement of existing habitats, in accordance with Policy G5 Developer Contributions and the associated Supplementary Planning Guidance.

Policy NE4 – TREES, WOODLANDS AND HEDGEROWS

The Council supports the maintenance and management of trees, woodlands, including ancient woodlands and ancient woodland pastures, and hedgerows, (hereafter referred to as the ‘woodland resource’) and requires developers to incorporate, wherever feasible, the existing woodland resource into their schemes.

1. Development that would cause the loss of, or serious damage to the woodland resource, will be refused unless the public benefits of the development at the local level clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. Decision making will be informed by the Scottish Borders Woodland Strategy, expert advice from external agencies, the existing condition of the woodland resource and BS5837: Trees in Relation to Construction;
2. The siting and design of the development should aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability;
3. Where there is an unavoidable loss of the woodland resource, appropriate replacement planting will normally be a condition of planning permission. In some locations planning agreements will be sought to enhance the woodland resource;
4. Development proposals should demonstrate how the protection of the woodland resource will be carried out during construction, adopting British Standard 5837.

Policy ED3 – SHOPPING DEVELOPMENT

Proposals for new shopping development including changes of use to a shop will be assessed against Structure Plan policies E17 and E18.

Structure Plan Policy E17

In assessing applications for retailing development, both for food and non-food shopping, the Council will seek to support and enhance the role of town centres. Town centre locations will be preferred to edge-of-centre locations which, in turn, will be preferred to out-of-centre

locations. An out-of-centre location will only be considered favourably if there is no suitable site available in a town centre or edge-of-centre location.

Structure Plan Policy E18

The Council will have regard to the following considerations in assessing any application for out-of-centre retail development:

- (i) the individual or cumulative impact of the proposed development on the vitality and viability of existing town centres,
- (ii) the availability of a suitable town centre or edge-of-centre site,
- (iii) the ability of the proposal to meet deficiencies in shopping provision which cannot be met in town centre or edge-of-centre locations,
- (iv) the impact of the proposal on travel patterns and car usage,
- (v) the accessibility of the site by a choice of means of transport,
- (vi) the location of the proposal. Sites will be located within existing settlements and, within them, preference will be given to applications on vacant or derelict sites, or on sites deemed to be surplus to requirements.

Policy ED5 – TOWN CENTRES

Outwith the ground floor level of defined Prime Retail Frontages, the Council will support a wide range of uses appropriate to a town centre. Proposals for shopping development and other appropriate town centre development, will generally be approved within defined town centres of the larger settlements provided that the character, vitality, viability and mixed-use nature of the town centre will be maintained and enhanced. Appropriate development other than Class 1 shop uses could include:

1. Food and drink uses (Class 3 of the Use Classes Order),
2. Offices (Classes 2 and 4 of the Use Classes Order),
3. Commercial leisure and entertainment (including cinemas and theatres),
4. Residential, particularly flats above ground floor retail level,
5. Health care,
6. Education,
7. Tourism-related uses.

Any proposed developments which would create an unacceptable adverse impact on the town centre will be refused.

Policy H2 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,

- (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
- (iii) the generation of traffic or noise,
- (iv) the level of visual impact.

Policy H3 – LAND USE ALLOCATIONS

1. Development will be approved in principle for the land uses allocated on the Land Use Proposals tables and accompanying Proposals Maps.
2. Development will be in accordance with any Council approved planning or development brief including where this has been prepared by developers, provided it meets the requirements for the site and its acceptability has been confirmed in writing by the Council.
3. Sites proposed for redevelopment or mixed use may be developed for housing, employment (classes 4, 5 and 6 of the Use Classes Order) or retailing, subject to the sequential test, or a mix of uses that could include community facilities and open space depending on the location of the site, the needs of the community and the deliverability of alternative uses. Redevelopment sites may be developed for a single use.
4. Sites proposed for commercial redevelopment will comprise appropriate town centre uses within Classes 1-4 of the Use Classes Order.
5. Any other use on allocated sites will be refused unless the developer can demonstrate that:
 - (i) it is ancillary to the proposed use and in the case of proposed housing development, it still enables the site to be developed in accordance with the indicative capacity shown in the Land Use Proposals table and/or associated planning briefs, or
 - (ii) there is a constraint on the site and no reasonable prospect of its becoming available for the development of the proposed use within the Local Plan period, or
 - (iii) the alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use, and
 - (iv) The proposal is otherwise acceptable under the criteria for infill development.

Policy Inf4 – PARKING PROVISIONS AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY Inf6 – SUSTAINABLE URBAN DRAINAGE

1. Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on Sustainable Urban Drainage Systems (SUDS) to the satisfaction of the Council, Scottish Environment Protection Agency, Scottish Natural Heritage and other interested parties.
2. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses.
3. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

Policy Inf11 – DEVELOPMENTS THAT GENERATE TRAVEL DEMAND

1. The Council is committed to guiding development to locations which are accessible to existing or proposed bus corridors and train stations and which maximise the opportunities for walking and cycling.
2. Transport Assessments and Green Travel Plans will be required for significant travel generating developments guided by Scottish Government thresholds which may include large housing developments, schools, offices and retail developments.
3. Significant travel generating developments which are inaccessible to public transport nodes and/or are likely to lead to increased reliance on the private car will be refused where Transport Assessments and Travel Plans do not provide satisfactory sustainable solutions.
4. For other types of developments under the thresholds, where considered appropriate, planning agreements will be sought with developers to produce Green Travel Plans.
5. Developer contributions may be required to assist in making developments acceptable under Sustainability Principle 1.

Proposed Local Development Plan 2016 (incorporating Reporter's changes accepted by Scottish Borders Council)

Policy PMD2: Quality Standards

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,

- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

Policy PMD3: Land Use Allocations

Development will be approved in principle for the land uses allocated on the Land Use Proposals tables and accompanying Proposals Maps.

Development will be in accordance with any Council approved planning or development brief provided it meets the requirements for the site and its acceptability has been confirmed in writing by the Council.

Sites proposed for redevelopment or mixed use may be developed for a variety of uses subject to other local plan policies. Where there is evidence of demand for specific uses or a specific mix of uses, these may be identified in a Planning Brief and the site requirements detailed within the Local Plan.

Within new housing allocations other subsidiary uses may be appropriate provided these can be accommodated in accordance with policy and without adversely affecting the character of the housing area. Planning Briefs and site requirements detailed within the Local Plan may set out the range of uses that are appropriate or that will require to be accommodated in specific allocations.

Any other use on allocated sites will be refused unless the developer can demonstrate that:

- a) it is ancillary to the proposed use and in the case of proposed housing development, it still enables the site to be developed in accordance with the indicative capacity shown in the Land Use Proposals table and/or associated planning briefs, or
- b) there is a constraint on the site and no reasonable prospect of its becoming available for the development of the proposed use within the Local Plan period, or
- c) the alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use, and
- d) the proposal is otherwise acceptable under the criteria for infill development.

Policy PMD5: Infill Development

Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on proposal maps will be approved where the following criteria are satisfied:

- a) where relevant, it does not conflict with the established land use of the area; and
- b) it does not detract from the character and amenity of the surrounding area; and
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- d) it respects the scale, form, design, materials and density in context of its surroundings; and
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.

Policy ED3: Town Centres and Shopping Development

The Council will seek to develop and enhance the role of town centres. A network of centres and growth of the retail sector will be supported through directing development to the following district town centres:

Duns, Eyemouth, Galashiels, Hawick, Jedburgh, Kelso, Melrose, Peebles, Selkirk

To protect town centres, town centre locations will be preferred to edge-of-centre locations which, in turn, will be preferred to out-of-centre locations. An out-of-centre location will only be considered where there is no suitable site available in a town centre or edge-of-centre location.

The council will support a wide range of uses appropriate to a town centre. Proposals for shopping development and other town centre developments will generally be approved within defined district town centres provided that the character, vitality, viability, and mixed use nature of the town centre will be maintained and enhanced. For the avoidance of doubt, the council will apply the preferred order of locations set out above to appropriate uses generating significant footfall, including community and cultural facilities, offices, libraries, and education and healthcare facilities as well as retail and commercial leisure uses. It will also ensure that different uses are developed in the most appropriate locations.

Town centre enhancement, including the provision of new retail facilities and complementary non-retail uses, will be encouraged in centres both within the hierarchy and other centres which:

- (a) are council priorities for area regeneration because of special economic difficulties and/or population decline,
- (b) are subject to significant retail spending leakage,
- (c) play an important role in areas planned for substantial development under the development strategy.

The council will have regard to the following considerations, where relevant, in assessing applications for out of centre development, including retail proposals:

- (a) the individual or cumulative impact of the proposed development on the vitality and viability of existing town centres,
- (b) the availability of a suitable town centre or edge of centre site,
- (c) the ability of the proposal to meet deficiencies in shopping provision which cannot be met in town centre or edge of centre locations,
- (d) the impact of the proposal on travel patterns and car usage,
- (e) the accessibility of the site by a choice of means of transport,
- (f) the preference for commercial centres in the preferred order of locations, including appropriate retail clusters and parks, over other out of centre locations,
- (g) the extent to which a proposal would constitute appropriate small scale shopping provision designed to serve the needs of local rural communities,
- (h) the location of the proposal. Sites will be located within existing settlements and, within them preference will be given to applications on vacant or derelict sites, or on sites deemed to be surplus to requirements.

The council will encourage the use of town centres during the evening provided residential amenity is protected. Any proposed development which would create an unacceptable adverse impact on the town centre will be refused.

Policy ED5: Regeneration

Development on allocated and non-allocated brownfield sites will be approved in all cases where the following criteria are satisfied:

- a) where relevant, it does not conflict with the established land use of the area; and
- b) it does not detract from the character and amenity of the surrounding area; and
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- d) it respects the scale, form, design, materials and density in context of its surroundings; and
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.

Policy HD3 – Protection of Residential Amenity

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

Policy EP3: Local Biodiversity

Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

Any development that could impact on local biodiversity through impacts on habitats and species should:

- a) aim to avoid fragmentation or isolation of habitats; and
- b) be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; and
- c) compensate to ensure no net loss of biodiversity through use of biodiversity offsets as appropriate; and
- d) aim to enhance the biodiversity value of the site, through use of an ecosystems approach, with the aim of creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance

Policy EP7: Listed Buildings

The Council will support development proposals that conserve, protect, and enhance the character, integrity and setting of Listed Buildings.

Internal or external alterations and extensions to Listed Buildings, or new developments within their curtilage, must meet the following criteria:

- a) be of the highest quality,
- b) respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design;
- c) maintain, and should preferably enhance, the special architectural or historic quality of the building;
- d) demonstrate an understanding of the building's significance.

All applications for Listed Building Consent or applications affecting the setting of Listed Buildings will be required to be supported by Design Statements.

New development that adversely affects the setting of a Listed Building will not be permitted.

The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.

Policy EP8: Archaeology

(A) National Archaeological Sites

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:

- a) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and
- b) there are no reasonable alternative means of meeting the development need.

(B) Battlefields

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

(C) Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

Policy EP9: Conservation Areas

The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.

The Council may require applications for full, as opposed to Planning Permission in Principle Consent.

Conservation Area Consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:

- a) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
- b) the structural condition of the building is such that it can not be adapted to accommodate alterations or extensions without material loss to its character, and
- c) the proposal will preserve or enhance the Conservation Area, either individually or as part of the townscape.

In cases a) to c) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.

Design Statements will be required for all applications for alterations, extensions, or for demolition and replacement which should explain and illustrate the design principles and design concepts of the proposals.

Policy EP13: Trees, Woodlands and Hedgerows

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and

- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource

Policy IS7 – Parking Provision and Standards

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

Policy IS8: Flooding

At all times, avoidance will be the first principle of managing flood risk. In general terms, new development should therefore be located in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of functional flood plains to convey and store floodwater should be protected, and development should be located away from them.

Within certain defined risk categories, particularly where the risk is greater than 0.5% annual flooding probability or 1 in 200 year flood risk, some forms of development will generally not be acceptable. These include:

- a) development comprising essential civil infrastructure such as hospitals, fire stations, emergency depots etc., schools, care homes, ground-based electrical and telecommunications equipment unless subject to an appropriate long term flood risk management strategy;
- b) additional built development in undeveloped and sparsely developed areas.

Other forms of development will be subject to an assessment of the risk and mitigation measures.

Developers will be required to provide, including if necessary at planning permission in principle stage:

- (a) a competent flood risk assessment, including all sources of flooding, and taking account of climate change; and
- (b) a report of the measures that are proposed to mitigate the flood risk.

The information used to assess the acceptability of development will include:

- (a) information and advice from consultation with the council's flood team and the Scottish Environment Protection Agency;
- (b) flood risk maps provided by the Scottish Environment Protection Agency which indicate the extent of the flood plain;

- (c) historical records and flood studies held by the council and other agencies, including past flood risk assessment reports carried out by consultants and associated comments from the Scottish Environment Protection Agency, also held by the council;
- (d) the Scottish Environment Protection Agency's Land Use Vulnerability Guidance.

Policy IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage

Waste Water Treatment Standards

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
- c). agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private sewage treatment system will normally be refused unless exceptional circumstances prevail and the conditions in criteria d above can be satisfied,

Development will be refused if:

- a) it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
- b) it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

Sustainable Urban Drainage

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

Policy IS13: Contaminated Land

Where development is proposed on land that is contaminated, suspected of contamination, or unstable the developer will be required to:

- (a) carry out, in full consultation with, and to the satisfaction of Scottish Borders Council, appropriate phased site investigations and risk assessments; and
- (b) where necessary, and to the satisfaction of Scottish Borders Council design, implement, and validate appropriate remedial or mitigation measures to render the site suitable for its proposed use.

Other Material Considerations

National Planning Framework 3

Scottish Planning Policy

Scottish Historic Environment Policy 2011

Planning Advice Note 33 : Development of Contaminated Land 2000

Planning Advice Note 52 : Planning and Small Towns 1997

Planning Advice Note 59 : Improving Town Centres 1999

Planning Advice Note 1/2011 Planning and Noise

Planning Advice Note 2/2011 Planning and Archaeology

On-line Planning Advice on Flood Risk 2015

SBC Supplementary Planning Guidance on Contaminated Land Inspection Strategy 2001

SBC Supplementary Planning Guidance on Trees and Development 2008

SBC Supplementary Planning Guidance on Landscape and Development 2008

SBC Supplementary Planning Guidance on Biodiversity 2005

SBC Supplementary Planning Guidance on Privacy and Sunlight (Householder Developments) 2006

SBC Supplementary Planning Guidance on Placemaking and Design 2010

SBC Planning Brief on Commercial Road, Hawick 2009

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- 7 MAR 2016

Notice of Review



Democratic Services

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)	Agent (if any)
Name MR AND MRS P BURNS	Name
Address 18 WEAVERS LANE THREEDANK GALASHIELS	Address
Postcode TD1 3SX	Postcode
Contact Telephone 1 [REDACTED]	Contact Telephone 1
Contact Telephone 2 [REDACTED]	Contact Telephone 2
Fax No [REDACTED]	Fax No
E-mail* [REDACTED]	E-mail*

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail? YES

Planning authority SCOTTISH BORDERS COUNCIL

Planning authority's application reference number 15/01491/PL

Site address LYE ROAD DARNICK TD6 9AT

Description of proposed development ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE / ANNEX

Date of application 09 DEC 2015 Date of decision (if any) 08 FEB 2016

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- ① Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- ① Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions ✓
- 3. Site inspection ✓
- 4. Assessment of review documents only, with no further procedure ✓

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

① LARGE HOUSES BEING PASSED FOR PLANNING NEXT DAY

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- 1. Can the site be viewed entirely from public land? YES
- 2. Is it possible for the site to be accessed safely, and without barriers to entry? YES

① Yes No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

- ① IN THIS PACKAGE WE HAVE INCLUDED A LETTER STATING ALL THE REASONS FOR OUR APPEAL
- ② ALSO PROVIDED IS ELEVATION DRAWINGS WITH COMPARISONS TO NEW HOUSES NEXT DOOR THAT HAVE BEEN APPROVED.
- ③ PICTURES OF EXISTING HOUSES THAT HAVE ROOF DESIGNS ~~WHICH~~ NOT IN KEEPING WITH THE PLANNERS IDEAS
- ④ PICTURES OF POSSIBLE DANGEROUS TREE WITH SITE PLAN SHOWING WHERE IT IS
- ⑤ COPY OF NEIGHBOURS LETTER SAYING THEY HAVE NO PROBLEM WITH OUR DESIGN.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

ALL IN ENVELOPE

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review.

Full completion of all parts of this form ✓

Statement of your reasons for requiring a review ✓

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ✓

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/~~agent~~ [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed 

Date 07/03/2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference: 15/01491/FUL

To: Mr and Mrs P Burns 18 Weavers Linn Tweadbank Galashiels Scottish Borders

With reference to your application validated on **9th December 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Erection of dwellinghouse and detached garage/annex

At: Land West Of Whistlefield Darnick Scottish Borders

The Scottish Borders Council hereby **refuses** planning permission for the reason(s) stated on the attached schedule.

**Dated 8th February 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....

Chief Planning Officer

APPLICATION REFERENCE: 15/01491/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
REC 09 DEC 2015	Location Plan	Refused
REC 03 FEB 2016	Site Plan	Refused
HOUSE REC 03 FEB 2016	General	Refused
GARAGE REC 03 FEB 2016	General	Refused

REASON FOR REFUSAL

- 1 The development will conflict with Policies G1 and G7 of the Consolidated Local Plan 2011 because the proposed dwellinghouse is not of a design quality that complies with the Council's Supplementary Planning Guidance "Placemaking and Design" 2010. The proportions of roof to wall, plan depth and overall footprint and profile all combine to produce an inappropriate form and massing which amount to an unacceptable overall design. The development will also contribute negatively to the visual amenity of the surrounding area as a result.

- 2 The development will conflict with Policy NE4 of the Consolidated Local Plan 2011 in that the development may lead to loss of mature trees that have public amenity value, and the application contains insufficient information to demonstrate that this will not be the case. The potential loss of the trees will harm the visual amenity of the surrounding area

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01491/FUL

APPLICANT : Mr And Mrs P Burns

AGENT :

DEVELOPMENT : Erection of dwellinghouse and detached garage/annex

LOCATION:	Land West Of Whistlefield Darnick Scottish Borders
------------------	--

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
REC 09 DEC 2015	Location Plan	Refused
REC 03 FEB 2016	Site Plan	Refused
HOUSE REC 03 FEB 2016	General	Refused
GARAGE REC 03 FEB 2016	General	Refused

NUMBER OF REPRESENTATIONS: 2

SUMMARY OF REPRESENTATIONS:

Two representations have been received. The first does not include an objection, but notes that only two houses were built off Lye Road in 1990 because to build three would require the road be upgraded. It is queried if these conditions still apply.

The second is a letter of support sent on behalf of the property to the east, Whistlefield, in which the owner states that she has no objections whatsoever to the plans. She has seen the detailed layout and reiterates that she is more than happy to go along with the plans. Reference is made specifically to the library window.

Consultations

Historic Environment Scotland: No objection and no comment

Roads Planning Service: Have no objections in principle but do have a few mainly minor roads concerns. Lye Road is generally single track in nature and the surfacing on the road shows signs of some deterioration. Also, the junction between Lye Road and Smith's Road is slightly awkward in shape, and the visibility is not ideal in either direction, though traffic speeds are very low. These concerns are not significant enough for them to object. Parking and turning for two cars will be required. The first 2 metres should be constructed in accordance with an approved specification.

Community Council: No comments

Education and Lifelong Learning: Contributions are required towards Melrose Primary School and Earlston High School

Archaeology Officer: The development area coincides with the Inventory Battlefield for the Battle of Darnick. The likely line of retreat is somewhere in the vicinity of the development area. Recommends that the total development area undergoes a battlefield survey by a suitably qualified archaeological contractor. A condition is recommended to this effect.

Environmental Health Service: There is potential contamination associated with horticultural use. Have contacted the developer seeking a response to a screening questionnaire. If no response is received, a condition is recommended

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Local Plan 2011

G1, G2, G5, G6, G7, BE2, BE4, NE3, NE4, H2, INF2, INF4, INF5, INF6

SPGS Placemaking and Design 2010; Developer Contributions 2015; Trees and Development 2008; Guidance on Householder Development 2006

Recommendation by - Carlos Clarke (Lead Planning Officer) on 5th February 2016

Site and application description

The site comprises a rectangular area of undeveloped ground, formerly in horticultural use and currently accessed from the south via a minor road. This road (Lye Road) serves modern bungalows on its southerly side. The site is framed by hedging, with the gardens of neighbouring houses to its east and north sides. There are minor trees within the site, and a cluster of larger trees along its road frontage and south-west corner. To the west is land which initially formed part of the Broomlees Road housing development which is currently subject to an application for eight detached houses, though the area immediately adjacent this site has been removed from that application, and is prospectively to be subject to an application for a single house in the future, also accessed off Lye Road.

The application proposes a detached, 1 ½ storey house with a detached garage, all accessed from the south via an existing opening (though the precise positioning of the proposal relative to the existing opening is unclear), with a parking and turning area proposed within the frontage.

Principle

The site is within the village's settlement boundary, both in the Consolidated Local Plan and Local Development Plan. It is not within the Conservation Area, which is adjacent to the north and north-east. The site is not allocated for a particular purpose, and does not comprise public open space. Nor is it of townscape value as undeveloped ground. It is close to a number of other residential properties and is accessible from an existing road to the south. It has a frontage to this road, like its neighbours. The principle of development for a single house is, therefore, acceptable, and any development proposed for it requires to be assessed principally against Policy G7, along with other issue-specific policies.

A detached garage is proposed which includes self-contained accommodation. This would essentially be an annexe which is acceptable subject to a condition that it is used as such, thus requiring that it be occupied on an ancillary basis (i.e. as a single household) to the main house. A condition can control this aspect.

Ecology

The site has no ecological designation and is not near any. There are no likely implications for protected species that would justify submission and consideration of a survey before determining the application. There is a risk to trees which cannot be quantified and this is explored separately below.

Archaeology

The site is within the Damick Battlefield designation, though Historic Environment Scotland raise no concerns, and a condition can account for our archaeology officer's advice.

Contaminated Land

It is understood that the EHS's query over potential contamination associated with the previous horticultural use has not been addressed. A condition would be necessary in the event consent were to be granted.

Services

Mains water and foul drainage services are proposed, though a condition would be necessary to ensure connections by Scottish Water have been granted. The site has ample room for on-site surface water disposal, and the site is relatively level with no obvious risk of increased run-off off-site. Run off from the buildings is more directly capable of being addressed through the Building Warrant in this case and porous surfacing can be specified for the parking area.

Contributions towards local schools and the Waverley Line would be necessary to comply with policies G5 and G6. These would require a legal agreement.

Access and parking

The proposal is to be accessed off the private road, as it is now. I note the comments from the neighbour regarding previous approvals here. However, since the existing two houses were approved, the Roads Planning Service has applied a 'four house' rather than a 'two house' rule to the number of houses that can be supported on a private road before it requires to be made up to adoptable standards. The RPS have verbally advised that this proposal will not lead to the threshold being exceeded. As such, they can support the proposal subject to their detailed comments. A condition can secure the first two metres of the junction in tar, ensure no surface water run-off to the road, and that the access and parking be provided before the house is occupied.

Trees and hedges

Trees towards the centre of the site are minor and their loss would be of no consequence for public amenity. However, there are number of trees on the southern boundary and to the south-west, where an existing garage would be demolished. The applicant was asked, prior to submitting the application, to clearly identify the location and root protection areas (as per BS5837:12) of existing trees since their retention (provided they are in good condition) is of value to public amenity here given the edge of village location and its proximity to the nearby community woodland. This information was not submitted with the application. The applicant was asked for the same information during the processing of the application but has not provided it. The proposed garage has, however, been repositioned two metres further into the site in response to this issue. While I recognise that the garage position has been adjusted, it is still not possible to establish from the information given whether either the access junction or the proposed garage will lead to damage to trees which are of value. The applicant has not provided any information to suggest the trees are not of a condition that merits their protection. Policy NE4 cannot be considered to have been satisfied.

There would be no significant loss of roadside hedging. Hedging to other boundaries should not be at risk.

Design and layout considerations

The site is level, relatively large, and located within a context of other houses, of a range of sizes, and nearby wooded areas. It is close to, though not within, the Conservation Area and its closest neighbours are modern. Its development for a house of this general size will not have a wider landscape implication, nor will it detract from the character or appearance of the Conservation Area.

The house would be set well back into the site, with the garage in the frontage, and a large parking and turning area. This arrangement is not ideal, and would not be appropriate in many cases. Here, however, it is acceptable because of the existing building lines and large parking areas to some neighbouring frontages.

The immediate context is of modern houses and this proposal is of a broadly similar character. The site is

capable of accommodating a contemporary house design. Though this proposal is neither that nor a traditional design, its overall character will be similar to its neighbours. Due to the context, some allowance must be made with respect to the design of this proposal. The applicant has made some adjustments to the proposal during the application - slimming eaves and verges, changing window proportions within the dormers, and splitting the garage door from one to two openings. These have helped to an extent, and any poorly proportioned openings are relatively discrete in terms of likely public exposure. Both the garage and the house do, however, remain rather awkward in their design, as their frontages are unbalanced and disordered. These aspects can be tolerated in this particular context.

However, an aspect the adjustments have not addressed is the overall form and massing of the building. The roof will span a main depth of 12.4 metres, be just less than 40 degrees in pitch and includes offshoots to the rear and front, the latter of which is particularly large. On approaching the building, the dominance of the main roof combined with the rather overbearing front elevation projection (which is two-storeyed, and out of proportion with the deep, main roof), will be clearly apparent. The applicant was asked before and during the application to reconsider the overall form and massing of the building. However, no amendments have been forthcoming in these regards.

The Council's SPG on Placemaking and Design states (pages 57-59), that "the proportionate balance of roof massing to the building envelope is critical to the overall sense of proportion", and that "if the roof ridge line is set too high or low in relation to the building height/eaves height, the building may look 'top heavy'. In reference to traditional gable widths of circa 6 metres, it advises that "modern housing can appear bulky and 'out of scale', lacking this balance of plan depth to roof mass, resulting in visually dominant roofs".

I cannot consider that this proposal accounts for the SPG. It is recognised that neighbouring buildings do not exhibit traditional forms. However, this proposal is a larger building, and the neighbouring buildings were also approved well before the Council introduced its SPG, which has been used to influence the quality of design since. Policy G7 requires that developments be of appropriate form and Policy G1 states that developments should have a sense of place designed in sympathy with the Borders' architectural style, and be of appropriate massing.

In this case, while the prevailing context is acknowledged, as is the relatively limited degree of public exposure, I would contend that this proposal needs to be amended in its footprint. This is so that the roof can be proportioned better relative to the wall heights and depth of the building. Even a reduced plan depth of between 8-9 metres (itself, relatively deep), with the eaves lifted and the front projection also reduced so it relates more comfortably with the main frontage, would improve the overall massing of the building and render it more suitable to this particular context. At present, the current design does not account sufficiently for our SPG and fails Policies G1 and G7 in my interpretation.

Materials

Materials include a slate roof, K-render for the walls, and grey alu-clad windows and doors. These proposals are agreeable in this context, and will be an improvement on neighbouring roof and wall finishes, while contributing to the more general mix in the area. Timber cladding is proposed as a feature on the walls, which is agreeable since it exists nearby on other buildings. The arrangement here does emphasise the suburban character of the building, however, and does not overcome concerns over the massing of the building (as noted above). A brick basecourse is proposed, whereas an artificial stone or smooth render finish would be recommended. Conditions would be recommended to require samples of the finishes and agreement on the colour of garage doors.

Levels

The site plan includes levels, but there is no clear distinction between existing and proposed levels. The site is generally flat, so this should not be an issue, though a condition would be appropriate to secure a scheme of levels that more clearly demonstrates what is proposed.

Boundaries

The site has hedging and fencing to boundaries. Normal Permitted Development rights would apply to fencing (i.e. 1m on the road side, and 2m behind the house). There is no strong reason to require any additional

controls on these aspects.

Neighbouring amenity

By my estimation, most neighbours will be unaffected in terms of privacy, sunlight, daylight or outlook loss. However, I queried the potential for side windows impacting on the privacy of the eastern neighbour (Whistlefield). The applicant has removed windows from that elevation (which has not helped the overall design, it should be said). A first floor library window will still overlook the neighbour's nearby rooflight. However, that neighbour has written in support of the application, and specifically refers to the library window.

The proposal will also affect the daylight of the same neighbour's facing windows and closest rooflight. The applicant has set the house back by 1 metre in response to this, but this will not overcome the issue. Again, however, the fact that the affected neighbour has written in support of the application must be noted.

While, the neighbour's support for the proposal is without explanation, and weight that could be applied to it must be reduced as a result, it is also unclear to me what type of accommodation the affected windows and rooflight relate to. Ultimately, I cannot establish there is a risk to residential amenity such that the proposal would lead to conflict with Policies G7 or H2, albeit I expect Whistlefield will have its amenity undermined to some extent.

REASON FOR DECISION :

The principle of a dwellinghouse on this site will accord with the Consolidated Local Plan 2011, subject to compliance with a schedule of conditions and conclusion of a legal agreement on developer contributions. However, the building's overall form and massing, whereby the plan depth results in a low eave, top heavy and visually dominant roof, would not account for the Council's Placemaking and Design Guidance 2010. Though the context of modern houses in this particular location provides some justification for the character of proposed house, it is not considered that this is sufficient to overcome concerns regarding the form and massing of the proposal. The development will fail Policies G1 and G7 of the Consolidated Local Plan 2011 as a result of the form and massing of the proposal and will lead to visual harm to the amenity of the surrounding area.

In addition, the development may lead to damage to mature trees which it is desirable to retain as complementary features to the development. The application does not demonstrate that trees can be protected in a manner consistent with BS5837:12. This conflicts with Policy NE4 of the Consolidated Local Plan 2011.

Recommendation: Refused

- 1 The development will conflict with Policies G1 and G7 of the Consolidated Local Plan 2011 because the proposed dwellinghouse is not of a design quality that complies with the Council's Supplementary Planning Guidance "Placemaking and Design" 2010. The proportions of roof to wall, plan depth and overall footprint and profile all combine to produce an inappropriate form and massing which amount to an unacceptable overall design. The development will also contribute negatively to the visual amenity of the surrounding area as a result.
- 2 The development will conflict with Policy NE4 of the Consolidated Local Plan 2011 in that the development may lead to loss of mature trees that have public amenity value, and the application contains insufficient information to demonstrate that this will not be the case. The potential loss of the trees will harm the visual amenity of the surrounding area

PAUL AND SHARLANE BURNS

DATE: 07/03/2016

18 WEAVERS LINN

TWEEDBANK

GALASHIELS

TD1 3SX

PHONE: [REDACTED]

DEAR LOCAL REVIEW BODY

My name is Paul Robert Burns and My wife's name is Sharlane Grace Burns. We are writing this letter of appeal after the refusal of our house plans for a new house at Lye Road in Darnick Planning Ref 15/0141/F3. We have had a couple of issues leading to our plans being denied approval that we think are not correct especially when we see what other buildings have been built in and around Darnick.

Before we go into detail about these issues I would like to say that before my wife and I purchased this plot of land in Darnick we had spent a good number of weeks looking at what other properties had been built in Darnick, roof designs, dormer designs, sizes of houses and what different house styles had been built there just so we thought we knew what kind of styles we would be allowed to use in this area. We were also following a planning application from a plot of ground next door to us which was looking to build 8 houses to see what kind of style and size they were being allowed to build. Planning Ref 15/01016/F3

SO UPON TAKING IN ALL THIS INFORMATION WE FELT THAT THIS PLOT WOULD BE GOOD FOR US AND SUIT OUR NEEDS TO BUILD A SUITABLE SIZED FAMILY HOME FOR US AND OUR TWO CHILDREN. I WOULD ALSO LIKE TO POINT OUT A PARTICULAR HOUSE IN ABBOTSFORD TERRACE WHICH WE BELIEVE TO BE IN THE CONSERVATION AREA THAT HAS A VERY DIFFERENT DESIGN TO ANY OTHERS BUILT IN DARTMOUTH ~~PERIOD~~ WHICH WE REALLY LIKE SO THIS GAVE US HOPE FOR A CHOICE OF DESIGN CONSIDERING WE ARE NOT IN THE CONSERVATION AREA.

POINTS OF RECOMMENDATION

(NO2)

FROM COUNCIL

(THE DEVELOPEMENT WILL CONFLICT WITH POLICY NEM4 OF THE CONSOLIDATED LOCAL PLAN 2011 IN THAT THE DEVELOPEMENT MAY LEAD TO LOSS OF MATURE TREES THAT HAVE PUBLIC AMENITY VALUE, AND THE APPLICATION CONTAINS INSUFFICIENT INFORMATION TO DEMONSTRATE THAT THIS WILL NOT BE THE CASE. THE POTENTIAL LOSS OF THE TREES WILL HARM THE VISUAL AMENITY OF THE SURROUNDING AREA.)

WE BELIEVE THAT THERE WILL BE NO HARM OF ANY MAJOR TREES AS THIS IS ONE OF THE REASONS WE LIKED THIS PLOT OF LAND BECAUSE OF HOW MATURE IT IS WITH ITS FULL HEDGED BOUNDARY AND LARGE TREES

(PICTURE 2) AT THE FRONT, ALTHOUGH THERE IS ONE BIRCH TREE IN PARTICULAR THAT WE BELIEVE TO BE UNSAFE WITH ITS ODDLY SHAPED TRUNK AT THE BOTTOM MEANING IT IS LEANING DANGEROUSLY TO ONE SIDE SO THIS TREE MAY HAVE TO BE TAKEN DOWN PURELY FOR SAFETY BUT IF THAT WAS THE CASE WE WOULD REPLANT A COUPLE MORE IN ITS PLACE. ALL THIS WORK WOULD BE CARRIED OUT BY A TREE SURGEON. ALSO THE OTHER TREES CALCULATE TO BE FAR ENOUGH

AWAY FROM THE PROPOSED BUILDING WORKS AND IF ANY ROOTS WERE UNEARTHED THEN HAND DIGGING WOULD TAKE PLACE.

(NO 1) (THE DEVELOPEMENT WILL CONFLICT WITH POLICIES G1 AND G7 OF THE CONSOLIDATED LOCAL PLANS 2011 BECAUSE THE PROPOSED DWELLINGHOUSE IS NOT OF A DESIGN QUALITY THAT COMPLIES WITH THE COUNCIL'S SUPPLEMENTARY PLANNING GUIDANCE "PLACEMAKING AND DESIGN" 2010. THE PROPORTIONS OF ROOF TO WALL, PLAN DEPTH AND OVERALL FOOTPRINT AND PROFILE ALL COMBINE TO PRODUCE AN INAPPROPRIATE FORM AND MASSING WHICH AMOUNT TO AN UNACCEPTABLE OVERALL DESIGN. THE DEVELOPEMENT WILL ALSO CONTRIBUTE NEGATIVELY TO THE VISUAL AMENITY OF THE SURROUNDING AREA AS A RESULT.)

THE PLANNERS DECISION FOR REFUSAL DOWN TO THE OVERALL FORM AND MASS OF THE BUILDING IS SOMETHING THAT BEMUSES US CONSIDERING THE PLANNING APPROVAL OF HOUSES SIMILAR IN SIZE ON THE PLOT NEXT TO US AS MENTIONED BEFORE PLANNING REF IS/01016/PUL HOUSETYPE C 5 BEDROOM STORY AND $\frac{3}{4}$, WE BELIEVE THAT THIS HOUSE IS ABOUT 900mm HIGHER THAN OURS AND ABOUT 400mm WIDER THAN OURS, IT IS ALSO A STORY AND $\frac{3}{4}$ MAKING IT BIGGER ALL AROUND MAKING IT SEEM BIGGER AND BULKIER THAN OURS. (JUST TO NOTE WE DON'T HAVE A PROBLEM WITH THESE HOUSES)

SEE ELEVATIONS

THINKING BACK TO OUR MEETING WITH THE PLANNING THE OFFICER RECOMMENDED THIS STYLE TO US BUT WE FEEL THIS STYLE WOULD LOOK BIGGER AND BULKIER IN OUR PLOT AND BE MORE OVERGARKING THAN OURS.

THE PLANNING OFFICER WAS ALSO WORRIED ABOUT THE AMOUNT OF LIGHT GETTING BLOCKED TO OUR NEIGHBOUR NEXT DOOR AND WE FEEL A HOUSE WITH THE STORY AND $\frac{3}{4}$ WOULD BLOCK OUT A LOT MORE LIGHT THAN OUR STORY AND $\frac{1}{2}$ WHICH WILL SIT NEATER IN THAT PLOT AND LESS BULKY. ALTHOUGH OUR HOUSE DESIGN IS A FEW METRES DEEPER THAN THE ONES BEING BUILT NEXT DOOR WE THINK IT CAN EASY TAKE IT BECAUSE WE HAVE A PLOT OVER 60M DEEP, AS YOU CAN SEE ON THE PLAN THE HOUSE TO GARDEN RATIO LOOKS PERFECT.

THE PLANNING POINTS OUT (A RATHER OVERHANGING FRONT OFFSHOOT) WHICH IS THE ENTRANCE TO THE HOUSE WITH THE LIBRARY ABOVE, AT THIS POINT I WOULD LIKE TO STATE THAT THIS IS THE FIRST TIME THIS HAS BEEN PINPOINTED TO US. THE WINDOW IN THE EAST ELEVATION OF THIS OFFSHOOT HAS BEEN MENTIONED BEFORE AND WE HAVE A LETTER FROM OUR NEIGHBOUR STATING THAT THE WINDOW OR THE REST OF THE BUILDING ISNT A PROBLEM TO THEM. BUT IT HAS NEVER BEEN MENTIONED TO REDUCE THIS IN SIZE OR ANY OTHER PROPOSAL SO WE FIND IT STRANGE THAT IT HAS BECOME AN ISSUE IN THE FINAL DECISION.

IT HAS ALSO BEEN MENTIONED THAT THE BUILDING LOOKS TOP HEAVY WHICH WE THINK IS WRONG. WE THINK THAT IF IT WAS JUST A PLAIN ROOF THEN IT MIGHT LOOK TOP HEAVY BUT WITH THE DORMERS AND OUT-SHOT AT THE FRONT TAKES THAT LOOK AWAY. SO IT IS NOT MUCH DIFFERENT TO MOST OTHER STORY AND $\frac{1}{2}$ DESIGNS. WE WOULD ALSO LIKE TO MENTION THE GARAGE DORMER WHICH WE WOULD LIKE TO SEE SITTING BELOW THE MAIN

SEE GANGE DRAWINGS LOOK TO GIVE IT A BETTER LOOK BUT WE DONT DO IT THIS WAY IT IS BECAUSE WE THOUGHT THAT IS WHAT THE PLANNERS WERE LOOKING FOR BUT IT CAN BE EASILY CHANGED.

IT ALSO STATES THAT THE (DEVELOPEMENT SHOULD HAVE A SENSE OF PLACE AND DESIGNED IN SYMPATHY WITH THE BORDERS ARCHITECTURAL STYLE AND BE OF APPROPRIATE MASSING) BUT AFTER SPEAKING TO THE PLANNING OFFICER HE ALSO RECOMMENDED THAT WE WOULD BE ALLOWED TO PUT A DESIGN IN THIS PLOT THAT IS SUPER MODERN AND CONTEMPORARY WHICH TO US DOES NOT BACK UP THAT STATEMENT SO TO US THAT SOUNDS LIKE YOU CAN BUILD SOMETHING TOTALLY DIFFERENT TO WHATS AROUND BUT NOTHING IN BETWEEN WHICH JUST DOESNT SEEM RIGHT, WHAT WE HAVE DONE IS KEEP THE HOUSE TRADITIONAL IN STYLE WITH A FEW MODERN FEATURES WHICH I THINK COMPLIMENT THE AREA VERY WELL

IN A FINAL STATEMENT WE WOULD JUST LIKE TO SAY WE CANT BELIEVE HOW HARD IT IS TO GET PLANNING PERMISSION FOR A NEW BUILD HOUSE, WE HAVE CHANGED A LOT OF DETAILS ON THE PLAN TO TRY AND ACCOMMODATE THE PLANNERS RECOMMENDATIONS BUT THERE ARE A FEW THINGS WE FELT WE COULDN'T CHANGE BECAUSE THEN THE HOUSE WOULDN'T SUIT OUR NEEDS, AND WE THINK WITH THE COST OF PLANNING AND CONTRIBUTION FEES OF £10,000 WE WOULD LIKE TO THINK YOU CAN HAVE A SMALL SAY IN WHAT YOU WOULD LIKE TO BUILD RATHER THAN BUILDING A HOUSE THAT SOMEBODY ELSE IS IN THEORY DESIGNING FOR YOU.

After living in the Borders for most of our life we know how hard it is to find a plot of land this size and flat in such a great location and we feel this house design will appeal to a lot of people with its open plan living and large rooms which I believe many people are looking for in the Borders especially with a lot of new families moving here from Edinburgh we need to offer all types of living styles

Yours sincerely



Photo ①

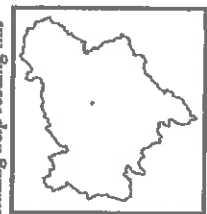


Scottish Borders Council
 Conservation Area March 2012
Darnick
 Scale 1:4,000

- Key
-  Conservation Area Boundary
 -  Development Boundary

House Plot
 SHADED GREEN
 IN THE CONSERVATION
 AREA

For further information, including help reading this document, please contact



Plans and Research Team
 Planning and
 Economic Development
 Council Headquarters
 Newtown St Bowells
 Melrose TD6 0SA

Tel: 01835 826511
 Email: localplan@scotborders.gov.uk

Disclaimer: Scottish Borders Council uses spatial information from a range of sources to produce the mapping contained within this document. The mapping is for illustrative purposes only. The original source should be consulted to confirm information.

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THIS IS A PICTURE OF THE TREE IN QUESTION
FOR BEING UNSAFE AND POSSIBLY NEEDING CUT DOWN



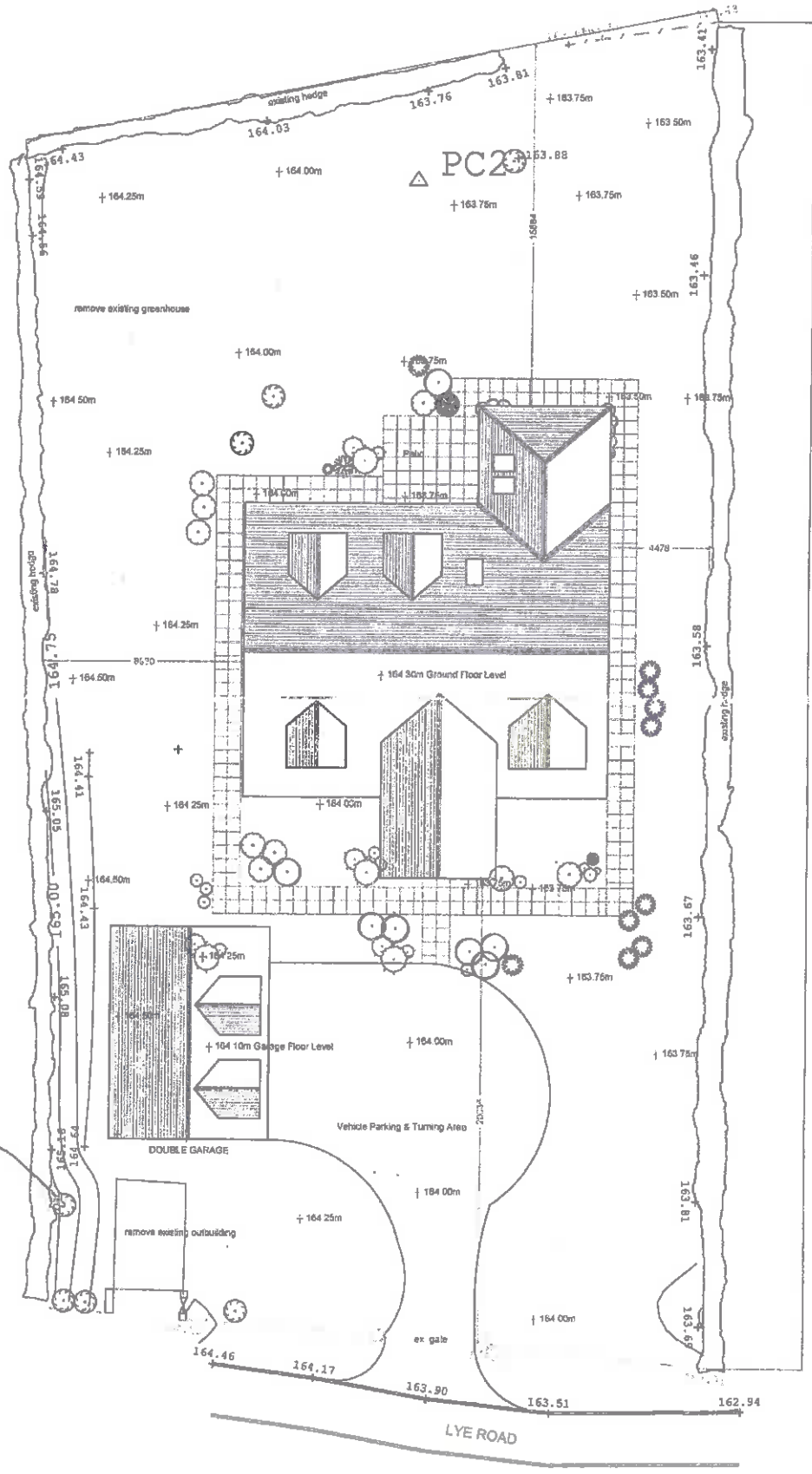
03 Feb 2016

PROPOSED DWELLING HOUSE
LYE ROAD
DARNICK, TD6 9AT
for:- Mr & Mrs P Burns
date:- December 2015
SITE LAYOUT PLAN

Scottish Borders Council
Environment &
Infrastructure

08 FEB 2016

Town & Country Planning (Scotland) Act
REFUSED



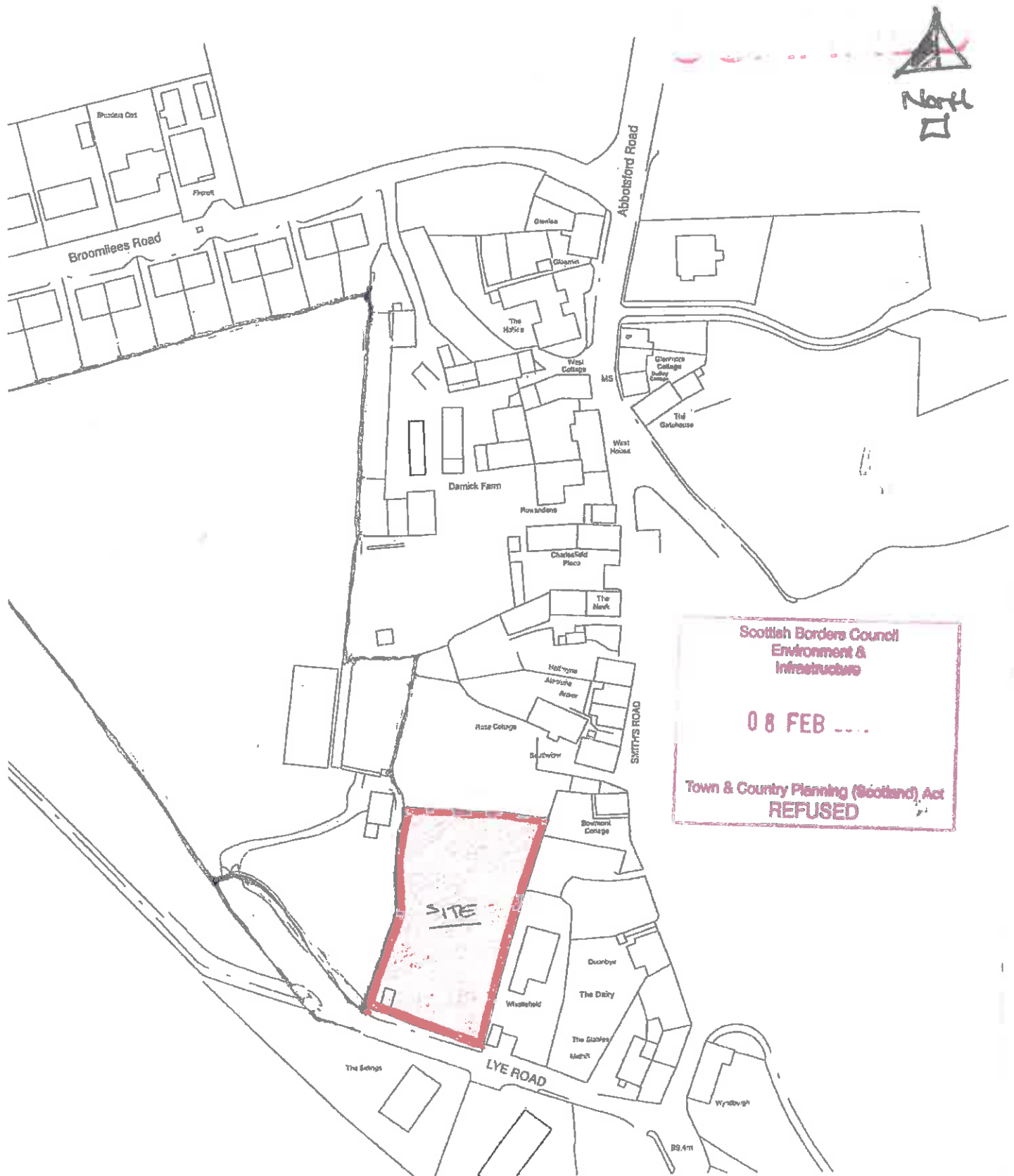
BEECH TREES
IN QUESTION



scale 1 : 200

13/01/2015 FUL
RECEIVED 09 DEC 2015

• SITE REFERRED TO IN APPLICATION
OUTLINED RED.



Scottish Borders Council
Environment &
Infrastructure

08 FEB

Town & Country Planning (Scotland) Act
REFUSED

PROPOSED DWELING HOUSE
AND DOUBLE GARAGE
LYE ROAD, DARNICK, TD6 9AT
for:- Mr + Mrs. P. Burns
DEC. 2015.

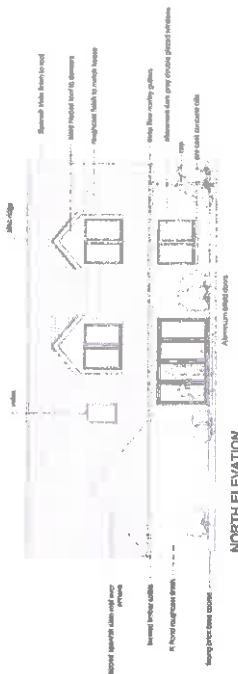
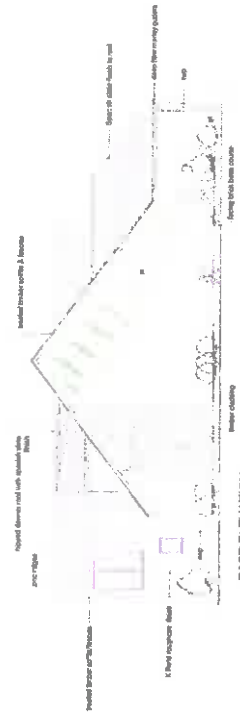
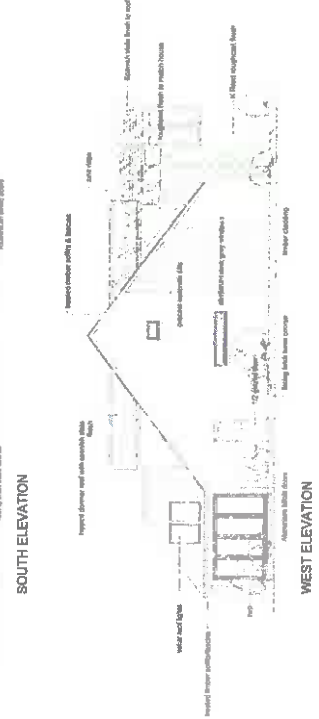
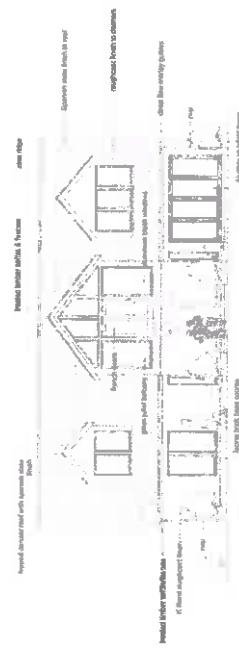
Architectural Services
 018 FEE
 Terms & Conditions (Downloaded At)

Plot NEXT
 TO US
 700m High
 10m to 100m

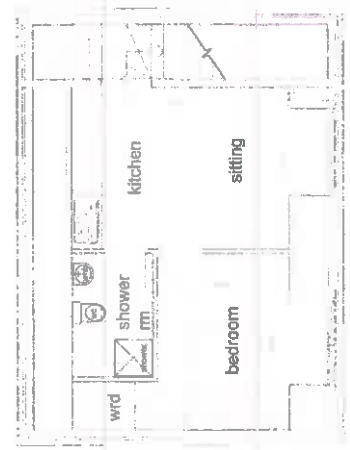
Plot NEXT
 TO US
 same customer
 people from the road

Plot NEXT
 TO US
 similar looking
 GARDEN

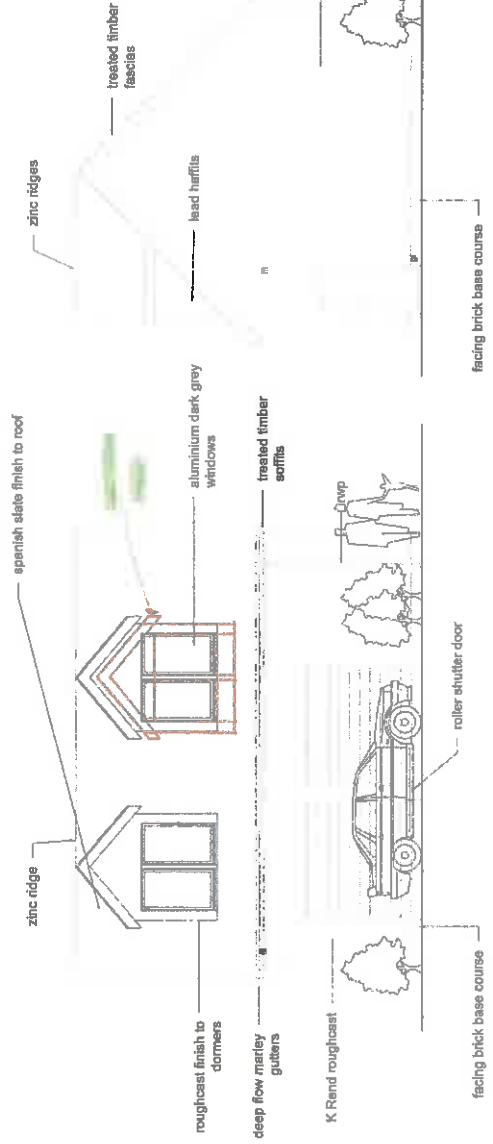
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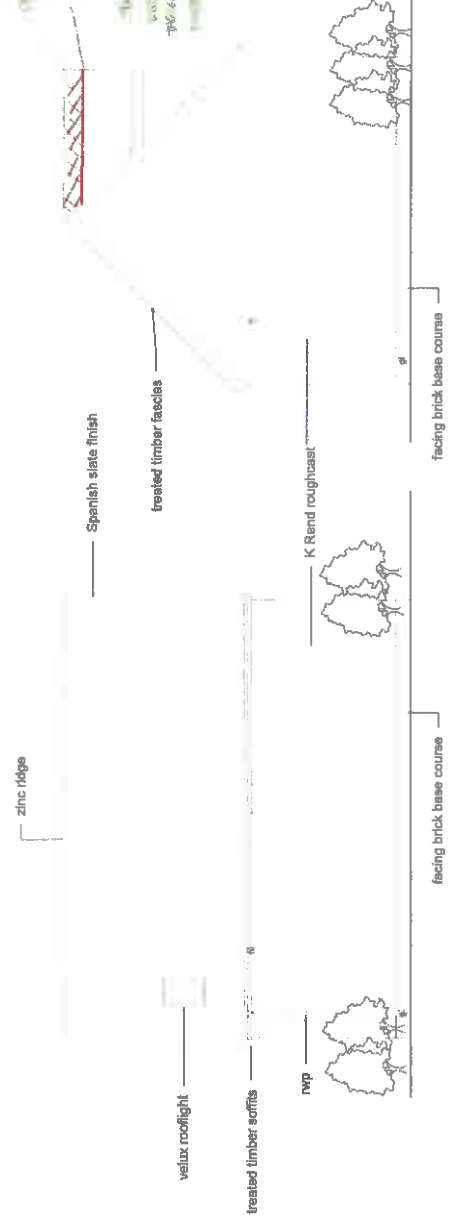
PROPOSED DWELLINGHOUSE
 LYE ROAD
 DARNICK
 MELROSE
 TD6 9AT
 for: Mr & Mrs P Burns
 date: January 2016
 scale: 1:100
FLOOR PLANS & ELEVATIONS



FIRST FLOOR PLAN



GROUND FLOOR PLAN



PROPOSED DOUBLE GARAGE
 LYE ROAD
 DARNICK
 MELROSE
 TD6 9AT
 for :- Mr & Mrs P Burns
 date:- December 2015
 scale :- 1 : 100
 FLOOR PLANS & ELEVATIONS

From: Robin Chisholm [REDACTED]
Sent: 24 December 2015 11:17
To: DCConsultees
Subject: Comments from Melrose & District Community Council

Good Morning

Application Ref 15/01491/FUL
24/12/15
Land West of Whistlefield Darnick
Erection of Dwellinghouse and detached garage/annex

No Comments

Regards
Robin Chisholm for Melrose & District Community Council

Registered in Edinburgh, UK.
Registered Office:

The Weaving Shed,
Ettrick Mill,
Dunsdale Road,
Selkirk
TD7 5EB

[REDACTED]

Registered with Co-operative and Community Benefit Society 1757R
(S). Scottish Charity Number: SCO 15026.
The Scottish Housing Regulator HEP107. VAT Reg No. 898 5372 54

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REGULATORY SERVICES



To: **Development Management Service**
FAO Carlos Clarke

Date: **22/12/15**

From: **Roads Planning Service**
Contact: **Dalton Redpath**

Ext: **5517**

Ref: **15/01491/FUL**

**Subject: Erection of dwellinghouse and detached garage/annex
Land West of Whistefield Darnick**

I have no objections in principle to the above proposal.

However I do have a few mainly minor roads concerns. Lye Road is generally single track in nature and the surfacing on the road does show signs of some deterioration. Furthermore the junction between Lye Road and Smith's Road is slightly awkward in shape, and the visibility is not ideal in either direction, though traffic speeds are very low.

While I have some concerns, they are not significant enough for me to object to this proposal. There will be a requirement of parking for a minimum of 2 vehicles, excluding any garages, along with turning to be provided within the curtilage of the site. The initial 2.0m of the private driveway from Lye Road into the site will require to be constructed to my specification detailed below.

Specification- 75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.

JAF

PLANNING CONSULTATION

On behalf of: Director of Education & Lifelong Learning

From: Head of Property & Facilities Management
Contact: Marc Bedwell, ext 5242

To: Head of Planning & Building Standards
Contact: Carlos Clarke ☎ 01835 826735

Date: 09 March 2016
Ref: 15/01491/FUL

PLANNING CONSULTATION

Name of Applicant: Mr And Mrs P Burns

Agent: N/A

Nature of Proposal: Erection of dwellinghouse and detached garage/annex

Site: Land West Of Whistlefield Darnick Scottish Borders

OBSERVATIONS ON BEHALF OF: Director of Education & Lifelong Learning

CONSULTATION REPLY

I refer to your request for Education's view on the impact of this proposed development, which is located within the catchment area for Melrose Primary School and Earlston High School.

A contribution of £3209 is sought for the Primary School and £4512 for the High School making a total contribution of £7721.

The new Earlston High School replaces a previous building that was under severe capacity pressure and with facilities unsuitable for further expansion. Following consultation, the decision was made to replace it and two others in the Borders under the 3 High Schools project with the three new modern schools opened on time for the 2009-10 academic years. Developer contributions for Berwickshire, Earlston and Eyemouth high schools will apply in their respective catchment areas, supplementing Scottish Borders Council's investment in the new facilities.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index – therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2016.

If you require any further information, please do not hesitate to contact me.

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 14th December 2015

Contact: Carlos Clarke ☎ 01835 826735

Ref: 15/01491/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 4th January 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 4th January 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Mr And Mrs P Burns

Agent: N/A

Nature of Proposal: Erection of dwellinghouse and detached garage/annex
Site: Land West Of Whistlefield Darnick Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

Thank you for requesting an archaeology consultation. There are archaeological implications for this proposal.

The development area coincides with the Inventory Battlefield for the Battle of Darnick, a skirmish fought between Borders' loyalists to the teenage James V and his protectors. James V was held in a tower in Darnick during the battle. The battle was mostly fought on horse and therefore likely ranged over a wide area. The exact core of the battlefield is unknown, but is likely to have been at Skirmish Field and around the Waverley Castle Hotel which sites atop Skirmish Hill. That said, the likely line of retreat is somewhere in the vicinity of the development area.

I note that Historic Environment Scotland have not objected to this application. In line with national guidance and policy EP8, I therefore recommend that the total development area undergoes a battlefield survey by a suitably qualified archaeological contractor..

If the Council is minded to approve this application, I recommend the following condition:

Archaeology: Developer Funded Battlefield Survey

No development shall take place until the applicant has secured and implemented a programme of archaeological work and reporting in accordance with a **Written Scheme of Investigation (WSI)** outlining an **Archaeological Battlefield Survey**. The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority.
- The developer shall allow sufficient time in advance of development for all archaeological works to be conducted to the satisfaction and written approval of the Planning Authority.

*Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA
Customer Services: 0300 100 1800 www.scotborders.gov.uk*

- The developer shall allow the archaeologist(s) access to all areas where development is to be undertaken.
- Results will be submitted prior to development to the Planning Authority for review and agreement in writing in the form of a **Battlefield Survey Report**.
- In the event that the report highlights areas of archaeological potential these will require further targeted evaluation prior to development.
- If significant archaeology is identified by the contracted archaeologists and in agreement with the Planning Authority, a further scheme of mitigation subject to an amended WSI shall be implemented.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, battlefield remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

Historic Environment Scotland Àrainneachd Eachdraidheil Alba

Sent by e-mail: dcconsultees@scotborders.gov.uk

Planning and Economic Development
Scottish Borders Council
Council Headquarters
NEWTOWN ST. BOSWELLS
Melrose
TD6 0SA

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8688
Switchboard: 0131 668 8600
Hazel.Johnson@gov.scot

Our ref: AMI/5/35/1
Our Case ID: 201505915
Your ref: 15/01491/FUL

23 December 2015

Dear Sirs

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
Land West Of Whistlefield, Darnick, Scottish Borders - Erection of dwellinghouse and detached garage/annex

Thank you for your consultation which we received on 14 December.

You have consulted us because you believe the development may affect:

- Battle of Darnick Inventory Battlefield Site

Historic Environment Scotland does **not object** to this application and we **do not** have any comments to make on the proposals. You may also wish to seek information and advice on matters including impacts on unscheduled archaeology and category B and C listed buildings from your local authority's archaeology and conservation services if you have not already done so.

Note

Historic Environment Scotland has a national remit for the Historic Environment, and as such does not provide detailed comments on every application. We consider consultations in national terms, and will decide whether to provide detailed advice depending on the scale, nature or complexity of the proposals.

A decision not to provide detailed comments or not to object should not be taken as support for the proposals by Historic Environment Scotland, and the application should be assessed as normal by your Council against local and national policy and guidance on the Historic Environment.

Detailed guidance on the application of National policy is set out in our 'Managing Change in the Historic Environment' series available online at <http://www.historic->

Historic Environment Scotland Àrainneachd Eachdraidheil Alba

scotland.gov.uk/managingchange. Technical advice is available through our Technical Conservation website at <http://conservation.historic-scotland.gov.uk/> .

Yours faithfully

HAZEL JOHNSON
Heritage Management Officer

SCANNED

Phone: [REDACTED]

"Endolynne",
Lye Road,
Darnick

IAN AIKMAN, R RAMSKIR

CHIEF PLANNING OFFICER,
SCOTTISH BORDERS COUNCIL

Melrose, TD6 9AT

ENVIRONMENT & INFRASTRUCTURE 1. 2016

CC

- 6 JAN 2016

To: _____
Ackn: _____
File: _____
Comments: _____
Ref No: _____

Dear Sir,

Thank you for your information of planning application

We have no objections.

However could I remind you that when our site was developed in 1990, the builder, Templetons of Galashiels first submitted plans for 3 dwellings. They were told that this would only be granted if they made up Lye Road with footpath and street lighting, but if only 2 dwellings were built these conditions would not apply, so only 2 bungalows were built.

As this planning application is for a third house, do these conditions still hold force? If so that would be very welcome to us.

Yours faithfully

[REDACTED]

R.E.J. RAMSKIR

Tel No [REDACTED]
Ref. Drawing dated Jan 2016.

Whistlefield,
Lye Road,
Darnick,
Melrose
TD6 9AT
03.02.2016

Carlos Clark esq.,
Planning Repr.
Newtown St. Bowells
Roxburgh.

Dear Sir/Madam,

Paul Burns has requested that I
send a letter to you regarding the above Plans.

I received notification as did other
neighbours.

I have deliberately not acted on
these as I have no objections whatsoever
to his Plans.

This morning Paul has shown

use the detailed layout. I reiterate that I am more than happy to go along with them. I refer especially to the library window as I believe there might be an issue regarding this.

I have asked Paul to deliver this letter to you.

Yours faithfully,

A solid black rectangular redaction box covering the signature area.

List of Policies

Local Review Reference: 16/00006/RFEF

Planning Application Reference: 15/01491/FUL

Development Proposal: Erection of dwellinghouse and detached garage / annex

Location: Land west of Whistlefield, Darnick

Applicant: Mr & Mrs P Burns

SESPLAN 2013:

None applicable

Consolidated Scottish Borders Local Plan 2011

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport

- connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
 11. it provides for recycling, re-using and composting waste where appropriate,
 12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
 13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
 14. it incorporates, where required, access for those with mobility difficulties,
 15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

POLICY G2 - CONTAMINATED LAND

Where development is proposed on land that is contaminated, or suspected of contamination, the developer will be required to:

1. Carry out any necessary site investigations and assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of controlled waters that arise from the proposals;
2. consult with relevant agencies as part of their assessment, in particular the Scottish Environment Protection Agency in relation to impact on controlled waters and Scottish Natural Heritage and other relevant agencies in relation to other environmental risks; and
3. undertake effective remedial action to ensure the site is made suitable for any new use, in scale with planning permission given for that particular use.

POLICY G5 – DEVELOPER CONTRIBUTIONS

Where a site is otherwise acceptable but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or part contribution through S.75 or alternative Legal Agreements towards the cost of addressing such deficiencies.

Each application will be assessed to determine the appropriate level of contribution guided by: the requirements identified in the Council's Supplementary Planning Guidance on developer contributions; planning or development briefs; outputs from community or agency liaison; information in settlement profiles; other research and studies such as Transport Assessments; the cumulative impact of development in a locality; provisions of Circular 12/96 in respect of the relationship of the contribution in scale and kind to the development. Contributions will be required at the time that they become necessary to ensure timely provision of the improvement in question. The Council will pursue a pragmatic approach, taking account of the importance in securing necessary developments, and exceptional development costs that may arise. Contributions are intended to address matters resulting from new proposals,

not existing deficiencies. In general, the Council does not intend to require contributions arising from the needs of affordable housing. Contributions towards maintenance will generally be commuted payments covering a 10 year period.

Contributions may be required for one or more of the following:

1. Treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
2. Provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
3. Off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways and other access routes, subsidy to public transport operators; all in accordance with the Council's standards and the provisions of any Green Travel Plan;
4. Leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
5. Landscape, open space, trees and woodlands, including costs of future management and maintenance;
6. Protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
7. Provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; and provision of street furniture.

POLICY G6 – DEVELOPER CONTRIBUTIONS RELATED TO RAILWAY REINSTATEMENT

In accordance with the provisions of the Waverley Railway (Scotland) Act 2006, the Council will seek developer contributions towards the cost of providing the Waverley rail link from any developments that may be considered to benefit from, or be enhanced by, the re-instatement of the rail link. The postcodes affected and level of contribution sought will be in accordance with the Council decision of 5 October 2004 or from any subsequent Council decision during the Local Plan period.

POLICY G7 – INFILL DEVELOPMENT

Within Development Boundaries, as shown on Proposals Maps, development on non-allocated, infill or windfall, sites, including the re-use of buildings, will be approved if:

1. in the case of a gap site, it can be justified under Policies BE6 (Protection of Open Space), Policy NE3 (Local Biodiversity) and Policy Inf11 (Developments that Generate Travel Demand);
2. in the case of employment land the proposed new use can be justified under Policy ED1 to prevent the loss of employment land with prospects of future use;
3. in the case of garden ground or backland sites, it can be justified under Policy H2 to safeguard the amenity of residential areas;

In all cases, the following criteria will apply to proposed infill development:-

- i) where relevant, it does not conflict with the established land use of the area; and
- ii) it does not detract from the character and amenity of the surrounding area; and
- iii) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- iv) it respects the scale, form, design, materials and density of its surroundings; and
- v) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- vi) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design.

POLICY BE2 - ARCHAEOLOGICAL SITES and ANCIENT MONUMENTS

Where development proposals impact on a Scheduled Ancient Monument, other nationally important sites not yet scheduled, or any other archaeological or historical site, developers will be required to carry out detailed investigations to ensure compliance with Structure Plan policies N14, N15 and N16.

Structure Plan Policy N14

Development proposals, which would destroy or adversely affect the appearance, fabric or setting of Scheduled Ancient Monuments or other nationally important sites not yet scheduled will not be permitted unless:

- (i) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site,*
- (ii) there are no reasonable alternative means of meeting that development need, and*
- (iii) the proposal includes a mitigation strategy acceptable to the Council.*

Structure Plan Policy N15

Development proposals which will adversely affect an archaeological site of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the archaeological value of the site or feature.

Structure Plan Policy N16

Where there is reasonable evidence of the existence of archaeological remains, but their nature and extent are unknown, the Council may require an Archaeological Evaluation to provide clarification of the potential impact of a development before a planning decision is reached. Where development is approved which would damage an archaeological site or feature, the Council will require that such development is carried out in accordance with a strategy designed to minimise the impact of development upon the archaeology and to ensure that a complete record is made of any remains which would otherwise be damaged by the development. Such a strategy might include some or all of the following:

- (i) the preservation of remains in situ and in an appropriate setting,*
- (ii) surface or geophysical survey,*
- (iii) archaeological excavation,*
- (iv) study of the excavated evidence and publication of the results.*

The preferred solution will be influenced by the value of the site in national, regional or local terms.

POLICY BE4 – CONSERVATION AREAS

1. Development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused.
2. All new development must be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.
3. Conservation Area consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:
 - i) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
 - ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character, and
 - iii) the proposal will preserve or enhance the Conservation area, either individually or as part of the townscape.In cases i) to iii) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.
4. Full consideration will be given to the guidance given in the Scottish Historic Environment Policy (SHEP) in the assessment of any application relating to development within a Conservation Area.
5. The Council may require applications for full, as opposed to outline, consent. In instances where outline applications are submitted, the Council will require a 'Design Statement' to be submitted at the same time, which should explain and illustrate the design principles and design concepts of the proposals. Design Statements will also be required for any applications for major alterations or

extensions, or for demolition and replacement.

POLICY NE3 - LOCAL BIODIVERSITY

1. The Council will seek to safeguard the integrity of habitats both within and outwith settlements which are of importance for the maintenance and enhancement of local biodiversity. The rationale and detail for this is set out in the Supplementary Planning Guidance for Biodiversity.
2. Where development is proposed on a site for which there is evidence to suggest that a habitat or species of importance exists, the developer may be required, at their own expense, to undertake a survey of the site's natural environment. Major developments, as defined by the categories of development identified in the Council's biannual Scottish Government Planning Application Returns, may require an Ecological Impact Assessment.
3. Development that could impact on local biodiversity through impacts on habitats and species should
 - i) Be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability,
 - ii) Aim to avoid the fragmentation or isolation of habitats,
 - iii) Aim to enhance the biodiversity value of the site through the creation or restoration of habitats and wildlife corridors and provision for their long term management and maintenance.
4. Development that would have an unacceptable adverse effect on habitats or species of Conservation Concern as identified in the regional listings in the Local Biodiversity Action Plan (LBAP) will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.
5. Where the reasons in favour of development clearly outweigh the desirability of retaining particular habitat features, mitigation measures aimed at ensuring no net loss of LBAP habitats will be sought, including the creation of new habitats or the enhancement of existing habitats, in accordance with Policy G5 Developer Contributions and the associated Supplementary Planning Guidance.

POLICY NE4 – TREES, WOODLANDS AND HEDGEROWS

The Council supports the maintenance and management of trees, woodlands, including ancient woodlands and ancient woodland pastures, and hedgerows, (hereafter referred to as the 'woodland resource') and requires developers to incorporate, wherever feasible, the existing woodland resource into their schemes.

1. Development that would cause the loss of, or serious damage to the woodland resource, will be refused unless the public benefits of the development at the local level clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. Decision making will be informed by the Scottish Borders Woodland Strategy, expert advice from external agencies, the existing condition of the woodland resource and BS5837: Trees in Relation to Construction;
2. The siting and design of the development should aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability;
3. Where there is an unavoidable loss of the woodland resource, appropriate replacement planting will normally be a condition of planning permission. In

some locations planning agreements will be sought to enhance the woodland resource;
Development proposals should demonstrate how the protection of the woodland resource will be carried out during construction, adopting British Standard 5837.

POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY Inf2 – PROTECTION OF ACCESS ROUTES

1. When determining planning applications and preparing development briefs and in accordance with the Scottish Borders Access Strategy, the Council will seek to uphold access rights by protecting existing access routes including: statutorily designated long distance routes; Rights of Way; walking paths; cycle ways; equestrian routes; waterways; identified Safe Routes to School and in due course, Core Paths.
2. Where development would have a significant adverse effect on the continued access to or enjoyment of an access route or asserted Right of Way, alternative access provision will be sought at the developer's cost either by diverting the route or incorporating it into the proposed development in a way that is no less attractive and is safe and convenient for public use. Unless such appropriate provision can be made, the development will be refused.

POLICY INF6 – SUSTAINABLE URBAN DRAINAGE

1. Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on Sustainable Urban Drainage Systems (SUDS) to the satisfaction of the Council, Scottish Environment Protection Agency, Scottish Natural Heritage and other interested parties.
2. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses.

3. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

POLICY INF5 – WASTE WATER TREATMENT STANDARDS

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

1. direct connection to the public sewerage system, including pumping if necessary, or failing that:
2. negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
3. agreement with Scottish Water to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
4. for development in the countryside i.e. not within or immediately adjacent to publicly seweraged areas, the use of private sewerage providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private septic tank will normally be refused unless exceptional circumstances prevail and the conditions in criterion 4 can be satisfied,

Development will be refused if:

5. it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
6. it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

POLICY INF4 – PARKING PROVISIONS AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

Proposed Local Development Plan 2016 (incorporating Reporter's changes accepted by Scottish Borders Council)

Policy PMD2: Quality Standards

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,

- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

Policy PMD5: Infill Development

Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on proposal maps will be approved where the following criteria are satisfied:

- a) where relevant, it does not conflict with the established land use of the area; and
- b) it does not detract from the character and amenity of the surrounding area; and
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- d) it respects the scale, form, design, materials and density in context of its surroundings; and
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.

Policy HD3 – Protection of Residential Amenity

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:

- (i) the scale, form and type of development in terms of its fit within a residential area,
- (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
- (iii) the generation of traffic or noise,
- (iv) the level of visual impact.

Policy IS2: Developer Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies.

Contributions may be required for one or more of the following:

- a) treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
- b) provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
- c) off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways, bridges and associated studies and other access routes, subsidy to public transport operators; all in accordance with the relevant standards and the provisions of any Travel Plan;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be considered. A planning obligation will only be necessary where successors in title need to be bound by its terms. Where appropriate, the council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments.

Policy IS3 - Developer Contributions related to the Borders Railway

In accordance with the provisions of the Waverley Railway (Scotland) Act 2006, the Council will seek developer contributions towards the cost of providing the Borders railway from any developments that may be considered to benefit from, or be enhanced by, the re-instatement of the rail link.

Policy IS5 – Protection of Access Routes

Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by the Council, can be provided by the developer.

Policy IS7 – Parking Provision and Standards

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

Policy IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage

Waste Water Treatment Standards

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
- c) agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private sewage treatment system will normally be refused unless exceptional circumstances prevail and the conditions in criteria d above can be satisfied,

Development will be refused if:

- a) it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
- b) it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

Sustainable Urban Drainage

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

Policy IS13: Contaminated Land

Where development is proposed on land that is contaminated, suspected of contamination, or unstable the developer will be required to:

- (a) carry out, in full consultation with, and to the satisfaction of Scottish Borders Council, appropriate phased site investigations and risk assessments; and
- (b) where necessary, and to the satisfaction of Scottish Borders Council design, implement, and validate appropriate remedial or mitigation measures to render the site suitable for its proposed use.

Policy EP3: Local Biodiversity

Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

Any development that could impact on local biodiversity through impacts on habitats and species should:

- a) aim to avoid fragmentation or isolation of habitats; and
- b) be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; and
- c) compensate to ensure no net loss of biodiversity through use of biodiversity offsets as appropriate; and
- d) aim to enhance the biodiversity value of the site, through use of an ecosystems approach, with the aim of creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance

Policy EP8: Archaeology

(A) National Archaeological Sites

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:

- a) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and
- b) there are no reasonable alternative means of meeting the development need.

(B) Battlefields

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

(C) Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

Policy EP9: Conservation Areas

The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.

The Council may require applications for full, as opposed to Planning Permission in Principle Consent.

Conservation Area Consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:

- a) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
- b) the structural condition of the building is such that it can not be adapted to accommodate alterations or extensions without material loss to its character, and
- c) the proposal will preserve or enhance the Conservation Area, either individually or as part of the townscape.

In cases a) to c) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.

Design Statements will be required for all applications for alterations, extensions, or for demolition and replacement which should explain and illustrate the design principles and design concepts of the proposals.

Policy EP13: Trees, Woodlands and Hedgerows

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource

Other Material Considerations

SBC Supplementary Planning Guidance on Privacy and Sunlight (Householder Developments) 2006

SBC Supplementary Planning Guidance – Placemaking and Design 2010

SBC Supplementary Planning Guidance – Trees and Development 2008

SBC Supplementary Planning Guidance – Development Contributions (updated and revised 2015)

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