

Public Document Pack



PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 28TH MARCH, 2016

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the SCOTTISH BORDERS COUNCIL, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS TD6 0SA on MONDAY, 28TH MARCH, 2016 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

21 March 2016

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	<p>Minute. (Pages 1 - 4)</p> <p>Minute of Meeting of 29 February 2016 to be approved and signed by the Chairman. (Copy attached.)</p>
5.	<p>Applications.</p> <p>Consider the following applications for planning permission:-</p>
	<p>(a) 14/00417/S36 - Long Park Wind Farm, Bow Farm, Stow (Pages 5 - 34) Erection of No. 7 wind turbines 100m-110m high to tip at Long Park Wind Farm, Bow Farm, Stow. (Copy attached.)</p>
	<p>(b) 15/01424/FUL and 16/00064/FUL - Plots 6 and 7 Land North East of Romanno House, Romanno Bridge (Pages 35 - 50) Erection of dwellinghouse with integral garage and erection of dwellinghouse with detached garage on Plots 6 and 7 Land North East of Romanno House, Romanno Bridge. (Copy attached.)</p>
	<p>(c) 16/00024/FUL - Land North West of Deanfoot Farmhouse, West Linton (Pages 51 - 60) Erection of wind turbine 28.8m high to tip (renewal and amendment to previous consent 12/00950/FUL) on Land North West of Deanfoot Farmhouse, West Linton. (Copy attached.)</p>
	<p>(d) 16/00021/PPP - Land East of 8 Talisman Place, Peebles (Pages 61 - 70) Erection of two dwellinghouses on Land East of 8 Talisman Place, Peebles. (Copy attached.)</p>

	(e) 16/00013/LBC and 16/00015/FUL - 149 High Street, Galashiels (Pages 71 - 76) Replacement Windows at 149 High Street, Galashiels. (Copy attached.)
6.	Appeals and Reviews. (Pages 77 - 80) Consider report by Service Director Regulatory Services. (Copy attached.)
7.	Any Other Items Previously Circulated.
8.	Any Other Items which the Chairman Decides are Urgent.
9.	Items Likely to be Taken in Private Before proceeding with the private business, the following motion should be approved:- “That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.”
10.	Minute (Pages 81 - 84) Private Minute of 29 February 2016 to be approved and signed by the Chairman. (Copy attached.)

NOTE

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

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

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

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

Please direct any enquiries to Fiona Henderson 01835 826502
fhenderson@scotborders.gov.uk

SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of MEETING of the
PLANNING AND BUILDING
STANDARDS COMMITTEE held in
the Council Headquarters, Newtown
St. Boswells on 29 February 2016 at
10.00 a.m.

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

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 1 February 2016.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS**

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

DECISION

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

3. **SUPPLEMENTAY GUIDANCE: GLENTRESS MASTERPLAN**

With reference to paragraph 2 of the Minute of 3 August 2015, there had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the Supplementary Guidance Glentress Masterplan as detailed in Appendix A of the report. The purpose of the Supplementary Guidance (SG) was to guide the future sustainable development of the Glentress forest visitor attraction located in the Tweed valley between Peebles and Innerleithen. The Masterplan presented a strategic context for this part of the valley and set out proposals for development to enhance the visitor attraction. The Masterplan included indicative proposals for an enhanced centre, a new site for cabins and parking and had been developed in partnership with Forest Enterprise Scotland. Ms Leona Wilkie, Forest Enterprise, Scotland was present and reported that there had been very good collaborative working, a good consultation process and the next steps would be to bring forward some small schemes.

- 3.1 The report brought forward the revised SG: Glentress Masterplan following public consultation. A summary of the consultation responses were set out in Appendix B to the report along with associated minor amendments and updates to the SG. The key changes to the finalised SG as a result of the public consultation related to additional wording in respect to landscape planting, ensuring an acceptable access was maintained in the event that development takes place 'out of phase', consideration of secure bike storage/parking, additional text in relation to flood risk, provision for a rendezvous point, and ensuring minimal potential for overlooking of neighbouring residential properties.

- 3.2 A new Local Development Plan was in the process of being adopted; and as a result the Glentress Masterplan would initially be Supplementary Planning Guidance in determination of planning applications. Once the Local Development Plan was adopted the Masterplan would be formal Supplementary Guidance and part of the Local Development Plan. The Chairman thanked the officers involved in the development of the Masterplan and noted the amendments which had been made as a result of the consultation process.

DECISION

- (a) **AGREED the Glentress Masterplan as Supplementary Guidance.**
- (b) **NOTED the updated Environmental Report and Updated Habitats Regulations Appraisal set out in Appendices D and E to the report.**
4. **DRAFT SUPPLEMENTARY PLANNING GUIDANCE: HENDERSYDE, KELSO**
There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the Supplementary Guidance: Hendersyde, Kelso detailed in Appendix A to the report to be used as a basis for public consultation for a 12 week period. The report explained that the site was allocated for housing within the Proposed Local Development Plan. The site requirements contained within the Plan stated a planning brief in the form of Supplementary Guidance would be prepared for the site. The Council had prepared the draft brief in order to lay down how the site could be developed, creating a development vision, identifying opportunities the site offered, addressing potential constraints, identifying required development contributions and encouraging good quality new development. The brief would provide guidance to any developer or any other interested party and would be a material consideration when determining planning applications. A new Local Development Plan was in the process of being adopted; as a result the Hendersyde Planning Brief would initially be Supplementary Planning Guidance. Once the Local Development Plan was adopted the Planning Brief would be formal Supplementary Guidance and part of the Local Development Plan.
- 4.1 The report further explained that the site at Hendersyde was located to the north east of Kelso within the settlement boundary adjacent to Hendersyde Park. The site was originally identified as part of a longer term housing site within the adopted Local Plan 2011 (SKELS002). Within the Proposed Local Development Plan 2013, the western part of the site which was the subject of the brief had been brought forward and allocated for housing as Hendersyde - Phase 1 (AKELS022). The site was a greenfield site and currently used as arable agricultural land. The site area was 5.4ha and had an indicative capacity of 120 units. It was intended that access to the site would be taken from the B6461 and the site would have a pedestrian link to Broomlands Primary School and Kelso town centre. Any response received during the 12 week public consultation would be considered in the finalisation of the brief. In response to a question the Forward Planning Manager advised that while it would be preferable to retain the existing stone wall it might need to be relocated to achieve the necessary road visibility.

DECISION

AGREED:-

- (a) **the Planning Brief as a basis for public consultation for a 12 week period, and that if there were any substantive comments then they should be reported back to the Committee; and**
- (b) **that if there were no substantive comments arising from the consultation that the brief be delegated for approval to the Service Director of Regulatory Services as Supplementary Guidance as part of the Local Development once the Local Development Plan had been adopted.**

5. **DRAFT SUPPLEMENTARY PLANNING GUIDANCE: EAST MAXTON, MAXTON MINI PLANNING BRIEF**

There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the Supplementary Guidance: East Maxton, Maxton Mini Planning Brief detailed in Appendix A to the report to be used as a basis for public consultation for a 12 week period. The report explained that the site was allocated for housing within the Proposed Local Development Plan. The site requirements contained within the Plan stated a planning brief in the form of Supplementary Guidance would be prepared for the site. The Council had prepared the draft brief in order to lay down how the site could be developed, creating a development vision, identifying opportunities the site offers, addressing potential constraints, identifying required development contributions and encouraging good quality new development. The brief would provide guidance to any developer or any other interested party and would be a material consideration when determining planning applications. A new Local Development Plan was in the process of being adopted; as a result the East Maxton mini planning brief would initially be Supplementary Planning Guidance. Once the Local Development Plan was adopted the Planning Brief would be formal Supplementary Guidance and part of the Local Development Plan. It was noted that the 30mph limit might require to be moved to reduce the speed of traffic from the Kelso direction.

**DECISION
AGREED**

- (a) **the mini planning brief as a basis for public consultation for a 12 week period, and that if there are any substantive comments then they should be reported back to this committee; and**
- (b) **that if there were no substantive comments arising from consultation that the brief should be delegated for approval to the Service Director of Regulatory Services as Supplementary Guidance as a part of the Local Development Plan, once the Local Development Plan had been adopted.**

6. **APPEALS AND REVIEWS.**

With reference to paragraph 3.1 of the Minute of 1 February 2016, the Chairman thanked the Development Standards Manager for the briefing note, which had been circulated to all members of the Planning and Building Standards Committee and detailed the position in respect of all wind farm applications and potential applications. The briefing had been very informative and the Chairman requested such an update on a six monthly basis, highlighting any changes. There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

**DECISION
NOTED that:-**

- (a) **a review request had been received in respect of the Installation of the siting of caravan for permanent residence (retrospective) on Land South of Camphouse Farmhouse, Camptown, Jedburgh – 15/00769/FUL;**
- (b) **the Local Review upheld the Appointed Officers decision to refuse the Erection of a dwellinghouse on Land West of Craigerne Coachhouse, Edderston Road, Peebles – 15/01034/FUL**
- (c) **there remained three appeals outstanding in respect of:**
 - **Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge**
 - **Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick**

- Land North of Upper Stewarton, (Kilrubic Wind Farm Development), Eddleston, Peebles
- (d) There remained 3 Section 36 Appeals Outstanding in respect of:
- Land North of Nether Monynut Cottage (Aikengall (IIa)), Cockburnspath
 - Cloich Forest Wind Farm, Land West of Whitelaw Burn, Eddleston
 - (Whitelaw Brae Wind farm), Land South East of Glenbreck House, Tweedsmuir.

PRIVATE BUSINESS

7. **DECISION**

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

SUMMARY OF PRIVATE BUSINESS

1. **MINUTE**

The Committee considered the private section of the Minute of 1 February 2016..

2. **DANGEROUS CHIMNEY AND MASONRY AND DEFECTIVE ROOF COVERING, RAINWATER GOODS AND DRY ROT AT 2 HIGH STREET AND 12 MARKET PLACE, JEDBURGH**

The Committee considered a report by the Chief Planning Officer.

3. **SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN: EXAMINATION REPORT**

The Committee considered a reply from the Chief Planner.

4. **URGENT BUSINESS**

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

5. **LISTED BUILDINGS**

The Committee were given a verbal update on Listed Buildings.

DECISION

NOTED.

The meeting concluded at 12.40 p.m.

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

28 MARCH 2016

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT
1989**

ITEM:	REFERENCE NUMBER: 14/00417/S36
OFFICER:	John Hiscox
WARD:	Leaderdale and Melrose
PROPOSAL:	Erection of 7 No. wind turbines 100m-110m high to tip
SITE:	Long Park Wind Farm, Bow Farm, Stow
APPLICANT:	Wind Prospect Developments 2 Ltd
AGENT:	As per applicant

1.0 PURPOSE OF REPORT

1.1 To advise the Scottish Government of the response from Scottish Borders Council on the application by Wind Prospect to:

- (i) construct a 7-turbine extension to the existing Long Park Wind Farm near Stow and;
- (ii) to enable the existing Long Park Wind Farm to be retained along with the proposed extension turbines for a period of 25 years (operational lifespan of the combined wind farm – existing and proposed components).

2.0 PROCEDURE

2.1 Scottish Borders Council (SBC) is a consultee as a 'relevant authority'. All of the turbines and new infrastructure would be sited within Borders.

2.2 The views of SBC will be provided to the Energy Consents and Deployment Unit at Scottish Government (ECDU), the body responsible for processing onshore Section 36 planning applications. In this instance, the application is required to be determined via Section 36 because the wind farm would have an output of more than 50MW. The ECDU advertises the application and carries out direct consultation with other interested bodies. There is, therefore, no need for Scottish Borders Council to undertake a tandem process although consultation has taken place with relevant officers within the Council.

2.3 It should be noted that if permission is granted, the local authority (rather than the ECDU) would become the relevant enforcement authority responsible for monitoring compliance with the terms of an approval and any conditions imposed thereon.

2.4 It is essential for Members to note that the last round of Further Environmental Information (FEI) from February 2016 includes references (including visualisations) to an alternative 5-turbine scheme that omits the turbines shown as T23 and T25 in submitted documentation. The applicants have indicated a willingness to delete T23 and T25, on the basis that this would have the potential to overcome concerns stated by SBC officers and SNH regarding landscape and visual impacts. However, the applicants have not formally revised the scheme and have instead stated that they

will accept a planning condition that effectively strikes them out of any approved scheme.

- 2.5 Following discussion with ECDU, and notwithstanding the acceptability or otherwise of such a reduced scheme, it has been established that it would be very unlikely that partial approval of the scheme that drops the output to less than 50MW (deletion of T23 and T25 would reduce to 48MW) would still be considered under the 1989 Electricity Act. It is only schemes of 50MW or above that can be considered via the Electricity Act. Anything below that power output would fall to be considered via the Town and Country Planning Act(s). It is considered that it is beyond the scope of the Electricity Act to consent, or partially consent a development that is under 50MW.
- 2.6 This means that the option to consider a 5-turbine scheme, as identified as an acceptable option to the applicants within the FEI, is not available to consultees unless a new, separate application is submitted to the planning authority under the 1997 Planning Act.
- 2.7 Therefore, although commentary within this report alludes to the benefits of a scheme that does not include T23 and T25, as compared to a scheme that does include them, it is only appropriate to provide a conclusion on the basis of the acceptability or otherwise of the 7-turbine scheme. The material included within the FEI relating to landscape and visual impacts must be discounted.
- 2.8 The remainder of the material within the FEI however, may be taken into consideration.

3.0 SITE DESCRIPTION:

- 3.1 The site is that of the current Long Park Wind Farm, which is located a little under 2km south south-east of the village of Stow and approximately 1km east of the A7 road where that road meanders in alignment with the Gala Water between Bowland and Torsonce, south of Stow. The north-west fringes of Galashiels are approximately 4km to the south.
- 3.2 The current wind farm occupies predominantly grazed farmland above Halkburn Farm and includes 19 turbines with blade tip heights of 100m and 110m plus access road, tracks, infrastructure, apparatus and buildings. It is laid out in a grid pattern, ostensibly 3 rows of 5 turbines and 1 row of 4 turbines. Existing turbines are positioned between 280m and 370m above ground level (above Ordinance Datum). The existing site retains plantation woodlands here and there between the development components.

Landscape Character:

- 3.3 The development is situated entirely within the (Lauder Common) Plateau Grassland Landscape Character Type (LCT), but is very close to Pastoral Upland Valley LCT situated to the west, and the Undulating Grassland LCT situated to the east.
- 3.4 The 1998 Borders Landscape Character Assessment describes the LCA as follows:
 - An upland plateau landscape of smooth gently rolling hills covered by coarse acid grassland
- 3.5 Its Key Characteristics are listed as:

- Large scale, rolling plateau topography with gentle slopes and smooth relief.
- Vegetation cover dominated by coarse grassland with localised patches of heather moorland, rush pasture and scattered small coniferous plantations and shelterbelts
- Low density settlement with widely dispersed farm buildings
- Open, panoramic views.

3.6 The following positive attributes of the LCA are further described:

- strong definition of topographic boundaries
- traditional identity of 'Common' land use retained in name
- unity of land cover type
- large scale
- distinctive and unified field boundary style (dykes)
- remote, isolated quality
- relative absence of visual detractors or detractors from tranquillity
- unobstructed distant views.

3.7 Under 'Negative Attributes' the following are mentioned:

- absence of visual enclosure
- relatively low diversity of landscape elements and features
- plateau margins visually sensitive to views from A7 and A68 road corridors
- vulnerable isolated remnants of heather moorland.

Landscape Designations:

3.8 The site itself is not within any designated landscape areas. However, the following designations relate to the site:

- Eildon and Leaderfoot National Scenic Area (7km to south-west)
- Thirlstane Castle Historic Garden/Designed Landscape (HGDL) (6.5km to north-east)
- Bowland HGDL (2.5km to south-west)
- Carolside and Leadervale HGDL (6.5km to east)
- Fairnilee HGDL (7km to south)
- Tweed, Ettrick and Yarrow Confluences Special Landscape Area (SLA) (just over 5km to south & south-west)
- Tweed Valley SLA (just over 5km to the south-west)
- Lammermuir Hills SLA (7km to north-east)

4.0 PROPOSED DEVELOPMENT:

4.1 The scheme currently under consideration has been revised from an original scheme submitted in 2014 that proposed an additional 10 no. new turbines, infrastructure and apparatus including an anemometry mast.

4.2 Further to the revisions, it is now proposed to add 7 no. new turbines to the existing wind farm, along with new tracks (2.6km) and infrastructure, including borrow pits and a temporary construction compound. A new switchgear building (to serve the overall development) is also proposed. The combined total installed capacity would be 52 Megawatts (MW), with each of the proposed 7 turbines producing 2MW. Two of the turbines originally proposed to the east of the existing wind farm (T28 and T29)

have been deleted from the scheme. A further turbine has been deleted from the northern extension area (T24) and in the western extension area, turbines have been re-sited and an anemometry mast deleted.

- 4.3 The remaining 7 turbines would be sited at the following heights above Ordnance Datum:

Turbine	AOD
T20	265m
T21	285m
T22	316m
T23	333m
T25	349m
T26	348m
T27	354m

Turbines T20 and T21 would be 110m to tip, 69m to hub and have a rotor diameter of 82m; whilst turbines T22, T23, T25, T26 and T27 would have the same rotor diameter, but would have 59m hubs and 100m tip heights.

- 4.4 The development would use the current access from the A7 for all construction traffic.
- 4.5 A micrositing allowance of 30m for turbines and 50m for internal access tracks is requested to enable minor changes to be made to layout in response to ground constraints encountered during construction. This is detailed in the original ES at Paragraph 2.5.4.
- 4.6 It is important to note that the application is for a 25-year operational period, but that the overall development period, including construction and decommissioning, is proposed at 28 years.
- 4.7 It is also important to note that the applicants are seeking to extend the operational period of the existing wind farm to align with that of the extension, meaning that the existing turbines (which became operational in 2009) would in theory remain in situ for approximately 34 years altogether prior to removal.

Development Visibility:

- 4.8 SEI Figure 8.1.14 demonstrates existing visibility (of the existing wind farm), combined visibility (i.e. where both existing and proposed turbines would be visible simultaneously) and areas where only the new turbines would be visible.
- 4.9 Essentially the areas of visibility would not significantly change. The existing wind farm and the extended wind farm would be visible as one entity from the vast majority of viewpoints throughout the local landscape.
- 4.10 The only noteworthy changes to the visibility scenario result from new areas of visibility in and around Stow, and also areas situated west of a stretch of the A7 from Stow along to Bowland. As the turbines spread further away from the wind farm's centre, and closer to platform/plateau edges, their upper sections become visible

from positions close to valley bottoms/low lying land where previously there was lesser or no visibility.

5.0 NEIGHBOURING SITES/SCHEMES RELEVANT TO CONSIDERATION OF CURRENT PROPOSAL:

5.1 **Toddleburn:** an operational wind farm situated approximately 9.5km north of the northernmost Long Park turbine. Planning permission granted on appeal following refusal by SBC. Comprises 12 turbines with a tip height of 125m.

5.2 **Dun Law/Dun Law Extension:** Describable broadly as 'Dun Law', this wind farm is the northernmost of those in the Lauder Common character area and begins approximately 11.5km north of the Long Park site. Within the Scottish Borders, it is something of an end-stop to wind farms, but beyond is the smaller Pogbie Wind Farm and a further development is consented known as Keith Hill – these are not within Borders (within East Lothian).

5.3 **Rowantree (Longmuir Rigg):** scheme for potential 9-11 turbines with a tip height of 130m, presently at pre-application (Scoping) stage. Highly likely to be a major planning application (not Section 36) if pursued. The site is approximately 7km north of the nearest proposed Long Park turbine. The Committee will recall that the Section 36 planning application for Rowantree (23 turbines) was dismissed following a public inquiry by Scottish Ministers in 2014.

5.4 The proposed wind farms at **Girthgate** and **Muircleugh**, both of which would have been relevant to consideration of the Long Park Extension, are no longer influential because the former site's application was withdrawn; the latter was the subject of an unsuccessful appeal.

6.0 PLANNING HISTORY:

6.1 **04/00317/FUL** – Formation of wind farm comprising 19 wind turbines, two anemometry masts, switchgear building, construction compound, the excavation of two borrow pits for sourcing stone, site and access tracks and ancillary works.

6.2 The application was refused by the Planning Committee in agreement with the recommendation of the planning officer in August 2005; however, a subsequent planning appeal was successful.

7.0 REPRESENTATION SUMMARY:

7.1 The Committee is asked to note that third party representations are not considered by the local planning authority in relation to Section 36 applications. All such submissions are considered by the Energy Consents and Deployment Unit in their reporting to Ministers.

7.2 However, it may be noted that at the time of writing of this report, the ECDU has only made SBC aware that 48 objections have been received in total, three of which were received after the first Addendum was submitted. No letters of support have been received.

8.0 APPLICANTS' SUPPORTING INFORMATION:

8.1 The application is accompanied by an Environmental Statement. It was revised in April 2015 and submitted as 'Further Environmental Information' (FEI), otherwise

described as an Environmental Statement Addendum. Principally, this round of FEI dealt with removal of 3 turbines from the scheme and adjustment of the layout of the remaining development.

8.2 Both the 2014 and 2015 versions of the ES comprise:

Volume 1: Non Technical Summary
Volume 2: The Environmental Statement Text
Volume 3: Figures (Part 1 and Part 2)
Volume 4: Appendices

8.3 The application is also accompanied by a Planning Statement (updated in May 2015) and a Pre-Application Report.

8.4 In September 2015, a further round of FEI was submitted, relating only to matters of noise.

8.5 In February 2016, a further round of FEI was submitted, relating to matters of noise (raw noise data released) and to potential changes to the overall scheme, as discussed in Section 2 of this Report, under 'Procedure'. Material relating to habitat management was also submitted.

8.6 It may be noted that a draft Unilateral Undertaking was provided with the last round of FEI, which would result in a commitment by the applicants to procure (if possible) the turbine tower sections from within Scotland.

9.0 CONSULTATION RESPONSES:

Scottish Borders Council Consultees:

Forward Planning Section:

9.1 **22.5.15:** Explains national, regional and local planning policy position, which confirms that a positive approach should still be taken towards wind energy developments but that a precautionary approach should be taken in acknowledgement of sites being suitable in perpetuity, as per SPP Paragraph 170. The response also gives coverage to the SESplan (South East Scotland Strategic Development Plan), within which there is specific commentary relating to cumulative wind farm impacts in Borders.

9.2 Describes status of and contribution made by the Landscape Capacity and Cumulative Study 2013 prepared by Ironside Farrar, and its relevance to consideration of the proposals. The study acknowledges the possibility for opportunities for turbines within the locality, but also makes specific reference for the need to consider cumulative impact issues of new proposals and extensions of existing approvals given the high number of applications submitted in the area.

9.3 Specifically mentions the potential for impacts on the Bow Castle broch monument requiring to be taken into account as it is a relevant constraint.

9.4 Summarises that there may be an opportunity to extend the existing wind farm, although the location and height of any such turbines should be determined by other internal parties with particular consideration to overall cumulative impact issues.

9.5 On **26.2.16** the consultee issued an updated reply based on the position at the time the last FEI was submitted in February. The response has been updated to reflect

changes brought forward through FEI and the current policy position. In the latter regard, the status and progression of the Local Development Plan is explained.

- 9.6 Requirements to produce Supplementary Guidance (to replace/update the current 2011 Wind Energy SPG) and an updated Landscape Capacity Study are discussed.

Archaeology Officer:

- 9.7 **1.10.14:** Indicates that the application is supported in principle, but that the impacts on Bow Castle Broch should be mitigated by removing turbines T20, T21 and T22, associated infrastructure and the anemometry mast to minimise impacts on the setting. Suggests that assessment of significance of views to the east of Bow Castle has not been properly undertaken, and also that impacts within the setting have not been justified.
- 9.8 Indicates range of conditions necessary relating to the subterranean archaeological resource and to above ground assets including Historic Buildings, and a condition requiring elements of the development to be removed if consent is granted.
- 9.9 Confirms that unless the aforementioned turbines, mast and infrastructure are removed, the application should be refused as it does not accord with Policy BE2 of the 2011 SBC Local Plan and Policy EP8 of the Local Development Plan.
- 9.10 **17.7.15:** Indicates that the changes to the scheme have alleviated concerns to the extent that the scheme can now be accepted, because the impacts on the Bow Castle Broch have been partially mitigated.
- 9.11 Advises that condition no longer required relating to Historic Buildings as changes have mitigated in that regard.
- 9.12 **8.3.16:** Indicates no change to advice given previously.

Roads Planning Manager:

- 9.13 No consultation responses provided.

Ecology Officer:

- 9.14 **1.7.14:** Indicates no objection to the proposal because there is unlikely to be a significant adverse impact on the ecological interest providing mitigation is implemented as identified in the Environmental Statement; makes recommendations which would translate into conditions if consent is granted, in relation to the following items:
- supplementary ecological surveys required prior to development
 - scheme of compensatory planting required/nature of scheme
 - species mitigation and management plan required
 - Habitat Management and Enhancement Plan required
 - appointment of Ecological Clerk of Works (ECoW) required
 - production and implementation of Construction Method Statement, Environmental Management Plan and Decommissioning Method Statement
 - Before-After-Control-Impact (BACI) monitoring programme required

- 9.15 Note that recommendations were also made in this consultation response which would lead to relocation of 3 no. turbines. T28 and T29 would be 'micrositable' (movement required to increase separation from potential bat habitat), whereas it is unclear whether micro-siting would address the position of T24 in relation to the habitat it would be sited upon (relocate from acid grassland to less sensitive habitat).
- 9.16 **28.7.15:** Revisions have mitigated concerns relating to positioning of T24, T28 and T29 (with them having been deleted). Otherwise, no influential change to the position of this specialist.
- 9.17 **4.3.16:** Acknowledges material submitted with the latest FEI but confirms that overall no change to position – response of 28.7.15 still stands.

Outdoor Access Officer:

- 9.18 **23.4.14:** Indicates no comment to make regarding acceptability of proposals – confirms that Chapter 14 of the Environmental Statement addresses the access issues.
- 9.19 **17.7.15:** Position updated significantly, in that it is now requested that a yearly developer contribution is provided towards maintenance of the public path network, as affected by the development.

Environmental Health Officer:

- 9.20 **5.6.14:** Indicates a range of matters outstanding in relation to noise assessment and management during operation of the wind farm, and that further information is required before the application is determined.
- 9.21 **2.6.15:** Indicates that there remains a range of matters outstanding and that further information is still required, despite the provision of updated material relating to noise in the SEI/Addendum.
- 9.22 **21.9.15:** Refers to updated information provided by the applicants in response to the 2.6.15 consultation reply, and advises that cumulative issues have still not been adequately addressed. On this basis, the objection is maintained.
- 9.23 It may be noted that the main concerns described within the 21.9.16 consultation reply refer to cumulative issues of the proposal with the Muircleugh scheme, which is no longer to be taken into consideration following dismissal of the Muircleugh appeal.
- 9.24 On **15.3.16** the consultee confirmed in an email that with Muircleugh now having been refused and dismissed at appeal, the outstanding issues relating to cumulative noise are inevitably no longer relevant or concerning.

Flood Risk Officer:

- 9.25 **7.5.14 & 19.5.15:** Indicates no objection to the proposals as long as further detail is submitted to address the following areas of concern:
- management of sediment entering watercourses
 - management of surface water run-off rates
 - maintenance of water crossings and drains to reduce surface water run-off impact

Landscape Architect:

- 9.26 **21.10.14:** This consultee did not support the proposal in its original form. The main reasons for this were:
- increased visibility of wind farm and detriment to its appearance due to siting and prominence of T23, T24 and T25 on the northern side of the site and T26, T27, T28 and T29 on the eastern side
 - adverse residential amenity impacts on Allanshaws properties due to proximity and placement of turbines T26, T27, T28 and T29
- 9.27 **5.8.15:** Despite the changes made, the consultee continues to identify significant concerns relating primarily to T23 and T25. Removal of T28 and T29 have rendered effects of eastern extension acceptable (including impacts on residential amenity), but support not given to the overall extension unless T23 and T25 are removed.

Other Important Statutory Consultee Responses to Scottish Government (ECDU):

Scottish Environmental Protection Agency (SEPA):

- 9.28 **19.5.14:** Indicates no objection as long as conditions are applied.
- 9.29 **9.6.15:** The consultee has revised its position and now **objects** to the proposed development. The following advice is given:

“In respect of the new information relating to the Private Water Supply at Wooplaw, we note that the proposed mitigation i.e. monitoring and potential replacement supply, is not an approach we can support and in any case would presumably require the agreement of the PWS user. Consequently we **object** to the proposal on the grounds that an unacceptable impact may arise associated with the new access track and turbine foundation.”

- 9.30 A final consultation reply on **11.3.16** confirmed no new comments (all previous comments apply)

Scottish Natural Heritage (SNH):

- 9.31 **11.7.14:** While not constituting an objection, the original SNH response highlighted key issues considered to be important in the consideration of the application by the determining authority:
- if proposal carried out in strict accordance with mitigation measures described in the ES, then the proposal will not adversely affect the integrity of the River Tweed Special Area of Conservation
 - overall appearance of additional turbines could be revised to improve landscape fit, improve their relationship to the existing wind farm, and reduce (visual) impacts on sensitive receptors
 - consideration to be given to reduction in height of T21 and T20, removal of T23, T24 and T25 from the northern group, and re-design of all turbines in the eastern group
 - consideration to be given to moving T23, T28 and T29 further away from bat habitats

- consideration to be given to moving T24 off heathland, and onto less sensitive acid grassland
- concern that ES does not adequately cover the existing wind farm site and confirmation that the SNH response therefore only relates to the proposed new development area
- provides detailed commentary on the landscape and visual impacts of the scheme, which conclude that changes could be made to improve development and reduce/ameliorate visual effects
- provides detailed advice relating to the potential cumulative landscape and visual effects, in the context of schemes 'in the planning system' at that time.

9.32 **7.8.15:** This second response, in respect of the revised scheme, makes it clear that no new advice is offered in respect of species and habitat. It is limited to landscape and visual effects.

9.33 In that regard, the following summarises issues of relevance to matters being considered by the Council:

- revised proposal does not fully reflect advice given in first response, and still presents key issues relating to landscape and visual impact, and related matters of design consistency between the proposed extension and the existing development
- advises that it may be of merit to consider a partial consent which focusses approval on the turbines causing lesser landscape and visual impacts
- suggests that any extension to the existing wind farm should strongly relate to the form and pattern of the existing wind farm layout and adhere to the siting and design principles established by the existing wind farm, particularly with regard to the relationship of development to the topography and with regards the careful consideration of the nature of impacts on key sensitive views
- identifies 5km distance from site as containing particularly sensitive views, especially those relating to Stow village, Lauder Common and the Southern Upland Way, plus more distant views from Eildon and Leaderfoot National Scenic Area
- advises that there would be merit in extending consent period of existing wind farm if new proposals are accepted (landscape and visual grounds)
- continues to advise that consideration be given to reduction in height of western turbines (T20, T21, T22) to minimise new visibility
- acknowledges reduction in magnitude of effect by northern turbines with T24 having been deleted, but continues to advise that broad nature of new effects is undesirable and worthy of further consideration (i.e. for T23 and T25 to be deleted)
- discusses reduced effects of eastern turbines further to deletion of T28 and T29, confirming that while effects promote some concern, these may be accepted without further revision
- discusses combinations of cumulative landscape and visual effects with other wind farms.

9.34 **10.3.16:** The third response also clarifies that no further comment is added in relation to ecology.

9.35 In respect of landscape and visual impacts, the consultee refers to the potential for a 5-turbine scheme as depicted within the FEI, indicating that the revisions secured through such a scheme would result in an improved scheme. The response implies

that a 5-turbine scheme as shown would address the principal concerns/key issues described in previous responses.

- 9.36 The response does, however, indicate that there remain some issues of landscape and visual impact to consider. It is likely that this comment refers to the aforementioned visual impacts associated with T20, T21 and T22 (mentioned in the 7.8.14 reply).
- 9.37 It is restated that there would be merit in extending consent the period of the existing wind farm if new proposals are accepted, in order to ensure appropriate co-ordination of the appearance of the combined wind farm and the decommissioning process for all turbines on the site.

Ministry of Defence:

- 9.38 **9.5.14:** Indicated that it objected to the original proposal on the following grounds:
- impact on the operation of Eskdalemuir Seismic Recording Station in terms of noise vibration

Further advice was given in respect of lighting and potential conditions required if consent were to be granted.

- 9.39 **4.6.15:** Consultee indicated that it does not object to the modified scheme. The previous Eskdalemuir objection is not mentioned in this second response.

Historic Environment Scotland:

- 9.40 **19.5.14:** The original response did not constitute an objection to the proposal, but did give advice about how the proposal could be revised to lessen visual impacts on the heritage resource. The advice related principally to impacts on a scheduled ancient monument, that being Bow Castle broch, situated 500m west south-west of the nearest turbine.
- 9.41 Discusses impacts of T20, T21 and T22 plus the anemometry mast upon the setting of the monument, the potential reduction to appreciation and understanding of the monument, and the contribution that its setting makes to its significance. Indicates that concerns identified prior to application have not been fully addressed and recommends in particular that siting of the locations for T21 and the anemometry mast be re-evaluated.
- 9.42 **4.6.15:** The revisions to the scheme do not alter the overall position of this consultee. The response includes the following advice: "We do not consider that the alterations to the scheme will result in a change in the level of impact on heritage assets covered by our remit."

Community Councils:

- 9.43 Committee should note that the Community Councils of Lauderdale, Heriot, and of Stow and Fountainhall (the latter two combined to submit a joint response) objected to the original scheme, whereas the Melrose and District and Galashiels and Langlee Community Councils did not raise objections. In respect of the revised/Addendum scheme, a revised joint objection by Heriot, Stow and Fountainhall Community Councils was submitted and Lauderdale continued to object, whereas Galashiels and Langlee retained its position of no objection.

9.44 The views of the Community Councils, as statutory consultees, may be viewed in full on Public Access. However, these responses are not matters for consideration by the Council and will be considered by the ECDU in its assessment.

RSPB:

9.45 **4.6.14:** No objection to the proposal, but makes comments relating to birds and habitat that would potentially give rise to planning conditions.

9.46 **22.5.15:** Confirms that it does not object, and advises as follows: "We submitted a number of observations and recommendations regarding the original extension application in a letter to you of 4 June 2014. The applicant has addressed these to our satisfaction. Nevertheless, our letter remains pertinent and we would wish it to be retained in the assessment of this application."

9.47 **9.3.16:** Endorses intentions and commitments within the ecological material submitted with the February 2016 FEI.

Transport Scotland:

9.48 No objection, but recommends conditions relating to transportation/management of abnormal loads and nature of proposed signage/traffic control.

Scotways (The Scottish Rights of Way and Access Society):

9.49 **3.6.14:** The consultee did not raise an objection.

9.50 **12.6.15:** The consultee has revised its position and now **objects** to the submitted scheme as per the 2015 addendum. The objection relates to

- (i) impacts on recreational amenity, with particular specific reference to the Girthgate route, Lauder Common and the Southern Upland Way
- (ii) cumulative impacts; and
- (iii) uncertainty relating to heritage assessment of a possible variant line of the Girthgate path/route

10.0 DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013:

10.1 Policy 10 – Sustainable Energy Technologies

Consolidated Scottish Borders Local Plan 2011:

10.2 Principle 1 – Sustainability

Policy G1 – Quality Standards for New Development

Policy G4 – Flooding

Policy G5 – Developer Contributions

Policy BE1 – Listed Buildings

Policy BE2 – Archaeological Sites and Ancient Monuments

Policy BE3 – Gardens and Designed Landscapes

Policy BE4 – Conservation Areas

Policy NE1 – International Nature Conservation Sites

Policy NE3 – Local Biodiversity
Policy NE5 – Development Affecting the Water Environment
Policy H2 – Protection of Residential Amenity
Policy Inf2 – Protection of Access Routes
Policy Inf6 – Sustainable Drainage
Policy D4 – Renewable Energy Development

Proposed Scottish Borders Local Development Plan:

- 10.3 The LDP has been the subject of an Inquiry by Scottish Ministers and the result of the Inquiry was published on 4 November 2015 on the SBC website. Whilst the Plan is not yet an adopted document Scottish Ministers have given the Council clearance to proceed to adopt and therefore the document, as amended by the Reporter's recommendations, has significant weight in the deliberations on this application. It is envisaged that the formal adoption processes will be completed by the end of April 2016.
- 10.4 Notwithstanding the above, Policy D4 of the Scottish Borders Local Plan 2011 currently remains the primary specific planning policy against which the application should be considered. This will be the case until the LDP is adopted.
- 10.5 The following Policies of the LDP are relevant to consideration of this application:

Policy PMD1 – Sustainability
Policy PMD2 – Quality Standards
Policy ED9 – Renewable Energy Development
Policy HD3 – Protection of Residential Amenity
Policy EP1 – International Nature Conservation Sites and Protected Species
Policy EP3 – Local Biodiversity
Policy EP7 – Listed Buildings
Policy EP8 – Archaeology
Policy EP9 – Conservation Areas
Policy EP10 – Gardens and Designed Landscapes
Policy EP15 – Development Affecting the Water Environment
Policy IS2 – Developer Contributions
Policy IS5 – Protection of Access Routes
Policy IS8 – Flooding
Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage

11.0 OTHER PLANNING CONSIDERATIONS:

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

- Renewable Energy (2007)
- Wind Energy (2011)
- Biodiversity (2005)
- Local Landscape Designations (2012)
- Developer Contributions (2010)

11.2 Scottish Government Policy and Guidance:

Scottish Planning Policy (SPP) (June 2014)
National Planning Framework for Scotland (3) (June 2014)

11.3 Scottish Government On-line Renewables Advice:

Circular 3/2011 Environmental Impact Assessment (S) Regulations 2011
PAN 60 Planning for Natural Heritage 2008
PAN 51 Planning, Environmental Protection and Regulation
PAN 1/2011 Planning and Noise
PAN 2/2011 Planning and Archaeology
PAN 1/2013 Environmental Impact Assessment

11.4 Historic Scotland Publications:

Scottish Historic Environment Policy (2011)

11.5 SNH Publications:

Siting and designing windfarms in the landscape (2014)
Visual Representation of Wind Farms (2014)
Assessing the cumulative impact of onshore wind energy developments (2012)

11.6 Other Publications:

ETSU-R-97 – The Assessment and Rating of Noise from Wind Farms

12.0 KEY PLANNING ISSUES:

- land use planning policy principle
- economic benefits attributable to the scheme
- benefits arising in terms of renewable energy provision
- significance of extending the lifespan of the existing wind farm
- landscape and visual impacts including residential amenity visual impacts, arising from turbines and infrastructure
- cumulative landscape and visual impacts with other wind energy developments
- physical and setting impacts on cultural heritage assets
- noise impacts
- ecological, ornithological and habitat effects
- impact on road safety and the road network
- shadow flicker
- developer contributions

13.0 ASSESSMENT OF APPLICATION:

Land Use Planning Policy Principle:

- 13.1 National, regional and local planning policy positively supports the principle of delivering renewable energy via implementation of on-shore wind farms. Unless there are overriding environmental effects, consent should be given for well located and designed wind farms, in particular if mitigation measures are in place to address environmental effects. This approach aligns with strategy adopted by Scottish Government within the National Planning Framework (NPF3) for sustainable economic growth.
- 13.2 Consideration must be given to the suitability of a site in perpetuity rather than temporarily; the revised SPP published in 2014 confirms this. This acknowledges the

potential to re-power sites as they reach the end of their intended operational life. It has heightened relevance to this proposal due to the intention to extend the life of the existing wind farm, so that it aligns to the lifespan of the new turbines.

- 13.3 This site is on upland farmland/moorland (highly similar to the landscape occupied by the current development), is not within a National Scenic Area and has no other designations that would prevent the principle being considered. It is not designated as a Special Landscape Area within the SBC Supplementary Guidance (Local Landscape Designations).
- 13.4 In terms of the SBC Wind Energy SPG Spatial Strategy adopted in 2011, the two eastern turbines T26 and T27 would lie within an Area of Moderate Constraint (lower). The northern turbines (T23 and T25) are where the Area of Moderate Constraint (lower) meets an Area of Moderate Constraint (Higher) and the western 3 turbines (T20, T21 and T22) are more clearly within that higher constraint area.
- 13.5 However, as noted in the consultation responses of the SBC Forward Planning Team, it should be noted that the Spatial Framework within the SPG 2011 (Appendix E) has now been replaced by the more general and simplistic requirements of Table 1 of the SPP.
- 13.6 The location of the development in relation to the Landscape Capacity and Cumulative Study 2013 prepared by Ironside Farrar on behalf of the Council - a background document to the Local Development Plan indicates that there may be capacity (low) for development of turbines over 100m in height specifically at Longpark Wind Farm. Figure 6.4 'Wind Turbine Development Opportunities and Constraints' also identifies that the existing and proposed site areas lie within an 'area where cumulative impacts limit development'.

Economic Benefits:

- 13.7 The renewable energy industry is important nationally, leads to employment and investment during construction and during the lifespan of the development.
- 13.8 It is likely that the level of employment activity in particular during implementation would be significant. This would have the potential to promote use of local facilities and services including accommodation, shopping and recreation. Following implementation of development, it would be likely that a relatively low level of employment would occur on a day-to-day basis; whereas at decommissioning stage there would again be a high level of activity.
- 13.9 Whether the implementation of wind farms promotes benefits or disbenefits to local economies (or, indeed national economies) in terms of potential to affect tourism and visitation is a matter still under scrutiny. The Scottish Borders is visited because of its attractiveness and for the recreational opportunities it offers. Whether the implementation of wind farms is harming, or has harmed Borders' tourism economy is not qualified. It would be true to state, however, that their implementation divides opinion – the presence of wind farms causes some to be deterred, some to be ambivalent and some to respond positively. At the present time, no published information describing potential tourism effects is material to the consideration of an application of this type.
- 13.10 It may therefore be concluded that in terms of economic benefits, there would be some mentionable gain, but not so significant as to be a major determining factor.

Benefits arising in terms of renewable energy provision:

- 13.11 The proposed wind farm would provide an additional output of up to 14MW, on the basis that each turbine would have the potential to generate 2MW.
- 13.12 This proposed additional generating capacity might be described as a modest contribution to national targets. However, it is acknowledged that the development would make a contribution to renewable energy provision first in Scotland and also in UK terms.

Significance of extending the lifespan of the existing wind farm:

- 13.13 There is no obvious planning reason why in principle it would be inappropriate to allow the existing wind farm's lifespan to be extended. If the turbines are in good condition, and if the new extension/turbines are permitted, it is logical to retain the entirety of the wind farm. The extension has been designed to fit with the existing development and would not, given the layout, present an acceptable appearance in the absence of the existing turbines.
- 13.14 An alternative would be to consider whether, if the proposed additional development is consented, it would be appropriate to limit the lifespan of the new development to the number of years remaining on the existing wind farm. However, that would be likely to limit the life of the new turbines to around 15 years prior to decommissioning, which would not be reasonable and which would be highly inconsistent with the permitted lifespan of all other wind farm sites.
- 13.15 It is considered that the proposal to extend the life of the existing wind farm would not give rise to overriding concerns and would be acceptable in principle. However, it is critical to note that this part of the proposal is dependent on the acceptability of the extension. Caution must be exercised to ensure that any recommendation reflects that the two issues as they overlap in planning terms.

Landscape and visual impacts

- 13.16 The ES is supported by a range of graphical material that seeks to portray the potential landscape and visual impacts of the development from a range of areas and/or receptors, represented by photomontage information taken from a total of 26 viewpoints.
- 13.17 Although landscape and visual effects may be evident in all visualisations, if they have not been analysed in the following section of this report it is because any visible effects are unremarkable, or at best not influential.
- 13.18 Consideration should be given to the following observations, which relate to viewpoints identifying significant matters:

Viewpoint 3 – Crossroads/War Memorial in Stow:

- 13.19 The location of this viewpoint, within the heart of Stow village, is approximately 1.9km from the nearest new turbine. Although the blades of the 2 northernmost turbines remaining in the scheme are screened by vegetation in this picture, it should be noted that elsewhere in the village those blades would be visible.
- 13.20 It is evident from the visualisations that this sort of screening would occur from many parts of the village where buildings, other structures and vegetation intervene to

screen the turbines from low-level viewing points within the village core. However, users of the village moving from location to location will not always benefit from that screening effect.

- 13.21 This visual impact is worthy of comment, as it is a new visual effect, and whereas the existing wind farm (most strongly associated with the settlement of Stow) is well screened by topography and landform, these two new turbines are not. Said turbines would have a significant visual relationship with the (conservation) village.

Viewpoint 5 – B6362 NE of Stow:

- 13.22 This viewpoint is approximately 2.1km from the nearest Long Park extension turbine. T23 and T25 would be nearer to the viewpoint than any turbines within the existing wind farm.
- 13.23 The viewpoint is situated on the Lauder Common (Stow-Lauder) road and from here the existing wind farm can clearly be seen for a relatively short period of time if passing in a vehicle, horse, bicycle, on foot etc.
- 13.24 The development would cause both visual impacts and impacts on landscape character.
- 13.25 In terms of visual impacts, firstly the development would add breadth to the wind farm, spreading it further eastwards and westwards so that it occupies more of the horizon. That in itself is a visual effect which is noticeable but perhaps not remarkable.
- 13.26 The second visual effect is that caused by changing the character and appearance of the development, from one which to some extent has consistency in that the horizon provides landform containment and reduces the apparent scale of the turbines (making them the subservient component) to one which incorporates 2 noticeably disharmonious turbines which sit up and close to the horizon. This is occurring due to the siting of the 2 turbines on the edge of the plateau.
- 13.27 The impact on landscape character occurs due to the increase visibility and prominence of the wind farm as a result of the introduction of the 2 turbines. This view is characterised by the presence of gently rolling low hills, substantial plantations, a heather-flanked cleugh and stone dykes. Each of these attributes relates in terms of scale and orientation to the view, including the existing wind farm (notwithstanding the more prominent existing T12, T4 and T8). The 2 new turbines, however, do not because they appear larger and more incongruous, drawing attention to the development and making it more eye-catching than the landscape itself. This is an unfortunate characteristic of the extended wind farm – these turbines cause similar effects from elsewhere as will be discussed in later paragraphs.

Viewpoint 6 – East side of Stagehall:

- 13.28 This viewpoint, on the fringes of Stow village and fairly representative of potential visibility of the wind farm from the new Waverly train line, is approximately 2.1km from the nearest new turbine.
- 13.29 T23 and T25 have already been discussed in relation to VP3 and VP5, and here again they appear above the horizon and in a visual context of Stow village. While T23 benefits from some screening by woodland, T25 would project substantially

above it as it comes closer to the containing landform edge. This is an undesirable and harmful visual effect.

Viewpoint 7 – A7 North of Stow:

- 13.30 T23 and T25 again appear in the view above vegetation unlike the existing wind farm, from a position within the village. It continues to reflect an undesirable, new visual impact and one which was avoided in designing the existing development.

Viewpoint 8 – Craigend Cottages:

- 13.31 In this montage, at a distance of 3km on a minor road (with residences) and in a position representing visibility from the north, similar effects as those discussed for VP5 are evident. T23 and T25 again sit up substantially above the horizon and well above all existing turbines, because these 2 new turbines would be sited closer to the edge of containing landform.

Viewpoint 9 – Lauder Common:

- 13.32 The viewpoint is approximately 3.3km from the nearest new turbine and is positioned on the B6362 Lauder Common Road towards its eastern end (nearer to Lauder).
- 13.33 T26 and T27 (the latter in particular) add to the visibility of the wind farm but arguably not to such an extent that the new impacts are majorly adverse. Views towards the wind farm would change from this general area as viewed when travelling westwards, but not in a particularly noticeable manner.

Viewpoint 10 – A7 NW of Stow (Galabank):

- 13.34 From this viewpoint, at a distance of approximately 3.6km to the nearest turbine, T25 in particular again sits up disharmoniously with the remainder of the wind farm, and although T23 is at this point shrouded by woodland, it should be noted that the VP represents a potential 2km stretch from where the development is visible, heading south-east. Although the effects of T23 may not be as stark, it would potentially cause similar changing effects to the appearance of the wind farm.
- 13.35 The effects demonstrated in this montage are mainly visual effects in that the development would reduce the acceptability of the wind farm's overall appearance.
- 13.36 However, there is also an impact on landscape character visible in this picture, with the village of Stow tucked into the valley and surrounded by landform and topography, these items characterise the locality. While the existing wind farm benefits from an apparent reduction in turbine height because it uses the containing landform to a reasonably successful degree, T25 in particular is more prominent and eye-catching, with more of it being visible and with a 'perching' effect caused in part by its protrusion above the woodland plantation(s) in front of it. Making the overall development more visible and eye-catching detracts from the underlying landscape character identifiable in the composition of the photography.

VP11 – SW of Cathpair hamlet:

- 13.37 3.4km from nearest new turbine, and T23 and T25 again appearing more prominent than the remainder of the development (turbines). Refer to VP8 and VP5 for more detailed comments where similar effects occur.

VP16 – Meigle Hill:

- 13.38 This viewpoint is located a little under 6km of the nearest new turbine. Meigle Hill is a local walking destination and gives good visibility of the landscape including the existing wind farm. The montage shows that the wind farm is situated within a panorama which includes low, undulating hills in the middle ground and a long, relatively flat (in this context) horizon beyond.
- 13.39 Any effects from this viewpoint are likely to be landscape effects. Effects are caused to some extent by broadening the wind farm, in part by bringing it closer to the viewpoint and further by adding turbines which accentuate the apparent height compared to horizons.
- 13.40 The additional impacts on landscape character by virtue of these additions are noticeable and are significant, in that they increase the level of visibility, slightly intensifying the presence of the wind farm in its landscape setting. However, any such impacts are not of such magnitude that they would be problematic when the wind farm is viewed from this locality. On the whole, the relationship between the wind farm and its environs would not substantially change.

Viewpoint 21 – Three Brethren:

- 13.41 The Three Brethren viewpoint is well known and visited and is a stopping/reference point on the Southern Upland Way national trail. It offers exceptional panoramic views to the north within which the existing wind farm is seen. The viewpoint is 10.4km from the nearest new turbine.
- 13.42 The picture does not substantially change overall, although at the western end the introduction of T21, T22 and T23 slightly extends the spread of the wind farm and presents a triple stacking effect where T21 and T23 overlap in front of and behind T1 of the existing development. This is unfortunate and is an attribute alien to this particular wind farm, because although in terms of the existing wind farm's siting Long Park was a challenging project to deliver due to its relative lack of visual containment, a lot of work went into the design which gave rise to a fairly well-spaced and uncluttered appearance.
- 13.43 This may not be a factor which significantly influences the recommendation in the end, but it goes against the grain of the existing development so is a consideration and a regrettable impact.

Viewpoint 23 – Eildon Hills:

- 13.44 This viewpoint is situated approximately 12km to the south-east of the nearest turbine, on the peak of the mid-hill. It provides a further panoramic view which includes the existing wind farm.
- 13.45 Although in terms of turbine scale and placement the slight intensification of the development is significant. In terms of landscape character impact there is minimal effect.
- 13.46 However, in this view, which is a very important view from the National Scenic Area, T26 and T27 appear as outliers, not well connected to the main body of the wind farm. Their placement leaves a significant gap that detracts from the overall appearance.

Viewpoint 27 – A68, SE of St Boswells:

- 13.47 This photomontage, although 17.4km distant from the nearest new turbine, is significant in that it shows the Eildon Hills in profile in the National Scenic Area with the wind farm just right of the skirts of Eildon north hill. T26 and T27, even at this distance would be visible in certain weather conditions and would interact with the NSA as a visual distraction. However, at this distance (and bearing in mind that vegetation would rule out visibility from most vantage points in this locality) it is unlikely to be influential. The scale and massing of the Eildons is so great compared to the turbines that there is no visual challenge to the Hills' primacy.

Cumulative Landscape and Visual Impacts (not including residential amenity and cultural heritage):

- 13.48 Long Park is sufficiently distant from other wind farm sites (for example, Toddleburn) that the influence of other schemes. In the main, this is because the Long Park Extension proposal works with the land areas immediately adjacent and peripheral to the existing wind farm, and in no way bridges the gap between Long Park and any other established scheme.
- 13.49 In considering the extension to Long Park, essentially it is the differences to the existing picture which are most important to consider. For example, it must be questioned whether the changes are harmonious in terms of landscape and visual impact. Do the additional turbines change the baseline substantially and alter the character and appearance of the existing wind farm?

Conclusion in respect of Landscape and Visual Impacts (not including residential amenity and cultural heritage):

- 13.50 In terms of cumulative landscape and visual impacts, it is considered that only those associated with the existing and proposed Long Park phases is of utmost importance. To consider other schemes is unnecessary for reasons given above. Focus can therefore be fully diverted to the landscape and visual impacts caused by the changes to the wind farm following its augmentation.
- 13.51 In principle, it is logical to seek to increase the productivity of a wind farm by adding further generating capacity. In terms of proportion of turbines to the existing wind farm, adding a further 7 is reasonably modest, increasing from 19 to 26. The existing visual baseline can be used to enable additional effects to be minimised and offset. In theory, keeping additional landscape and visual effects to a minimum, where they are difficult to discern (especially if the augmented wind farm looks not a great deal different from the existing) this should prevent adverse landscape character and visual impacts from occurring.
- 13.52 The challenge with this project is that attempting to extend its turbine area in any direction pushes towards sensitivities, on this occasion including towards a scheduled monument, residential properties, the A7 Tourist Route and the village of Stow. It also pushes turbines out towards edges of containing landform. What results is an overall development which has heightened visibility, less harmony with its surroundings and less containment. It would also include new turbines which do not respond to the scale and flow of the existing development.
- 13.53 The main issues relating to landscape and visual impact, taking into account the analysis of viewpoints above, are as follows:

- T23 and T25 do not relate well to the existing wind farm because they seem to sit up in relation to existing development, topography and landform, cause visual impacts where presently there are none, accentuate visibility of the wind farm overall and most noticeably visually detract from Stow village and its setting
- T21 and T23 combined give rise to triple stacking of turbines when viewed from the south (along with existing T1)
- T26 and T27 together give rise to an outlying effect when viewed from the south-east, meaning that they do not harmonise with the existing wind farm (not well integrated)
- T22 in particular from the western extension causes new effects due to the blade and hub becoming visible above containing landform and topography.

13.54 In general terms, from a landscape and visual point of view the proposed development has some merit although the deletion of T23 and T25 would make a major positive difference by removing new and harmful visibility affecting Stow and the A7 in particular. The remainder of the issues are less significant in comparison, and in any event by removing T23 for the principal reasons it would lessen the stacking affect and render that acceptable. T26 and T27 having an outlying effect is only seen from the south (represented by the Eildon Hills viewpoint) and is not considered a major adverse effect.

13.55 SNH advised the applicants in its original consultation response that removal of all three turbines on the northern side would be a positive step in terms of reconciling landscape and visual impacts. This position is supported; indeed, the decision not to follow this advice has given rise to the only major landscape and visual (non-residential) adverse impacts remaining.

13.56 The visual impacts in relation to Stow and the A7, and the impacts on landscape character all caused by T23 and T25 are of such significance that the scheme is not supported in its current form.

Visual Impacts Relating to Residential Amenity:

13.57 Within the Further Environmental Information a refreshed and complete assessment on visual amenity impacts has been provided. This begins (in terms of Figures) in the latter half of Volume 3 Part 2 of the FEI.

13.58 It assesses not only individual residential receptors but also a range of non-residential, but sensitive receptors including open spaces and the Borders Railway line.

13.59 It has helpfully included wireline diagrams and in some cases photomontages to demonstrate likely effects. These are provided to represent the visual effects promoted in relation to receptors out to a distance of approximately 5km; the following comments are of most relevance, and where comment has not been made in relation of identified and represented receptors, it may be assumed that any effects portrayed, while potentially of significance, are not highly influential in terms of consideration of this subject (i.e. they do not merit specific comment).

- 13.60 From **Mitchelston Farm Cottages** (see Fig 5a), 5km to the north, it is worthy of note that the introduction of T23 and T25 renders the overall wind farm more prominent and the appearance less satisfactory as these 2 turbines noticeably sit up in relation to the horizon and to all other turbines.
- 13.61 A similar, although less marked effect is observed from **Watherston North Cottage**, approximately 4.5km north-west of the development (Fig 6a).
- 13.62 The introduction of T26 and T27 increases the visual spread of the turbines when viewed from **Springfield House/Hawksnest** to the south-east approximately 2km away (Fig 8a) so increases the magnitude of visual effect (especially on approach from the south-east) but in a manner which is broadly consistent with the pattern and character of the existing wind farm, although noting that T27 in particular increases the proportion of support column visible above the horizon.
- 13.63 Fig 9a at **Ferniehirst** just under 2km away (and on the west side of the A7) demonstrates that the extension would give rise to visual effects for the first time from here, with substantial visibility of the blades of T22 and in particular T23 above the hilltop. This effect is exacerbated as shown in Fig 10a from the **Minor Road near Lugate Bridge**, with the hub of T22 coming into vision for the first time. This type of new effect is not ideal and within these visualisations it is being demonstrated that, compared to the existing wind farm, visual containment (even within 1.6km) is much less successful.
- 13.64 It is interesting to note that from the new **Borders Railway** line, new and significant visual effects would be encountered. This is apparent in Fig 11a, from which T25 would sit up noticeably in relation to the remainder of the development, and in Fig 12a which shows a substantial blade projecting above the skyline at 1.3km distance (T22). Considering the prominence of the existing wind farm from many locations, it is remarkable that this new type of effect is occurring regularly, as it demonstrates that opportunities to utilise landform to contain the development are not as great this time around.
- 13.65 Very significant visual effects occur in relation to properties at **Allanshaws** (see Fig 1a), a little over 1km to the north-east. In particular, said effects are evident from Allanshaws Farmhouse, whose principal elevation and open front garden face towards the site.
- 13.66 The existing situation is that 13 turbines are visible, that the wind farm is prominent from here and that several turbines (T16, T12, T8 and T4) cause a significant adverse visual impact, with the closest of those being 1.5km away. The introduction of T26 and T27, the closest of these being 1.1km from the receptor/viewpoint, exacerbates the adverse visual impacts quite substantially. T26 in particular causes a new visual effect because the column base would be situated in front of the horizon whereas all other turbines either appear to stand on the horizon or to be behind it. T27 does not come forward of the horizon, but it does sit up in relation to the left-hand end of the wind farm – it appears to tower above T19, T16, T18, T15 and T17 although bears at least some comparison with T12.
- 13.67 It is of note that the former T28 and T29, included in the original scheme, have been removed in acknowledgement that the potential adverse effects upon Allanshaws would have been even more substantial (and adverse) than those in evidence on the reduced scheme. It is highly likely that the potential effects of the grouping of T26, T27, T28 and T29 would have promoted an objection on visual impact grounds due

to the magnitude of impact – the separation distance was down to 0.84km in relation to T28 and around 1km for T29, with the overall effect being one of major encroachment into the amenity area and frontage of Allanshaws.

- 13.68 Although the introduction of only T26 and T27 in the revised scheme still gives rise to substantial adverse effects with the distance to the nearest turbine reduced by 400m (a significant proportional reduction, given the already limited separation) and although the new effect of seeing the column base this side of the horizon is far from ideal, overall the visual effect is increased but not overwhelmingly so, having regard to the existing circumstances for residents of Allanshaws. In part, this is because the picture has quite a strong level of horizontality which spreads the visual load of Long Park quite successfully, even with the additional, closer turbines introduced.
- 13.69 The assessment includes locations and residences within **Stow**, intended to represent the potential visual impacts associated with the village. These are seen on Fig 5a, 5b, 5c, 6a, 6b, 6c, 7a, 7b and 7c.
- 13.70 The effects here are related to those discussed under landscape and visual impacts earlier in this report, in respect of Viewpoints 3, 5, 6, 7, 8 and 10. Essentially, T23 and T25 make appearances within the village/conservation setting, or at least to the hills providing the backdrop to the village whereas currently vegetation and landform screen the wind farm in the context of Stow.

Conclusion in respect of residential visual amenity impacts:

- 13.71 Of those properties affected by substantial and adverse visual impacts, the houses at Allanshaws would experience the greatest change. This is due to turbine proximity and the open nature of the view towards the site. Residents at Halkburn Cottages would also experience strong views of new turbines but in both cases, the changed effects are within close reach of those tolerances already in effect. It is considered that there are no overriding effects relating to residences, in particular further to removal of T28 and T29.
- 13.72 However, T23 and T25 cause new and adverse effects relating to the conservation village of Stow in a manner which is highly concerning, as described in the consultation responses of both SNH and the SBC Landscape Architect. Many residents living within, and using the environs of Stow would experience the presence of those turbines from approaches to and spaces within the village, and likely in some cases from residences/curtilages. The placement of these turbines does not respect the importance of separation of the wind farm from the village, especially when there is adequate landform available, as was utilised in ensuring the design of the original wind farm did not have this effect.
- 13.73 As these effects relate to the village as a whole rather than one or two residences, the significance of the intervention is heightened. As a result, the magnitude of the visual effects that T23 and T25 would have on the village are deemed to be unacceptably great and promoting a reason to object to the scheme as it stands.

Visual Impacts Relating to Cultural Heritage:

- 13.74 The FEI includes visualisations relating to a range of heritage assets, i.e. Scheduled Monuments. These are located within the latter part of Volume 3 (Part 2) to the revised ES.

- 13.75 The principal advisors on such matters, which are regularly influential on planning recommendations, are Historic Environment Scotland and the Council's Archaeology Officer.
- 13.76 Both advisors agree that the principal asset of interest, affected by the proposed development is Bow Castle Broch, a Scheduled Ancient Monument approximately 0.9km from the existing wind farm (nearest turbine) and to be 0.6km from the nearest new turbine.
- 13.77 The nature of the responses of both Historic Scotland and the Archaeology Officer in respect of the original extension scheme would have been likely to promote an objection by SBC. While the revised visualisations demonstrate that there remains a high level of intrusion to the eastern outlook of the Broch and a substantial impact on setting, the implications of the visual effects have been carefully considered and are not found to be overriding. The level of change that would now be encountered would be acceptable on balance.
- 13.78 Although in relation to other heritage assets significant visual impacts arise, none have promoted discussion by either heritage specialist and therefore it may be concluded that none would influence the position of the Council in a heritage context.

Physical Impacts on Cultural Heritage:

- 13.79 The consultation response of the SBC Archaeology Officer confirms that there are no overriding concerns relating to subterranean archaeology. The 2015 response confirms an improvement in terms of the potential impacts and a reduction in mitigation required via condition if consent is obtained. There are no issues in this respect which would influence the SBC recommendation.

Impacts on Residential Amenity Arising from Noise:

- 13.80 In this respect, the planning service takes specialist advice from the Environmental Health Officer.
- 13.81 Within all consultation responses other than the most recent from 15.3.16, it can be seen that there were a significant number of issues remain required to be addressed prior to determination. Unless noise information was improved and clarification given, the noise specialist for SBC felt he/she could not make the full assessment and would not be in a position to indicate precisely what noise issues were, what their implications were and whether mitigation/control of noise would be achievable.
- 13.82 However, all outstanding matters pertaining to potential noise from the development related to the Longpark Extension combined with the Muircleugh scheme, which has now been refused and dismissed on appeal, appear now to have been addressed. Potential noise from the extended wind farm is not considered to give rise to outstanding concerns.
- 13.83 The question of potential noise impacts is one that has continued to be raised and challenged by local residents and it is hoped that an Environmental Health Officer can attend the Committee meeting to answer specific queries members may have on this issue.

Ecological, Ornithological and Habitat Effects:

- 13.84 Although no consultees have identified any fundamental concerns relating to biodiversity and habitat, SNH, SEPA and the SBC Ecology Officer have all highlighted potential issues that could be addressed through mitigation. Such mitigation would not involve relocation of the remaining components of the scheme.
- 13.85 Although, in the event of planning permission being granted it would be essential to ensure that appropriate conditions are imposed, there are no overriding adverse effects in this subject area that would influence the decision in principle.

Impact on Road Safety and the Road Network:

- 13.86 Although the wind farm extension would give rise to significant additional traffic both at construction and decommissioning phases, the traffic would use a route already established for the existing wind farm and an existing road network which is adequate to accommodate abnormal loads. With the re-use of the existing access off the A7 trunk road as the primary access to the overall site, no new or unacceptable traffic and/or transport issues arise in relation to the principal route into the site.
- 13.87 It should be noted that the eastern extension involves a new spur track that crosses the minor public road that leads northwards to Stow. However, with no issues arising from consultees in respect of this principle, it would be appropriate to impose a condition to manage the (temporary) crossing.

Shadow Flicker:

- 13.88 The conclusions drawn in Chapter 12 of the revised ES, are agreed in that it is very unlikely that mitigation relating to shadow flicker would be required. No condition was applied in relation to the current scheme, and with the likelihood of nuisance through shadow flicker being very low a condition relating to flicker would not be advocated.

Developer Contributions:

- 13.89 With regard to developer contributions, these might be necessary to enable mitigation already identified as necessary within the ES/FEI, or to provide offset mitigation where development impacts require mitigation not yet covered. These might relate to a wider strategic ambit responding to cumulative wind farm impacts (for example, to contribute to mitigation against habitat, archaeological impacts) or to site specific impacts caused by the development. Generally, it is anticipated that applicants will wish to consider contributions relevant to development impacts as part of an overall suite of mitigation.
- 13.90 The primary impacts of the proposed development in this context relate potentially to:
- existing habitat for birds, mammals, river species and the potential requirement to secure improved/replacement habitat
 - existing path network including national trails and the potential requirement to help maintain the attractiveness of paths for users despite effects caused by development on user amenity
 - the known and unknown heritage resource and the potential requirement for a range of survey/study/recording/publishing to enhance understanding of the heritage resource; and

13.91 Having regard to the nature of the development and its predominantly occurring effects, i.e. those which are most significant to the recommendation of the application, it is considered that it would be appropriate to seek developer contributions in respect of the following matters, in the event of consent being granted:

- financial contribution towards the upkeep and maintenance of the public path network and areas of public access in particular where those paths/areas relate to important walking destinations and are most impacted by the development

13.92 The nature of a potential level, frequency and relevance is discussed in the revised consultation response of the SBC Access Officer.

14.0 CONCLUSION:

14.1 In relation to national, regional and local planning policy, applications for onshore wind development are to be supported unless there are overriding reasons to refuse. There is no cap to the amount of energy that may be produced by wind generation in mainland Scotland. 14MW is relatively little compared to the potential output of many of the wind farms operational or approved in Borders, but when combined with the output of the existing wind farm it makes a valid contribution. Because much of the infrastructure required for the wind farm exists already, logic is added to the principle of the extension because as a general rule, adding further turbines to an existing wind farm will be less of an intrusion than an introduction of a new wind farm. It is acknowledged that implementation, operation and decommissioning of the development would give rise periodically to employment and investment.

14.2 The existing Longpark Wind Farm is frequently criticised due to its lack of topographical containment, its visibility from a wide range of places and its visual relationship with sensitive environs, including the National Scenic Area at the Eildon Hills. However, despite its situation, the existing wind farm is considered to have been laid out quite well, taking into consideration the challenges presented by the site. Much work was undertaken between the developer and consultees to ensure this.

14.3 The principal concern relating to the application, as reflected within this report, is whether the proposed additions give rise to new, unacceptable impacts. While there may be cumulative impacts with other wind farm schemes, these do not have a great influence on the consideration of the proposal. More, it is what the additions do to the existing wind farm, in terms of changing its nature so that new, adverse effects are caused.

14.4 That, in essence, is fundamental to the position of SBC as consultee. In all regards except one, there are no overriding concerns.

14.5 The overriding concerns relate to the landscape and visual impacts caused by the scheme, and as highlighted in the consultation responses of SNH and the Council's Landscape Architect, T23 and T25 give rise to the main unacceptable effects. These two turbines are on higher ground as witnessed in a range of visualisations, and are so close to the edge of the topography providing containment to the existing wind farm that they appear strongly out of kilter in relation to what is there now. T23 and T25 repeatedly can be identified as those two turbines causing visual disharmony and adverse landscape effects. In relation to Stow and the A7 northern approach to

Stow in particular, these two turbines clearly appear discordantly in relation to the village and its setting, in a way that the existing wind farm does not.

- 14.6 This proves to a great extent that the opportunities to site the existing farm were optimised in terms of ensuring that landscape and visual effects were rendered acceptable and responsive to concerns about impacts on key receptors.
- 14.7 SNH in its first consultation response highlighted T23, T24 and T25 along the northern side of the site as most problematic and recommended they be deleted; and in the subsequent response advises that in only deleting T24 the effects of the remaining northern extension remain largely the same. SBC is very much aligned with this opinion.
- 14.8 In matters of landscape and visual effects, T23 and T25 render the scheme unacceptable; it seems clear that deletion of these two turbines would alleviate much of the concerns of SNH and the SBC Landscape Architect, i.e. leaving the scheme in a supportable form. With T23 and T25 still in situ, the adverse landscape and visual effects are not outweighed by the benefits the scheme would bring, having particular regard to those two turbines.
- 14.9 In other respects, it is considered that further to the revisions no overriding planning concerns remain.

15.0 RECOMMENDATION BY CHIEF PLANNING OFFICER:

- 15.1 I recommended that the Council object to the application in its current form for the following reasons:
- 15.2 1. The proposed development would be contrary to Policies G1, BE4 and D4 of the Scottish Borders 2011 Local Plan, in that the development would unacceptably harm the Borders landscape due to:
- (i) the siting of turbines T23 and T25 on ground at a higher level than adjacent turbines, and closer to the edge of containing topography and landform, so that the overall wind farm would have an unbalanced and more prominent appearance, with increased visibility and less visual coherence of the wind farm noticeable from a range of vantage points and with two specified new turbines that relate poorly to the remainder of the development, so that it detracts from the underlying character of the landscape; and
 - (ii) the siting of turbines T23 and T25 in such a manner that they interact with and harm the setting of Stow Conservation Area, in particular as witnessed on approach from the north on the A7 where elements of the conservation village are seen with tree-covered hills as backdrop, above which the turbines project substantially.
- 15.3 2. The proposed development would be contrary to Policies G1, D4, BE4 and H2 of the Scottish Borders 2011 Local Plan, in that the development would give rise to unacceptable visual and residential amenity effects due to:
- (i) the increased level of visibility of the development and lack of good topographical containment of turbines T23 and T25 from a range of viewpoints including the Borders Railway and the A7 Trunk Road/Tourist Route; and
 - (ii) harmful and inappropriate visual impacts on the residential amenity of Stow village due to the siting and prominence of T23 and T25 which are not well

served by topography and landform, and which strongly interact with the residential setting/core of the village and the Conservation Area, from within which the new turbines would be visible above topography that currently provides screening to existing turbines.

DRAWING NUMBERS

SEI Figure 2.1 (16.10.14)	Local Context
SEI Figure 2.2 (3.11.14)	Detailed Site Layout
ES Figure 2.3 (25.7.13)	Proposed Turbines
ES Figure 2.5a (25.7.13)	Gravity Turbine Foundation
ES Figure 2.5b (25.7.13)	Piled Turbine Foundation
ES Figure 2.6a/b (25.7.13)	Typical Hardstanding Details
ES Figure 2.7 (25.7.13)	Typical Road Construction
ES Figure 2.10 (26.7.13)	Switchgear Building
ES Figure 2.11 (26.7.13)	Temporary Construction Compound
ES Figure 2.12 (4.9.13)	Typical Borrow Pit

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

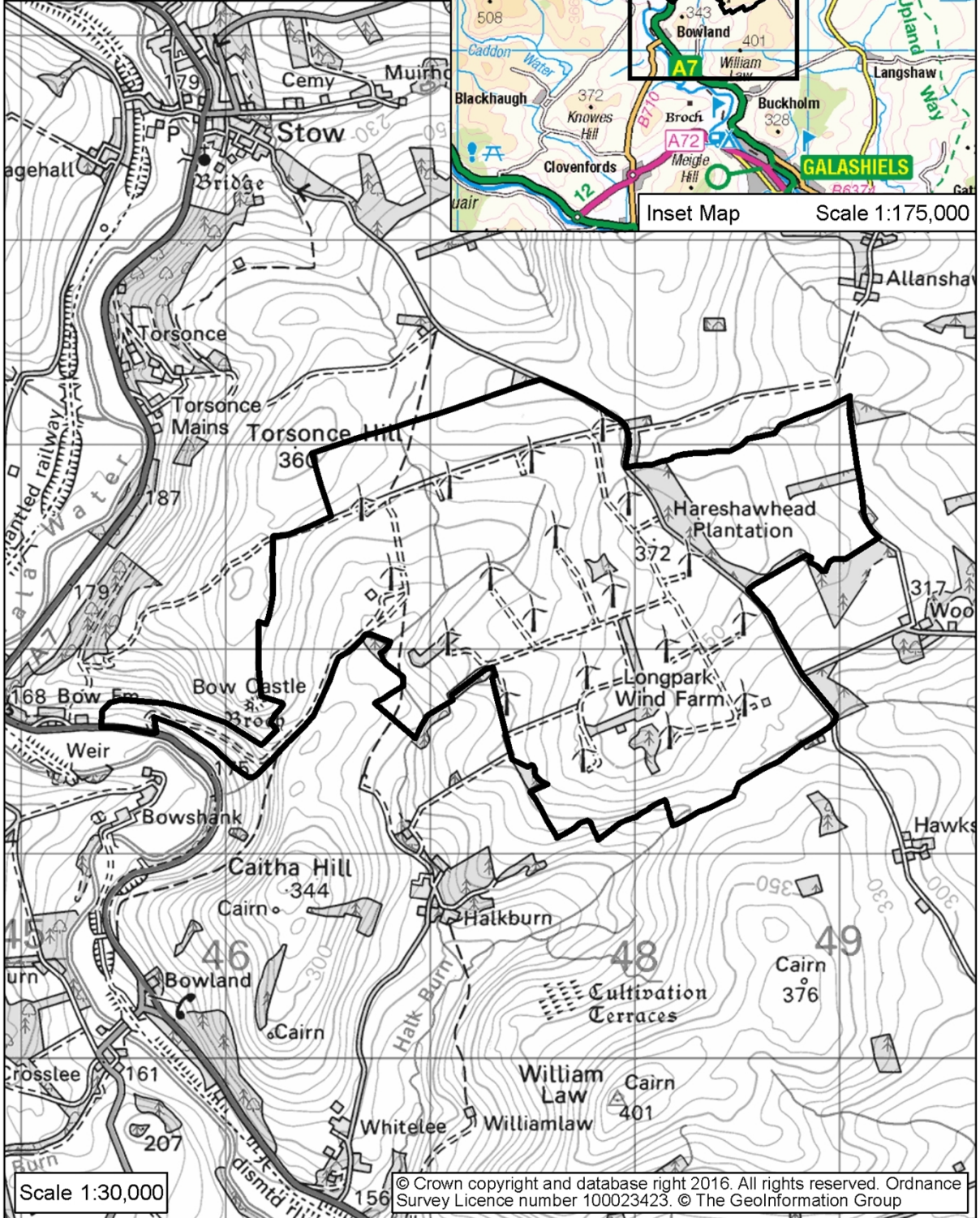
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

Name	Designation
John Hiscox	Planning Officer (Major/Wind Energy Development)



14/00417/S36
 Longpark Wind Farm
 Bow Farm
 Stow



This page is intentionally left blank

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

28 MARCH 2016

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 15/01424/FUL and 16/00064/FUL
OFFICER:	Dorothy Amyes
WARD:	Tweeddale West
PROPOSAL:	Erection of dwellinghouse with integral garage Erection of dwellinghouse with detached garage
SITE:	Plots 6 and 7 Land North East of Romanno House, Romanno Bridge
APPLICANT:	Onyx Homes (Cousland) Ltd
AGENT:	Timber Bush Associates ltd

BACKGROUND

This report relates to two applications on adjacent plots at Romanno Bridge. Application 16/00064/FUL has been subject to a Members referral request and is presented to the Planning and Building Standards Committee for determination for the following reasons:

- The application should be determined at the same time as application ref 15/01424/FUL
- The application needs to be assessed against the prevailing policies and guidance which were not in existence when the previous consent for this site was granted in 2007.

The Members Referral form is available on the public file.

SITE DESCRIPTION

The sites are located at the southern end of Halmyre Loan which is to the east of the A701 at the northern end of Romanno Bridge. It is currently undeveloped land lying between the end of the new development of houses and the older houses and the A701. The land slopes down towards the main road. There is a line of conifers which run for part of the length of the boundary with Lynebank and another line of conifers along part of the boundary with the main road. Access to the site is via the existing road through the new housing development of 19 houses, plots 6 and 7 would become 20 and 21 Halmyre Loan when completed. The existing access road runs along part of the frontage of plot 6, the remainder is an unmade track. Romanno House lies to the east of the plots in an elevated position.

PROPOSED DEVELOPMENT

It is proposed to erect a one and three quarter storey dwellinghouse on each plot. Although similar in design, plot 6 will have an integral double garage, plot 7 will have a detached double garage located at the front of the plot. The proposed houses will share some of the features of the existing dwellinghouses including the large glazing panels at the centre of the front elevation, similar windows styles although the frames will be grey rather than brown

and split roof lines and pitched roofs over the first floor windows on the front elevation, It is proposed that the walls will be finished in buff coloured render. However, it is proposed that the roof will be covered in greyslate tiles and there will horizontal larch cladding on the central sections of the front and rear elevations.

In response to comments from the Council's Landscape Architect, the location of the houses was moved within the site so that they are now more in line with the rear elevation of plot 5 (no 19) rather than the front elevation. This has the effect of lowering the ridge line when viewed from street level and this can be seen in the Street Elevation submitted with the application.

The detached double garage on plot 7 will have a pitched roof and two small box dormers one for access from an external stair and the other for a window. It will have a ridge height of approximately 5m. The materials will match those on the dwellinghouse. A small office space will be provided at first floor level. Two parking spaces will be provided in front of each of the garages.

No detailed landscaping plan has been submitted but the revised site layout indicates tree planting along the boundary with the A701 and along part of the southern boundary of plot 7. The existing tree belt also along this boundary is to be retained.

It is proposed that the new houses will use the existing private sewage system and soakaway trenches for surface water drainage will be provided in the rear garden ground.

PLANNING HISTORY

An application for the erection of two dwellinghouses with integral garages on the site was approved in July 2008 (07/00871/FUL). No work commenced on site and the consent lapsed in July 2013. The required developer contributions were paid through a Section 69 application prior to the consent being issued. There were no third party objections to this proposal and the Community Council did not object, although they requested that issues relating to sustainability of design and materials were addressed.

Other relevant applications

The initial phase of building at Halmyre Loan took place during the 1990s when a total of 14 dwellinghouses, mostly large detached bungalows within their own grounds, were constructed.

Plots 1-7 (now 15-21 Halmyre Loan)

In 2002 an application for 7 dwellinghouses (including the current plots) was submitted (02/00013/FUL). The application could not be supported as it was contrary to Policy 3 of the Tweeddale Local Plan 1996 as the number of proposed houses exceeded the Council's agreed definition of 'limited infill' development. The application was subsequently withdrawn in February 2002.

Later in 2002 an application for the erection of dwellinghouses on the first three plots (02/00842/FUL) was approved by the Tweeddale Area Committee on 27 October 2003. Application for changes to the house types were approved in 2006 (06/02011/FUL and 06/02012/FUL)

Also in 2006 applications were approved for dwellinghouses on plots 5 and 6 (06/01007/FUL). Changes to the house types were approved in April 2007. An application to discharge the planning obligation pursuant to planning permission 06/01007/FUL was approved on 31 May 2013 (13/00422/MOD75)

Plot 8 - This plot is located between Romanno House and Lynebank and an application to erect a dwellinghouse with integral garage was approved in April 2009. No development has taken place and the consent has now lapsed

REPRESENTATION SUMMARY

Application 15/01424/FUL

At the time of writing this report, twelve representations have been received objecting to the proposals on the following grounds:

- A double storey property is not consistent with style of other properties in Romanno Bridge
- Too prominent – negative cumulative impact on character and amenity of Romanno Bridge
- A low level building would be more appropriate
- Impact on landscape and on the Cross Borders Drove Road
- Loss of privacy for nearby residents
- Loss of visual amenity for nearby residents
- Does not comply with policy for protection of residential amenity
- No justification for a large house on this plot
- No affordable housing options
- Existing development of plots 1-5 are not in keeping with surroundings
- New buildings will increase in flooding at Romanno Bridge

Application 16/00064/FUL

At the time of writing this report, seventeen individual letters of objection plus one general comment has been received and the views can be summarised as follows:

- Lack of affordable housing in the village
- Character of existing and proposed housing not in keeping with character of area
- Height and size impede views and impact on the local landscape
- Loss of light in neighbouring properties
- Houses should be single or one and a half storey
- Overlooking and loss of privacy
- Proposed ridge height of detached garage higher than adjacent property
- Impact on Cross Borders Drove Road
- New buildings will increase in flooding at Romanno Bridge

Correspondence was also received from Halmyre Loan (West) Residents Committee in which they raise issues relating to the sewage treatment plant and road safety.

APPLICANTS' SUPPORTING INFORMATION

The applicant's agent has submitted further details relating to the existing sewage treatment plant. The applicant has submitted a supporting statement which can be viewed on the public file and is shown as correspondence between officer/agent and dated 2 March 2016.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Officer

15/01424/FUL

No objections to the erection of a house on this vacant plot. The access road serving this site has been completed and the plans which accompany this application show adequate parking for two vehicles. The verge crossing serving the site must be completed to the Council's satisfaction using a block paved construction to the specification shown below. This work must be carried out by a contractor first approved by the Council. The gradient of the parking/driveway must be not greater than 1 in 15 and the parking for a minimum of two vehicles must be provided prior to occupation of the dwelling and retained thereafter in perpetuity.

Verge Crossing Spec.

80mm thick approved block paving laid on 30mm sharp sand laid on 100mm DBM binder course laid on 250 type 1 sub-base.

16/00064/FUL

Whilst there are no objections to the erection of a dwellinghouse on this plot, the parking and turning area needs to be amended to ensure vehicles can manoeuvre satisfactorily in order to re-join the road in a forward gear. It is felt that the current layout does not achieve this.

In order for me to look more favourably on this proposal, I will require an amended drawing showing a satisfactory parking and turning layout. The drawing should also include details for the construction specification of the private access road and parking area.

Education:

For both applications: contributions required for Peebles High School.

Landscape Officer:

For both applications and prior to the submission of the revised layout: The proposed footprint is not significantly different than the original consented application with the exception of the detached garage. Neither application submitted any proposed planting to integrate the development into the wider landscape, but this is deemed an important element of any successful scheme. I suggest that in order to create a better landscape fit for this house the footprint of both the house and the detached garage should be moved north west until the rear elevation of the house matches the line of the rear elevation of the consented unit. This will have the advantage of setting the house and garage further down the slope - better setting it into the landscape. It will also add approximately 3 additional metres onto the front garden which if planted up as shown on the attached amended layout drawing with screen tree planting (contiguous with the suggested planting for Plot 6), would create some valuable screening between this property and Romanno House which is in an elevated position overlooking this site. The screen planting should not interfere with the enjoyment of the property as it will be 4m away from the house frontage.

Further screen tree planting is required to the north western and the unplanted section of the south western boundaries to help integrate the development into the wider landscape and screen views of the development from the west. A 3-5m wide strip of tall screen planting in accordance with Landscape Guidance Note 1 would form an acceptable screen.

Conclusion

If the proposed house and detached garage could be moved down the slope and a meaningful stripe of screen planting could be achieved to the south east of the residential

unit to effect a degree of screening between the proposed development and the existing residential property immediately to the south east and a robust stripe of tree planting could be achieved along the exposed north west and south west boundaries, I would be more satisfied that every effort has been taken to integrate the development into the wider landscape and I would have no further issues with the proposal. A detailed planting plan showing all proposed planting should be a condition of any consent.

Statutory Consultees

Community Council:

Same response for both applications: We have again been approached by numerous members of our community who are concerned about the planned development at Romanno Bridge, to the north of Romanno House. As a result we wish to object to the proposed property on the following grounds:

1. It is not consistent with the development characteristics of the village
2. It will reduce the visual amenity of the surrounding area.
3. There will be a loss of privacy to residents of neighbouring properties.

We do not believe that the planned development is suited to the site and a low level building would be much more appropriate and sympathetic to the visual amenity and also address privacy concerns.

Other Consultees

None

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

G1 - Quality Standards for New Development
G7 – Infill Development
H2 - Protection of Residential Amenity

Scottish Borders Local Development Plan 2016 (as proposed)

PMD1 – Sustainability
PMD2 – Quality Standards
PMD5 – Infill Development
HD3 – Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

- Privacy and Sunlight Guide (July 2006)
- Place Making and Design (Jan 2010)

KEY PLANNING ISSUES:

Whether the proposals comply with the current Local Plan policies and the emerging Local Development Plan policies for infill development within a settlement boundary and whether

the development would result in any significant loss of residential amenity for existing residents.

ASSESSMENT OF APPLICATION:

Planning Policy

The sites are located within the development boundary of Romanno Bridge and the main considerations relate to compliance with Infill Development and Protection of Residential Amenity policies.

Scottish Planning Policy (SPP) acknowledges the need for high quality layout in housing development in order to protect residential amenity. It acknowledges the contribution of infill development to the housing land supply but provides for its careful control particularly within residential areas. SPP also supports the principle that settlements must be able to absorb and sustain individual and cumulative effects of infill development and care must be taken that no over development takes place.

As the earlier approval to develop this land for two dwellinghouses was in 2007, it is important to consider what policy changes have been made that may influence the consideration of the current proposal.

The Scottish Borders Local Plan 2008 was formerly adopted in early September 2008 several months after the decision was made to approve the previous application on this site. However, the policies would have been material considerations when assessing the application.

When the Consolidated Local Plan was adopted in 2011 there were changes to several policies including Policy G7 (Infill development) and H2 (Protection of Residential Amenity). In the case of Policy G7 the amendment included the case of garden ground or backland development which has to be justified under Policy H2 to safeguard the amenity of residential areas. In relation to Policy H2, the changes were the inclusion of the following criteria relating to 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.

The emerging Local Development Plan policies relating to Infill development and Protection of Residential Amenity (PMD5 and HD3) are now also material planning considerations. The criteria in both the new policies remains the same as in the previous policies. The Placemaking and Design section of PMD 2 - Quality Standards is particularly relevant to this application and this is as follows:

- 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'.

Any planning application also has to be assessed against the available Supplementary Planning Guidance, in this case Placemaking and Design which was adopted in 2010 and Privacy and Sunlight adopted in 2006. As noted above, Placemaking and Design criteria have been incorporated into the Quality Standards policy.

For clarification, the main policy change since the previous application for this site was approved is the SPG on Placemaking and Design and the emerging Local Development Plan policies

Principle

The addition of two dwellinghouse in an established residential area does not conflict with the established land use of the area and both dwellinghouses can be adequately accommodated within the sites. It has clearly been the intention to complete the development and seven house plots were shown on the application which was withdrawn in 2002.

It is likely that the previous consent would have been implemented as the infrastructure was designed to accommodate these houses and the required developer contributions were paid in 2008. It is understood that the past economic conditions and change of ownership have been the reason for the delay.

It is contended that there has not been such a fundamental policy change to render the site unsuitable for development. The site has potential for development and the previous decision remains a significant material consideration in the determination of this case. It is rather a matter of whether the particular proposed development meets the qualifying criteria of the stated policies.

Design and Layout

It has been contended by the objectors to the development that the proposed houses are out of character with the surroundings and with Romanno Bridge as a whole. However, the new houses will be similar in appearance to the neighbouring properties in Halmyre Loan and these existing properties form the streetscape and character of the immediate area. Whilst the development as a whole may not be considered by some people to be appropriate for the rural area in which they are located, they have gained planning approval over the last 20 or so years and the site under consideration represents the final plots (with the exception of a possible dwellinghouse on plot 8 which is under separate ownership). The development of these plots has already gained planning consent and it is suggested that policy changes have not been so significant that the current proposals are unacceptable.

It is difficult to define the character of Romanno Bridge as there have been developments at both the northern and southern end of the village. There is now a mixture of older, traditional properties, new properties, single, one and a half and two storey properties. The older properties close to the site are generally single storey but with the exception of Romanno House there are strong boundaries, mainly of mature trees, between these properties and Halmyre Loan. However, it is contended that the new dwellinghouses will complement the sense of place created by this modern development. Single storey properties of a different design are likely to look out of place in this location and there are no overriding planning reasons to require single storey or one and a half storey houses to be constructed at this location. The detached garage is considered to be appropriate. It is not out of keeping with the development, as there is also a detached double garage on plot 2.

It is considered that the current proposals respect the scale, form, design, materials and density of the other five properties in Halmyre Loan.

Access

Adequate access to the site can be achieved although the Roads Planning officer has asked for some changes to the parking layout on Plot 7. If Members are minded to approve the applications, this can be made a condition on the consent.

Drainage & Flooding

Comments have been made regarding drainage, the existing sewage system and potential flooding of adjacent land. Information has been submitted by the applicant and agent regarding the existing system and surface water drainage has been shown on the plans. It appears that there may be issues with the existing system for the development as a whole but these issues will be dealt with in more detail at the Building Warrant stage. It is unlikely that the addition of two dwellinghouses will have any significant impact on the flooding of adjacent areas in Romanno Bridge during periods of heavy rainfall.

Landscape and Visual Impact

It is noted that when the application for the first three houses was assessed concern was expressed by the Council's Landscape Architect that the proposals would have the effect of creating a suburban enclave in full view of the A701 in an otherwise rural area. This is because the original site contained numerous trees which acted as screening. Approval was given for these houses with a condition requiring the retention of some of the trees on the site and for a landscaping scheme to be submitted. The approval for plots 4 and 5 also contain a similar condition requiring the retention of the trees on the site. It is clear that not all the trees have been retained but those that remain still have the effect of providing some screening and limiting the impact on the houses along the A701. Further investigations are ongoing to establish whether there has been any breach of the conditions relating to the retention of the trees.

Halmyre Loan is in a slightly elevated position and the houses, particularly the one on plot 5 can be clearly seen from distant views such as when travelling along Bogsbank Road from the West Linton direction. However, the newer two storey houses and Newlands Centre are also prominent from this viewpoint. The Halmyre Loan development benefits from some screening provided by mature road side trees.

The proposed dwellinghouses will have some visual impact but with appropriate screen planting this will be reduced over time. It is considered that the impact will not be so great that the application should be refused. The roofline of the properties is set down from that of the adjacent property and again this will reduce the impact.

The Cross Borders Drove Road runs along the perimeter of Romanno House and then up the hillside. It is likely that only the rooflines of the proposed houses will be visible and the expansive views of the Pentland Hills will not be affected by the development. The proposals will not have any significant impact on the enjoyment of visitors and walkers in the area.

Residential Amenity

The Guidelines on Sunlight and Privacy had been adopted when the earlier application for the houses on this site was assessed and they did not raise any issues in relation to loss of residential amenity for neighbouring properties.

Romanno House is a detached single storey property located in an elevated position to the east of the site. There is an open boarded timber fence along the boundary at Halmyre Loan with some young beech trees along this boundary.

It is estimated that base of this property is approximately 4m higher than the floor level of the proposed houses. There is a distance of approximately 40m between facing windows on the houses and approximately 30m between windows in the detached garage.

These distances comply with the privacy guidelines. The minimum required distance between facing windows is accepted as being 18m although where the ground slopes the distance is increased by 2m for every metre difference in height. This would mean that in this instance a minimum distance of 26m would be required. This is clearly achieved in this instance. However, to provide additional privacy for the residents of the new properties it is recommended by the landscape architect that there should be screen planting within the front garden ground. The window in the detached garage is also at an acceptable distance from facing windows.

The property to the south of Plot 7, Lynebank, is approximately 20m from the proposed dwellinghouse and it is partially screened by an existing line of trees. Further proposed planting along this boundary will provide additional screening. In addition, there are only small windows on the side elevation facing Lynebank and the higher level windows will be fitted with opaque glazing.

There will also be opaque glazing in the upper windows on the side elevation on the proposed house on Plot 6.

The house on plot 6 will cause some over shadowing and loss of sunlight in the windows on the south facing elevation on plot 5. Due to the orientation of the properties this will be only for part of the day. The windows are not into the main habitable rooms but serve bathrooms and toilets. This is considered to be within acceptable limits.

Any loss of view from neighbouring properties is not a material planning consideration.

Road Safety

There is a current Road Construction Consent for the existing access road but it has not yet been formally adopted. Any damage to this road during the construction phase of plots 6 and 7 would require remedial work by the applicant. This can be addressed through a condition on any consent.

The local residents' association raised issues regarding road safety. The Roads Planning Officer has looked at both applications and the existing road layout and he is satisfied that the existing layout at Halmyre Loan was designed in a manner to create a natural traffic calming layout by the use of road narrowing, shared surfaces and horizontal layout. The cul-de-sac nature of the road removes any through traffic, therefore the majority of users of this road will be aware of its layout and drive accordingly. Road users who are unfamiliar of the road layout will also drive accordingly due to the informal nature of the road. He is of the opinion that no further traffic calming measures are required and notes that none were required as a condition of the previous consent.

Development Contributions

Although these are large houses, there is a requirement for a developer contribution towards affordable housing and education and lifelong learning. These contributions were paid in 2008.

CONCLUSION

In conclusion, it is considered that there have not been any significant changes to policies since the granting of the original consent that would justify refusal of the current applications. The proposals comply with the existing and emerging planning policies for infill development, quality standards and protection of residential amenity. The proposed dwellinghouses are compatible with the other five houses in Halmyre Loan which form the current streetscape and sense of place. They will not significantly detract from the character of Romano Bridge or have a major impact on the surrounding landscape, subject to appropriate landscaping and tree planting. The proposals comply with the guidelines for privacy and sunlight.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend that both the applications be approved subject to the following conditions and informatives:

15/01424/FUL

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.Reason: To ensure the satisfactory form, layout and assimilation of the development.
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.
4. No development shall commence until detailed drawings, showing which trees are to be retained on the site are submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.

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

5. No development shall commence until the trees to be retained on the site have been protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
 - (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
 - (b) No fires shall be lit within the spread of the branches of the trees;
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
 - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
 - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

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

6. The verge crossing serving the site must be completed to the Council's satisfaction using a block paved construction to the specification shown below:
 - 80mm thick approved block paving laid on 30mm sharp sand laid on 100mm DBM binder course laid on 250 type 1 sub-base.

This work must be carried out by a contractor first approved by the Council. The gradient of the parking/driveway must be not greater than 1 in 15 and the parking for a minimum of two vehicles must be provided prior to occupation of the dwelling and retained thereafter in perpetuity.

Reason: To ensure that adequate parking is provided within the site in the interests of road safety

7. A pre-construction and post-construction survey of the route along Halmyre Loan shall be undertaken and submitted to the local planning authority. Any remedial works identified as a result of the construction vehicles using this route, will require to be rectified by the developer within an agreed timescale. This includes any emergency remedial works.

Reason: To ensure that a suitable standard of access is maintained to the locality in the interests of road safety

8. The details of all boundary walls and/or fences to be submitted to and approved by the planning authority before development is commenced.

Reason: To safeguard the visual amenity of the area.

9. Notwithstanding the information submitted with the application, the means of water supply and of both surface water and foul drainage to be submitted to and approved by the planning authority before development commences.

Reason: To ensure that the site is adequately serviced.

Informative

The landscape proposals should incorporate the areas of planting shown in the plan submitted by the Council's landscape architect dated 15 February 2016.

16/00064/FUL

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.Reason: To ensure the satisfactory form, layout and assimilation of the development.
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.
4. No development shall commence until detailed drawings, showing which trees are to be retained on the site are submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.
5. No development shall commence until the trees to be retained on the site have been protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

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

6. Before any development commences on site a revised plan of the parking and turning area shall be submitted to the local planning authority for approval. This plan needs to demonstrate that there is an adequate turning area to ensure vehicles can manoeuvre satisfactorily in order to re-join the road in a forward gear.

Reason: To ensure that adequate parking is provided within the site in the interests of road safety

7. A pre-construction and post-construction survey of the route along Halmyre Loan shall be undertaken and submitted to the local planning authority. Any remedial works identified as a result of the construction vehicles using this route, will require to be rectified by the developer within an agreed timescale. This includes any emergency remedial works.

Reason: To ensure that a suitable standard of access is maintained to the locality in the interests of road safety

8. The details of all boundary walls and/or fences to be submitted to and approved by the planning authority before development is commenced.

Reason: To safeguard the visual amenity of the area.

9. Notwithstanding the information submitted with the application, the means of water supply and of both surface water and foul drainage to be submitted to and approved by the planning authority before development commences.

Reason: To ensure that the site is adequately serviced.

Informative

The landscape proposals should incorporate the areas of planting shown in the plan submitted by the Council's landscape architect dated 15 February 2016.

DRAWING NUMBERS

15/01424/FUL

P02 – Site Layout Plan

P06A – Street Elevation

W13B – Site Layout Plan

P05A – Elevations

P03 – Floor Plans

P05 – Sections

P01 – Location Plan

16/00064/FUL
P16 - Location Plan
P11 – Elevations
P15 – Garage
P12 – Sections
W13B – Site layout Plan
P06A – Street Elevation
P10 – Floor Plans

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

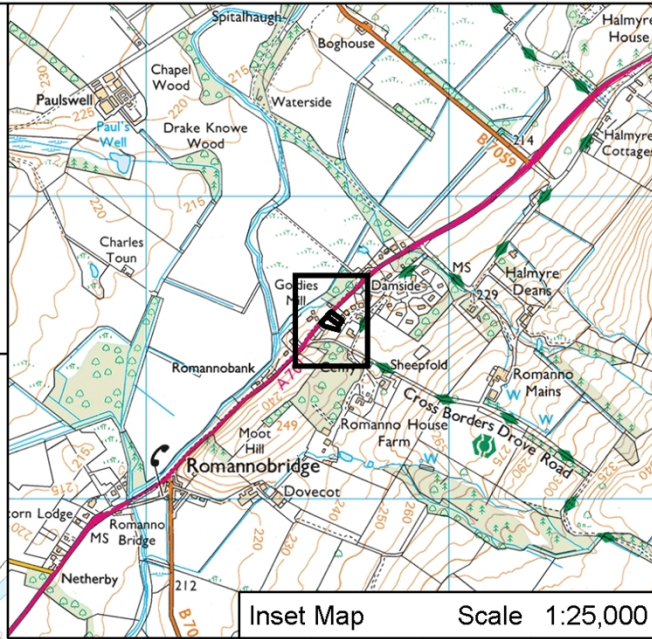
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

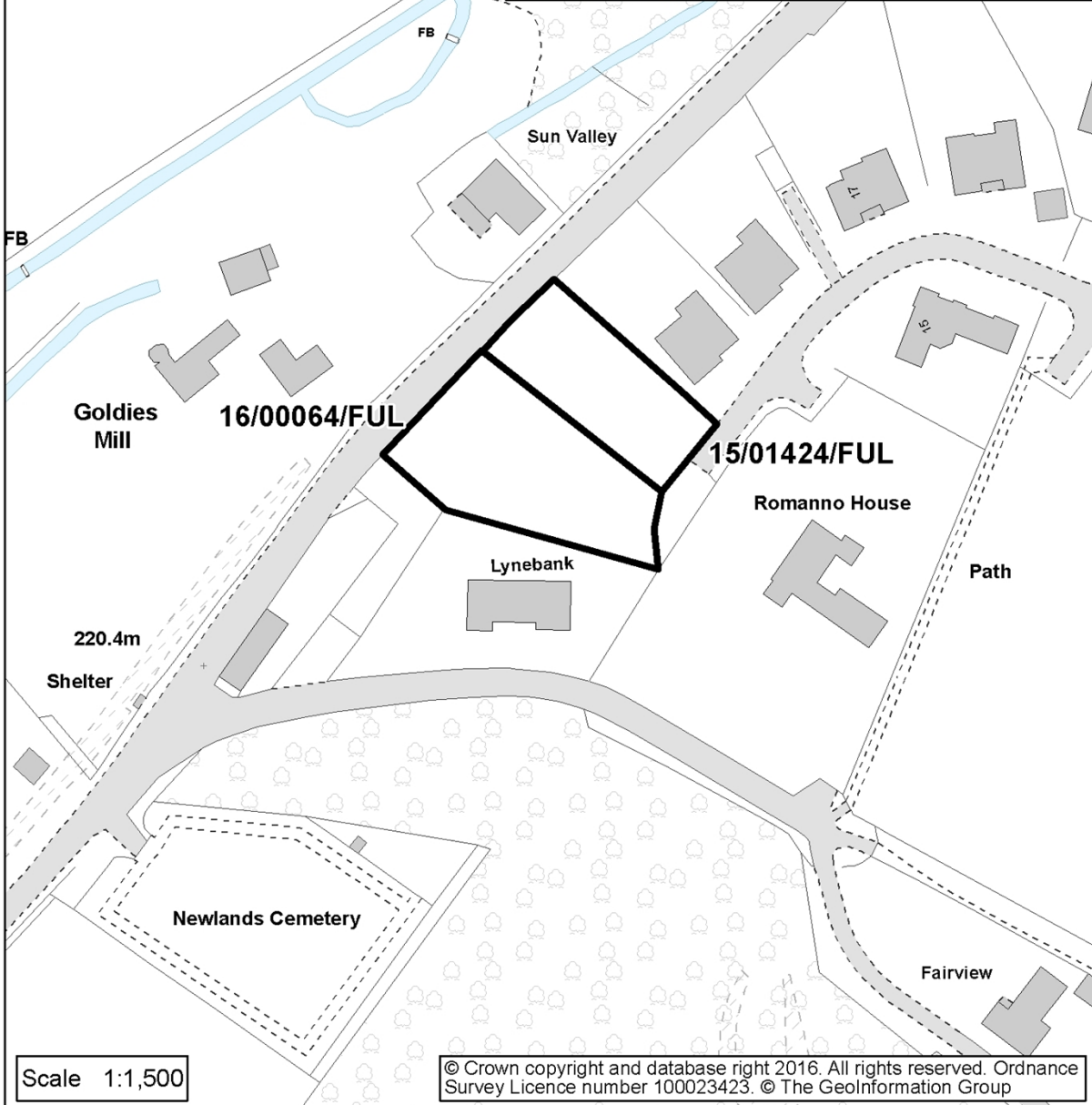
Name	Designation
Dorothy Amyes	Planning Officer



15/01424/FUL & 16/00064/FUL
 Plot 6 & 7 Land North East
 Of Romanno House
 Romanno Bridge



Inset Map Scale 1:25,000



Scale 1:1,500

© Crown copyright and database right 2016. All rights reserved. Ordnance Survey Licence number 100023423. © The GeoInformation Group

This page is intentionally left blank

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

28 MARCH 2016

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 16/00024/FUL
OFFICER: Dorothy Amyes
WARD: Tweeddale West
PROPOSAL: Erection of wind turbine 28.8m high to tip (renewal and amendment to previous consent 12/00950/FUL)
SITE: Land North West of Deanfoot Farmhouse, West Linton
APPLICANT: Mr Andrew Struthers
AGENT: VG Energy Ltd

SITE DESCRIPTION

The site is located at the top of a small ridge located to the north east of West Linton, approximately 1km from the settlement boundary at its nearest point when leaving West Linton travelling north on the A702. The site is described in the Borders Landscape Assessment as 'an undulating upland fringe landscape of large scale fields with mixed arable and pastoral land use.'

PROPOSED DEVELOPMENT

It is proposed to erect a single wind turbine with a hub height of 18.1m and a tip height of 28.6m. The blade diameter is 21m. The specific model is an ESPE FX-21. This is a renewal of a previous consent which expired on 15 January 2016 and it is also for a change of wind turbine. The current application was submitted on 13 January 2016.

In the previous year discussions had been ongoing with the agent and SBC staff, in particular, Environmental Health, to see if the change of wind turbine could be treated as a non-material variation. The change of turbine was required as the originally approved turbine was no longer available.

These discussions involved the submission of details related to the potential noise impact on the nearest residential receptors and whilst this matter was nearing completion it became clear that agreement could not be achieved before the original consent expired.

PLANNING HISTORY

- 11/00810/FUL – Erection of wind turbine 19.25m to tip approved in September 2011
- 12/00950/FUL – Erection of wind turbine 28.6m to tip approved in January 2013. This application was originally submitted for a turbine with a tip height of 34.2m. This height was considered to be excessive and the plans were revised for a 28.6m tip height.
- 15/01086/FUL – Formation of Access Track from Deanfoot Road to the turbine location
- approved in November 2015

Other relevant planning applications:

- Cottage Farm, West Linton: Erection of wind turbine 24.8m high to tip, approved in March 2013. Turbine erected in 2015 (13/00031/FUL)
- Kettleshill Farm, West Linton: Erection of wind turbine 18.6m high to tip (amendment to previous consent and retrospective) approved in November 2015 (14/00746/FUL). Turbine erected in 2014.
- South Slipperfield, West Linton: Erection of wind turbine 27.1m high to tip approved in November 2013 (13/00839/FUL). Turbine erected late 2015/early 2016.

REPRESENTATION SUMMARY

Twelve letters of representation have been received. The eight objections to the proposal can be summarised as follows:

- detrimental to environment
- detrimental to residential amenity – close to housing and will impact on nearby residential properties due to high visibility and noise nuisance
- health Issues
- turbine is too high
- inadequate screening
- impact on road safety – visually intrusive for drivers on A702 trunk road on approach to conservation village
- detrimental effect on the landscape and highly visible in an area so far untouched by turbines of this size
- impact on tourism along tourist route between West Linton and Edinburgh

The loss of view and the impact on the value of property are not material planning considerations.

The four support comments can be summarised as follows:

- application is an extension of existing consent
- objections have already been dealt with and previous proposals considered to be acceptable in terms of SBC policies and guidelines
- site is screened from nearby houses by tree plantations

Wind turbines as an important source of income for upland farmers is not a material planning consideration.

It is noted that two of the supporters are related to the applicant.

APPLICANTS' SUPPORTING INFORMATION

The agent has submitted noise reports relating to this turbine.

There is a Visual Impact Assessment on the public file for 12/00950/FUL which is relevant to this application although the turbine shown is 34.2m to tip. It should be noted that in the VIA reference is made to viewpoints from the A701, this should read Deanfoot Road.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Environmental Health: Following Environmental Health's responses to the previous consent, the applicant has provided updated information in support of this application. No objection in principle subject to conditions.

Landscape: The Council's Landscape Architect concluded that there is no material change in this application from the previous application (12/00950/FUL) and therefore she stands by her response, dated 11th December 2012, that, on landscape and visual grounds, there are no objections to this application.

This response is copied below:

This (amended) proposal is to erect an Endurance 3120 turbine with a tip height of 28.6m, on the ridge along which the Deanfoot Farm north western boundary runs.

The original application was for 19.25 m turbine which I deemed, due to its relatively small size in the context of trees and adjacent woodland, would not have a significant visual effect. I was more concerned about the visual impact of a 35.4m turbine from surrounding areas including the A702 and from residential receptors on the north and east side of the village of West Linton. The turbine even with a reduction in size down a tip height of 28.6m will be visible from surrounding areas but will not be completely unrelated to the landscape and landscape features of the area nor will sensitive receptors such as users of the A702 or walkers on footpaths to the north in the Pentland Hills Special Landscape Area be viewing it from such close proximity as to make it very prominent in the landscape. The adjacent shelterbelt woodland blocks and groups of trees will further reduce its visibility from surrounding areas and for all the above reasons I conclude that the landscape and visual impact of this turbine will not be so significant as to warrant objection to it.

Statutory Consultees

Transport Scotland: No objection subject to conditions relating to the movement of the turbine parts on the trunk road.

MOD: No objection subject to the following:

Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

If planning permission is granted we would like to be advised of the following prior to commencement of construction;

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area. If the application is altered in any way we must be consulted again as even the slightest change could unacceptably affect us.

West Linton Community Council: By a majority decision West Linton Community Council (WLCC) does not support the above application which came before it on 8 February due to the visible impact it will have and the potential distraction for drivers on the A702.

NERL Safeguarding: No safeguarding objections

Other Consultees

None

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

G1 - Quality Standards for New Development
H2 - Protection of Residential Amenity
D4 - Renewable Energy Development

Scottish Borders Local Development Plan 2016 (as proposed)

PMD1 – Sustainability
PMD2 – Quality Standards
ED9 – Renewable Energy
HD3 – Protection of Residential Amenity
EP5 – Special Landscape Areas

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

- Wind Energy (2011)
- Landscape Capacity and Cumulative Impact (2013)
- Landscape and Visual Guidance on Single and Small Groups of Wind turbines in Berwickshire (2013)
- Local Landscape Designations (2012)
- Renewable Energy (2007)

Other

- Scottish Planning Policy (2014)

KEY PLANNING ISSUES: Whether it is appropriate to renew the planning consent for a wind turbine at this location and whether the proposed alternative turbine is acceptable, taking into consideration:

- the prevailing planning policy,
- landscape and visual impacts,
- impacts on residential amenity.

ASSESSMENT OF APPLICATION:

Planning Policy

Scottish Borders Local Plan Policy D4 and Local Development Plan Policy ED9 are supportive of renewable energy development, provided the development has no significant adverse impacts on the landscape, amenity, historic and natural environment, that no unacceptable cumulative or noise impacts are caused, or if any detrimental impacts are identified, that these can be satisfactorily mitigated.

Furthermore, the Wind Energy SPG's spatial strategy identifies the A702 as a major tourist receptor within a highly sensitive landscape and one which should be protected from wind

farm development. Paragraph 6.4.2 specifically relates to Tourist routes and states that wind turbines with 2km of identified tourist routes will not be supported unless it can be proven that they will have no unacceptable adverse impact from these routes. The SPG also relates to 'small scale' proposals including individual turbines and turbines between 20m-60m are considered to be medium scale developments. Policy 7 of the SPG states '.....single or very small scale wind turbines may be allowed in the significantly protected areas identified in areas of significant constraint in the spatial strategy. However, any such applications must demonstrate there will be no adverse impact of any of the significantly protected designations within the area, including cumulative impact issues.

When the previous application was assessed it was considered that a turbine of 34.2m to tip was too high and that it would not be of a scale to fit into the landscape in this area. This view has been consistently expressed by officers and in respect of other planning applications for wind turbines along both the A702 and A701 corridor. For example, turbines over 40m to tip could not be supported at South Slipperfield farm, south of West Linton (43.2m to tip ref 12/01190/FUL, application withdrawn), at Whitfield Farm between Rutherford and Deanfoot Road (two turbines 44.5m high to tip ref 14/01154/FUL, application withdrawn) or at Whitmuir Farm on the A701 where a turbine 34.2m to tip was proposed (12/00986/FUL, application refused)

It is considered that a turbine of 29m, or lower, is of a scale that will fit into the landscape of this area without any significant adverse impacts, subject to appropriate siting. As noted above in the planning history several other consents for individual turbines have been granted along the A702 corridor close to West Linton, all of these are below 29m to tip.

For above reason, the previous application was amended to a single turbine with a hub height of 19m with the same size of blades which gives a blade tip height of 28.6m. The current application is for a turbine with three blades and a hub height of 18.1m. It is considered that the change of turbine is not significant and in policy terms the proposal is acceptable. It is for this reason that the proposed changes to the turbine were being considered as a non-material variation to the previous consent. The main difference which needed to be assessed was noise and this is discussed in detail below.

Landscape

The site lies centrally within the 8: Rolling Farmland (West Linton Synclinal Belt), described in the Borders Landscape Assessment as 'an undulating upland fringe landscape of large scale fields with mixed arable and pastoral land use.' Internal Intervisibility is described as 'Intermediate', covering 'a wide variation in range from relatively high in more elevated locations to other more enclosed, intimate locations.' External Intervisibility is High, adjoining a very large number and range of different landscape types, with views to and from them. Visual sensitivity is deemed as Moderate, since although this is a relatively well settled landscape, it is not generally prominent other than to local populations. The West Linton Character area is deemed to be locally more sensitive due to the presence of major road routes including the A701 and A702.

The site lies within 700m of the Pentland Hills Special Landscape Area, located on the north west side of the A702. . The Pentland Hills is one of the Upland Special Landscape Areas and in the SPG on Local Landscape Designations it states that in these areas the emphasis of policy should be on retaining their largely undeveloped and remote character. This means ensuring that any developments are located and designed to limit their wider visibility and, as far as possible, protecting open skylines and rugged summits.

It has already been accepted, through the previous approvals, that a smaller turbine, 19.25m to tip and a medium size turbine 28.6m to tip can be accommodated within this landscape

without a significant adverse impact at this site. Therefore, the main issue is whether the change of turbine to 28.8m to tip would have such a significant impact on the landscape that the application cannot be supported. It is noted that the proposed turbine and that already erected at Cottage Farm have approximately the same hub height in the region of 18m. The proposed turbine has a much larger blade diameter of 21m as opposed to 13m at Cottage Farm. The previously approved turbine had a blade diameter of 19.2m

As part of the previous application a Visual Impact Assessment was submitted and, as this current application is for the same site, this document is relevant to the current application. The photomontages demonstrate that, although the turbine will be visible from the A702 and the surrounding Pentland Hills, it will not be in such a close proximity to make it very prominent and the adjacent blocks of trees further reduce the visibility and due to their height mean that the turbine will not appear unrelated to the landscape. This also applies to view points along Deanfoot Road.

It is considered that the site remains acceptable and that the change of turbine will not have a significant adverse impact on the landscape.

Cumulative impact

As noted above there are three other turbines that have been erected close to West Linton along the A702 corridor at Cottage Farm, Kettleshill Farm and at South Slipperfield. The latter two are located on the south side of West Linton and due to the intervening topography are unlikely to be able to be seen together with the other two and their cumulative impact is considered to be negligible.

The turbine at Cottage Farm is relatively close to the application site but it is located on the opposite side of the A702. This turbine can be clearly seen when approaching West Linton from the north but is screened to a certain extent by trees and farm buildings when approaching it from the south. It is likely that the proposed turbine and the existing one at Cottage Farm will only be glimpsed for short periods by people travelling along the road as there is screening by way of shelter belts and clumps of trees which obscure the view to the proposed turbine. Any inter-visibility is considered to be acceptable.

It is noted that no objections were received from consultees or members of the public in relation to the turbine at Cottage Farm even though it is clearly visible from the A702. It is also noted that for the previous application for this site the objections were from the Community Council and Friends of The Pentlands. These objections were based on a turbine of 34.2m and no further comments were received to the amended application. There were no individual representations.

Residential Amenity

Noise

The nearest residential properties have been identified in the noise reports and these are Cottage Farm (455m from turbine location), Linton Grange (632m), 5 Dryburn Brae (652m), Deanfoot Larches (460m), Greenlaw (463m), Hillhouse (594m) and Hazlieburn (573m).

The noise reports indicated that Cottage Farm is likely to be affected the most by noise from the turbine and although Cottage Farm has its own wind turbine, which in itself has noise implications, the owners of Cottage Farm are not financially involved with the current application. It is understood that the applicant and the owners of Cottage Farm have reached a financial agreement to compensate for any noise issues that may affect the property.

The noise report identified that at certain wind speeds there is potential for some noise nuisance likely to affect some of the properties noted above. Whilst Environmental Health has no objections to the proposal, this is subject to certain conditions being placed on the consent, if Members are minded to approve the application, which will minimise any potential impact.

Screening

As noted above there are no properties within 450m of the application site and there are shelter belts and groups of mature trees on both sides of the hill slope which will provide some screening and which will help to reduce the visual impact of the proposed turbine.

It is not appropriate to locate turbines close to trees or buildings or to request additional screening as this would have the potential to affect the performance of the machine.

Other impacts

The proposed turbine is some distance from the historic centre of West Linton which has conservation area status. It will have no impact on the conservation area.

There are no known archaeological or historical sites in the vicinity of the proposed turbine and there are no indications that it will have any adverse impact on the wildlife of the area. It is unlikely that the turbine will cause any driver distraction. It will only be glimpsed by travellers, it is not of an excessive height or of an unusual design and turbines are now familiar objects in the countryside. Transport Scotland has not raised any objections on grounds of driver distraction but has requested that conditions should be placed on any consent which relate to the transportation of the turbine to the site.

CONCLUSION

In conclusion, it is considered that the site is acceptable for a small scale wind turbine and that the change of turbine type is not so significant that it cannot be supported. The turbine will not have a significant adverse impact on the landscape or visual amenity of West Linton, the conservation area or on the Pentland Hills Special Landscape area. Subject to appropriate conditions relating to noise, there will be no significant loss of residential amenity for nearby residents. It is recommended to Members that the consent should be for a temporary period of 20 years and that a condition should be placed on the consent requiring the land to be restored to its former condition. This will ensure that there is no long-term permanent impacts on the landscape.

Subject to the required conditions, the proposal complies with Scottish Borders Consolidated Local Plan policies G1, H2 and D4 and the emerging Local Development Plan policies PMD1, PMD2, ED9, HD3 and EP5 in that the wind turbine can be satisfactorily accommodated into the surroundings without any significant adverse effects on the landscape, environment or residential amenity of the area.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

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

1. At wind speeds not exceeding 10m/s at rotor centre height, the wind turbine noise level at each noise sensitive property shall not exceed the levels in table 1

Table 1

Location		Wind speed at rotor height in m/s averaged over 10 minute periods. Sound pressure levels in dB LA90, 10mins									
Property Name	Map ref	4	5	6	7	8	9	10	11	12	
Cottage Farm	315280 652836	19	20	21	25	29	33	36	38	40	
Linton Grange	315355 652453	15	17	18	21	26	30	32	34	36	
5 Dryburn Brae	315424 652378	15	16	17	21	25	30	32	34	36	
6 Dryburn Brae	315467 652310	14	16	17	20	25	29	31	33	35	

Reason: To protect the residential amenity of local residents

2. At the request of the Planning Authority, following a complaint to Scottish Borders Council relating to noise immissions from the wind turbines, the wind turbine operator shall shut down the turbine not later than 24 hours after receipt of the request and at his own expense employ an independent consultant, approved by the Planning Authority, to assess the level of noise emissions from the wind turbines (inclusive of existing background noise). The background noise level shall also be measured without the wind turbine operating. The noise of the turbine alone can then be calculated by logarithmic subtraction. If requested by the Planning Authority the assessment of noise immissions shall include an investigation of amplitude modulation in a manner agreed with the Authority.

Reason: To protect the residential amenity of local residents

3. Should the wind turbine sound pressure level exceed the level specified in the above conditions the turbine shall cease operation until such time as it has been demonstrated to the Planning Authority that the sound pressure level, referred to in condition 1, can be achieved.

Reason: To protect the residential amenity of local residents

4. The development shall be removed, and the land restored to its former condition, within 20 years of the date of this planning permission, unless further planning permission in this regard is obtained.

Reason: To enable the planning authority to reconsider the planning position in the light of updated policy, and having regard to the nature of the development, which is likely to require to be upgraded as technology advances.

5. No development shall commence until the developer has provided the Planning Authority with the date of commencement of construction; the date of completion of construction; the maximum height of construction equipment; the latitude and longitude of the turbine.

Reason: To allow the records of Defence Estates Safeguarding to be amended and updated

6. The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.

Reasons:

(i) To maintain safety for both the trunk road traffic and the traffic moving to and from the development

(ii) To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

7. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

DRAWING NUMBERS

Location Plan

Site

Noise Information

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

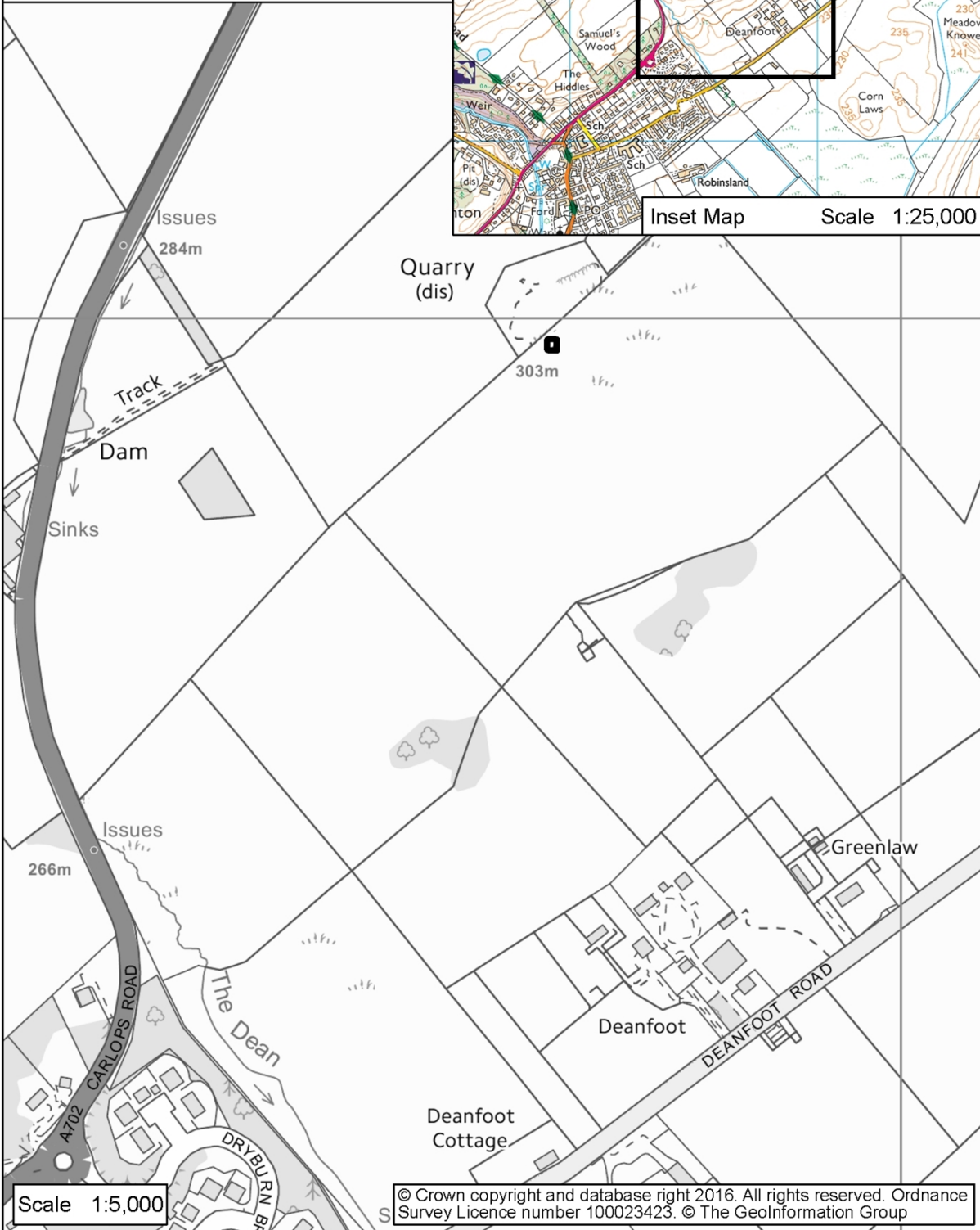
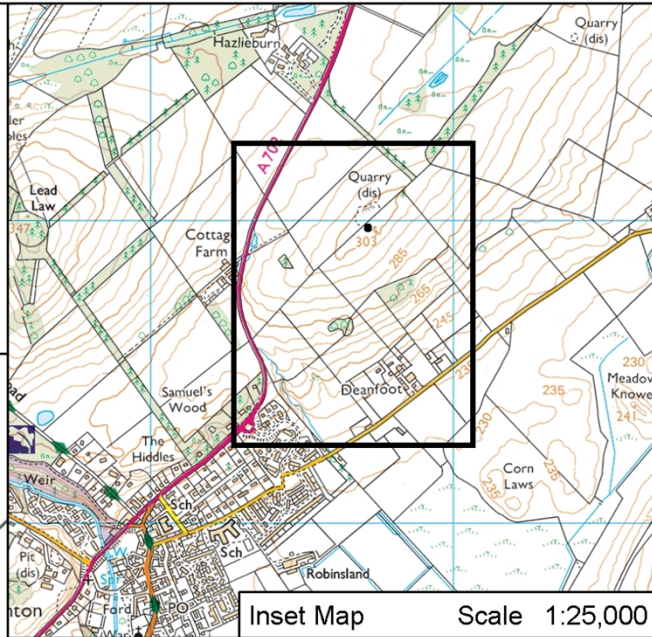
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Dorothy Amyes	Planning Officer



16/00024/FUL
Land North West Of
Deanfoot Farmhouse
West Linton



© Crown copyright and database right 2016. All rights reserved. Ordnance Survey Licence number 100023423. © The GeoInformation Group

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

28 MARCH 2016

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/00021/PPP
OFFICER:	Mr C Miller
WARD:	Tweeddale East
PROPOSAL:	Erection of two dwellinghouses
SITE:	Land East of 8 Talisman Place, Peebles
APPLICANT:	Dunkyan Ltd
AGENT:	Ferguson Planning

SITE DESCRIPTION

The site is located within Peebles to the south of the former Kingsmeadows Stables which are being converted into houses following their previous use as accommodation in association with the occupation and use of the main Kingsmeadows House. The site consists 0.15 hectares of flat paddock ground situated between the Stables complex and "White Cottage" to the south. Further modern housing lies to the east and west of the site. The Stables and "White Cottage" are Category C Listed buildings but the site is located outwith the Conservation Area.

The site is immediately bordered by beech hedging to three sides with newly erected curtilage fencing to the north side alongside the converted stables. A small area of mature trees lies to the east and part of the site passes through this area to reach the access point on Kingsmeadows Gardens. Some recent tree removal has already taken place but the trees are not protected as they are outwith the Conservation Area. A wall forming part of the listed curtilage of Kingsmeadows Stables lies to the boundary of this part of the site. There is already one vehicular access to the Stables at this location. Kingsmeadows Gardens then connects with Kingsmeadows Road.

PROPOSED DEVELOPMENT

The application is submitted as a Planning Permission in Principle for two dwellinghouses. Additional detail has been submitted in the form of a Supporting Statement and sketch layout/elevation plans. This demonstrates that the plots would be split NE to SW and two detached 1.5 – 2 storey houses proposed, in a U-shaped configuration. The houses would be built upon sustainable principles and the sketches indicate a mixture of traditional form and contemporary elements such as curtain wall glazing and timber cladding

The site will be accessed from a new access point off Kingsmeadows Gardens through the woodland belt, to Council specification being 5.5m wide for the first section then narrowing down to 3.5m wide within the site itself. During the processing of the application, additional access details have been submitted by the agent to respond to the concerns of Roads Planning and local residents. This shows a 10m long widening of Kingsmeadows Gardens at its junction with Kingsmeadows Road to

5.5m width and an increase in the western radius to 6m. This will involve 3.6m wall removal at the junction. These works are all within the applicant's control.

PLANNING HISTORY

None

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning:

Initially objected to application as Kingsmeadows Gardens was effectively single carriageway and was unable to safely accommodate additional traffic and two way traffic flows, potentially leading to stacking problems onto Kingsmeadows Road at the junction. Suggested either improvements to this sub-standard section or the use of Talisman Place private road to the west.

Following a Transport Report and suggested revisions within the applicant's control on the constrained section of Kingsmeadows Gardens, accepted that the proposals would not only aid safe movements for the development but also the existing residents using the road. Seeks conditions to secure the phased improvement of the access, providing for improvement without wearing course prior to development commencing and then completion prior to occupation.

Flood Protection Officer:

The site is not at risk of flooding to the 1 in 200 year risk events shown on flood risk mapping.

Education Officer: Response awaited.

Archaeology Officer:

As the site has been undisturbed for many years and lies close to nearby Bronze Age and Roman discoveries, there is low to moderate potential for previously unknown archaeology to exist which justifies the imposition of Watching Brief condition.

Heritage and Design:

Refers to the settings of the Category C Listed Buildings of White Cottage and Kingsmeadows Stables. The principal elevation of the former faces south and provided the new development cannot be easily seen over the roof of White Cottage from the south, then there is no objection. The setting of the Stables is more challenging although it is felt that the principal elevation is the entrance feature facing west and that there is, therefore, development potential within the site without affecting its setting.

Could not support any development above single storey, possibly with small dormers or rooflights. Also seeks a U-shaped arrangement with the form of the Stables by using two L-shaped houses. The detail and impacts on setting of the listed buildings will need to be scrutinised at Reserved Matters stage.

Landscape Architect:

No objections but controls and conditions necessary to protect existing trees to the east of the site after a tree survey is carried out and new planting at the entrance and within Plot 2. Also retain hedging and control heights of roofs.

Access Officer: No comments.

Statutory Consultees

Peebles and District Community Council:

Objection based upon the chosen access route and the felling of mature trees. Kingsmeadows Gardens is narrow with poor sightlines and experiences congestion with school drop-off use. Talisman Place should be the preferred access route. The trees appear to have been felled without application and should be replaced as priority.

REPRESENTATION SUMMARY

A total of five separate letters of opposition have been received to the application from occupants in the vicinity of the site. These can be viewed in full on the Public Access website and the main grounds of opposition can be summarised as follows:

- Kingsmeadows Road is single track with blind driveway entrances and cannot safely cater for the increased traffic.
- The road has already seen increased traffic connected with dropping of at Priorsford Primary School, causing difficulties of passing and impaired visibility at the main junction with Kingsmeadows Road.
- Request consideration of access from Talisman Place.
- Houses should be limited to single storey as higher properties could lead to overlooking and be out of character.
- Development is inappropriate on backland to listed properties.
- Impacts on bats and protected trees.
- A septic tank from adjoining property lies within the site and will need to be considered.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy G1 Quality Standards for New Development

Policy G4 Flooding

Policy G5 Developer Contributions

Policy G7 Infill Development

Policy BE1 Listed Buildings

Policy NE4 Trees, Woodlands and Hedgerows

Policy H2 Protection of Residential Amenity

Policy Inf4 Parking Provisions and Standards

Policy Inf5 Waste Water Treatment Standards

Policy Inf11 Developments That Generate Travel Demand

Proposed Local Development Plan 2013

Policy PMD2 Quality Standards

Policy PMD5 Infill Development

Policy HD3 Protection of Residential Amenity
Policy EP7 Listed Buildings
Policy EP13 Trees, Woodlands and Hedgerows
Policy IS2 Developer Contributions
Policy IS7 Parking Provisions and Standards
Policy IS8 Flooding
Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS

“Trees and Development” SPG
“Privacy and Sunlight” SPG
“Placemaking and Design” SPG

KEY PLANNING ISSUES

The main determining issues with this application are compliance with Development Plan Policies and Supplementary Planning Guidance on infill development within residential areas and within the setting of statutorily listed buildings.

ASSESSMENT OF APPLICATION

Planning policy

The site is within the settlement boundary of Peebles and is not zoned for any specific purpose, nor is it within the Conservation Area. The main Local Development Plan Policy to be applied is that governing infill development, G7 in the outgoing Local Plan and PMD5 in the Local Development Plan. The latter encourages development where a series of criteria are satisfied and these are addressed in the agent’s Planning Statement.

In assessing the PPP application against these criteria:

- The site must conform with the established land use of the area - as this is predominantly housing, this criterion is met.
- The site must not detract from the character or amenity of the area – two houses of appropriate form, design, height and finishes will comply with this criterion.
- The site must not lead to overdevelopment – the site is ample to accommodate two houses of appropriate scale without the density of the area being contravened. Higher densities exist in the vicinity.
- Respects scale, form, design and materials – matters for control at the next planning stage but guidance can be provided to ensure a successful submission.
- Adequate access and servicing – this can be met as explained below.
- No significant loss of daylight or privacy – this can be ensured through appropriate controls on height, layout and window positions.

It is contended that the development, with appropriate conditions and subject to a sympathetic submission at the next planning stage, could meet the various criteria listed in the appropriate infill development Local Development Plan Policy.

Listed Buildings

Although not specifically addressed in the agent's Planning Statement, the site does lie between two Category C Statutorily Listed Buildings. Their protection and setting are governed by Local Plan Policy BE1 and LDP Policy EP7. The Heritage and Design Officer has explained that the principal elevations of the Stables and "White Cottage" face away from the site and that, subject to sympathetic siting and design, development of the paddock need not have an adverse impact on the setting of the listed buildings. This also answers the concerns of some neighbours who query whether the site is "backland" in terms of impact on listed buildings.

However, controls are suggested by the Heritage and Design Officer on the layout and height of the houses in particular, which would be partly at odds with what has been submitted by the agent as supporting information with the PPP. The sketch designs show houses that would be likely to be too high in the context of the listed buildings, which are predominantly single storey. The design of 7-8m ridge lines would be out of context with the flanking ridge heights and, as the owner of "White Cottage" has commented, ridge heights on the detached garage allowed within the grounds of that property were lowered accordingly.

A planning condition would be imposed to seek ridge heights no higher than those of the flanking houses at the Stables and "White Cottage", whichever is the higher. Similarly, the layout of the houses would need to respect the geometric form of the Stables, in particular, and this can be attached as an Applicant Informative. The sketch layout already indicates something similar.

Subject to the aforementioned conditions and Informative, the relevant Local Plan and LDP Policies on respecting the setting of listed buildings can be complied with.

Design and Residential Impact

Policies G1 and H2 of the Consolidated Local Plan and PMD2 and HD3 of the Local Development Plan require quality standards to be applied to all new development and there to be no significant adverse effects on residential amenity. Whilst the precise details of design cannot be assessed at the stage of a PPP application, the limits on height and position, as mentioned above, can address the concerns of neighbours regarding daylighting impact and privacy loss.

Given the U-shaped approach sought at the next planning stage, it is expected that the distances from affected windows in the Stables can result in compliance with the SPG standards, with ground floor screening if required. Certainly, the distances, combined with limits on height, should result in the daylighting angles of 25 degrees from window mid-rail to be comfortably achieved.

"White Cottage" is likely to experience more impact as it will be closer to the back of the new development. Through careful window positioning and retention of the intervening beech hedge, there should not be insurmountable issues with overlooking. The recently completed extension windows are the closest to the site although it is still envisaged that the daylighting angle could be met. Compliance would be unlikely if the new houses were 1.5 or 2 storey.

The relevant Local Plan and LDP Policies on design and residential impact can be complied with at the next planning stage and subject to the aforementioned conditions and Informative.

Access and parking

Policies G7 and Inf11 of the Local Plan and PMD5 of the Local Development Plan require developments that generate traffic to be capable of being accessed safely. It is clear that the initial application submission greatly concerned local residents who use Kingsmeadows Gardens and who felt that increased traffic would exacerbate a currently unsuitable road which is already experiencing school related traffic beyond its safe capabilities. The Community Council also made similar comments. The Roads Planning officer clearly agreed with these concerns and considered that support could not be given unless either an alternative access from Talisman Place was taken or suitable improvements were proposed at Kingsmeadows Gardens. Some of the neighbours also suggested the use of Talisman Place.

The agent responded with a Transport Report and suggested access improvement at the junction with Kingsmeadows Gardens and Kingsmeadows Road. The improvements would all be to the west side of the carriageway within land that is within the control of the applicant. It would result in a 10m length of road being widening to 5.5m with improved 6m radius to the main western edge of the junction. This would involve the loss of 3.6m of roadside stone wall – which has been verified as unlisted by the Heritage and Design Officer. The access into the site itself will also provide additional space to pass at that point.

Such improvements would, in the opinion of the Roads Planning Officer, result in the additional traffic generated by the development being able to be safely accommodated by the improved access. It would also result in safer operation of the road for existing residents. Whilst this may not persuade some of the neighbours who wished Talisman Place to be considered, the advice of Roads Planning is that, subject to conditions securing the timeous improvements proposed, the development can be accessed safely and, thus, in compliance with the relevant Local Plan and LDP Policies.

Trees and Landscape

The main part of the site does not contain any trees but is surrounded by beech hedging which should be retained by condition. The additional part of the site containing the access point does contain mature trees, a number of which have already been removed. As the Landscape Architect states, these trees are not afforded any current protection despite the concerns of some neighbours and the Community Council. Nevertheless, the remaining trees should be worthy of protection as part of the framing and screening for the two house development. This should take the form of conditions seeking a tree survey, protection and replacement planting around the access. The condition can also secure the retention of the beech hedging around three parts of the site and any new planting within the plots. Subject to appropriate conditions, the development can be considered in compliance with the relevant Local Plan and LDP Policies NE4 and EP13.

Developer Contributions

Local Plan Policy G5 and Local Development Plan Policy IS2 require new residential developments to contribute towards certain infrastructure and affordable housing stock, as currently identified. This development will require contributions towards affordable housing, Peebles High School, Priorsford Primary School and Peebles Bridge/Traffic Management in the town. The contributions have been discussed with the agent and it has been confirmed that they will be met via Section 75 Agreement.

Thus, if Members are minded to accept approval of the planning application, consent can only be issued upon conclusion and registration of the Agreement.

Other issues

Various other issues have been raised by consultees and objectors but none which are material to determination of the application. The archaeological interest can be controlled by a watching brief condition and the neighbour's septic tank comments can be drawn to the applicant's attention via Applicant Informative. No request has been received from the Ecology Officer to consult or mitigate against any natural heritage issues and there is currently no capacity restriction on providing connection to the public sewerage system in Peebles.

CONCLUSION

Subject to the conditions and Informatives listed below and the conclusion of a Legal Agreement covering development contributions, the development is considered to comply with the Local Plan and Local Development Plan Policies and Supplementary Planning Guidance on infill development within residential areas and within the setting of listed buildings.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend that the application be approved subject to the following conditions and informatives and to a Legal Agreement:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored – including trees within and immediately adjoining the eastern site boundary, to be identified by tree survey, and beech hedging surrounding the site.
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works including replacement and understorey tree planting at the site entrance and within the plots.

- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

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

4. The trees and hedges on and adjoining this site, which are identified to be protected, shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees and hedges, together with such other measures as are necessary to protect them from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed. Once completed, the trees and hedges to be retained thereafter in perpetuity.

Reason: To ensure that adequate precautions are taken to protect trees and hedges during building operations.

5. The development to make provision for two off street parking spaces (excluding garage) and a vehicular turning area for each plot within the site, to be provided before occupation of the associated dwellinghouses and retained thereafter in perpetuity.

Reason: In the interests of road safety.

6. The first application for Approval of Matters Specified as Conditions to include schemes for junction and roadway improvements at the junction of Kingsmeadows Gardens and Kingsmeadows Road and for the site access from Kingsmeadows Gardens. Once the improvements and details are approved, the works then to be completed in accordance with the programme agreed under the schemes.

Reason: In the interests of road safety.

7. No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for

significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
- The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

8. The ridgelines of the proposed dwellinghouses to be no higher than the highest of the ridgelines of Kingsmeadows Stables and White Cottage.

Reason: To safeguard the character of adjoining listed buildings and the residential amenity of the occupants

Informatives

1. It is recommended that the designs for both plots are submitted together and consist of similar or complimentary scale, layout and finishes, based upon two L-shaped designs forming a U-shaped overall built footprint with the open part of the U-shape facing north.
2. Please be aware that the owner of White Cottage claims that the development site contains drains and a septic tank used by that property.

DRAWING NUMBERS

Location Plan P-368-HS-PL-LOC

Indicative Only (not to form part of Consent):

Planning Statement
 Site Plan P-368-SK3
 Schematic Floor/Block Plans
 Schematic Elevations

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

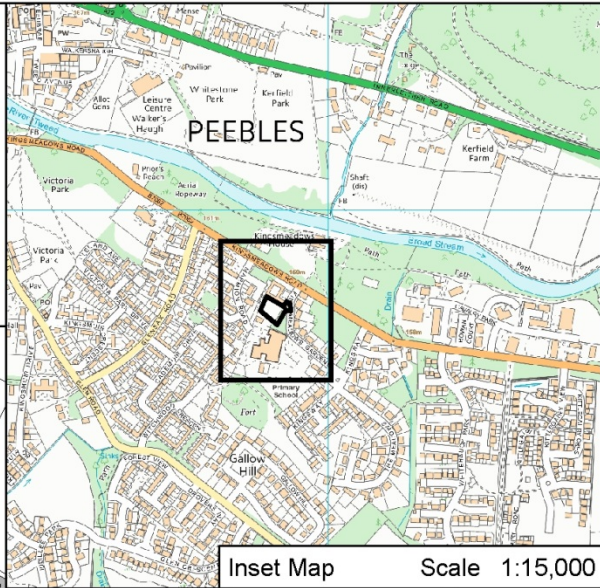
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

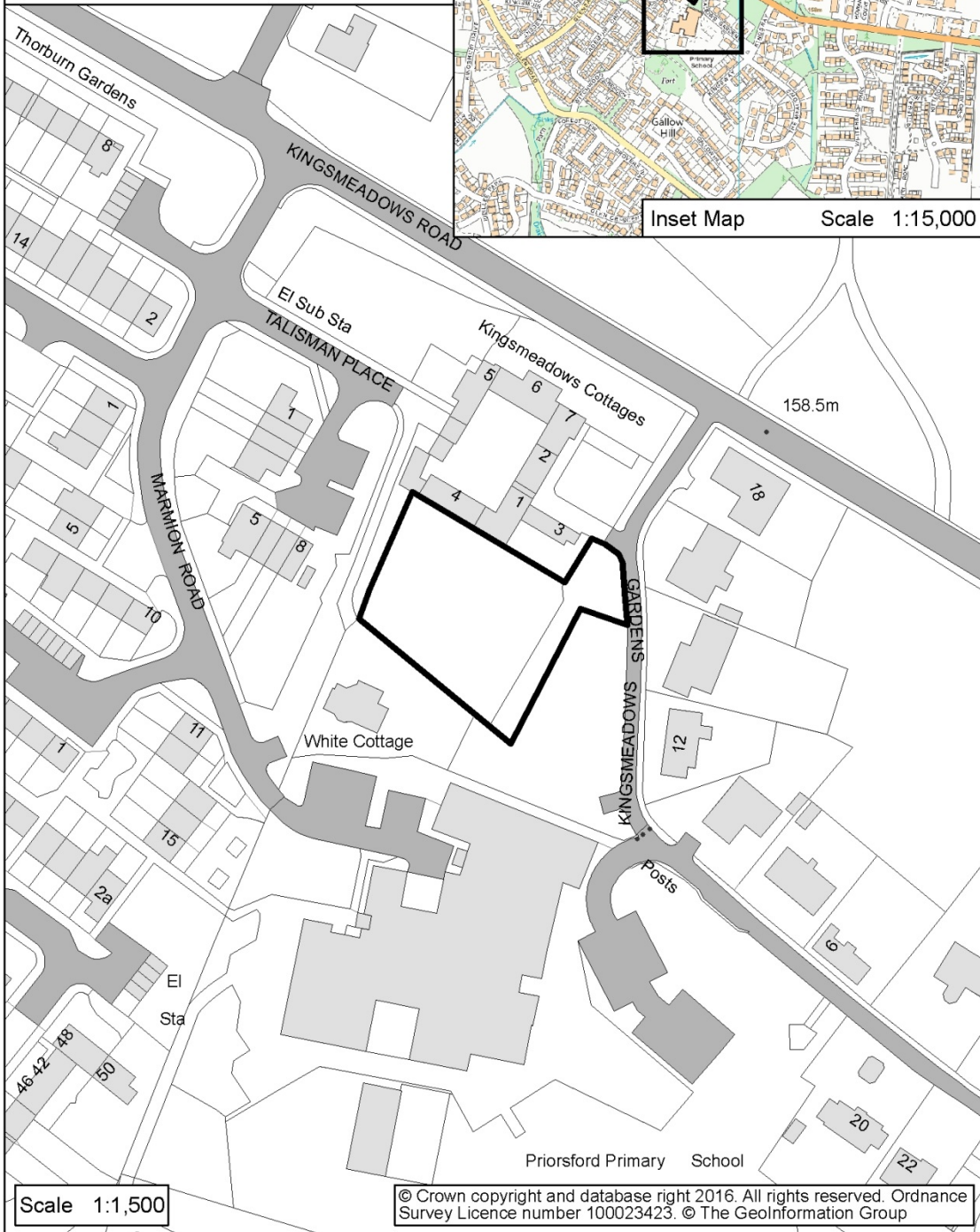
Name	Designation
Craig Miller	Lead Planning Officer



16/00021/PPP
 Land East Of
 8 Talisman Place
 Peebles



Inset Map Scale 1:15,000



Scale 1:1,500

© Crown copyright and database right 2016. All rights reserved. Ordnance Survey Licence number 100023423. © The GeoInformation Group

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

28 MARCH 2016

APPLICATIONS FOR PLANNING PERMISSION & LISTED BUILDING CONSENT

ITEM:	REFERENCE NUMBER: 16/00013/LBC and 16/00015/FUL
OFFICER:	Carlos Clarke
WARD:	Galashiels and District
PROPOSAL:	Replacement Windows
SITE:	149 High Street Galashiels
APPLICANT:	John and Doreen Mitchell
AGENT:	None

SITE DESCRIPTION

The application site comprises an upper floor flat located within a 3 ½ storey category C Listed Building. The building occupies a prominent position on the corner of Roxburgh Street and High Street, with its rear elevations facing into a courtyard. The building is located within the town's Conservation Area.

PROPOSED DEVELOPMENT

This is a joint report covering applications 16/00013/LBC and 16/00015/FUL which seek Listed Building Consent and Planning Permission respectively for the installation of two replacement windows on the rear elevation of the property. The windows relate to the kitchen and bedroom window of the flat. They are currently timber sash and tilt-and-turn windows respectively. The application form and related quote refer to replacing them with Upvc double-glazed windows of the same window type.

This application requires to be determined by the Planning and Building Standards Committee because the applicant (John Mitchell) is an elected member of the Council.

PLANNING HISTORY

No relevant history.

REPRESENTATION SUMMARY

No representations received.

APPLICANT'S SUPPORTING INFORMATION

The application is supported by brochures which provide basic reference to the two window types.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

G1 Quality Standards for New Development
BE1 Listed Buildings
BE4 Conservation Areas
H2 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

SBC Supplementary Planning Guidance: Replacement Windows and Doors 2015
Historic Scotland Guidance: Windows 2010

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Heritage and Design Officer: This property forms part of a massive corner block built in 1888 as the Galashiels Cooperative Store. It makes a positive contribution to the streetscape, lying in a prominent position with a strong corner feature. The current windows to the rear courtyard are modern and must have been installed during the conversion works from the co-op. The architectural significance of the building primarily relates to the street elevation and frankly the rear elevation is of low significance. It appears the majority are the original timber replacements, with the stair windows replaced in white Upvc. The current proposals are to replace the kitchen and bedroom windows in sash and tilt and turn, which is stated as the same opening arrangement as the current windows. He is content that they can be double-glazed Upvc and provided the glazing pattern of a horizontal bar is maintained for the tilt-and-turn, then it will have a neutral impact on the Listed Building. Has no objection, subject to a condition requiring the horizontal glazing bar to be provided for the tilt-and-turn replacement in order to maintain the overall glazing pattern to the rear elevation as a whole.

Statutory Consultees

Galashiels Community Council: No comments received

Other Consultees

Architectural Heritage Society of Scotland: No comments received

KEY PLANNING ISSUES:

Whether or not the proposed replacement windows would safeguard the special architectural and historic interest of the Listed Building, the character and appearance of the Conservation Area and amenity of neighbouring properties

ASSESSMENT OF APPLICATION:

Principle

Policy G1 of the Consolidated Local Plan 2011 requires that alterations be appropriate to existing buildings and the character of the surrounding area. Policies BE1 and BE4 require that the special architectural and historic interest of Listed Buildings and the character and appearance of Conservation Areas be safeguarded.

The Council's SPG on Replacement Windows and Doors 2015 requires that the principle of replacing the windows be guided by their position, immediate and

surrounding context and the overall objective to preserve or enhance the Conservation Area and safeguard the special interest of the Listed Building. Historic Scotland's guidance requires that, fundamentally, the contribution of the windows be understood before considering alteration.

Impacts on the Listed Building and Conservation Area

In this case, the windows are to the rear, on modern elevations of the building. The elevations have very little public exposure and contribute relatively little to the overall character of the Listed Building and its own contribution to the Conservation Area. It is clear that the building's special interest relates to its relatively grand and prominent street frontages. The rear elevations comprise a mix of timber tilt-and-turns/casements, with timber sashes clustered in a corner above/alongside a pend, with the elevations also incorporating some single-pane windows which appear to be Upvc.

Our SPG states that double glazing may be acceptable, but otherwise the window should match except in specific and justified cases. Here, due to the limited historic and architectural contribution of these elevations, this is a case where replacement of timber with Upvc would be justified. Maintaining some order, however, with respect to the opening method and glazing pattern, would preserve the current appearance of the elevation, even if the Upvc replacements are evidently more modern and a little thicker than the timber versions.

The application form and quote refer to the windows being replaced to match the existing window styles. Though two brochures have been submitted which are referenced to the two window types, neither provide information which illustrate the specific window styles. Provided, however, the windows match the glazing pattern and opening method of the existing, with the exception only of the use of double glazing and Upvc, the proposals will not harm the special interest of the Listed Building and nor will they have any material effect on the character or appearance of the Conservation Area. A condition imposed on the consents can apply this requirement. It is not necessary that details of the thickness of frames be provided at this stage or by condition, since any reasonable difference in the thickness of frames would not have any material bearing on the visual impact of the windows in this particular case.

Neighbouring amenity

There would be no harm to neighbouring amenity as a result of the replacement windows and, therefore, no conflict with Policy H2.

Conclusion

16/00013/LBC

Subject to compliance with the schedule of conditions, the replacement windows will not detract from the special architectural or historic interest of the Listed Building and will, therefore, comply with the Consolidated Local Plan 2011

16/00015/FUL

Subject to compliance with the schedule of conditions, the replacement windows will not have an adverse impact on the character or appearance of the Conservation Area and will, therefore, comply with the Consolidated Local Plan 2011

RECOMMENDATION BY CHIEF PLANNING OFFICER:

16/00013/LBC

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The kitchen window shall be replaced with a vertically sliding sash window which matches the glazing pattern and external colour of the existing window, and the bedroom window shall be replaced with a tilt-and-turn window which matches the glazing pattern and external colour of the existing window. The existing windows, including boxes, shall be removed in their entirety prior to installation of the replacement windows, which shall be fitted into the opening to the same extent as the existing windows
Reason: To safeguard the special architectural and historic interest of the Listed Building

16/00015/FUL

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

1. The kitchen window shall be replaced with a vertically sliding sash window which matches the glazing pattern and external colour of the existing window, and the bedroom window shall be replaced with a tilt-and-turn window which matches the glazing pattern and external colour of the existing window. The existing windows, including boxes, shall be removed in their entirety prior to installation of the replacement windows, which shall be fitted into the opening to the same extent as the existing windows
Reason: To safeguard the character and appearance of the Conservation Area

DRAWING NUMBERS

Location Plan
Specifications
Photo – Bedroom
Photo – Kitchen

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

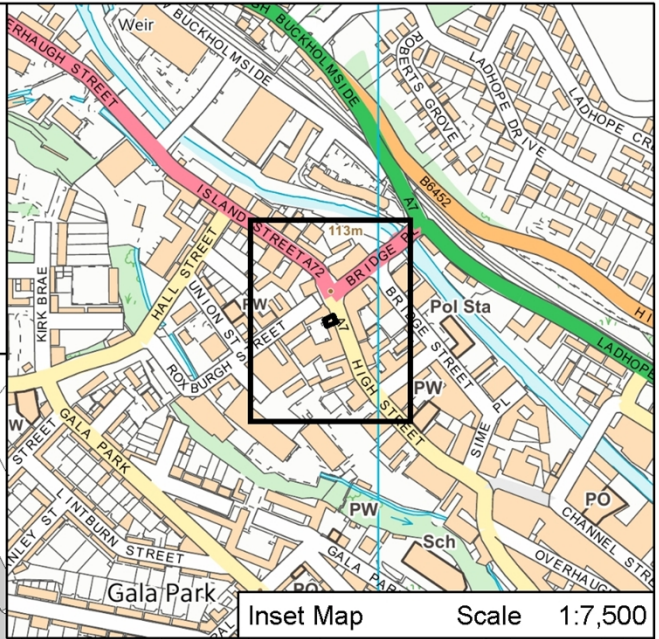
The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Carlos Clarke	Lead Planning Officer

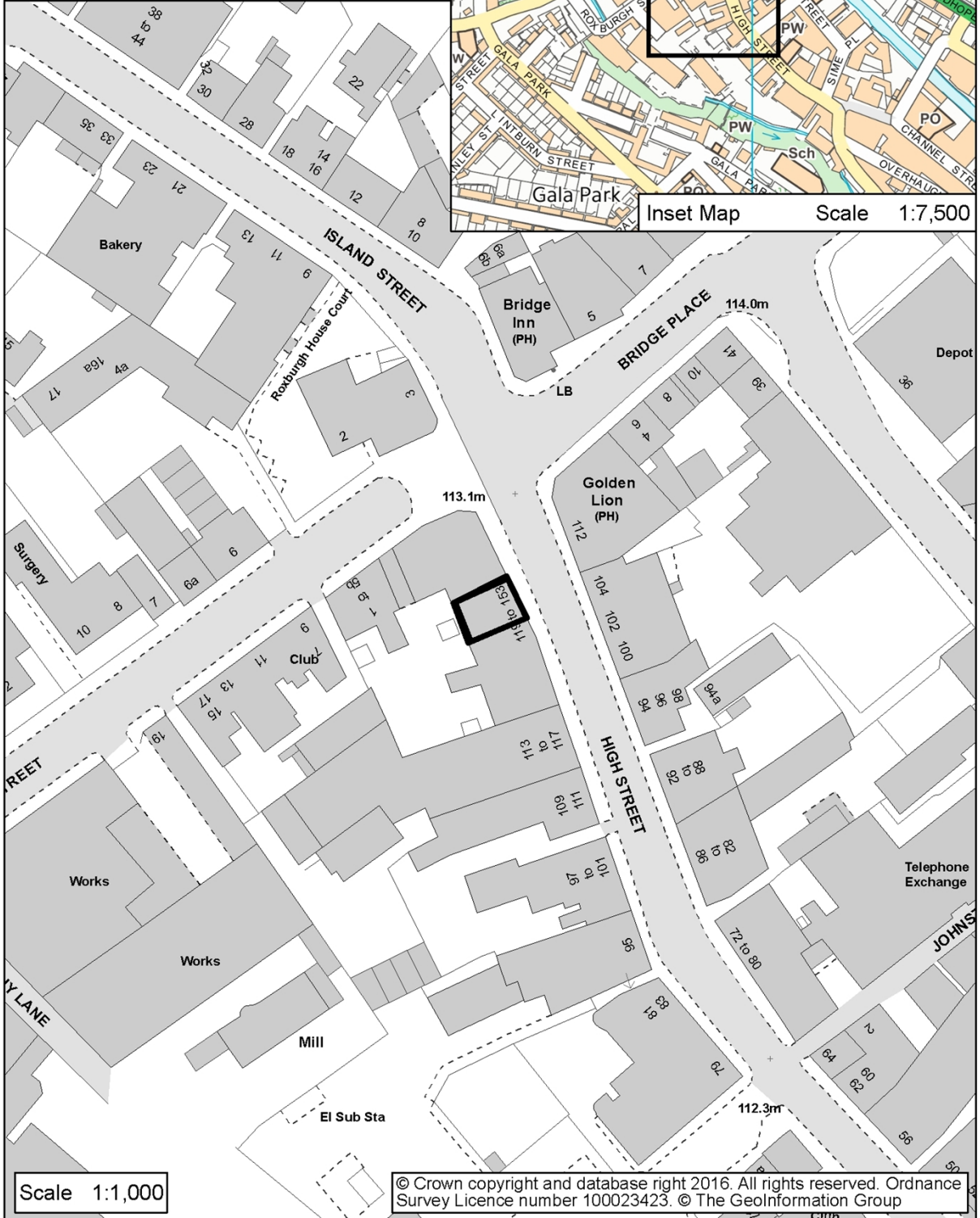


16/00013/LBC & 16/00015/FUL
149 High Street
Galashiels



Inset Map

Scale 1:7,500



Scale 1:1,000

© Crown copyright and database right 2016. All rights reserved. Ordnance Survey Licence number 100023423. © The GeoInformation Group

This page is intentionally left blank

PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

28th March 2016

1 PURPOSE

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

2 APPEALS RECEIVED

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

Nil

- 3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

- 4.1 There remained 3 appeals previously reported on which decisions were still awaited when this report was prepared on 18th March 2016. This relates to sites at:

<ul style="list-style-type: none"> Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge 	<ul style="list-style-type: none"> Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick
<ul style="list-style-type: none"> Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles 	<ul style="list-style-type: none">

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 15/00100/FUL
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
Appellant: Wilton Mills Ltd

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.

- 5.2 Reference: 15/01354/FUL
Proposal: External alterations and erection of 4 No flagpoles
Site: Office West Grove, Waverley Road, Melrose
Appellant: Rural Renaissance Ltd

Reason for Refusal: 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.

- 5.3 Reference: 15/01491/FUL
Proposal: Erection of dwellinghouse and detached garage/annex
Site: Land West of Whistlefield, Darnick
Appellant: Mr and Mrs P Burns

Reasons 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.

6 REVIEWS DETERMINED

Nil

7 REVIEWS OUTSTANDING

7.1 There remained one review previously reported on which a decision was still awaited when this report was prepared on 18th March 2016. This relates to a site at:

• Land South of Camphouse Farmhouse, Camptown, Jedburgh	•
---	---

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained 3 S36 PLIs previously reported on which decisions were still awaited when this report was prepared on 18th March 2016. This relates to sites at:

• Land North of Nether Monynut Cottage (Aikengall IIa), Cockburnspath	• Cloich Forest Wind Farm, Land West of Whitelaw Burn, Eddleston
• (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir	•

Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

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

Background Papers: None.

Previous Minute Reference: None.

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

Contact us at Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel. No. 01835 825431 Fax No. 01835 825071
Email: PLACEtransrequest@scotborders.gov.uk

Document is Restricted

This page is intentionally left blank